

Governance Local Law - 2013



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GOVERNANCE LOCAL LAW - 2013

1. Local Law

This Local Law is made under Part 5 of the **Local Government Act 1989**.

2. Objectives

The objectives of this Local Law are to:

- 2.1 provide for the peace order and good government of the municipal district;
- 2.2 provide for the administration of Council powers and functions;
- 2.3 regulate proceedings at Council Meetings, Committee Meetings and other meetings conducted by or on behalf of the Council where Council has resolved that the provisions of the Local Law are to apply;
- 2.4 regulate proceedings for the election of the Mayor and Chairpersons of various Committees;
- 2.5 regulate the use of the common seal; and
- 2.6 prohibit unauthorised use of the common seal or any device resembling the common seal.

3. Commencement Date

This Local Law commences on 10 October 2013.

4. Revocation of Local Laws

On commencement of this Local Law, Council's Governance Local Law 2009 is revoked.

5. Definitions

In this Local Law:

'**Act**' means Local Government Act 1989;

'**authorised officer**' means a person appointed by Council under section 224 of the Act;

'**Chief Executive Officer**' means the person who is the Chief Executive Officer of Council or any person acting in that position;

'**Code**' means a set of procedures or rules as adopted by Council;

'**Council**' means Hume City Council; and

'**municipality**' means the municipal district of Council.

6. Application of this Local Law

This Local Law applies at all times throughout the municipality.

7. Code of Meetings Procedure

The Code of Meetings Procedure as adopted or amended by Council to govern the conduct of meetings of Council and special committees is incorporated into this Local Law.

8. Code of Conduct for Councillors

The Code of Conduct for Councillors as adopted or amended by Council to govern the conduct of Councillors is incorporated into this Local Law.

9. Common Seal

9.1 Council’s common seal will contain the following words:

THE COMMON SEAL of HUME CITY COUNCIL

9.2 Where the common seal is affixed to any document the following words are to accompany the seal:

THE COMMON SEAL of HUME CITY COUNCIL
 was hereto affixed on the..... in the presence of
COUNCILLOR.....
CHIEF EXECUTIVE OFFICER.....

9.3 The Chief Executive Officer must keep the common seal in safe custody.

9.4 The common seal may only be used with the authority of Council.

9.5 Every document to which the common seal is affixed must be signed by a Councillor and the Chief Executive Officer or his or her delegate.

10. Offences

10.1 It is an offence for a person to use the common seal or a device resembling the common seal without the authority of Council; and

10.2 It is an offence under the Code of Meetings Procedure:

10.2.1 for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting or the maintenance of order;

10.2.2 for any person to record proceedings of a Council or Committee meeting without the consent of the Council;

- 10.2.3 for a Councillor to not withdraw a remark which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature, when called upon twice by the Chairperson to do so;
- 10.2.4 for any person, not being a Councillor, who has been called to order for any improper or disorderly conduct to not leave the Council meeting when requested by the Chairperson to do so; or
- 10.2.5 for a Councillor to refuse to leave the Council meeting on suspension.

11. Infringement Notices

- 11.1 Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the officer may, as an alternative to prosecution, issue to that person an infringement notice which complies with the requirements of the *Infringements Act 2006*.
- 11.2 A person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.
- 11.3 The amount of the fixed penalty in any infringement notice is 5 penalty units.

12. Penalties

A person guilty of an offence under this Local Law is subject to a maximum penalty of 20 penalty units.

Resolution for making this Local Law was agreed to by the Hume City Council on 23 September.

THE COMMON SEAL of HUME CITY COUNCIL

was hereto affixed on the 7th October 2013 in the presence of

COUNCILLOR.....

CHIEF EXECUTIVE OFFICER.....

