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Solicitor's Certificate - Section 74(1) Local Government Act 2020

Yarriambiack Shire Council Common Seal and Conduct at Meetings Local Law 2024

The Yarriambiack Shire Council (**Council**) is proposing to make the Common Seal and Conduct at Meetings Local Law 2024 (**proposed Local Law**).

I have been asked to provide a certificate under s 74(1) of the *Local Government Act 2020* (**Act**) in respect of the proposed Local Law.

In accordance with s 74(1) of the Act, I have assessed the proposed Local Law for consistency with the local law requirements, as outlined in the following table.

Local Law Requirement	Consistent	
A local law must not be inconsistent with any Act (including the <i>Charter of Human Rights and Responsibilities Act 2006</i>) or regulations.	Yes. The proposed Local Law does not overlap or conflict with, or duplicate, existing legislation. The proposed Local Law is therefore not inconsistent with any Act or regulations. The proposed Local Law has been reviewed for compatibility with the Charter of Human Rights and Responsibilities Act 2006 (Charter) and is considered to be compatible with the Charter.	
A local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district.	Yes. Nothing in the proposed Local Law concerns or otherwise engages the Yarriambiack Planning Scheme.	
A local law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.	Yes. Not applicable – the proposed Local Law does not address film permits.	
A local law must not exceed the power to make local laws conferred by this Act or any other authorising Act.	Yes. The proposed Local Law is consistent with, and does not exceed, the scope of Council's powers to make Local Laws under the Act.	
A local law must be consistent with the objectives of this Act or any other authorising Act.	Yes. The proposed Local Law furthers the objects of accountable, transparent, collaborative and efficient operations of Council in a manner that engages with the municipal community and its needs.	
A local law must be expressed as clearly and unambiguously as is reasonably possible.	Yes. The proposed Local Law is clear and unambiguous.	



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Local Law Requirement		Consistent		
expres under t	s there is clear and is power to do so this Act or any other ising Act, a local law not— seek to have a retrospective effect; or impose any tax, fee, fine, imprisonment or other penalty; or authorise the subdelegation of powers delegated under the local law.	 Yes. does not seek to have retrospective effect; makes provision for the imposition of penalties in respect of offences that are created, which penalties are: consistent with s 79 of the Act; similar in nature when compared to like councils; and sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences; does not, and is not required to, make provision for the setting and imposition of fees; and authorises the sub-delegation of powers as provided for in s 78(d) of the Act. 		
A local law must comply with any details prescribed in the regulations relating to the preparation and content of local laws.		Yes. No regulations relating to the preparation and content of local laws have, at the time of preparing this certification, been made.		

This Certificate is only valid as at the date below. I cannot predict what may occur in future with respect to:

- a) amendments to the proposed Local Law that Council may make;
- b) other legislation that may be made or amended which brings the proposed Local Law into conflict or which overlaps with the proposed Local Law (including future regulations);
- c) a decision of a Superior Court which fundamentally changes the accepted principles or precedent regarding the inconsistency of laws; or
- d) the manner in which Council administers the proposed Local Law which may bring the proposed Local Law into conflict with other legislation.

I, Kate Emily Oliver, Partner at Maddocks, certify that I:

- am an Australian lawyer who has been admitted to the legal profession for at least 5 years;
- am not a Councillor of Council;
- have reviewed the proposed Local Law against the local law requirements; and
- am of the opinion that the proposed Local Law is consistent with the local law requirements set out in s 72 of the Act.

Signed by Kate Oliver)	
in Victoria on 13 March 2024)	

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