



Ararat Rural City

Common Seal and Conduct at Meetings Local Law 2020

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Stakeholder Engagement:

Councillors

Chief Executive Officer

Community



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PART A - INTRODUCTION

1. Title

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

2. Purpose of this Local Law

The purpose of this Local Law is to:

- 2.1 revoke Council's Governance Local Law 2012;
- 2.2 regulate the use of the Common Seal; and
- 2.3 prohibit unauthorised use of the Common Seal or any device resembling the Common Seal.

3. Authorising Provision

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

4. Commencement and End Dates

This Local Law:

- 4.1 commences operation on 28 January 2021 and operates throughout the Municipality; and
- 4.2 ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier by Council.

5. Revocation of Governance Local Law

On the commencement of this Local Law, Council's Governance Local Law 2012 is revoked.

6. Definitions and Notes

- 6.1 In this Local Law:

"Act" means the *Local Government Act 2020*;

"Authorised Officer" means a person appointed as an authorised officer under section 224 of the *Local Government Act 1989*;

"Chairperson" means the Chairperson of a 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 Chief Executive Officer;

"Common Seal" means the common seal of Council;

"Council" means Ararat Rural City Council;

"Council Meeting" means a meeting of Council;

"Delegated Committee" means a delegated committee established under section 63 of the Act;

"Delegated Committee Meeting" means a meeting of a Delegated Committee;

"Mayor" means the Mayor of Council;

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

"Municipality" means the municipal district of Council;

"Offence" means an act or default contrary to this Local Law; and

"Penalty Units" mean penalty units has the same meaning as in section 110 of the *Sentencing Act 1991*.

- 6.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.



PART B - COUNCIL'S COMMON SEAL

7. Council's Common Seal

- 7.1 The Chief Executive Officer must ensure the security of the Common Seal at all times.
- 7.2 The Chief Executive Officer will keep a register detailing each occasion on which the Common Seal is affixed to a document and:
 - 7.2.1 a description of the document to which the seal was affixed;
 - 7.2.2 the date on which the Common Seal was affixed; and
 - 7.2.3 the date of the authorising Council resolution.
- 7.3 The Common Seal may only be used with the authority of a resolution of Council given either generally or specifically.
- 7.4 Unless Council resolves otherwise, the affixing of the Common Seal to any document must be attested to by the signatures of both:
 - 7.4.1 The Mayor and the Chief Executive Officer.
- 7.5 Where the Common Seal is affixed to a document following a Council resolution, the sealing attestation must contain the following words:

The Common Seal of the
Ararat Rural City Council
was affixed hereto in accordance with
the resolution of the Council made on
DAY MONTH YEAR

Mayor _____

Chief Executive Officer _____

- 7.6 A person must not use the Common Seal, any replica of the Common Seal or any other device resembling the Common Seal without the authority of Council.

Penalty for first Offence: 10 Penalty Units

Penalty for second or subsequent Offence: 20 penalty units



PART C - OFFENCES

8. Offences

Any person, including a Councillor, is guilty of an Offence if that person:

- 8.1 fails to comply with the Chairperson's direction when called to order; or
- 8.2 fraudulently signs a petition or joint letter which is presented to the Council.

Penalty for first Offence: 10 penalty units

Penalty for second or subsequent Offence: 20 penalty units

9. Enforcement

- 9.1 Where a person engages in conduct constituting an offence against this Local Law, an Authorised Officer may, as an alternative to prosecution, issue the person with an infringement notice in accordance with the *Infringements Act 2006*.
- 9.2 The penalty for an infringement notice issued under clause 9.1 is three penalty units.

10. Payment of Penalty

- 9.3 A person issued with an infringement notice under clause 9.1 may pay the penalty indicated in accordance with the information included on the infringement notice.
- 9.4 To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- 9.5 A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.



Resolution for making this Local Law was agreed to by Ararat Rural City Council on the 19 January 2021.

The Common Seal of the
Ararat Rural City Council
was affixed hereto in accordance with
the resolution of the Council made on
28 January 2021



Mayor

Chief Executive Officer

Notices of the proposal to make and of making of this Local Law were included in the Victorian Government Gazette dated the 3 December 2020 and 28 January 2021 respectively.

Public notice of the proposal to make and confirmation for the making of this Local Law were inserted in the Ararat Advocate (a local paper) on 4 December 2020 and 29 January 2021 respectively.

A copy of this Local Law was sent to the Minister for Local Government on 29 January 2021.