



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

This Local Law was adopted by Moira Shire Council at the Scheduled Council Meeting held on <insert date>.

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Part 1 – Introduction

1.1 Title

This local law is titled the Moira Shire Council Use of the Common Seal and Conduct at Council Meetings Local Law No.1 2021.

1.2 Purpose of this Local Law

The purpose of this Local Law is to:

- (a) regulate the use of the common seal;
- (b) prohibit unauthorised use of the common seal and
- (c) make it an offence for non-compliance with the conduct provisions of Council's Governance Rules applying to Council meetings.

1.3 Authorising Provisions

This local law is made under section 111(1) of the *Local Government Act 1989*.

1.4 Operational Commencement

This Local Law:

- (a) comes into operation on 24 June 2021; and
- (b) operates throughout Council's municipal district .

1.5 Sunset

This Local Law will cease to operate on the 24 June 2031, unless revoked sooner by Council resolution.

1.6 Definitions

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

Chairperson	means the Chairperson of a Council meeting
Chief Executive Officer	means the person appointed by Council to be its Chief Executive Officer or any person acting in this position.
common seal	means the common seal required under section 14 of the <i>Local Government Act 2020</i>

Council	means Moira Shire Council
Councillor	means a person elected to hold the office of Councillor
Council meeting	means a Council meeting that complies with section 61 of the <i>Local Government Act 2020</i>
Governance Rules	means the Governance Rules developed by Council under section 60 of the <i>Local Government Act 2020</i>
penalty unit	means a penalty unit as prescribed in the <i>Sentencing Act 1991</i>

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Part 2 – The Common Seal

2.1 Use of the Common Seal

The common seal of Council must be in the following form:

The Common Seal of the

Moirá Shire Council

was hereunto affixed in the presence of

..... Chief Executive Officer

on the <insert day> of <insert month> <insert year>.

2.2 Authority for Use of the Common Seal

- a. The common seal may only be affixed to a document for the purpose of giving effect to a decision which has been made by Council resolution.

2.3 Security of the Common Seal

The Chief Executive Officer must ensure security of the common seal.

2.4 Unauthorised Use of the Common Seal

Any person who uses the common seal or any device resembling the common seal without authority is guilty of an offence.

Penalty: 5 Penalty Units.

Part 3 – Offences & Penalties

3.1 Offences

It is an offence for:

- (a) A 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 Council meeting without first obtaining the consent of the Chairperson which may be revoked at any time during the course of such meeting by the Chairperson or resolution of Council;

Infringement Notice Penalty: 2 penalty units

Penalty: 5 penalty units.

- (b) A Councillor attending a Council meeting to not withdraw an expression considered by the Chairperson to be offensive or disorderly and apologise when called on by the Chairperson to do so;

Infringement Notice Penalty: 1 penalty unit

Penalty: 2 penalty units.

- (c) Any person, not being a Councillor, attending a Council meeting who is in breach of the conduct requirements of Council's Governance Rules, to not leave the meeting when directed by the Chairperson to do so;

Infringement Notice Penalty: 2 penalty units

Penalty: 5 penalty units

- (d) Any person, including a Councillor, attending a Council meeting who has been called to order and directed by the Chairperson to remain silent and/or to resume their seat and who fails to comply with the Chairperson's direction;

Infringement Notice Penalty: 1 penalty unit

Penalty: 2 penalty units.

- (e) A Councillor to refuse to leave a Council meeting on suspension; and

Infringement Notice Penalty: 2 penalty units

Penalty: 5 penalty units.

- (f) A person to fraudulently sign a petition or joint letter to be considered at a Council meeting.

Infringement Notice Penalty: 2 penalty units

Penalty: 5 penalty units

3.2 Infringement Penalties

- 3.2.1 If an offence is committed against this Local Law, the Chairperson shall request the Chief Executive Officer to issue to the offender an infringement notice in a form approved by Council for the relevant number of penalty units as an alternative to a prosecution for the offence.
- 3.2.2 To avoid prosecution, a person to whom an infringement notice has been issued must pay to Council the amount specified in the notice within 28 days.
- 3.2.3 A person in receipt of an infringement notice is entitled to disregard the notice and defend a prosecution in court.

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The Moira Shire Council Local Law No. 1 Use of Common Seal and Conduct at Council Meetings was adopted by Council on <insert date>.

The Common Seal of the

Moirā Shire Council

was hereunto affixed in the presence of:

..... Chief Executive Officer

on the <insert day> of <insert month> <insert year>

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