

Governance

Local Law 2022

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Part 1 – Preliminary Provisions

1. Title

This Local Law is the “Governance Local Law”.

2. Objectives

The objectives of this Local Law are to provide a mechanism to facilitate good governance of Casey City Council, and to:

- (1) regulate the use of the *Common Seal*; and
- (2) provide for offences in the event of inappropriate conduct at *Council Meetings* and meetings of *Delegated Committees*, and for offences in relation to the misuse of the *Common Seal*.

3. Authorising Provision

This Local Law is made under section 71 of the *Local Government Act 2020*.

4. Commencement and End Date

This Local Law:

- (1) commences operation on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette, and operates throughout the municipal district; and
- (2) ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier.

5. Definition of Words used in the Local Law

<i>Act</i>	means the <i>Local Government Act 2020</i>
<i>Authorised Officer</i>	has the same meaning as in the <i>Act</i>
<i>Chair</i>	means the <i>Chair</i> of a <i>Council Meeting</i> or a <i>Delegated Committee</i> meeting and includes an acting, temporary and substitute Chair
<i>Chief Executive Officer</i>	has the same meaning as in the <i>Act</i>
<i>Common Seal</i>	means the common seal of <i>Council</i>
<i>Council</i>	means Casey City Council, being a body corporate constituted as a municipal council under the <i>Local Government Act 2020</i>
<i>Council Meeting</i>	has the same meaning as in the <i>Act</i>
<i>Councillor</i>	has the same meaning as in the <i>Act</i> but includes an Administrator

<i>Delegated Committee</i>	has the same meaning as in the <i>Act</i>
<i>Disorderly Conduct</i>	includes: (1) interjecting when another person is speaking (except, in the case of a Councillor, when raising a Point of Order); (2) making comments that are defamatory, malicious, abusive or offensive; and (3) engaging in any other conduct which prevents the orderly conduct of the <i>Council Meeting</i> or the meeting of the <i>Delegated Committee</i> .
<i>Mayor</i>	includes the Chair of Panel of Administrators
<i>Offence</i>	means an act or default contrary to this Local Law
<i>Penalty Units</i>	means a penalty unit that is used to define the amount payable for fines, as prescribed in the <i>Sentencing Act 1991</i>

Part 2 – Use of the Common Seal

6. Security of the Common Seal

The *Chief Executive Officer* must ensure the security of the *Common Seal*.

7. Use of the Common Seal

The *Common Seal* may only be used with the authority of *Council*, or of the *Chief Executive Officer* in accordance with the Instrument of Delegation issued to the *Chief Executive Officer*.

8. Signature to Accompany the Common Seal

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

9. Seal Register

Where *Council* authorises the *Common Seal* to be affixed to any document, the *Chief Executive Officer* must:

- (1) cause the sealed documents to be allocated a seal register number; and
- (2) ensure that the description of the document sealed is enter into the seal register.

10. Sealing Clause

Where the *Common Seal* is affixed to a document on the authority of *Council* or the *Chief Executive Officer*, the sealing clause must contain the following words:

THE COMMON SEAL of CASEY

CITY COUNCIL was hereunto affixed in the presence of:

.....
CHIEF EXECUTIVE OFFICER

.....
(Print Name in Full)

Part 3 – Offences and Penalties

11. Offences

It is an offence for:

- (1) any person (including a *Councillor*) who is guilty of any improper or disorderly conduct to refuse to leave a *Council Meeting* or a meeting of a *Delegated Committee* when requested to do so by the *Chair*;

Penalty: Maximum of Five (5) Penalty Units

- (2) any person to fail to obey a direction of the *Chair* in relation to the conduct of a *Council Meeting* or a meeting of a *Delegated Committee* and the maintenance of order; or

Penalty: Maximum of Five (5) Penalty Units

- (3) any person to use the *Common Seal* of the *Council* or any device resembling the *Common Seal* without the authority of *Council* or the *Chief Executive Officer*.

Penalty: Maximum of Five (5) Penalty Units

12. Infringement Notices

- (1) An *Authorised Officer* may, as an alternative to prosecution, serve an infringement notice on any person who has committed an offence against this Local Law.
- (2) The fixed penalty in respect of an infringement is:
 - (a) three (3) penalty units, in the case of an offence against clause 11(1);
 - (b) one (1) penalty unit, in the case of offence against clause 11(2); and
 - (c) three (3) penalty units, in the case of offence against clause 11(3).
- (3) The *Infringements Act 2006* has effect with respect to any infringement notice served under this Local Law.

**THE COMMON SEAL of CASEY
CITY COUNCIL** was hereunto affixed in the
presence of:

.....
CHIEF EXECUTIVE OFFICER

.....
(Print Name in Full)

Council resolved to make this Local Law at its meeting on 21 February 2023.

Notices of the proposal of the making of this Local Law were included in the Victoria Government Gazette dated 2 March 2023.

Public notices of this proposal to confirm the making of this Local Law was published in the local paper on 2 March 2023.