

## **Rules of Procedure for the Migrants' Advisory Council**

Ordinance of the Municipal Council of the Provincial Capital of Graz of 23 April 2009 enacting rules of procedure for the Migrants' Advisory Council of the City of Graz.

On the basis of § 13 s para. 5 Statute of the Provincial Capital of Graz 1967, LGBl. 130/1967 in the version LGBl. 41/2008, it is decreed:

### **§ 1 General Provisions**

The Migrants' Advisory Council of the City of Graz has the task, within the scope of its legal powers, to advise the organs of the City of Graz by means of suggestions, recommendations and statements. It shall safeguard and secure the interests of migrants in Graz and contribute to a good coexistence between the Austrian population and migrants.

### **§ 2 Rights of the members of the Migrant Advisory Board**

(1) The Migrants' Advisory Council has the right to submit written statements and proposals on matters concerning the interests of migrants in Graz to the organs of the City of Graz. These submissions shall be processed and answered within three months.

(2) The Migrants' Advisory Council shall be consulted prior to the adoption of resolutions by the competent municipal bodies on matters by which the City of Graz is affected.

(2) The Migrants' Advisory Council shall be informed of matters that particularly affect the interests of migrants by means of an invitation to submit a statement before decisions are made by the competent municipal bodies. It has the right to be routinely informed (by e-mail) of the agenda of the public meeting of the municipal council and to be involved in an advisory capacity by the municipal administration in a timely manner in the planning of initiatives and projects that particularly affect migrants.

(3) The Migrants' Advisory Council shall have the right to participate in an advisory capacity in opinions on draft laws and ordinances to be issued by the City of Graz in connection with matters affecting the interests of migrants.

(4) During their term of office, the members of the Migrants' Advisory Board shall be entitled to a credential issued by the Mayor, in which their function is made evident.

### **§ 3 Duties of the members of the migrant advisory board**

(1) The migrants' advisory council shall report annually to the municipal council on the situation of migrants in the municipality.

(2) The Migrants' Advisory Council shall hold information meetings at least once a year and in any case at the request of at least five out of 100 of those entitled to vote pursuant to section 88 f subsection 1 of the Municipal Election Code Graz 1992, LGBl. No. 42/1992, as amended.

(3) Unless otherwise provided by law, the duty of confidentiality of the members of the Migrants' Advisory Board shall extend to facts that have become known to them exclusively in the exercise of their function, the secrecy of which is required in the interest of the city, another territorial authority or the parties involved, or which are designated as confidential. The duty of confidentiality does not

apply to the Migrants' Advisory Council if the latter expressly requests such information. The mayor may release the members of the migrants' advisory council from the duty of confidentiality.

#### **§ 4 Term of office and membership**

(1) The newly elected Migrants' Advisory Council shall be convened by the mayor for its constituent meeting within four months of its election. At the constituent meeting, the Migrants' Advisory Council shall elect a chairperson and a first and second deputy under the chairmanship of the oldest member present by a simple majority of votes. The term of office of the Migrants' Advisory Board shall begin with the constituent meeting and end with the constituent meeting of the newly elected Migrants' Advisory Board.

(2) A member of the Migrants' Advisory Board shall lose his/her membership as soon as he/she loses his/her residence title or main place of residence in Graz, or a circumstance occurs that constitutes a reason for exclusion from the election pursuant to section 16 of the Municipal Election Code Graz 1992, LGBl. No. 42/1992, as amended, or he/she refuses to exercise his/her function despite a request by the chairing member of the Migrants' Advisory Board indicating the legal consequences. A failure to attend three consecutive meetings without a credible excuse shall be deemed a refusal to exercise the function.

(3) If the position of the chairing member or a deputy chairing member becomes vacant prematurely, the Migrants' Advisory Council shall hold a new election for the remaining term of office within four weeks.

#### **§ 5 Convening and chairing**

(1) The chairing member invites to the meetings (except for the constituent meeting) of the Migrants' Advisory Council. He/she shall chair the meetings and give the floor. He/she may instruct a deputy chairing member to keep a list of speakers. With the consent of the chairing member, his or her deputies or other advisory board members may take over the chairing of the meeting. If he/she wishes to take part in the deliberations himself/herself, he/she must relinquish the chair for that agenda item.

(2) The chairing member shall maintain peace and order in the meeting and may, if persistent disturbances make an orderly deliberation impossible, interrupt, adjourn or completely cancel the meeting for a certain period of time, but for a maximum of 24 hours. It may also interrupt or adjourn the meeting for other reasons, including if it does not wish to proceed with the closure of the meeting when an inability to decide arises. If the Migrants' Advisory Council so decides at the request of even one member of the Migrants' Advisory Council, the presiding member must interrupt, adjourn or close the meeting. The date for the continuation of interrupted or adjourned meetings shall be announced immediately. Members of the Migrants Advisory Board who are present shall not be specifically informed of this.

(3) The chairperson shall represent the Migrants' Advisory Board externally. If he/she is prevented from doing so, these tasks shall be transferred to the deputy chairperson.

(4) The provisions of § 13 k of the Statute of the Provincial Capital of Graz, LGBl. No. 130/1967, as amended, concerning "motion of no confidence" shall apply mutatis mutandis.

(5) The chairing member, in case of being prevented, the deputy chairing member, shall invite to the meetings of the Migrants' Advisory Board in writing, stating the agenda, at least seven days before the meeting against proof.

(6) If, in a matter that falls within the scope of the Migrants' Advisory Board, the decision of the Migrants' Advisory Board cannot be awaited without detriment to the matter or if the nature of the matter requires immediate settlement, the chairing member shall be entitled, with the involvement of both deputies as far as possible and with the consent of at least one of the two deputies, to make the necessary orders. The migrants' advisory council shall be informed of the decision taken without delay. If the Migrants' Advisory Council subsequently refuses its consent to the disposition made, the measure shall be reversed insofar as this is still possible, in particular without infringing acquired rights. Dispositions in the financial amount of more than € 1,000 can only be made by way of an ordinary resolution of the Migrants' Advisory Council.

## **§ 6 Meetings of the Migrant Advisory Board**

(1) The meetings of the Migrants' Advisory Council are public. Individual items on the agenda may be closed to the public if the Migrant Advisory Board so decides.

(2) Meetings shall be held as required, but at least four times per calendar year. The dates shall be fixed at the meetings by a simple majority of votes. The Migrants' Advisory Council shall be convened without delay if at least four elected members of the Migrants' Advisory Council so request in writing, stating the item(s) to be discussed.

(3) The Migrants' Advisory Council may decide at any time, at the request of a member, to include an item not on the agenda in the discussion and to remove items included in the agenda from it.

(4) The chairing member may invite experts to individual items on the agenda.

(5) The language of the meeting shall be German.

(6) The presiding member shall give the floor and ensure that each speaker speaks to the point, does not violate decorum and is not interrupted in his/her speech. A call to the point or to order three times results in the immediate withdrawal of the floor by the presiding member. Against the withdrawal of the right to speak, the speaker may request a decision by the Migrants' Advisory Council as to whether he/she is to be allowed to continue speaking. The Migrants' Advisory Council shall decide on this immediately without negotiation.

(7) The Migrants' Advisory Council may form working committees for preparatory work. The heads of the working committees are elected by a simple majority of votes.

## **§ 7 Quorum, voting**

(1) For a valid resolution to be passed, all members must be duly convened, more than half of the members must be present, the chairperson or a deputy must be present.

(2) The adoption of a valid resolution requires the approval of a simple majority of the members present. Abstentions shall be considered as rejections. In the event of a tie, the motion shall be deemed rejected.

## **§ 8 Management of the Migrants' Advisory Council**

The business of the Migrant Advisory Board shall be conducted through its office.

## **§ 9 Minutes of the meetings**

(1) Minutes shall be kept of the proceedings of all meetings of the Migrants' Advisory Council, which shall be entrusted to the office of the Migrants' Advisory Council. The minutes shall contain:

- The day, place, beginning and end of the meeting,
- the items to be discussed,
- the motions put forward and the resolutions passed with their voting results,
- an attendance list. In the case of absent members, it shall be noted whether they were excused or absent without excuse,
- The time and name of members who arrive late or leave before the end of the meeting shall be recorded.

(2) The minutes shall be signed by the minute taker and the member chairing the meeting. They shall be approved by the Migrants' Advisory Council at the following meeting.

(3) The resolutions of the Migrants' Advisory Council shall be forwarded by the chairing member to the competent bodies or offices of the City of Graz.

## **§ 10 Entry into force**

These Rules of Procedure shall enter into force on the day following their announcement.

At the same time, the Rules of Procedure for the Foreigners' Advisory Council of the City of Graz shall enter into force,

Municipal Council resolution of 8 May 2003, Präs K 93/1995-13, published in the Official Gazette

No. 11/2003, shall cease to be in force.