

Solicitor's Certificate – Section 74(1) *Local Government Act 2020*

**Southern Grampians Shire Council
Governance Local Law No. 1 of 2021**

The Southern Grampians Shire Council (**Council**) is proposing to make the Governance Local Law No. 1 of 2021 (**proposed Local Law**).

I have been asked to provide a certificate under s 74(1) of the *Local Government Act 2020* (**Act**) in respect of the proposed Local Law.

In accordance with s 74(1) of the Act, I have assessed the proposed Local Law for consistency with the local law requirements, as outlined in the following table.

| Local Law Requirement | Consistent |
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| A local law must not be inconsistent with any Act (including the <i>Charter of Human Rights and Responsibilities Act 2006</i>) or regulations. | Yes. The proposed Local Law does not overlap with existing legislation, rather it operates in conjunction with the requirements of the Act. State legislation permits Council to make Local Laws with respect to the use of its common seal and the orderly conduct of meetings. There is nothing in the proposed Local Law that seeks to address any issues which are best addressed at the State or Federal level. The proposed Local Law has been reviewed for compatibility with the Charter and is considered to be compatible with the Charter. |
| A local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district. | Yes. Nothing in the proposed Local Law concerns or otherwise engages the Southern Grampians Planning Scheme. |
| A local law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles. | Yes. Not applicable. |
| A local law must not exceed the power to make local laws conferred by this Act or any other authorising Act. | Yes. The proposed Local Law is consistent with, and does not exceed, the scope of Council's powers to make Local Laws under the Act. |
| A local law must be consistent with the objectives of this Act or any other authorising Act. | Yes. The proposed Local Law furthers the objects of accountable, transparent, collaborative and efficient operations of Council. |
| A local law must be expressed as clearly and unambiguously as is reasonably possible. | Yes. The proposed Local Law is clear and unambiguous. |



| Local Law Requirement | Consistent |
|---|---|
| <p>Unless there is clear and express power to do so under this Act or any other authorising Act, a local law must not—</p> <p>(i) seek to have a retrospective effect; or</p> <p>(ii) impose any tax, fee, fine, imprisonment or other penalty; or</p> <p>(iii) authorise the sub-delegation of powers delegated under the local law.</p> | <p>Yes.</p> <p>The proposed Local Law:</p> <ul style="list-style-type: none"> • does not seek to have retrospective effect; • makes provision for the imposition of penalties in respect of offences that are created, which penalties are: <ul style="list-style-type: none"> ○ consistent with s 79 of the Act; ○ similar in nature, but slightly higher in amount, when compared to like councils; and ○ sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences; and • does not authorise the sub-delegation of any powers. |
| <p>A local law must comply with any details prescribed in the regulations relating to the preparation and content of local laws.</p> | <p>Yes.</p> <p>No regulations relating to the preparation and content of local laws have, at the time of preparing this certification, been made.</p> |

I, Kate Emily Oliver, Partner at Maddocks, certify that I:

- am an Australian lawyer who has been admitted to the legal profession for at least 5 years;
- am not a Councillor of Council;
- have reviewed the proposed Local Law against the local law requirements; and
- am of the opinion that the proposed Local Law is consistent with the local law requirements set out in s 72 of the Act.

Signed by Kate Oliver
in Victoria on 24 August 2021

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