



**COMMON SEAL AND CONDUCT AT MEETINGS LOCAL LAW
(NO. 1 OF 2020)**

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COMMON SEAL AND CONDUCT AT MEETINGS LOCAL LAW (NO. 1 OF 2020)

PART 1 - PRELIMINARY

Title

1. This is Local Law No. 1 of 2020 and is known as the "Common Seal and Conduct at Meetings Local Law".

Objectives

2. This Local Law is made for the purposes of:
 - (a) revoking Council's Procedural Matters Local Law (No. 1 of 2018);
 - (b) regulating the use of the Common Seal; and
 - (c) creating offences relating to conduct at Meetings.

Authorising Provision

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

Commencement

4. This Local Law commences operation on the day after notice of it being made is published in the *Victoria Government Gazette*.

Revocation of Earlier Local Law

5. On the commencement of this Local Law, the Council's Procedural Matters Local Law (No. 1 of 2018) is revoked.

Cessation of Local Law

6. Unless this Local Law is earlier revoked, it will cease to operate ten years after the day on which it is made.

Application

7. This Local Law applies throughout the whole of the Municipal District.

Definitions

8. In this Local Law -
 - (a) "**Act**" means the *Local Government Act 2020*;
 - (b) "**Additional Council Meeting**" means a meeting called in accordance with rule 9 of the Governance Rules;
 - (c) "**Administrator**" means a person appointed as an Administrator under the *Local Government (Whittlesea City Council) Act 2020*. An Administrator performs the role of a Councillor for the purposes of section 28 of the Act;
 - (d) "**Authorised Officer**" means a person appointed by the Council under section 224 of the *Local Government Act 1989*;

- (e) **“Chair of Administrators”** means the Administrator who has been appointed to that position by the Minister for Local Government, is the official spokesperson of Council and performs the role of a Mayor;
- (f) **"Chairperson"** means the:
 - (i) Chair of the Administrators;
 - (ii) person appointed as the Chairperson of a Delegated Committee; or
 - (iii) person taking the chair at a Meeting in accordance with these Rules in the absence of the Chair of Administrators or Chairperson of the Delegated Committee,as the case requires;
- (g) **"Common Seal"** means the Common Seal of the Council;
- (h) **"Council"** means the Whittlesea City Council;
- (i) **"Council Meeting"** includes a Scheduled Council Meeting and an Additional Council Meeting;
- (j) **"Delegate"** means:
 - (i) any member of the Council's staff to whom a delegation has been made under the Act; or
 - (ii) a Delegated Committee to which a delegation has been made under the Act;
- (k) **“Delegated Committee”** means a delegated committee established under section 63 of the Act;
- (l) **“Delegated Committee Meeting”** means a meeting of a Delegated Committee;
- (m) **“Governance Rules”** means the Governance Rules which commenced operation on 1 September 2020 as amended or replaced from time to time.
- (n) **"Mayor"** means the Chair of Administrators;
- (o) **"Meeting"** includes a Scheduled Council Meeting, an Additional Council Meeting and a Delegated Committee Meeting;
- (p) **"Municipal District"** means the municipal district of Council;
- (q) **"Offence"** means an act contrary to, or in default of, this Local Law;
- (r) **"Officer"** means a member of Council staff;
- (s) **"Penalty Unit"** has the same meaning as in section 110 of the *Sentencing Act 1991*;
- (t) **“Person”** includes an Administrator, Officer, member of a Delegated Committee or a member of the public.

PART 2 - COUNCIL COMMON SEAL

Form of Common Seal

9. The Common Seal must be in a form specified by Council resolution but must include the words "Whittlesea City Council".

Common Seal Security

10. The Chief Executive Officer must ensure that the Common Seal is kept at Council's offices in a secure way.

Use of the Common Seal

11. The Common Seal must only be used:
 - (a) by resolution of Council; or
 - (b) by an Officer to whom power to use the Common Seal has been delegated.

Unauthorised use of the Common Seal

12. Unless in accordance with clause 11, a Person must not use or affix to a document, the Common Seal or any device resembling the Common Seal.

Penalty: 20 Penalty Units

Signature to Accompany the Common Seal

13. If for the purpose of giving legal force and effect to any document, the Common Seal is used with the authority of any Delegate, the document to which it is affixed must be signed by the Delegate in the form contained in Schedule 1.
14. If for the purpose of giving legal force and effect to any document, the Common Seal is used with the authority of Council, the document to which it is affixed must be signed by one Administrator and the Chief Executive Officer in the form contained in Schedule 2.

PART 3 - OFFENCES

Offences

15. It is an Offence:

- (a) if a Person fails to withdraw a remark which is defamatory, indecent, abusive, offensive or disorderly in language, substance or nature and does not satisfactorily apologise where called upon by the Chairperson to do so at least twice;

Penalty: 20 Penalty Units

- (b) if a Person, who has been called to order for any improper or disorderly conduct, fails to leave a Meeting when directed by the Chairperson to do so; and

Penalty: 20 Penalty Units

- (c) if any Person fails to obey a direction of the Chairperson relating to the orderly conduct of a Meeting.

Penalty: 20 Penalty Units

16. 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*.

17. The penalty for an infringement notice issued under clause 16 is 5 penalty units.

THE COMMON SEAL of)
 WHITTLESEA CITY COUNCIL)
 is affixed in the presence of:)

..... Administrator

..... Chief Executive Officer

Schedule 1 Signature to Accompany the Common Seal

Clause 13

THE COMMON SEAL of)
WHITTLESEA CITY COUNCIL)
is affixed in the presence of:)

..... Delegate

Schedule 2 Signature to Accompany the Common Seal

Clause 14

THE COMMON SEAL of)
WHITTLESEA CITY COUNCIL)
is affixed in the presence of:)

..... Administrator

..... Chief Executive Officer

COMMON SEAL AND CONDUCT AT MEETINGS LOCAL LAW

NO. 1 OF 2020

I certify that this is a true copy of the Common Seal and Conduct at Meetings Local Law No. 1 of 2020 made by the Whittlesea City Council on [insert date] in accordance with the requirements of the *Local Government Act 1989*.

The notices required to be given by section 119(2) of that Act appeared in Victoria Government Gazette No. G41 on 15 October 2020, in The Age on 13 October 2020 and in the Northern Star Weekly on 20 October 2020.

The notices required to be given by section 119(3) of that Act were given in the Victoria Government Gazette No. G on [insert date] and in The Age on [insert date]. A copy of this Local Law was sent to the Minister for Local Government on [insert date].

The Local Law commenced operation on 1 January 2021 and will expire on 1 January 2025, unless repealed prior to this time.

.....
Chief Executive Officer

History of Local Law

Date Made	Amended	Operation Date	Gazettal Date	Title
7 December 2020	##	##	##	Common Seal and Conduct at Meetings Local Law No. 1 of 2020

- end -