

GOVERNANCE LOCAL LAW 2020



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PRELIMINARY PROVISIONS

PART ONE

1. Title

This Local Law will be known as the Governance Local Law.

2. Objectives

The objectives of this Local Law are to:

- 2.1 regulate the use of the common seal;
- 2.2 make it an offence for a person to use the common seal without the authority of Council;
- 2.3 make it an offence for a person to record a meeting of Council or a Delegated Committee by audio or visual means without consent;
- 2.4 make it an offence for a person to engage in an act of disorder at a meeting of Council or a Delegated Committee; and
- 2.5 provide for the good governance of the municipal district.

3. Power to make Local Law

This Local Law is made under section 111 of the *Local Government Act 1989*.

4. Commencement and Period of Operation

This Local Law:

- 4.1 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
- 4.2 ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier.

5. Revocation of Governance Local Law 2013

On the commencement of this Local Law, the Governance Local Law 2013 is revoked.

6. Definitions

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

“Authorised Officer” means an Authorised Officer under section 224 of the *Local Government Act 1989*.

“Chief Executive Officer” means the Chief Executive Officer of Council.

“Common Seal” means the common seal of Council.

“Council” means Wyndham City Council.

“Delegated Committee” means a Delegated Committee established by Council.

“Penalty Unit” has the same meaning as in the *Sentencing Act 1991*.

USE OF THE COMMON SEAL

PART TWO

7. Form of the Common Seal

Unless Council resolves otherwise, the Common Seal must contain the following words or be to the following effect:

**The COMMON SEAL of the WYNDHAM CITY COUNCIL was affixed by authority of the Council
on the day of 2.....
in the presence of:**

.....
Councillor

.....
Chief Executive Officer

8. Security of the Common Seal

The Chief Executive Officer must ensure the security of the Common Seal at all times.

9. Signatures to Accompany Common Seal

Documents to which the Common Seal is affixed must be signed by at least one Councillor and the Chief Executive Officer or, in the absence of the Chief Executive Officer, a member of Council staff authorised by the Chief Executive Officer.

10. Authority to use Common Seal

The Common Seal must only be used on the authority of Council.

RECORDING OF MEETINGS

PART 3

11. Requirement for Written Consent

A person who wishes to record a meeting of Council or a Delegated Committee by audio or visual means must apply for and obtain the prior written consent of the Chief Executive Officer.

12. Revocation of Written Consent

If a person has obtained written consent under clause 11 that written consent may be revoked by the Chairperson of the meeting in respect of which the written consent was given.

13. Qualification of Application of this Part

Nothing in this Part 3 applies to a member of Council staff acting in the course of their duties.



OFFENCES

PART 4

14. Offences

It is an offence against this Local Law for:

14.1 a person to use the Common Seal without the authority of Council.

Penalty: 10 Penalty Units;

14.2 any person to use a replica of the Common Seal without the authority of Council.

Penalty: 10 Penalty Units;

14.3 a person (other than a member of Council staff acting in the course of their duties) to record a meeting of Council or a Delegated Committee by audio or visual means without the prior written consent of the Chief Executive Officer or following the revocation of any consent by the Chairperson of the meeting.

Penalty: 10 Penalty Units;

14.4 a Councillor or member of a Delegated Committee to not withdraw a remark which is considered by the Chairperson of the meeting to be disorderly, offensive or objectionable in language, substance or nature after having been called upon by the Chairperson twice to do so.

Penalty: 20 Penalty Units;

14.5 any person (other than a Councillor or member of a Delegated Committee) not to leave a meeting of Council or a Delegated Committee when requested by the Chairperson to do so, after having been called to order by the Chairperson for improper or disorderly conduct.

Penalty: 20 Penalty Units; and

14.6 any person to fail to obey a direction of the Chairperson of a meeting of Council or a Delegated Committee relating to the conduct of the meeting or the maintenance of order at the meeting.

Penalty: 20 Penalty Units.

INFRINGEMENT NOTICES

PART 4

15. Authorised Officer may Issue Infringement Notices

As an alternative to prosecution for an offence against this Local Law, an Authorised Officer may issue an infringement notice to any person whom the Authorised Officer reasonably considers has committed an offence against this Local Law.

16. Fixed Penalties

The penalty fixed for an infringement notice issued as an alternative to a prosecution is the amount set out in Schedule 1 to this Local Law.

17. Election of Person to Whom Infringement Notice is Issued

A person issued with an infringement notice under this Local Law is entitled to disregard the infringement notice and defend a prosecution in the Magistrates' Court.

The COMMON SEAL of the WYNDHAM CITY COUNCIL was affixed by authority of the Council

**on the day of 2.....
in the presence of:**

.....
Councillor

.....
Chief Executive Officer

SCHEDULE 1 – PENALTIES FIXED FOR INFRINGEMENT NOTICE PURPOSES

Provision/s	Offence	Penalty Unit
14.1	Use of the Common Seal without the authority of Council	5
14.2	Use of replica of the Common Seal without the authority of Council	5
14.3	Recording a meeting of Council or a Delegated Committee by audio or visual means without consent	5
14.4	Failing to withdraw a remark once directed to do so	10
14.5	Failing to leave a meeting once directed to do so	10
14.6	Failing to obey a direction of the Chairperson	10