



Governance Local Law 2, 2020

Use of the Council Seal and Conduct

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Part 1 - INTRODUCTION

1.1 Title

This Local Law will be known as The Governance Local Law 2, 2020.

1.2 Objectives of this Local Law

The objectives of this Local Law are to:

- 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. provide for the penalties in relation to the conduct of *Council Meetings* and *Delegated Committees*.

1.3 Authorising provision

This Local Law is made under sections 5, 91 and 111 of the *Local Government Act 1989 (now Local Government Act 2020)*.

1.4 Commencement and end dates

This Local Law:

- 1.4.1. commences on the day which the common seal is affixed and operates throughout the *Municipal District*; and
- 1.4.2. ends on the 10th anniversary of the day on which it commenced operation, unless revoked sooner.

1.5 Revocation of Local Law No. 18 (as amended)

On the commencement of this Local Law, *Council's Governance Local Law 2, 2014* is revoked.

1.6 Definitions and notes

1.6.1. In this Local Law:

Act means the Local Government Act 1989 (now Local Government Act 2020)

Authorised Officer means a person appointed as an Authorised Officer under s224 of the Act

Chamber means any room where Council holds a Council Meeting

Chairperson means the Chairperson of a Council 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 of Chief Executive Officer

Common Seal means the Common Seal of Council

Council means Murrindindi Shire Council

Council Meeting includes an Ordinary Meeting, a Unscheduled Meeting or meeting of a Delegated Committee.

Councillor means a person who holds office as a member of the Council as defined under the Act

Mayor means the Mayor of Council

Offence means an act or default in breach of this Local Law

Officer means an employed member of Council staff;

Penalty Units means penalty units as prescribed by the *Sentencing Act 1992*

Part 2 - COMMON SEAL

2.1 Council's Common Seal

- 2.1.1 The common seal is the corporate signature of Council, and exists in the form of a stamp.
- 2.1.2 It evidences Council's corporate will, and authenticates decisions taken and acts performed by Council.
- 2.1.3 The Chief Executive Officer must ensure the security of the Council's common seal at all times.

2.2 Use of the Common seal

- 2.2.1 The common seal must be affixed to a document only for the purpose of giving effect to a decision which has been:
 - 2.2.1.1 Made by Council resolution;
 - 2.2.1.2 Made by resolution of a Delegated Committee to which power to use the common seal has been delegated; or
 - 2.2.1.3 Made by the Chief Executive Officer or a Director under delegation.
- 2.2.2 The common seal must have in it the words "Murrindindi Shire Council".
- 2.2.3 Every document to which the common seal is affixed must be signed by the Chief Executive Officer and a Councillor.
- 2.2.4 Where Council authorises the Common Seal to be affixed to any document, the Chief Executive Officer must ensure that a Common Seal register is maintained which records each time the Common Seal is affixed to a document and:
 - 2.2.4.1 A description of the document to which the seal was affixed;
 - 2.2.4.2 The date on which the Common Seal was affixed; and
 - 2.2.4.3 The date of the authorising Council resolution or "Sealed under Delegation".
- 2.2.5 Any person who uses the common seal or any device resembling the common seal other than in accordance Part 19 is guilty of an offence.

Part 3 - PENALTIES

3.1 Offences under this Local Law and Council's Governance Rules 2020

3.1.1 It is an offence:

| Offence | Penalty | Infringement |
|--|------------------|---------------------|
| Failing to comply with the Chairpersons direction. | 20 penalty units | 2 penalty units |
| Failing to leave meeting after being directed to do so by Chairperson. | 20 penalty units | 2 penalty units |
| Fraudulently sign a petition. | 10 penalty units | 2 penalty units |
| Use a recording device during any Council Meeting. | 10 penalty units | 2 penalty units |
| Use or cause the use of the common seal without proper authority. | 20 penalty units | 2 penalty units |
| Use or cause the use of a replica common seal. | 20 penalty units | 2 penalty units |

3.2 Infringement Notice

- 3.2.1 As an alternative to prosecution, an Authorised Officer may, in accordance with section 117 of the Act and the provisions of the Infringements Act 2006, issue an infringement notice or Official Warning on a person who in the opinion of the Authorised Officer has contravened this Local Law.
- 3.2.2 Where an authorised officer is not present at the commitment of any offence under this Local Law, the Chief Executive Officer may direct the issuance of an infringement notice for that offence.

3.3 Payment of Penalty

- 3.3.1 A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Murrindindi Shire Council, Perkins Street, Alexandra 3714.
- 3.3.2 To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- 3.3.3 A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

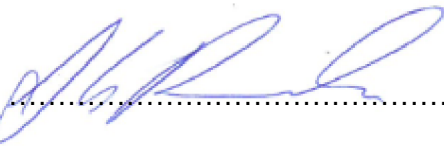
Resolution Regarding Local Law

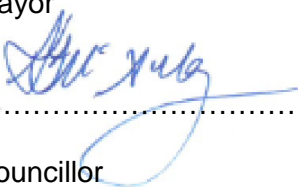
Resolution for making this Local Law was agreed to by the Murrindindi Shire Council on 26 August 2020 and

THE COMMON SEAL of the)
MURRINDINDI SHIRE COUNCIL was)
hereunto affixed in the presence of:)
)




.....
Chief Executive Officer


.....
Mayor


.....
Councillor

"I certify that this is a true copy of the Community Local Law made by the Murrindindi Shire Council on 26 August 2020 in accordance with the requirements of the *Local Government Act 1989*.

The notices required to be given by Section 119(2) of the Act appeared in the Government Gazette, the Alexandra Standard and Yea Chronicle, Marysville Triangle and the Local Paper.

A copy of the Local Law was sent to the Minister for Local Government in a letter dated Friday 4 September 2020.

The Local Law commenced operation on 26 August 2020 and will expire on 26 August 2030 unless revoked earlier.


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Chief Executive Officer