

LOCAL LAW

Governance Local Law

2020

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Title Governance Local Law 2020	Status In operation	
Date made 25 August 2020	Comes into operation on 1 September 2020	Sunset date 31 August 2030
Directorate Corporate	Department Corporate	Contact person Manager Corporate

REVISION RECORD

Date	Version	Revision description
22/6/2020	0.1	Draft for comment
26/6/2020	0.2	Amendments to reflect legal review
25/8/2020	1.0	Presented to Council to make the Local Law

Part 1. Preliminary

1.1 Title

1.1.1 This is the Governance Local Law (2020).

1.2 Objectives

1.2.1 The objectives of this Local Law are to:

- a. regulate the use of the Alpine Shire Council ("Council") Common Seal;
- b. provide for offences in relation to unauthorised use of the Common Seal or any device resembling the Common Seal; and
- c. provide for offences in relation to Council meetings and Delegated Committee meetings.

1.3 The power to make this Local Law

1.3.1 This Local Law is made under the provision of s111 of the *Local Government Act 1989*.

1.4 Commencement and Revocation

1.4.1 This Local Law:

- a. Comes into operation on 1 September 2020; and
- b. Unless revoked sooner will cease to operate on 31 August 2030.

1.4.2 From the date of commencement of the Local Law, the following Local Law is revoked:

- a. Local Law No.1 Council Administration (2016).

1.5 Application

1.5.1 This Local Law applies to:

- a. Council Meetings and Delegated Committee Meetings; and
- b. Usage of the Council Common Seal, or any device resembling the Common Seal.

1.6 Definitions

Authorised Officer

means a member of Council staff appointed and authorised by Council in accordance with relevant legislation.

Chairperson

means the person who chairs a meeting of the Council or Delegated Committee, and includes an acting, a temporary or a substitute Chairperson

<i>Chief Executive Officer</i>	means the person occupying the office of Chief Executive Officer of Council, or any person acting in that position during their absence
<i>Chamber</i>	means any room where the Council holds a Council meeting
<i>Council</i>	means the Alpine Shire Council
<i>Councillor</i>	means a person who is an elected member of the Council
<i>Council meeting</i>	means a meeting of the Council, comprised entirely of Councillors, held in accordance with s61(1) of the <i>Local Government Act 2020</i>
<i>Common Seal</i>	means the common seal of Council
<i>Delegated Committee</i>	means a committee established by Council under s63 of the <i>Local Government Act 2020</i>
<i>Delegated Committee meeting</i>	means a meeting of a Delegated Committee
<i>Penalty unit</i>	has the same meaning as in s110(2) of the <i>Sentencing Act 1991</i>

Part 2. Use of the Alpine Shire Council Common Seal

2.1 Authority for use of the Common Seal

2.1.1 The Common Seal may only be used:

- a. on the authority of Council; or
- b. in accordance with the Instrument of Delegation issued by Council to the Chief Executive Officer.

2.1.2 The Chief Executive Officer must not sub-delegate the function conferred by cl 2.1.1b.

2.2 Form of the Common Seal clause

2.2.1 Where the Common Seal is affixed to a document on the authority of Council, the sealing clause must take the following form:

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this XX day of <Month>
20XX in the presence of:

.....
COUNCILLOR NAME

.....
SIGNATURE

.....
COUNCILLOR NAME

.....
SIGNATURE

.....
CHIEF EXECUTIVE OFFICER NAME

.....
SIGNATURE

2.2.2 Where the Common Seal is affixed to a document on the authority of the Chief Executive Officer in accordance with the Instrument of Delegation, the sealing clause must take the following form:

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this XX day of <Month>
20XX on behalf of Council by authority of
the Chief Executive Officer in the presence
of:

.....
WITNESS NAME

.....
SIGNATURE

.....
CHIEF EXECUTIVE OFFICER NAME

.....
SIGNATURE

2.3 Signatures to accompany the Common Seal

2.3.1 Every document to which the Common Seal is affixed on the authority of Council must be signed by two Councillors and the Chief Executive Officer.

2.3.2 Every document to which the Common Seal is affixed on the authority of the Chief Executive Officer must be signed by a witness and the Chief Executive Officer.

2.4 Who keeps the Common Seal?

2.4.1 The Chief Executive Officer must keep the Common Seal in safe custody.

Part 3. Offences, infringements and penalties

3.1 Offences during a Council meeting or a Delegated Committee meeting

3.1.1 It is an offence during a Council meeting or a Delegated Committee meeting:

- a. For a Councillor to not withdraw an expression considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not then satisfactorily apologise when called upon twice by the Chairperson to do so;
- b. For any person (not being a Councillor) who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so;
- c. For any person to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order; or
- d. For a Councillor to refuse to leave the Chamber on suspension.

3.2 Offences regarding use of the Common Seal

3.2.1 It is an offence for a person to use the Common Seal or any device resembling the Common Seal without the authority of Council unless in accordance with the Instrument of Delegation issued by Council to the Chief Executive Officer.

3.3 Infringement notices

3.3.1 As an alternative to prosecution for an offence, an Authorised Officer may serve a person with an infringement notice in respect of an Offence against this Local Law.

3.3.2 The infringement notice penalty in respect of an offence under this Local Law is set out in Schedule 1.

3.4 Payment of infringement penalties

3.4.1 Payment of the fixed penalty for an infringement notice may be made at the Alpine Shire Council office at 2 Churchill Avenue, Bright, or mailed to PO Box 139, Bright VIC 3741.

3.4.2 To avoid prosecution, the penalty indicated in an infringement notice must be paid within 28 days from the date of the issue of the infringement notice.

3.4.3 The form of an infringement notice shall be in the form as set out in s13 of the *Infringements Act 2006*.

3.5 General penalty in court

3.5.1 An offence against this Local Law may be subject to court action which may result in the maximum penalties as detailed in cl 3.5.2.

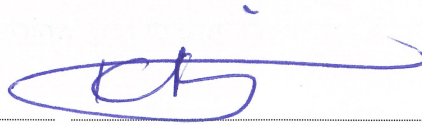
3.5.2 Any person who is guilty of an offence against this Local Law is liable to:

- a. A maximum penalty of 20 penalty units; and
- b. A further penalty of 2 penalty units for each day after a finding of guilt or conviction for an offence during which the contravention continues.

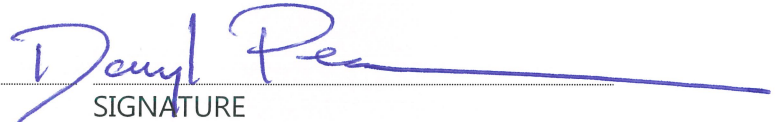
Part 4. Approval

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 25 day of August
2020 in the presence of:

KWAPPSTEIN K
COUNCILLOR NAME


SIGNATURE

Daryl Pearce
COUNCILLOR NAME


SIGNATURE

Charlie Bird
CHIEF EXECUTIVE OFFICER NAME


SIGNATURE

Schedule 1 Penalties for Infringement Notices

Clause	Offence	Penalty units
3.1.1a	For a Councillor to not withdraw an expression considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not then satisfactorily apologise when called upon twice by the Chairperson to do so.	2
3.1.1b	For any person (not being a Councillor), who is guilty of any improper or disorderly conduct, to not leave the meeting when requested by the Chairperson to do so.	5
3.1.1c	For any person to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order.	2
3.1.1d	For a Councillor to refuse to leave the Chamber on suspension.	5
3.2.1	A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council or in accordance with the Instrument of Delegation issued by Council to the Chief Executive Officer.	10