



Mount Alexander Shire Council

DRAFT LOCAL LAW MEETING PROCEDURE

• Civic Centre
• Cnr Lyttleton and Lloyd Sts
• P.O Box 185 Castlemaine VIC 3450

• **t** (03) 5471 1700
• **e** info@mountalexander.vic.gov.au
• **w** www.mountalexander.vic.gov.au



MOUNT ALEXANDER
SHIRE COUNCIL

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INTRODUCTION

This Local Law is to be read in conjunction with the Governance Rules.

PART ONE - PRELIMINARY PROVISIONS

1. Title

This Local Law is the "Meeting Procedure Local Law" of the Mount Alexander Shire Council, being Local Law Meeting Procedure, adopted on DD Month YYYY for a period of ten (10) years.

2. Purpose

The objectives of this Local Law are to:

- 1) Provide for the use of the Council's common seal;
- 2) Provide for the administration of the Council's powers and functions in relation to Meetings of Council as specified in the Governance Rules; and
- 3) Provide generally for the peace, order and good government of the municipal district.

3. Authorising Provision

This Local Law is made under Division Three of the Local Government Act 2020.

4. Commencement, Revocation and Areas of Operation

This Local Law:

- 1) Commences operation on DD Month YYYY;
- 2) Unless sooner revoked this Local Law ceases to operate on upon revocation; and
- 3) Applies to all meetings of the Council, and, with any necessary adaptation, to all meetings of any delegated committees established by the Council.
- 4) Applies to all use of the Common Seal.

5. Revocation of Other Local Laws

From the date of commencement of the operation of this Local Law, the following Local Law will cease to operate and is revoked:

Meeting Procedures Local Law No.1 of 2018.

DEFINITIONS

Act means the *Local Government Act 2020* (Victoria);

Chairperson means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson as specified in the Governance Rules;

Chamber means any room where the Council holds a Council Meeting;

Chief Executive Officer means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office;

Common Seal means the common seal of Council;

Council means Mount Alexander Shire Council;

Councillor means a Councillor of Council;

Council Meeting means a Meeting of the Council convened in accordance with the Governance Rules and includes a scheduled Meeting and unscheduled Meeting (whether held as face-to-face (in-person) attendance in a set location or via electronic means (virtual) or in a 'hybrid' or 'parallel' format that mixes in-person and electronic attendance);

Delegate means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation;

Deputy Mayor means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor;

Director means a senior member of Council staff holding the position of Director or another position (however designated) which reports directly to the Chief Executive Officer;

Disorder means any disorderly conduct of a Member of the Gallery or a Councillor and includes:

- a. interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- b. making comments that are defamatory, malicious, abusive or offensive;
- c. refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- d. engaging in any other conduct which prevents the orderly conduct of the Meeting;

Governance Rules means the Governance Rules adopted in accordance with Section 60 of the Local Government Act 2020. It includes any updates to the adopted Governance Rules as may occur from time to time.

Mayor means the Mayor of Council and any person appointed by Council to be acting as Mayor;

Meeting means a Council Meeting or a Delegated Committee Meeting;

Member means a member of any committee to which the Governance Rules apply;

Unscheduled Meeting means a Meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council Meetings set by Council.

DIVISION ONE – PROCEDURAL MEETING MATTERS

1. Chairperson May Remove

- (1) Any person (including a Councillor) who has been called to order by the Chairperson as provided by the Governance Rules and who fails to comply with the Chairperson's call to order and direction is guilty of an offence.

Penalty: 10 penalty units

- (2) The Chairperson has a discretion to direct and cause the removal of any person (including a Councillor) who disrupts any meeting, fails to comply with his or her direction, or who has committed an offence against this Local Law or the Governance Rules.

2. Signing Petitions

Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence.

Penalty: 10 penalty units

3. Matters Not Provided For

Where a situation has not been provided for under this Local Law or the Governance Rules, the Council may determine the matter by resolution.

PART TWO - COMMON SEAL

4. The Council's Common Seal

- (1) The Chief Executive Officer must ensure the security of the Council's common seal at all times.
- (2) The Council's common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Chief Executive Officer or his or her delegate.
- (3) Any person who uses the Council's common seal without authority is guilty of an offence.

Penalty: 10 penalty units

- (4) Any person who uses any replica of the Council's common seal without authority is guilty of an offence.

Penalty: 10 penalty units

PART THREE- ENFORCEMENT AND PENALTIES

5. Infringement Notices

- (1) An Authorised Officer may serve an infringement notice in the form of the notice in Schedule 1 on a person who has committed an offence against this Local Law or the Governance Rules.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 2.

6. Payment of Penalty

- (1) A person served with an infringement notice must pay the penalty indicated to Council.
- (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 may choose to disregard the notice and defend the prosecution in court, in which case the penalty that may be imposed is the amount specified following each clause in this Local Law.

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SCHEDULE ONE – INFRINGEMENT NOTICE

CONTENT

Date:

To: (name and address)

I, (name of Authorised Officer) have reason to believe that you have committed an offence against the ***Meeting Procedure Local Law and/or Governance Rules*** of the Mount Alexander Shire Council as indicated below:

Date	Time	Clause of Local Law	Penalty
Description of offence			
Location of offence			

You may choose to have the matter heard and determined by a Court. To do so, you must lodge your request with the Magistrates Court within 28 days from the date of this notice.

SCHEDULE TWO – PENALTIES FIXED FOR INFRINGEMENTS

CONTENT

Provision	Offence	Penalty Units
1(1)	Failure to comply with the direction of the Chairperson	10
2	Fraudulently signing a petition	10
4(3)	Using the Common seal without authority	10
4(4)	Using a replica of the Common seal without authority	10