

Local Law Community Impact Statement

Moira Shire Council Use of the Common Seal and Conduct at Meetings Local Law No.1 2021.

Moira Shire Council (Council) provides the following information to the community in respect of the proposed Local Law.

Introduction

Council is proposing to make a new Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law (proposed law).

The proposed Local Law will revoke Council's Meeting Procedures Local Law 2017 (**current Local Law**) and replace the current Local Law to the extent that the current Local Law regulates the use of Council's common seal and conduct at meetings.

The community impact statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the Local Government Act 1989 (**89 Act**).

Background

The current Local Law addresses the meeting procedure applicable to Council meetings. It also regulates the use of the Council's common seal and creates an offence for misuse of the common seal and disorderly conduct at Council meetings.

The meeting procedures applicable to Council (and Delegated Committee) meetings will now be addressed through the Governance Rules (adopted August 2020) made under the Local Government Act 2020 (**the Act**).

However, the use of the common seal cannot be addressed through the Governance Rules, nor can offences be created. Accordingly, Council will repeal the current Local Law and make the proposed Local Law to provide for the continued regulation of Council's common seal and offences in respect to conduct at meetings.

Overview of Proposed Local Law

The purpose of the proposed Local Law is to:

- Revoke the current Local Law;
- Regulate the use of the common seal; and
- Create offences relating to conduct as Council and Delegated Committee meetings.

The proposed Local Law will come into operation on 24 June 2021 and, unless it is revoked earlier, will expire 10 years after commencement.

On commencement of the proposed Local Law, the current local law will be revoked.

Issues	Evaluation
Objectives	<p>The objectives of the proposed Local Law are to :</p> <ul style="list-style-type: none"> • revoke the current Local Law; • regulate the use of the common seal; and • create offences relating to conduct at Council and Delegated Committee meetings.
Legislative Framework	<p>The Act gives councils broad powers to make Local Laws with respect to any function or power of the council and the 2020 Act gives councils power to make Local Laws with respect to use of their common seals.</p> <p>The proposed Local Law addresses matters within Council's broad functions and powers.</p>
State legislation more appropriate	This Local Law is made under section 111(1) of the 89 Act.
Overlap with existing legislation	The proposed Local Law does not overlap with existing legislation, rather it operates in conjunction with the requirements of the 2020 Act.
Planning Scheme	The proposed Local Law has no relevance to the Planning Scheme.
Legislative Approach	<p>No other legislation can be used.</p> <p>The proposed Local Law references the Moira Shire Council Code of Conduct and Governance Rules.</p>
Performance Standards or Prescriptive Details	<p>Council has adopted a prescriptive approach to the proposed Local Law that is considered appropriate to:</p> <ul style="list-style-type: none"> • offences may be committed; and • Council's common seal may be lawfully used.
Risk Assessment	Council does not consider that there are any risks associated with the proposed Local Law.
Measures of Success	The success of the proposed Local Law will be measured by monitoring the level of compliance with the proposed Local Law.
Permits & Fees	The proposed Local Law does not make provisions for the issue of permits and does not prescribe any fees.
Penalties	<p>This Local Law imposes penalties ranging from 1 penalty units to 5 penalty units.</p> <p>Council has compared the general level of penalties provided for in the proposed Local Law with the Local Laws of other like and neighbouring councils.</p> <p>Council is satisfied that penalties are similar in nature and amount to like and neighbouring councils and are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.</p>
Restriction of competition	The proposed Local Law relates only to Council processes and there are no National Competition implications associated with the proposal.

Comparison with other Councils	In drafting the proposed Local Law, Council examined Local Laws from a number of like and neighbouring councils to assess similarities and differences and ensure consistency in content, approach and penalties.
Charter of Human Rights	<i>The Charter of Human Rights and Responsibilities Act 2006</i> (Charter) contains twenty basic rights that promote and protect the values of freedom, respect, equality and dignity. Council must not knowingly be in breach of these rights and must always consider them when they create laws, develop policies and deliver services.
Community Engagement	<p>The proposed Local Law has been reviewed in consultation with Councillors, members of Council and legal advisers.</p> <p>A community consultation process will be conducted in accordance with s111 and s223 of the Act.</p> <p>This will require Council to give public notice of its intention to make the proposed Local Law and provide members of the public with an opportunity to make a written submission to Council in relation to the proposed Local Law. Council will consider submissions received before making a final decision on the proposed Local Law.</p> <p>A person who makes a written submission is entitled to request (in the request) to be heard by Council in support of their submission. When Council makes a final decision on the proposed Local Law, it must notify in writing each submitter of the decision and the reasons for the decision.</p> <p>This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council.</p>