



# **CORANGAMITE REGIONAL LIBRARY CORPORATION**

## **MEETING PROCEDURES LOCAL LAW 2008**

**LOCAL LAW No.1 of 2008**

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**CORANGAMITE REGIONAL LIBRARY CORPORATION**

**MEETING PROCEDURE LOCAL LAW 2008**

**PART 1**

**PRELIMINARY**

**L1.1 TITLE**

This is the "Meeting Procedure Local Law 2008" (Local Law No. 1 of 2008).

**L1.2 OBJECTIVES OF THIS LOCAL LAW**

The principal objectives of this Local Law are to:-

- a) regulate and control the use of the Common Seal of the Corporation;
- b) regulate and control the election of Chair and Deputy Chair; and
- c) regulate and control the procedures of meetings of the Corporation.

**L1.3 POWER TO MAKE THIS LOCAL LAW**

This Local Law is made under the provisions of Part 5 of the Local Government Act 1989.

**L1.4 COMMENCEMENT DATE OF THIS LOCAL LAW**

This Local Law shall come into operation on the day following publication of its making in the Victoria Government Gazette.

**L1.5 DATE THIS LOCAL LAW CEASES OPERATION**

Unless this Local Law is revoked sooner, its operation will cease ten (10) years after the day it comes in to operation.

**L1.6 DEFINITIONS**

In this Local Law, unless inconsistent with the context, the following words have the meanings as stated:

<b>Words</b>	<b>Meaning</b>
Act:	Means the Local Government Act 1989.
Agreement:	Means the Agreement to form the Corangamite Regional Library Corporation or any supplementary agreement.
Agenda:	Means the notice of a meeting setting out the business to be transacted at the meeting.
Authorised Officer:	Means an officer authorised by the Chief Executive Officer or the Chair to carry out specified tasks or duties including the removal of any person from a Meeting as ordered by the Chair or resolved by the Board.

Board:	Means the governing body of the Corangamite Regional Library Corporation established under the Agreement.
Chair:	Means the Chair of the Corporation and includes the Deputy Chair.
Chief Executive Officer:	Means the Chief Executive Officer of the Corporation or an Officer of the Corporation temporarily holding or acting in the position of Chief Executive Officer.
Clause:	Means a clause of this Local Law.
Committee:	Means a Committee appointed by the Board.
Common Seal:	Means the common seal of the Corporation.
Corporation:	Means the Corangamite Regional Library Corporation.
Councillor:	Means a Councillor of a Council being a party to the Agreement
Deliver:	Includes transmission by Facsimile or Electronic Mail.
Deputy Member:	Means a person appointed by a Party Council to act as deputy in place of one of its appointed Members, in accordance with the Agreement.
Formal Motion:	Means a motion related to a formal procedure and Includes the following:- <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>
Member:	Means a person appointed by a Part Council as a Member of the Board in accordance with the Agreement.
Meeting:	Means an Ordinary Meeting or a Special Meeting of the Corporation.
Offence:	Means an offence against this Local Law.
Officer:	Means a staff member or employee of the Corporation.
Ordinary Meeting:	Means an Ordinary Meeting of the Corporation.
Part:	Means a Part of this Local Law.
Party Council:	Means a Council which is a signatory to the Agreement.
Penalty Units:	Means penalty units as prescribed in Section 5 of the Sentencing Act 1991 (as amended).
Special Meeting:	Means a Special Meeting of the Corporation.

**PART 2**  
**USE OF THE COMMON SEAL**

**L2.1 PURPOSE**

The purpose of this Part is to regulate the use of the Common Seal and to prohibit unauthorised use of the Common Seal or any device resembling the Common Seal.

**L2.2 USE OF THE COMMON SEAL**

- 1) The Common Seal of the Corporation must only be used by resolution of the Corporation, as required by Section 196 (5) (c) of the Act.
- 2) The Chief Executive Officer must ensure that there is kept a Common Seal register which records for each time the Common Seal is affixed to a document:
  - a) a description of the document;
  - b) the date on which the Common seal was affixed;
  - c) the names of the persons who signed as witnesses;
  - d) the date of the authorising Corporation resolution.

**L2.3 SIGNATURE TO ACCOMPANY COMMON SEAL**

Every document to which the Common Seal is affixed must be signed by the Chief Executive Officer.

**L2.4 UNAUTHORISED USE OF THE COMMON SEAL**

It is an offence for a person to use the Common Seal or any device or representation resembling the Common Seal without authority given by resolution of the Corporation.

Penalty: Twenty (20) penalty units.

**L2.5 SECURITY OF THE COMMON SEAL**

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

**PART 3**  
**ELECTION OF THE CHAIR AND DEPUTY CHAIR**

**L3.1 PURPOSE**

The purpose of this Part is to regulate the proceedings for the election of Chair and Deputy Chair.

**L3.2 ELECTION OF CHAIR**

- 1) Members must elect a Member as the Chair.
- 2) The Chair is to be elected at the first meeting held after the last Saturday in November in each year or as soon as possible if a vacancy occurs in the office of Chair.
- 3) To deal with the receipt of nominations for the election of the Chair any Member may be elected as temporary chair.
- 4) The Chief Executive Officer shall be responsible for the counting of votes.

**L3.3 PROCEDURE FOR ELECTION OF CHAIR**

- 1) The election of the Chair shall be by a show of hands or if the Board so resolves, by secret ballot.
- 2) The 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 Member must be declared elected; or
  - c) where two nominations are received, the Member with the majority of votes cast must be declared elected; or
  - d) where there are more than two nominations received, the candidate with the fewest number of votes cast must be eliminated (and if more than one of them, the candidate determined by lot) and the names of the remaining candidates must be put to the vote again. This procedure must continue until there are only two candidates remaining and when only two candidates remain, then paragraph (c) applies;
  - e) if at any time during the process of electing the Chair there is an equal number of votes cast then the election must be determined by lot.

**L3.4 PROCEDURE FOR ELECTION OF DEPUTY CHAIR**

Where the Corporation resolves to elect a Deputy Chair:

- a) the election must take place after the election of the Chair and the Chair is to preside at the election;
- b) the provisions of clause L3.3 will apply to the election of the Deputy Chair, as if a reference to Chair were a reference to Deputy Chair; and
- c) the Chief Executive Officer shall be responsible for the counting of votes.

**PART 4**  
**BOARD MEETINGS**

**L4.1 PURPOSE**

The purpose of this Part is to regulate date, time and place of meetings of the Corporation and the preparation, distribution and content of agendas

**L4.2 DATE, PLACE AND TIME OF MEETINGS**

- 1) The dates, times and places of Ordinary Meetings are within the discretion of the Board.
- 2) The Chair or at least three (3) Members may by written notice to the Chief Executive Officer call a Special Meeting of the Corporation:
  - a) the notice must specify the date, time and place of the Special meeting and the business to be transacted;
  - b) the Chief Executive Officer must call the Special Meeting as specified in the notice; and
  - c) unless all Members are present and unanimously agree to deal with other matters only the business specified in the notice is to be transacted.

**L4.3 AGENDA**

- 1) The Chief Executive Officer must, in respect of:
  - a) an Ordinary Meeting, determine which matters are to be included in the agenda for the Meeting; and
  - b) a Special Meeting, ensure that the matters included in the call of the Meeting are included in the agenda for the Meeting.
- 2) The Chief Executive Officer must deliver to each Member a copy of the Agenda for an Ordinary Meeting and any Special Meeting, not less than two working days before the meeting is to be held.

**L4.4 ORDER OF BUSINESS FOR ORDINARY MEETINGS**

- 1) The order of business for Ordinary Meetings will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes.
- 2) Notwithstanding sub-clause (1), the order of business for Ordinary Meetings shall make provision for:
  - a) Confirmation of minutes of previous Meetings;
  - b) Management Reports;
  - c) Notices of Motion;
  - d) General Business; and
  - e) Urgent Business.
- 3) No business may be conducted at an Ordinary Meeting unless it is business of which notice has been given either by inclusion in the agenda or any report accompanying the agenda or in a notice of motion.

- 4) Sub-clause (2) above does not prevent Urgent Business being considered in accordance with clause L4.14.

#### **L4.6 MEMBERS NOTICES OF MOTION**

- 1) Members must give notices of motion in writing to the Chief Executive Officer in sufficient time to allow the Chief Executive Officer to deliver the notices to all Members in the manner and time required for delivery of the Agenda.
- 2) The Chief Executive Officer must date and number all notices of motion in the order received.
- 3) Should a Member who has given notice of motion:
  - a) be absent from the meeting; or
  - b) fail to move the motion when called upon by the Chair –then any other Member may move the motion forthwith or move to defer its consideration.

#### **L4.7 REJECTION OF A MEMBER NOTICE OF MOTION**

Where the Chief Executive Officer considers that any Member Notice of Motion is:

- a) too vague;
- b) defamatory;
- c) objectionable in language or nature; or
- d) is outside the powers of the Corporation,

the Chief Executive Officer must reject acceptance of the Member Notice of Motion.

#### **L4.8 GENERAL BUSINESS**

Members may raise items of General Business without notice to other members relating to an issue, providing that a resolution to act on the issue is not accepted, other than to receive the information, or to seek further information or a report.

#### **L4.9 URGENT BUSINESS**

The Board may consent to the introduction and consideration of a matter as urgent business on the motion carried by a two-thirds majority of the whole of the Members.

## **PART 5**

### **MINUTES OF BOARD MEETINGS**

#### **L5.1 PURPOSE**

The purpose of this Part is to regulate the keeping and confirmation of minutes of all meetings of the Corporation.

#### **L5.2 KEEPING OF MINUTES**

The Chief Executive Officer is responsible for arranging for the recording of the minutes of each Meeting.

#### **L5.3 CONTENTS OF MINUTES**

- 1) In keeping the minutes of any Meeting the Chief Executive Officer must arrange the recording of the minutes to show:
  - a) the place, date and time of each Meeting,
  - b) the names of all Members and whether they are present, an apology, on leave of absence, etc;
  - c) the names and titles of all officers of the Corporation in attendance;
  - d) arrivals and departure times, including temporary departures, of Members and officers during the course of the meeting;
  - e) all declarations of direct and indirect pecuniary interests by Members in matters on the Agenda of the meeting;
  - f) every motion and amendment moved, including the names of the mover and seconder;
  - g) the outcome of every motion put to the vote, the result of either carried or lost, withdrawn by consent of the Board or lapsed for want of a seconder;
  - h) the vote cast by each Member on each division called;
  - i) details of failure to raise or maintain a quorum;
  - j) the time and reason for any suspension of standing orders;
  - k) the time and reason for any adjournment of the Meeting; and
  - l) 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.
- 2) In addition the minutes shall be:
  - a) consecutively page numbered; and
  - b) indexed.

#### **L5.4 CONFIRMATION OF MINUTES**

The Board at each Ordinary Meeting, must:

- a) pass a motion to confirm the minutes of the previous Ordinary Meeting and all other meetings held since the previous Ordinary Meeting, if a copy has been posted or delivered to each Member not less than two working days before the meeting; or

- b) require the minutes to be read prior to the passing of a motion to confirm them, if a copy has not been posted or delivered to each Member not less than two working days before the meeting.
- c) The Board must not discuss the contents of the minutes except as to their accuracy as a record of proceedings.
- d) The Chair must sign the minutes when they have been confirmed.

## **PART 6**

### **PROCEDURE AT BOARD MEETINGS**

#### **L6.1 PURPOSE**

The purpose of this Part is to regulate proceedings at all meetings of the Corporation and of Special Committees.

#### **L6.2 QUORUM**

- 1) A Quorum is formed when at least one Member from three of the Party Councils is present at a Board meeting.
- 2) A Deputy Member may attend if an appointed Member is unavailable.

#### **L6.3 FAILURE TO RAISE OR MAINTAIN A QUORUM**

- 1) A majority of the Members present, or the Chief Executive Officer if no Members are present, must adjourn an Ordinary or Special Meeting for the following reasons:
  - a) If there is an insufficient number of Members present to form a quorum within thirty (30) minutes of the time for which the meeting was called; or
  - b) If, during an Ordinary or Special Meeting, a number of Members leave the meeting room and a quorum cannot be maintained for the remainder of the meeting.
- 2) The provisions of clause L4.2.2 shall apply to Meetings adjourned as a consequence of the failure to raise or maintain a quorum.

#### **L6.4 CHAIR'S DUTY**

- 1) The Chair must not accept any motion or amendment which is:
  - a) defamatory;
  - b) objectionable in language or nature;
  - c) outside the powers of the Corporation; or
  - d) not relevant to any item of business on the agenda.
- 2) The Chair may decide to put any motion to the vote in parts.
- 3) The Chair will decide all points of order by stating the provision, rule, practice or precedent which the Chair considers applicable to the point raised.

#### **L6.5 MOTIONS**

- 1) Motions and amendments must be:
  - a) within the powers and functions of the Board,
  - b) related to an item of business on the agenda or before the Meeting; and
  - c) clear and unambiguous and not defamatory or objectionable in content or nature.
- 2) The Chair must refuse to accept a motion or amendment which conflicts with Clause L6.4 (1)

- 3) The Chair may require motions to be put in writing.

#### **L6.6 PROCEDURE FOR MOVING MOTIONS AND AMENDMENTS**

- 1) The mover must state the subject and nature of the motion or amendment.
- 2) The Chair must call for a seconder.
- 3) If there is no seconder to a motion or amendment, the Chair must declare the motion or amendment to have lapsed.
- 4) The Chair must call upon the mover of a motion to speak to the motion after it has been seconded.
- 5) The Chair must call upon the seconder of a motion to speak to the motion after the mover has spoken.
- 6) The Chair must call upon any other Member who may wish to speak against the motion, to speak after the mover and seconder of the motion have spoken to the motion.
- 7) The Chair may put the motion to the vote or may call upon any other Member to speak if no Member has indicated an intention to speak against the motion.
- 8) Any Member except the mover or seconder of the motion may move or second and amendment to the motion.
- 9) Any Member may speak once on a motion and once on each amendment
- 10) The mover of a motion has the right to speak in reply prior to the motion being put to the vote.
- 11) The mover of an amendment has no right to speak in reply.
- 12) The Chair 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.
- 13) 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.
- 14) The consent of the Board must be obtained to withdraw a motion or amendment.
- 15) The Board must not consider a second or subsequent amendment until it has dealt with any previous amendment.
- 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.

#### **L6.7 DEBATE**

- 1) A Member must address the Chair to move a motion, amendment or take part in debate.
- 2) The Member acknowledged by the Chair 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.
- 3) Members must designate each other by their official titles during debate and throughout the meeting.

#### **L6.8 TIME LIMITS**

A Member may speak for no longer than the time specified below, unless the Board grants an extension:

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

#### **L6.9 ADDRESSING A MEETING**

- 1) Any Member or person who addresses a Meeting must direct all remarks through the Chair.
- 2) Any Member or person addressing the Chair should refer to the Chair as Mr Chair or Madam Chair, as the case may be.

#### **L6.10 VOTING**

- 1) Members must vote by show of hands when the Chair puts a motion to the vote. The Chair must declare the result of the vote.
- 2) All Members present in the meeting room when a vote is taken must vote once only.
- 3) Subject to the Act, the Chair must use a casting (second) vote if there is an equality of votes recorded on any motion.
- 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 be recorded against the motion or amendment.
- 5) Upon the resolution of the Board, the vote for the election of a member or other person to any position, may be conducted by secret ballot.

#### **L6.11 DIVISIONS**

- 1) A Member may call for a division on any motion after the Chair has declared the result.
- 2) The Chair must first call upon Members to vote in favour of the motion and then upon Members to vote against the motion when a Member has requested a division.
- 3) Members must vote by show of hand and the Chair must declare the result of the division.
- 4) The Chief Executive Officer must record in the minutes of the meeting the names of the Members who voted favour of the motion and the names of the Members who voted against the motion, and the result of the division.
- 5) This Clause shall not apply in the case of an election by secret ballot.

#### **L6.12 POINTS OF ORDER**

- 1) A point of order may be raised on the grounds that the matter is:
  - a) contrary to this Local Law;
  - b) defamatory;
  - c) irrelevant
  - d) outside the Board's power; or
  - e) improper.
- 2) Expressing a mere difference of opinion or contradicting a speaker will not be treated as a point of order.

#### **L6.13 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 Chair.
- 2) The mover of a formal motion must not have moved, or seconded the question before the Chair or any amendment of it.
- 3) A formal motion cannot be moved by the Chair.
- 4) Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- 5) Other than in relation to the time, date and place of a proposed adjournment a formal motion cannot be amended.

#### **L6.14 REVOCATION OR ALTERATION OF PREVIOUS RESOLUTIONS**

- 1) Any Member who wishes to revoke or alter a resolution made previously by the Board must give notice of motion in writing to the Chief Executive Officer in sufficient time to allow him or her to arrange to post or deliver the notice to the Members not less than two working days prior to the meeting for which the notice was given.
- 2) The Chief Executive Officer must not accept a second or subsequent notice of motion to revoke or alter a resolution made previously by the Board for a period of six (6) months after the date of the meeting at which the Board dealt with the previous notice of motion to revoke or alter the resolution.

#### **L6.15 ADJOURNMENT**

- 1) A majority of the Members present may, by resolution, adjourn an Ordinary or Special Meeting if a Member or other person impedes the conduct of the meeting.
- 2) The Board, a majority of Members or the Chief Executive Officer if no Members are present, may adjourn an Ordinary or Special Meeting to a later time on the day for which the meeting was called or for a period not exceeding seven (7) days.
- 3) The Chief Executive Officer must deliver written notice of an adjourned meeting to all Members, except when the meeting is adjourned to a later time on the same day, in which case any form of notice may be given to all Members.
- 4) When a motion to adjourn an Ordinary or Special Meeting is before the Board, the Chair must not allow discussion on the motion to adjourn. If the Board fails

to pass the motion to adjourn, the Chair must resume the meeting at the item of business under consideration.

**L6.16 SUSPENSION OF STANDING ORDERS**

- 1) The provisions of this Local Law may be suspended for a particular purpose by motion of the Board.
- 2) No motions can be put during any period when standing orders are suspended.

**L6.17 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) shall specify the ruling to be substituted for the Chairperson's ruling;
  - b) shall be considered in priority to any other business;
  - c) if carried, shall be acted upon instead of the ruling given by the Chairperson.

**L6.18 SUSPENSIONS FROM MEETINGS**

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.

**L6.19 REMOVAL FROM MEETING ROOM**

The Chair, an Authorised Officer, or the Board in the case of a suspension may have any person removed from the meeting room for reasons of disorderly conduct.

**L6.20 MATTERS NOT PROVIDED FOR**

In all cases not otherwise provided for under this Local Law;

- a) resort shall be had to the rules, forms and usages of Parliament which shall be followed so far as is practicable; or
- b) the Board may determine the matter by resolution.

**L6.21 PRODUCTION OF DOCUMENTS**

A Member may, at or prior to a Meeting, require the production of any documents kept at the Corporation offices which are directly relevant to the business being considered or to be considered at a Meeting.

**L6.22 PETITIONS**

- 1) A petition or joint letter presented to the Corporation must lay on the table until the next Ordinary Meeting of the Board.
- 2) 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.
- 3) Any Board 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.

### **L.6.23 PUBLIC PARTICIPATION**

- 1) At every Ordinary Meeting of the Board, time may be allocated to enable any member of the community to address the Board.
- 2) Sub-clause (a) does not apply during any period when the Board has resolved to close the meeting in respect of a matter under Section 89(2) of the Act.
- 3) The Board may allocate reasonable time to each person who wishes to address the Board having regard to:
  - a) The nature of the matter to be discussed;
  - b) Priorities in relation to other Board business;
  - c) Other members of the community present who also wish to address the Board; and
  - d) Whether such an opportunity has already been provided to the person.
- 4) Members of the public have the opportunity to ask questions of Board at a Public Question Time which will be conducted in accordance with any procedure adopted by Board from time to time.
- 5) 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.

**PART 7**  
**SPECIAL COMMITTEES**

**L7.1 PURPOSE**

The purpose of this Part is to regulate meetings of Special Committees.

**L7.2 APPLICATION TO COMMITTEES**

- 1) The Board may determine the role, membership quorum and voting rights applicable to Committees.
- 2) Part 6 with the exception of the rules limiting the number of times speaking to a motion, the rules relating to revocation or alteration of previous decisions, the application of time limits may be used as a guide to the conduct of meetings of Committees.

**PART 8**  
**OFFENCES**

**L8.1 OFFENCES**

It is an offence for:

- a) a Member to refuse to withdraw an expression, considered by the Chair to be offensive, and to refuse to apologise after having been requested by the Chair to do so.

Penalty: Two (2) penalty units.

- b) any person not being a Member, who is behaving in a disorderly or improper manner, to refuse to leave the meeting room when requested to do so.

Penalty: Five (5) penalty units.

- c) any person to fail to obey a direction of the Chair in relation to the conduct of the meeting and the maintenance of order.

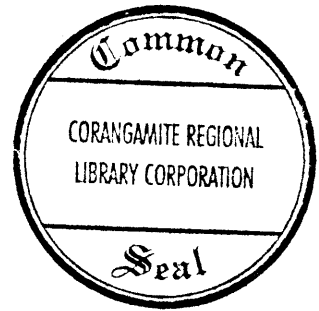
Penalty: Two (2) penalty units.

- d) a Member to refuse to leave the chamber upon suspension.

Penalty: Five (5) penalty units.

This Local Law was made by resolution of the Corangamite Regional Library Corporation on the 11<sup>th</sup> September 2008.

THE COMMON SEAL of the CORANGAMITE )  
REGIONAL LIBRARY CORPORATION )  
was affixed hereto this 24<sup>th</sup> September 2008 in the presence of: )



*Kate Hayes* Member

*J. P. McCall* Chief Executive Officer

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The Regional Library Board resolved to advise Party Councils of its intention to develop this Local Law at its meeting of 13<sup>th</sup> March 2008.

All party Councils have, pursuant to section 197F of the Act, resolved to ratify the Local Law:

The Board resolved to give public notice of its intention to make this Local Law at its meeting held on the 12<sup>th</sup> June 2008.

The notice of intention to make this Local Law was advertised in the Victoria Government Gazette on the 25<sup>th</sup> June 2008, the Colac Herald on the 26<sup>th</sup> June 2008 and the Warrnambool Standard on the 27<sup>th</sup> June 2008.

The Board resolved to adopt this Local Law at its meeting held on the 11<sup>th</sup> September 2008.

The notice of the making of this Local Law was duly advertised in the Victoria Government Gazette on the 25<sup>th</sup> September 2008, the Colac Herald on the 26<sup>th</sup> September 2008 and the Warrnambool Standard on the 27<sup>th</sup> September 2008.