

**CITY OF
BALLARAT**



**BALLARAT CITY COUNCIL
COMMON SEAL AND CONDUCT AT MEETINGS LOCAL LAW 2020**

**Adopted by Council on: XXXX
Commencement Date: XXXX
Revocation Date: XXXX**

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FOR PUBLIC EXHIBITION

PART A INTRODUCTION

1. Title

This Local Law will be known as the "Common Seal and Meeting Conduct Local Law 2020".

2. Objectives of this Local Law

The objectives of this Local Law are to:

- 2.1. regulate the use of the *Common Seal*;
- 2.2. prohibit unauthorised use of the *Common Seal* or any device resembling the *Common Seal*;
- 2.3. provide for the offences governing the conduct of *Council Meetings* and *Delegated Committees*; and
- 2.4. revoke Meeting Procedure Local Law 2018.

3. Authorising provision

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

4. Commencement and end dates

This Local Law:

- 4.1. commences 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 sooner.

5. Revocation of Meeting Procedure Local Law 2018

On the commencement of this Local Law, *Council's Meeting Procedure Local Law 2018* is revoked.

6. Definitions and notes

6.1. In this Local Law:

"Act" means the *Local Government Act 2020* (as amended from time to time);

"Authorised Officer" means a person appointed as an Authorised Officer under s224 of the *Local Government Act 1989* or any other 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;

"Meeting" means a Meeting of a Council or Delegated Committee of the Council;

"Common Seal" means the Common Seal of Council;

"Council" means Ballarat City Council;

"Council Meeting" includes an Ordinary Meeting, a Unscheduled Meeting, but does not include an Assembly of Councillors;

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

"Meeting" includes an Ordinary Meeting, a Unscheduled Meeting and a Special Committee Meeting;

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

"Officer" means an employed member of Council staff;

"Penalty Units" mean penalty units as prescribed by the Sentencing Act 1992;

"Petition" means formal written application, typed or printed without erasure, from one or more persons whose names and physical addresses also appears and on which each page of the petition bears the wording of the whole of the petition.

"Visitor" means any person (other than a Councillor or an Officer) present at a Meeting.

- 6.2. Introductory notes to parts, divisions, headings, and explanatory notes do not form part of this Local Law. They are provided to assist understanding of the Local Law only.

PART A COUNCIL'S COMMON SEAL

Introductory Note: The *Common Seal* is a device which formally and solemnly records the collective will of *Council*. The provisions in this Part are designed to protect the integrity of the *Common Seal*; and describe when it may be affixed to a document.

7. Council's Common Seal

- 7.1. The Chief Executive Officer must ensure the security of Council's Common Seal at all times.
- 7.2. The affixing of Council's Common Seal to any document must be attested to by the signatures of:
 - 7.2.1. the Mayor and the Chief Executive Officer; or
 - 7.2.2. in the absence of the Mayor; by a Councillor and the Chief Executive Officer or any other member of Council staff authorised by Council.
- 7.3. A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.

Penalty: 5 Penalty Units

PART B – MEETING CONDUCT OFFENCES AND PENALTIES

8. Offences

It is an Offence for:

- 8.1. a Councillor to not withdraw a remark made at a Council meeting considered by the Chairperson to be offensive or disorderly and apologise when called on twice by the Chairperson to do so;

Penalty: 2 Penalty Units

- 8.2. a member of a Delegated Committee to not withdraw a remark made at a Delegated Committee meeting considered by the Chairperson to be offensive or disorderly and apologise when called on twice by the Chairperson to do so;

Penalty: 2 Penalty Units

- 8.3. any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the room when requested by the Chairperson to do so;

Penalty: 5 Penalty Units

- 8.4. any person to fail to comply with a direction of the Chairperson in relation to the conduct of the Council Meeting and the maintenance of order; or

Penalty: 2 Penalty Units

- 8.5. a Councillor to refuse to leave the Chamber on suspension.

Penalty: 5 Penalty Units

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

Penalty: 10 Penalty Units

9. Infringement Notices

9.1. An Authorised Officer may issue an infringement notice to any person who has committed an offence against this Local Law.

9.2. The fixed penalty in respect of an infringement is two (2) Penalty Units

10. Payment of Penalty

10.1. A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer.

10.2. To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued

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

The Common Seal of the Ballarat City Council was hereunto affixed in the presence of:)
)
)

Mayor (or)

Councillor (and)

Chief Executive Officer