



# **Local Law No. 15**

## **Common Seal and Conduct at Meetings**

**Responsible Service Area: Governance**

**Adoption Date: 28 June 2021**

## TABLE OF CONTENTS

<b>PART 1 - INTRODUCTION</b> .....	2
1. Title .....	2
2. Purpose of this Local Law.....	2
3. Authorising Provision.....	2
4. Commencement and End Dates.....	2
5. Revocation of Local Law No. 12 .....	2
6. Definitions and Notes .....	3
<b>PART 2 - COMMON SEAL</b> .....	3
<b>PART 3 - ENFORCEMENT AND PENALTIES</b> .....	4
Offences.....	4
Infringement Notices.....	5
Payment of Penalty .....	5

## PART 1 - INTRODUCTION

### 1. Title

This Local Law will be known as '*Local Law No. 15 - Common Seal and Conduct at Meetings*'.

### 2. Purpose of this Local Law

The purpose of this Local Law is to:

- (a) regulate the use of the common seal,
- (b) prohibit unauthorised use of the common seal or any device resembling the common seal, and
- (c) provide for a set of offences and associated penalties relating to conduct at Meetings - with reference to the requirements of the *Governance Rules* document.

### 3. Authorising Provision

This Local Law is made under section 111(1) of the Local Government Act 1989 and section 14(2)(c) of the Local Government Act 2020.

### 4. Commencement and End Dates

This Local Law:

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

### 5. Revocation of Local Law No. 12

On the commencement of this Local Law, Council's Local Law No. 12 - Meetings Procedure and Use of Common Seal is revoked.

6. Definitions and Notes

<b>‘Authorised Officer’</b>	means a person appointed by Council under section 224 of LGA 1989.
<b>‘Chief Executive Officer’</b>	means the Chief Executive Officer of Council or any person acting in that position during his or her absence.
<b>‘Common seal’</b>	means the common seal of the Council.
<b>‘Council’</b>	means the Maroondah City Council.
<b>‘Councillor’</b>	means a person who is an elected member of the Council.
<b>‘Offence’</b>	means an act or default contrary to this Local Law.
<b>‘Penalty unit’</b>	has the meaning ascribed to it by section 110 (2) of the <i>Sentencing Act 1991</i> .
<b>‘Schedule’</b>	means a schedule to this Local Law.

**PART 2 – COMMON SEAL**

1. The Chief Executive Officer must ensure the security of Council's Common Seal at all times.
2. The affixing of Council's common seal to any document must be attested to by not less than two persons, comprising either:
  - (a) The Mayor OR due to the unavailability of the Mayor, the Deputy Mayor or any one Councillor, and
  - (b) The Chief Executive Officer OR a Director authorised by the Chief Executive Officer where the document relates to a matter in which the Chief Executive Officer has an interest.

3. Where Council authorises the common seal to be affixed to any document, the Chief Executive Officer must cause the sealed document to be allocated a seal register number.

4. Common Seal (Attestation) Clause

When the Common Seal is affixed to a document, the following attestation clause or any other words to the like effect, must appear:

The Common Seal of **Maroondah City Council** was affixed in the presence of:

..... Councillor (SEAL)

..... Chief Executive Officer

Dated this .....day of .....(month).....(year)

## PART 3 – ENFORCEMENT AND PENALTIES

### Offences

- (1) A person who uses Council's Common Seal without authority is guilty of an offence.

**Penalty: 10 Penalty Units**

- (2) A person who uses a replica of Council's Seal without the authority of Council is guilty of an offence.

**Penalty: 10 Penalty Units**

- (3) A person who inscribes upon a petition or joint letter a name or signature purporting to be the name or signature of another person is guilty of an offence.

**Penalty: 1 Penalty Unit**

- (4) A person who operates any audio or visual recording equipment at a Meeting without the prior approval of the Chair is guilty of an offence.

**Penalty: 1 Penalty Unit**

- (5) A Councillor who does 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, is guilty of an offence.

**Penalty: 1 Penalty Unit**

- (6) A person, not being a Councillor, who is guilty of any improper or disorderly conduct, who does not leave the Council Chamber when requested by the Chair to do so, is guilty of an offence.

**Penalty: 1 Penalty Unit**

- (7) A person, not being a Councillor, who fails to comply with a direction of the Chair in relation to the conduct of the Meeting and the maintenance of order, is guilty of an offence.

**Penalty: 1 Penalty Unit**

- (8) A person who displays any placard or poster in the Council Chamber or any part of the building in which a Meeting is being held without permission of the Chair, is guilty of an offence.

**Penalty: 1 Penalty Unit**

- (9) Any person who obstructs the entrance to the Council Chamber or the building in which a Meeting is being held, is guilty of an offence.

**Penalty: 1 Penalty Unit**

*The penalty units set out in this sub-clause represent the maximum amount which a Court can order a person to pay. Even then, it requires a prosecution to be brought against the person in the Magistrates' Court. An alternative to prosecution is the infringement notice procedure outlined in sub-clause (9).*

### **Infringement Notices**

An Authorised Officer may, as an alternative to prosecution, issue an infringement notice in accordance with the *Infringements Act 2006* and associated regulations requirements to any person who has committed an offence against this Local Law.

### **Payment of Penalty**

- (1) Payment of the fixed penalty for an infringement notice may be made to Chief Executive Officer, Maroondah City Council, PO Box 156 Ringwood VIC 3134 or at a Council Customer Service Centre.
- (2) To avoid prosecution, the penalty indicated in an infringement notice must be paid within 42 days from the date of the issue of the infringement notice.
- (3) The form of an infringement notice shall be in the form as set out in *Section 13 of the Infringements Act 2006*.

**THIS LOCAL LAW WAS MADE BY RESOLUTION OF MAROONDAH CITY COUNCIL AT A COUNCIL MEETING HELD ON** Monday 28 June 2021, and the sealing of the document was authorised.

**THE COMMON SEAL OF MAROONDAH CITY COUNCIL WAS AFFIXED IN THE PRESENCE OF:** )  
)  
)

.....  
Councillor

.....  
Chief Executive Officer

*Council resolved* to issue a Notice of Intention to make this Local Law at its meeting on Monday 26 April 2021 and a Notice of *Council's* Intention to make this Local Law was included in the Victoria Government Gazette on 29 April 2021 and a Public Notice of *Council's* Intention to make this Local Law was included in the Age newspaper on 29 April 2021.

*Council* resolved to make this Local Law at its meeting on Monday 28 June 2021 and a Notice of *Council* having made this Local Law was included in the Government Gazette on 1 July 2021 and a Public Notice of *Council* having made this Local Law was included in the Age newspaper on 1 July 2021.

A copy of this Local Law was sent to the Minister for Local Government on 1 July 2021 and a copy of the Local Law can be obtained from *Council's* Service Centres at: Realm, 179 Maroondah Highway, Ringwood; or Croydon Library, Civic Square, Croydon. A copy is also available on *Council's* website.