



Colac Otway
SHIRE

GOVERNANCE

LOCAL LAW NO 4 - 2020

Local Law adopted by Council: 26 August 2020



TABLE OF CONTENTS

PART ONE - PRELIMINARY PROVISIONS.....	1
1. Title.....	1
2. Objectives	1
3. Power to make Local Law.....	1
4. Commencement and End Date.....	1
5. Revocation	1
6. Definition of Words Used in this Local Law	1
PART TWO - USE OF THE COMMON SEAL	3
7. Use of the Common Seal.....	3
8. Security of the Common Seal	3
9. Signature to Accompany Common Seal.....	3
PART THREE - OFFENCES AND PENALTIES	3
10. Offences.....	3
11. Infringement Notices	4
12. Payment of Penalty	4

COLAC OTWAY SHIRE COUNCIL

**GOVERNANCE LOCAL LAW
No. 4 of 2020**

PART ONE- PRELIMINARY PROVISIONS

1. Title

This Local Law is the Colac Otway Shire Council Governance Local Law No 4. 2020 and is referred to hereunder as "this Local Law".

2. Objectives

The objectives of this Local Law are to provide a mechanism to facilitate good governance of the Colac Otway Shire Council, and to:

- (1) regulate the use of the Common Seal;
- (2) provide for offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, and for offences in relation to the misuse of the Common Seal or any petition or joint letter; and
- (3) revoke Local Law No. 4 of 2014.

3. Power to make Local Law

This Local Law is made under section 111 of the *Local Government Act 1989*.

4. Commencement and End Date

This Local Law:

- (1) commences operation on the day following the day on which notice of the making of this Local law is published in the Government Gazette, and operates throughout the municipal district; and
- (2) ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier.

5. Revocation

Upon this Local Law coming into operation Local Law No. 4 of 2014 is revoked.

6. Definition of Words Used in this Local Law

Unless the contrary intention appears in this Local Law, the following words and phrases are defined to mean:

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

"Authorised Officer" means a person appointed as an Authorised Officer pursuant to section 224 of the *Local Government Act 1989*.

"Chairperson" means the Chairperson of a meeting and includes an acting, temporary or substitute Chairperson.

"Chief Executive Officer" means the Chief Executive Officer of Council and includes a person acting as Chief Executive Officer.

"Common Seal" means the common seal of Council.

"Council" means Colac Otway Shire Council.

"Council Meeting" has the same meaning as in the Act.

"Councillor" means a Councillor of Council.

"Delegated Committee" means a Delegated Committee established by Council.

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

"Penalty Units" means a penalty unit as prescribed in the *Sentencing Act 1992*.

"Petition" means a 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.

PART TWO - USE OF THE COMMON SEAL

7. Use of the Common Seal

Council may, by resolution, authorise the use of the Common Seal.

8. Security of the Common Seal

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

9. Signature to Accompany Common Seal

Every document to which the Common Seal is affixed must be signed by the Chief Executive Officer with the Council's Sealing clause:

The common seal of the Colac Otway
Shire Council was hereto affixed in
accordance with its Local Law No. 4

Chief Executive Officer

Thisday of.....20.....

PART THREE- OFFENCES AND PENALTIES

10. Offences

It is an offence for:

- (1) Councillor to refuse to withdraw a remark made at a Council meeting which is considered by the Chairperson to be inappropriate, defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature and to refuse or neglect to satisfactorily apologise when called upon twice by the Chairperson to do so;

Penalty: Five (5) Penalty Units

- (2) a member of a Delegated Committee to refuse to withdraw a remark made at a meeting of a Delegated Committee which is considered by the Chairperson to be inappropriate, defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature and to refuse or neglect to satisfactorily apologise when called upon twice by the Chairperson to do so;

Penalty: Five (5) Penalty Units

- (3) any person (not being a Councillor) who is behaving in a disorderly or improper manner to refuse to leave a Council Meeting or a meeting of a Delegated Committee when requested to do so by the Chairperson;

Penalty: Five (5) Penalty Units

- (4) any person to fail to obey a direction of the Chairperson in relation to the conduct of a Council Meeting or a meeting of a Delegated Committee and the maintenance of order;

Penalty: Five (5) Penalty Units

- (5) any person to use the Common Seal of the Council or any device resembling the Common Seal without the authority of Council; and

Penalty: Five (5) Penalty Units

- (6) any person to append to a petition or joint letter a signature purporting to be that of any other person or in the name of any other person.

Penalty: Five (5) Penalty Units

11. Infringement Notices

- (1) An Authorised Officer may issue an infringement notice to any person who has committed an offence against this Local Law.
- (2) The fixed penalty in respect of an infringement is two (2) Penalty Units.

12. Payment of Penalty

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Colac Otway Shire, PO Box 283, Colac, Victoria, 3250.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to defend the prosecution in court.

Resolution for making this Local Law was agreed to by Colac Otway Shire Council on 26 August 2020.

The common seal of the Colac-Otway Shire Council was hereto affixed in accordance with its Local Law No 4


.....
Chief Executive Officer



This 4th day of September 2020

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated 25 June 2020 and 3 September respectively.

Public notice of the proposal to make and confirmation of the making of this Local Law were inserted in the Colac Herald on 26 June 2020 and 28 August 2020 respectively.

A copy of this Local Law was sent to the Minister for Local Government on 4 September 2020.