

COMMON SEAL AND CONDUCT AT MEETINGS LOCAL LAW 2020

Version 1

Ratified by Council

Effective from 01 September 2020

Name Policy: Common Seal and conduct at Meeting Local Law 2020	This Document is Uncontrolled when Printed	Responsible Officer: CEO
Version: 1.0	Issue Date: 26/8/2020	Next Review: 26/8/2030
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Yarriambiack Shire Council
 Common Seal and Conduct at Meetings
 Local Law 2020

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 2020".

2. Purpose of this Local Law

The purpose of this Local Law is to:

- 2.1 revoke Council's Meeting Procedures Local Law 2019;
- 2.2 regulate the use of the Common Seal;
- 2.3 prohibit unauthorised use of the Common Seal or any device resembling the Common Seal; and
- 2.4 create offences relating to conduct at Meetings.

3. Responsibility

The Mayor, Chief Executive Officer and Directors are responsible for ensuring compliance with this Local Law.

4. Authorising Provision

This Local Law is made under section 14 of the *Local Government Act 2020* and section 111(1) of the *Local Government Act 1989*.

5. Commencement and End Dates

This Local Law:

- 5.1 commences operation on 1 September 2020 and operates throughout the Municipality; and
- 5.2 ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier by Council.

6. Revocation of Meeting Procedure Local Law

On the commencement of this Local Law, Council's Meeting Procedures Local Law 2019 is revoked.

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, a temporary and a substitute Chairperson;

"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 a Council Officer appointed by the Chief Executive Officer to who reports directly to the Chief Executive Officer;

"Mayor" means the Mayor of Council;

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

"Municipality" means the municipal district of Council;

"offence" means an act or default contrary to this Local Law; and

"Penalty Units" mean penalty units has the same meaning as in section 110 of the *Sentencing Act 1991*.

7.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

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 detailed each occasion on which the Common Seal is affixed to a document.

8.3 The Common Seal may only be used with the authority of a resolution of Council given either generally or specifically.

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

8.4.1 the two Councillors and the Chief Executive Officer; or

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

8.5 A person must not use the Common Seal, any replica of the Common Seal or any other device resembling the Common Seal without the authority of Council.

Penalty: 10 Penalty Units

PART C - OFFENCES

9. Offences

It is an offence for:

9.1 a Councillor to not withdraw an expression considered by the Chair to be offensive or disorderly, and apologise when called on 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 not 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 suspension.

Penalty: 5 Penalty Units

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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. References

Local Government Act 2020
Local Government Act 1989
Infringements Act 2006
Equal Opportunity Act 2010
 Human Rights Charter
 Yarriambiack Shire Council Governance Rules 2020

12. Certification

The following key information is set down in order to facilitate the management of this Yarriambiack Shire Council Common Seal and Conduct at Meetings Local Law 2020.

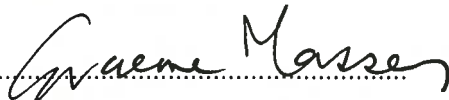
Date to be Resolved by Council 26 August 2020
 Commencement Date 01 September 2020

The Common Seal is affixed to signify the authenticity of this Common Seal and Conduct at Meetings Local Law 2020.

The COMMON SEAL of)
 YARRIAMBIACK SHIRE COUNCIL)
 was affixed on 26 August 2020)
 in the presence of:)



.....
 Jessie Holmes
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 26/08/2020	Minute Book Page 100
Policy Reviewed:	Ordinary Meeting [date]	Minute Book Page [number]