



Governance Local Law 2021

Adopted at Council Meeting 15 June 2021

Gazetted on 24 June 2021

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Maribyrnong City Council
Governance Local Law 2021

1. Making of Local Law

- 1.1. This Local Law will be known as the Governance Local Law 2021 and is made under section 111 of the *Local Government Act 1989*.
- 1.2. Was prepared following due consideration of *the Charter of Human Rights and Responsibilities Act 2006*.

2. Objectives

- 2.1. The objectives of this Local Law are to –
 - 2.1.1. Promote and encourage community leadership by Maribyrnong City Council consistent with the community's views and expectations and in accordance with Council's Governance Rules and all relevant legislation, including but not limited to the Act.
 - 2.1.2. Promote and encourage community leadership by Maribyrnong City Council consistent with the community's views and expectations.
 - 2.1.3. Regulate the use and protect the integrity of Council's Common Seal and define when it may be affixed to a document.

3. Commencement and End Date

- 3.1. This Local Law –
 - 3.1.1. Commences operation on the day on which notice of the making the Local Law is published in the Victoria Government Gazette; and
 - 3.1.2. Ends on the tenth anniversary of the day on which it commences operation.

4. Revocation of Local Law

- 4.1. On the commencement of this Local Law, the Governance Local Law 2011 is revoked.

5. Definitions

- 5.1. In this Local Law –

- 5.1.1. “**Act**” means the *Local Government Act 2020*.
- 5.1.2. “**Authorised Officer**” means a person appointed as an Authorised Officer under section 224 of the Local Government Act 1989;
- 5.1.3. “**Chairperson**” means the Chairperson of a meeting and includes an acting, a temporary and a substitute Chairperson;
- 5.1.4. “**Chief Executive Officer**” means the person who is the Chief Executive Officer of the Council appointed by Council under Section 94(1) of *the Act* or any person acting in that position.
- 5.1.5. “**Common seal**” means the common seal of Council;
- 5.1.6. “**Council**” means the Maribyrnong City Council.
- 5.1.7. “**Councillor**” means a Councillor as defined in *the Act*.
- 5.1.8. “**Meeting**” means a properly constituted meeting of Council or a Delegated Committee;
- 5.1.9. “**Offence**” means an act of default contrary to this Local Law; and
- 5.1.10. “**Penalty units**” means penalty units as prescribed in the *Sentencing Act 1991*.

6. Common Seal

- 6.1. The Chief Executive Officer must ensure the security of the common seal at all times.
- 6.2. The common seal must only be used with the authority of Council or the Chief Executive Officer exercising a relevant delegation.
- 6.3. 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 Maribyrnong City Council pursuant
to a Council resolution of _____ / _____ / _____ was
affixed on _____ / _____ / _____, in the presence of:

.....Chief Executive Officer

.....Witness

- 6.4. Where Council authorises the Common Seal to be affixed to any document, the Chief Executive Officer must ensure that a Common Seal

register is maintained which records each time the Common Seal is affixed to a document and:

7.3.1. A description of the document to which the seal was affixed;

7.3.2. The date on which the Common Seal was affixed; and

7.3.3. The date of the authorising Council resolution.

6.5. It is an offence for any person to use the Common Seal of Council or any device resembling the Common Seal without the authority of the Council.

Penalty: 10 units

7. Offences

7.1. It is an offence for:

7.1.1. A Councillor to fail to withdraw a remark which is considered by the Chair to be defamatory, indecent abusive, offensive disorderly or objectionable in language, substance or nature and who has failed to satisfactorily apologise when called upon twice by the Chair to do so.

Penalty: 5 penalty units

7.1.2. A person, including a Councillor, who has been called to order for any improper or disorderly conduct and who refuses to leave the meeting when requested by the Chair to do so.

Penalty: 5 penalty units

7.1.3. A person, including a Councillor, who fails to obey a direction of the Chair relating to the conduct of the meeting or the maintenance of order at the meeting.

Penalty: 10 penalty units

7.1.4. Any person to display any placards or posters in the Council Chamber or in any building where a Meeting is being held or is about to be held that the Mayor or Chief Executive Officer reasonably considers will create an unreasonable risk to the health and safety of people in the Council Chamber or building where the Meeting is being held.

Penalty: 10 penalty units

7.1.5. Any person to display, including by wearing, any item or words that are offensive, indecent, insulting or objectionable, including words which the Chair reasonably considers are racist, sexist, homophobic or transphobic, in the Council Chamber or the building where the Meeting is being held.

Penalty: 5 penalty units

7.1.6. Any person, other than the Chief Executive Officer (or other Council officer authorised by the Chief Executive Officer) to operate photographic, audio or video recording equipment or any other recording device at any Meeting without obtaining prior consent of the Chairperson or to continue to do so when

consent is revoked by the Chair.

Penalty: 5 penalty units

8. Infringement Notices

- 8.1. 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*.
- 8.2. 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.
- 8.3. 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.
- 8.4. 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.
- 8.5. The penalty amount for an offence against this Local Law for which an infringement notice is issued is the amount in Schedule 1.

Schedule 1: Penalties Fixed for Infringement Notices

Provision	Offence	Penalty Units
Clause 6.5	Using the Common Seal of Council or any device resembling the Common Seal without the authority of the Council.	5
Clause 7.1.1	Refusing to withdraw a remark which is considered by the Chair to be defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature, and not satisfactorily apologising when called upon twice by the Chair to do so.	3
Clause 7.1.2	Failing to obey a request of the Chair when called to order for any improper or disorderly conduct and refusing to leave the meeting when requested by the Chair to do so.	3
Clause 7.1.3	Failing to obey a direction of the Chair relating to the conduct of the meeting or the maintenance of order at the meeting.	5
Clause 7.1.4	Failing to obey a direction of the Chair relating to the displaying of placards and posters likely to create a risk.	5
Clause 7.1.5	Failing to obey a direction of the Chair relating to the displaying of offensive items or words.	3
Clause 7.1.6	Operating recording devices without obtaining prior consent: if the offence relates to a meeting that is open to the public if the offence relates to a meeting that is closed to the public	2 5