

COMMON SEAL AND CONDUCT AT MEETINGS LOCAL LAW 2024

Effective from 28 February 2024

Name Policy; Common Seal and conduct at Meeting Local Law 2024	This Document is Uncontrolled when Printed	Responsible Officer: CEO
Version: 2.0	Issue Date: 28/02/2024	Next Review: 28/02/2034
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Yarriambiack Shire Council
Common Seal and Conduct at Meetings
Local Law 2024

Yarriambiack Shire Council encourages a working environment which promotes gender equality and models non-violent and respectful relationships.

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PART A - INTRODUCTION

1. Title

This Local Law will be known as the Yarriambiack Shire Council "Common Seal and Conduct at Meetings Local Law 2024".

2. Purpose of this Local Law

The purpose of this Local Law is to:

- 2.1 revoke Council's Common Seal and Conduct at Meetings Local Law 2020;
- 2.2 regulate the use of the Common Seal; and
- 2.3 create Offences relating to conduct at Meetings.

3. Authorising Provision

This Local Law is made under sections 14, 71 and 72 of the Act.

4. Commencement and End Dates

This Local Law:

- 4.1 commences operation on the day after notice of it being made is published in the *Victoria Government Gazette*; and
- 4.2 ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier by Council.

5. Revocation of Earlier Local Law

- 5.1 On the commencement of this Local Law, Council's Common Seal and Conduct at Meetings Local Law 2020 is revoked.

6. Application

- 6.1 This Local Law applies throughout the whole of the Municipality.

7. Definitions and Notes

- 7.1 In this Local Law:

"Act" means the *Local Government Act 2020*;

"Authorised Officer" means a person appointed as an authorised officer under section 224 of the *Local Government Act 1989*;

"Chair" means the Chairperson of a Meeting and includes an acting, temporary and/or substitute Chairperson;

"Chamber" means any room, area or space where a Meeting is held;

"Chief Executive Officer" means the Chief Executive Officer of Council or the person acting in or performing the position Chief Executive Officer;

"Common Seal" means the common seal of Council;

"Council" means Yarriambiack Shire Council;

"Council Meeting" means a meeting of Council;

"Delegated Committee" means a delegated committee established under section 63 of the Act;

"Delegated Committee Meeting" means a meeting of a Delegated Committee;

"Director" means an Officer who reports directly to the Chief Executive Officer;

"Mayor" means the Mayor of Council;

"Meeting" means a Council Meeting and a Delegated Committee Meeting;

"Municipality" means the municipal district of Council;

"Offence" means an act contrary to, or in default of, this Local Law;

"Officer" means a member of Council staff; and

"Penalty Unit" has the same meaning as in section 110 of the *Sentencing Act 1991*.

PART B - COUNCIL'S COMMON SEAL

8. Council's Common Seal

8.1 The Chief Executive Officer must ensure the security of the Common Seal at all times.

8.2 The Chief Executive Officer will keep a register recording each occasion on which the Common Seal is affixed to a document.

8.3 The Common Seal must only be used:

8.3.1 with the authority of a resolution of Council given either generally or specifically; or

8.3.2 by an Officer to whom power to use the Common Seal has been delegated.

8.4 Unless Council resolves otherwise, the affixing of the Common Seal to any document must be attested to by the signatures of:

8.4.1 two Councillors and the Chief Executive Officer;

8.4.2 where the Common Seal is to be affixed by a delegate under clause 8.3.2, by the Chief Executive Officer and the Chief Operating Officer or one Director; or

8.4.3 where the document relates to a matter in which the Chief Executive Officer has an interest, by two Councillors and the Chief Operating Officer or one Director.

8.5 A person must not use or affix to a document the Common Seal, any replica of the Common Seal or any other device resembling the Common Seal, unless they do so in accordance with clause 8.3.

Penalty: 10 Penalty Units

PART C - OFFENCES

9. Offences

It is an Offence for:

9.1 a Councillor to fail to withdraw an expression considered by the Chair to be offensive or disorderly, and to fail to apologise when called on at least twice by the Chair to do so;

Penalty: 2 Penalty Units

9.2 any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to fail to leave the Chamber when requested by the Chair to do so;

Penalty: 5 Penalty Units

9.3 any person to fail to comply with a direction of the Chair in relation to the conduct of the Meeting and the maintenance of order;

Penalty: 2 Penalty Units

9.4 a Councillor to refuse to leave the Chamber on being directed by the Chair, in accordance with the Act, to do so.

Penalty: 5 Penalty Units

10. Enforcement

- 10.1 Where a person engages in conduct constituting an Offence against this Local Law, an Authorised Officer may, as an alternative to prosecution, issue the person with an infringement notice in accordance with the *Infringements Act 2006*.
- 10.2 The penalty for an infringement notice issued under clause 10.1 is one penalty unit.

11. Delegation

- 11.1 Pursuant to section 78 of the Act, Council:
 - 11.1.1 delegates to the Chief Executive Officer all of its powers under this Local Law; and
 - 11.1.2 authorises the Chief Executive Officer to delegate those powers to the holder of an office or position as a member of Council staff.

12. References

- Local Government Act 2020*
- Local Government Act 1989*
- Infringements Act 2006*
- Equal Opportunity Act 2010*
- Charter of Human Rights and Responsibilities Act 2006*

Yarriambiack Shire Council Governance Rules

The Common Seal is affixed to signify the authenticity of this Common Seal and Conduct at Meetings Local Law

The COMMON SEAL of)
 YARRIAMBIACK SHIRE COUNCIL)
 was affixed on 28 February 2024)
 in the presence of:)

.....
 Tammy Smith
**Chief Executive Officer of the Yarriambiack
 Shire Council**

.....
Councillor of the Yarriambiack Shire Council

.....
Councillor of the Yarriambiack Shire Council

13. Council Approved Policy

Policy Adopted:	Ordinary Meeting 26 August 2020	Minute Book Page 100
Policy Reviewed:	Ordinary Meeting [date]	Minute Book Page [number]