Governance Local Law 2020

(Local Law No. 1 of 2020)

Moonee Valley City Council

Adopted: 25 August 2020
1. **Local Law**
   This Local Law, to be known as the Governance Local Law 2020.

2. **Objectives**
   The objectives of this Local Law are to –
   a) revoke the Governance Local Law 2019 (Local Law No. 1 of 2019) and the incorporated Meeting Procedure Protocol;
   b) ensure peace, order and good government of the municipal district of Moonee Valley City Council;
   c) regulate the use and keeping of the Common Seal; and
   d) ensure the efficient and orderly conduct of Meetings.

3. **Commencement Date**
   a) This Local Law comes into operation on 1 September 2020.
   b) This Local Law operates throughout the municipal district of the Council.

4. **Revocation of Local Law**
   On the commencement of this Local Law, the following documents are hereby revoked –

5. **Sunset provision**
   This Local Law ceases to operate 10 years after the day on which it is made unless revoked earlier by Council.

6. **Application of the Local Law**
   This Local Law applies to all Meetings of Council and Delegated Committees.
Definition

In this Local Law –

<table>
<thead>
<tr>
<th>Word</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Act</td>
<td>means the <em>Local Government Act 2020</em>.</td>
</tr>
<tr>
<td>Authorised Officer</td>
<td>means any person appointed by Council to be an Authorised Officer pursuant to Section 224 of the <em>Local Government Act 1989</em>.</td>
</tr>
<tr>
<td>Chair</td>
<td>means the person taking the chair at a Meeting.</td>
</tr>
<tr>
<td>Chief Executive Officer</td>
<td>means the person occupying the position of Chief Executive Officer of Council, and includes a person acting in that position.</td>
</tr>
<tr>
<td>Council</td>
<td>means Moonee Valley City Council.</td>
</tr>
<tr>
<td>Councillor</td>
<td>means a person who is an elected member of the Council.</td>
</tr>
<tr>
<td>Delegated Committee</td>
<td>means a delegated committee established by Council under section 63 of the <em>Local Government Act 2020</em>.</td>
</tr>
<tr>
<td>General Manager</td>
<td>means a member of Council staff appointed by the Chief Executive Officer to the position of General Manager, or otherwise to Council’s Executive Leadership Team.</td>
</tr>
<tr>
<td>Meeting</td>
<td>means a properly constituted meeting of Council or a Delegated Committee.</td>
</tr>
<tr>
<td>Member of a Delegated Committee</td>
<td>means a person appointed as a member of a Delegated Committee.</td>
</tr>
<tr>
<td>Penalty Unit</td>
<td>has the same meaning as in section 110 of the <em>Sentencing Act 1991</em>.</td>
</tr>
</tbody>
</table>

7. Common Seal

a) The Common Seal of Council may only be used with the authority of Council or in accordance with the Instrument of Delegation issued to the Chief Executive Officer.

b) A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.

c) The Chief Executive Officer must keep the Common Seal in safe custody.

d) Subject to clause 7f), the affixing of the Common Seal to a document is to be witnessed and signed by a Councillor and the Chief Executive Officer.

e) The Council’s sealing clause is –

THE COMMON SEAL of MOONEE VALLEY CITY COUNCIL was hereto affixed in the presence of –
Councillor

Chief Executive Officer

f) Where the document to which the Common Seal is to be affixed to a document in which the Chief Executive Officer has an interest:
   i. the affixing of the Common Seal is to be witnessed by a Councillor and a General Manager; and
   ii. Council’s sealing clause is –

THE COMMON SEAL of MOONEE VALLEY CITY COUNCIL was hereto affixed in the presence of –

Councillor

General Manager [##insert directorate name]

g) Where the Common Seal is affixed to a document on the authority of the Chief Executive Officer in accordance with the Instrument of Delegation, the sealing clause must contain the following words:

THE COMMON SEAL of MOONEE VALLEY CITY COUNCIL is affixed on behalf of Council by authority of the Chief Executive Officer in the presence of –

Witness

Chief Executive Officer

8. Offences

It is an offence under this Local Law for –

a) a person to use the Common Seal or a device resembling the Common Seal without the authority of Council or the Chief Executive Officer;

b) a Councillor and/or a Member of a Delegated Committee to not withdraw an expression which is considered by the Chair to be defamatory, indecent, abusive, offensive, disorderly or objectionable when called upon twice by the Chair to do so;

c) a Councillor and/or a Member of a Delegated Committee to not satisfactorily apologise for an expression which is considered by the Chair to be defamatory, indecent, abusive, offensive, disorderly or objectionable when called upon twice by the Chair to do so;
d) any person, not being a Councillor, who has engaged in any improper or disorderly conduct to not leave the Meeting when requested by the Chair to do so;

e) any person to record proceedings of a Meeting without the consent of the Chair;

f) any person to fail to obey a direction of the Chair relating to the conduct of the Meeting and the maintenance of order; and

g) a Councillor and/or a Member of a Delegated Committee to refuse to leave the room on suspension or when directed by the Chair to do so.

9. Penalties
The penalty for an offence against this Local Law will be the penalty specified in Schedule 1 to this Local Law.

10. Infringement Notice
As an alternative to a prosecution, an Authorised Officer may serve an infringement notice on any person who is committing or has committed an offence against this Local Law, in accordance with the Infringements Act 2006.

11. Authorising provision
a) This Local Law is made under section 14(2)(c) of the Local Government Act 2020 and section 111(1) of the Local Government Act 1989.

b) Resolution for making this Local Law was made by the Council on 25 August 2020.

THE COMMON SEAL of MOONEE VALLEY CITY COUNCIL was hereto affixed in the presence of –

__________________________
Councillor

__________________________
Chief Executive Officer
## SCHEDULE 1

### PENALTIES

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Maximum Penalty (Penalty Unit)</th>
<th>Infringement Penalty (Penalty Unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8a)</td>
<td>Person uses the common seal or device resembling the common seal without authority of Council or the Chief Executive Officer.</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>8b)</td>
<td>Councillor or Member of a Delegated Committee fails to withdraw an expression when directed twice by the Chair.</td>
<td>10</td>
<td>2.5</td>
</tr>
<tr>
<td>8c)</td>
<td>Councillor or Member of a Delegated Committee fails to apologise when directed twice by the Chair.</td>
<td>10</td>
<td>2.5</td>
</tr>
<tr>
<td>8d)</td>
<td>Person, not being a Councillor, fails to leave the Meeting when requested by the Chair.</td>
<td>10</td>
<td>2.5</td>
</tr>
<tr>
<td>8e)</td>
<td>Person records proceedings of a Meeting without the consent of the Chair.</td>
<td>10</td>
<td>2.5</td>
</tr>
<tr>
<td>8f)</td>
<td>Person fails to obey a direction of the Chair.</td>
<td>10</td>
<td>2.5</td>
</tr>
<tr>
<td>8g)</td>
<td>Councillor or Member of a Delegated Committee fails to leave the room on suspension.</td>
<td>10</td>
<td>2.5</td>
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</tbody>
</table>