



**Southern Grampians**  
SHIRE COUNCIL

# Governance Proposed Local Law

No 1 of 2021

Local Law adopted by Council: {insert}

## Southern Grampians Shire Council – Governance Local Law No 1 of 2021

PART ONE: PRELIMINARY PROVISIONS .....	3
1. Title.....	3
2. Objectives .....	3
3. Power to make Local Law .....	3
4. Commencement and End Date .....	3
5. Revocation.....	3
6. Definition of Words Used in this Local Law .....	3
PART TWO: USE OF THE COMMON SEAL.....	5
7. Use of the Common Seal .....	5
8. Security of the Common Seal .....	5
9. Signature to Accompany Common Seal.....	5
PART THREE: OFFENCES AND PENALTIES.....	6
10. Offences.....	6
11. Infringement Notices .....	6
12. Payment of Penalty .....	6

## PART ONE: PRELIMINARY PROVISIONS

### 1. Title

This Local Law is the Southern Grampians Shire Council Governance Local law No 1 of 2021 and is referred to hereunder as “this Local Law”.

### 2. Objectives

The objectives of this Local Law are to provide a mechanism to facilitate good governance of the Southern Grampians Shire Council, and to:

- i. Regulate the use of the Common Seal;
- ii. Provide for offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, and for offences in relation to the misuse of the Common Seal and fraudulently signing of petitions; and
- iii. Revoke Meetings Procedures Local Law No 10 of 2013.

### 3. Power to make Local Law

This Local Law is made under section 78 of the *Local Government Act 2020*.

### 4. Commencement and End Date

This Local Law:

- i. Commences operation on the day following the day on which notice of the making of this Local Law is publishes in the Government Gazette, and operates throughout the municipal district.
- ii. Ends on the 10<sup>th</sup> anniversary of the day on which it commenced operation, unless revoked earlier.

### 5. Revocation

Upon this Local Law coming into operation Meeting Procedures Local Law No 10 of 2013 is revoked

### 6. Definition of Words Used in this Local Law

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

“**Act**” means the *Local Government Act 2020*

“**Authorised Officer**” means a person appointed as an Authorised Officer pursuant to section 224 of the *Local Government Act 1989*

“**Chairperson**” means the Chairperson of a meeting and includes acting, temporary or substitute Chairperson

“**Chief Executive Officer**” means the Chief Executive Officer of Council and includes a person acting as Chief Executive Officer

## Southern Grampians Shire Council – Governance Local Law No 1 of 2021

“**Common Seal**” means the Common Seal of Council

“**Council**” means the Southern Grampians Shire Council

“**Council Meeting**” has the same meaning as in the Act

“**Councillor**” means a Councillor of Council

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

“**Offence**” means an act or default contrary to this Local Law

“**Penalty Units**” means the penalty unit as prescribed in the *Sentencing Act 1992*

**PART TWO: USE OF THE COMMON SEAL**

**7. Use of the Common Seal**

Council's Common Seal may only be used on the authority of the Council given either generally or specifically.

**8. Security of the Common Seal**

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

**9. Signature to Accompany Common Seal**

Every document to which the seal is affixed must be signed by at least one Councillor and the Chief Executive Officer.

## PART THREE: OFFENCES AND PENALTIES

### 10. Offences

It is an offence for:

1. Any person who has been called to order, including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.

**Penalty: 10 Penalty Units**

2. Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence.

**Penalty: 20 Penalty Units**

3. Any person who uses the Council's Common Seal without authority is guilty of an offence.

**Penalty: 20 Penalty Units**

4. Any person who uses any replica of the Council's Common Seal without authority is guilty of an offence.

**Penalty: 20 Penalty Units**

### 11. Infringement Notices

1. As an alternative to prosecution for an offence, an Authorised Officer may issue an infringement notice containing the information required by the *Infringements Act 2006*.
2. A person issued with an infringement notice can decide not to pay the penalty amount in the notice within the time required in the notice and defend the prosecution in court.
3. If the penalty amount in the infringement notice is paid within 28 days or the notice is withdrawn by an Authorised Officer within that time the person on whom the infringement notice was served will be considered to have expiated the offence.
4. If a person does not pay the penalty amount within 28 days or any extended time period that the Authorised Officer has permitted or the notice is not withdrawn, the Authorised Officer may pursue the matter by prosecuting for the offence or by taking the steps available under the *Infringements Act 2006* for enforcing penalties by registration of infringement notices.

### 12. Payment of Penalty

1. A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Southern Grampians Shire Council, Locked Bag 685, Hamilton VIC 3300.
2. To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.

3. A person issued with an infringement notice is entitled to defend the prosecution in court.

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

Resolution for making this Local Law was agreed to by the Southern Grampians Shire Council on {insert}

THE COMMON SEAL OF THE )  
SOUTHERN GRAMPIANS SHIRE COUNCIL )  
was affixed by authority of the Council )  
in the presence of: )

.....  
Councillor

.....  
Chief Executive Officer

Date: .....