

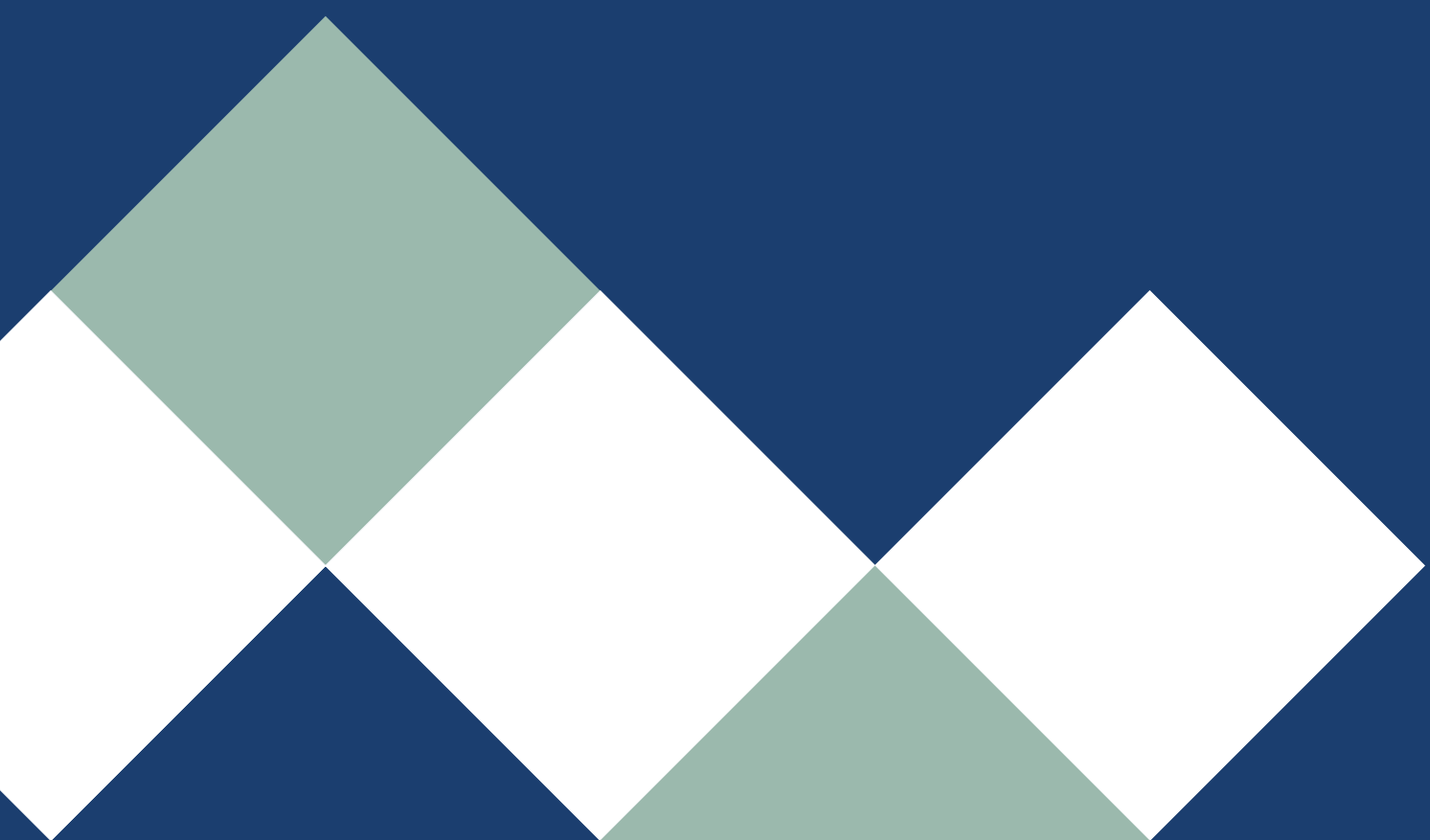


GLEN EIRA
CITY COUNCIL

BENTLEIGH
BENTLEIGH EAST
BRIGHTON EAST
CARNEGIE
CAULFIELD
ELSTERNWICK
GARDENVALE
GLEN HUNTLY
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ORMOND
ST KILDA EAST

GLEN EIRA CITY COUNCIL COMMUNITY IMPACT STATEMENT

PROPOSED CONDUCT AT MEETINGS AND COMMON SEAL LOCAL LAW



Glen Eira City Council

Community Impact Statement – Proposed Conduct at Meetings and Common Seal Local Law
22 April 2024

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Part A – General Comments

Glen Eira City Council (**Council**) provides the following information to the municipal community regarding the Proposed Conduct at Meetings and Common Seal Local Law (**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 Council's Community Engagement Policy.¹

This Community Impact Statement is to be read in conjunction with the proposed Local Law, available at www.haveyoursaygleneira.com.au/governance.

Background

Before the introduction of the requirement for Governance Rules under the Local Government Act 2020 (**the Act**), the Glen Eira Council Meeting Procedure Local Law 2019 (**Meeting Procedure Local Law**), made under the Local Government Act 1989, was the governing document for Council meeting procedures and the election of the Mayor/Deputy Mayor.

Under the Act, a Council must develop, adopt and keep in force Governance Rules for or with respect to the following:

- the conduct of Council meetings (including holding Council meetings by electronic means of communication);
- the conduct of meetings of delegated committees (including holding meetings of delegated committees by electronic means of communication);
- requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication;
- the form and availability of meeting records;
- the election of the Mayor and the Deputy Mayor;
- the appointment of an Acting Mayor;
- an election period policy in accordance with section 69;
- the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
- the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1).

As the Governance Rules now contain most of the matters covered by the Meeting Procedure Local Law, it is proposed to revoke the Meeting Procedure Local Law and make the proposed Local Law.

The proposed Local Law retains components of the Meeting Procedure Local Law not provided for in the Governance Rules, such as the use of the Common Seal, conduct and behaviour in the Council Chamber and the issuing of infringements.

Making of local laws

All councils in Victoria have a form of local regulation called a local law. One of the legislative functions given to councils is making and enforcing local laws to achieve their legislative objectives. The broad objectives of councils are set out in the *Local Government Act 2020 (the Act)*. Councils may make a local law for or with respect to any act, matter or thing in

¹ <https://www.gleneira.vic.gov.au/media/4956/community-engagement-policy.pdf>

respect of which it has a function or power under the *Local Government Act 2020* or any other Act.

The Act outlines the process for making local laws. A local law is made by a council passing a resolution. Before a council can make a local law, it must strictly comply with the procedure in the Act.

The *Better Practice Local Law Strategy* (December 2008) and the *Guidelines for Local Law Manual* (2010) (**the Guidelines**), released by the Minister for Local Government, set out a model scheme for developing and making local laws.²

The Guidelines detail best practices for the creation and enforcement of local laws. The key features of the Guidelines are summarised as follows:

- to improve accessibility, accountability, compliance, consistency, currency, efficiency, enforceability, necessity and transparency;
- regulation should be viewed as a last resort because it imposes a burden of compliance on the community and a burden of enforcement on the council;
- the community should be involved from the commencement of the law-making process, not just at the final formal submissions stage;
- a local law should incorporate relevant council policies;
- a local law should not allow discretions on the part of those administering/enforcing them without clear guidelines;
- where a local law relies on other documents, such as council policies or permit conditions, those documents should be as accessible to the public as the local law; and
- councils should produce a Community Impact Statement for all new or materially altered local laws.

Drafting of the proposed Local Law

The proposed Local Law was drafted with input from Council officers and advice from Council's external solicitors.

Councillors were briefed, the Local Laws Advisory Committee was consulted, and all councillors were given opportunities to provide input into drafting the proposed Local Law.

Operation of the proposed Local Law

The purpose of the proposed Local Law is to:

- revoke Council's Meeting Procedure Local Law 2019, which commenced operation on 7 November 2019;
- create offences with respect to conduct at Meetings; and
- regulate and control the use of the Common Seal.

²

www.localgovernment.vic.gov.au/__data/assets/pdf_file/0028/48718/Local_Laws_Manual.pdf

The following sections of the Meeting Procedure Local Law are carried over to a proposed Local Law:

1. The Common Seal
2. Conduct at Council Meeting
3. Infringements for breaching the Local Law

In drafting the proposed Local Law, consideration was given to strengthening provisions that support mutually respectful conduct by the public at Council meetings. The new provisions aim to protect the health and safety of Councillors, Council Officers and community members attending Council meetings.

The proposed provisions align with similar measures that several other Councils have introduced through their Local Laws and respond to the changing nature of community participation in democratic processes.

The proposed new provisions are summarised below:

Clause	Overview	Description
9.3	Direction by Chair	for any person to bring into a Meeting, or to fail to remove from a Meeting when directed to do so by the Chair, any object or material that is objectionable or disrespectful in form or content;
9.4	Posters and Placards	for any person to display any placard, poster or other material in the Chamber or in any building where a Meeting is being held or is about to be held, other than outside the entrance to the building, and then only if the placard, poster or other like material does not obstruct the entrance to the building or disrupt the Meeting;
9.8	Recording	for any person to record a Meeting without the permission of the Chief Executive Officer;

Offences, Penalties and Enforcement

The proposed Local Law creates nine offences (clauses 9.1 to 9.9), with penalties ranging from 5 to 10 penalty units and an infringement penalty of either 1.25 or 2.5 penalty units.

The monetary value for each penalty unit is controlled by State Legislation.

When implemented, the proposed Local Law will empower authorised Council officers to issue warnings, impose fines, or prosecute people if necessary.

While enforcement options are available, the proposed Local Law is anticipated to be self-enforcing, with wilful compliance being achieved through community education and expectations of respectful conduct by the public at Council meetings.

Gender Impact Assessment

A Gender Impact Assessment (GIA) is being completed as per the Council's obligations under the Gender Equality Act 2020. The findings of the proposed community engagement will inform the final GIA, which will be provided to Council before Council considers a resolution to make the proposed Local Law.

Community engagement

The Local Government Act 2020 requires Council to make a local law in accordance with its Community Engagement Policy.

On 9 April 2024, at an Ordinary Council meeting, Council resolved to give notice of its intention to make the proposed Local Law under Division 3 of Part 3 of the Local Government Act 2020 and to undertake the community consultation process between 22 April to 20 May 2024.

The community engagement approach is at the 'Consult' level under the IAP2 Community Engagement Framework, consistent with Council's Community Engagement Policy.

Council will communicate the opportunity to participate in the community engagement program through various media channels, including Glen Eira News, social media, displays, and written correspondence.

The community will be invited to provide feedback through various channels, including Council's HaveYourSay website.

All submissions will be recorded and responded to in writing by officers.

Following the engagement program, a report will be provided to Council detailing the community feedback on the proposed Local Law for consideration before Council makes its final decision.

Public Notice

Public notice of Council's intention to make the proposed Local Law and the opportunity for public submissions are provided as required by section 73(3) of the Act by a notice at Glen Eira Town Hall³ and on Council's website.⁴ Notice is also provided in the agenda of the Council meeting on 9 April 2024, which is a public document available online.⁵

Copies of this Community Impact Statement and the proposed Local Law can be obtained from the Town Hall⁶ during office hours. Copies are also available for viewing at Council's libraries.⁷ These documents can also be viewed and downloaded from Council's HaveYourSay website.⁸ A copy of the documents can be sent by post upon request to our Customer Service Centre on 03 9524 3333.

The timeline to make the proposed Local Law is set out in Table 1 below.

³ Glen Eira City Council office at the corner Glen Eira and Hawthorn Roads, Caulfield;

⁴ <https://www.gleneira.vic.gov.au/>

⁵ www.gleneira.vic.gov.au/Council/Meetings-and-agendas/Council-meeting-agendas-and-minutes

⁶ Glen Eira City Council office at the corner Glen Eira and Hawthorn Roads, Caulfield;

⁷ <https://library.gleneira.vic.gov.au/about-us/locations-and-hours>

⁸ <https://www.haveyoursaygleneira.com.au/governance>

Table 1: Timeline for the Proposed Local Law

Date	Activity
April 2024	Consideration of the report and Council's resolution to commence the process of making the proposed Local Law
22 April to 20 May 2024	Exhibition of the proposed Local Law, including statutory notices and consultation
July 2024	Consideration of public submissions by Council
August 2024	Adoption of the proposed Local Law by Council The proposed Local Law is available on Council's website and from the Customer Service Centre. Notice of the making of the proposed Local Law is published in the Government Gazette and on Council's website. Commencement of the proposed Local Law

Drop-in public information sessions

During the consultation period, Council will conduct two (2) drop-in public information sessions where community members can come along, ask questions and find out more about the proposed Local Law, what it means and how to make a submission. The dates and times of these sessions are detailed below in Table 2.

Table 2: Drop-in public information sessions

Public Information Session	Date	Time and Place
1	11 May 2024 (Saturday)	This session will take place in Duncan McKinnon Pavilion. For further information, see www.haveyoursaygleneira.com.au/governance
2	15 May 2024 (Wednesday)	This session will take place in Glen Eira Town Hall. For further information, see www.haveyoursaygleneira.com.au/governance

For further information regarding the public information sessions, contact Robert Parker Manager Customer Experience on 03 9524 3333 or email engagement@gleneira.vic.gov.au.

Submissions

Submissions must be in writing and received by Council by 20 May 2024. Submissions must be marked 'Proposed Conduct at Meetings and Common Seal Local Law Submission' and addressed to Robert Parker, Manager Customer Experience, PO BOX 42, Caulfield South, Victoria 3162.

Submissions may also be delivered either to Council's Service Centre, corner Glen Eira and

Hawthorn Roads, Caulfield or to the post box at the main entrance to the Town Hall or by email to engagement@gleneira.vic.gov.au.

A submission can also be made at Council's HaveYourSay website at www.haveyoursaygleneira.com.au/governance.

Council will consider any submission relating to the proposed Local Law in accordance with its Community Engagement Policy.

Any person who has made a submission to Council and has requested to be heard in support of their submission may appear in person or be represented by a person specified in the submission at a Council meeting. Council meetings are normally held in the Council Chamber, Glen Eira Town Hall, corner Glen Eira and Hawthorn Roads, Caulfield.

All submissions will be handled as authorised or required by law, including under the *Privacy and Data Protection Act 2014* (Vic). Submissions received (including any personal information contained therein) may be included within the official Council agenda and minutes, which are permanent public documents available on Council's website.⁹

Part B – Comments on the proposed Local Law

Template assessment tool

Table 4 contains a template assessment of the proposed Local Law. The template assessment provides a framework for assessing the compatibility of the Parts and clauses of the proposed Local Law against the *Guidelines*. A description of the purpose and content of each of the 17 elements of the template assessment used in Table 4 is detailed below in Table 3.

Table 3: Template assessment tool

Framework Number and Title	Description
(1) (a)	Part Number(s) and Title(s) of the proposed Local Law.
(1) (b)	Clause(s) Number(s) and Title(s) of the proposed Local Law.
(2) Identify the Problem(s)	A brief description of the problems identified which are addressed by the proposed Local Law.
(3) Relating the Problem to Council's policy objectives: Identifying if it is a Council problem	A brief description of the linkage between the objectives of the proposed Local Law and Council's policy objectives. The statement would identify: <ul style="list-style-type: none">– where Council's objectives are set out and may be read,– how the proposed Local Law would assist Council to achieve its objectives or remove an impediment to achieving its objectives.
(4) Identifying existing legislation that might be	A brief description of other legislation that has been identified which touches on issues dealt with by the proposed Local Law

⁹ <https://www.gleneira.vic.gov.au/about-council/meetings-and-agendas/council-agendas-and-minutes>

Framework Number and Title	Description
used instead of the proposed Local Law	and an explanation as to why these provisions are not suitable to resolve the problem.
(5) Measures of success of proposed Local Law	This is a brief description of the indicators by which Council will measure the success of the proposed Local Law and the frequency with which success will be measured and reported to the community.
(6) Identifying existing legislative provisions that may be overlapped by a Local Law	<p>A brief description:</p> <ol style="list-style-type: none"> 1) of any existing legislation on the issue covered by the proposed Local Law; and 2) where required, clarify why the proposed Local Law does not overlap, duplicate or cause inconsistency with that legislation.
(7) A risk management approach to Local Law	This section details the rating of the severity of the problem according to the frequency and consequences (assuming no local law was in place either now or in the future) and the reduction in rating that is anticipated as a result of the proposed Local Law.
(8) Considering and deciding on different Local Law approaches	<p>A brief description of the regulatory approach taken and whether it is considered low, medium or high impact. Within this framework, the controls may be:</p> <ul style="list-style-type: none"> • low impact – 'light touch' controls that generally carry no barriers to activity, save that they encourage the type of conduct one might normally expect to ensure safety and amenity; • medium impact – these include permit controls that may present a barrier or impediment to activity, or local law requirements that might require an entity to set in place processes to ensure compliance, or • high impact – where significant barriers to entry exist, or the controls in place carry an inspection and compliance regime that is materially onerous and time-consuming. <p>The decision regarding which regulatory approach to take varies according to the extent of risk, the perceived extent of non-compliance and the enforcement resources available.</p>
(9) The least burden / greatest advantage test for Local Law	A brief description of how the proposed Local Law meets the least burden / greatest advantage test.
(10) Considering and deciding on penalties	A brief description of the penalties in the proposed Local Law for

Framework Number and Title	Description
	<p>each operative clause that imposes a penalty.</p> <p>Any variation between the penalty levels adopted by Council compared to that of the neighbouring municipalities is addressed.</p>
(11) Considering and deciding on the purpose and conditions of permits and fees	<p>A brief description of the purpose and conditions of permits and fees.</p> <p>Any significant differences between the level of fees to be adopted by Council and those of neighbouring councils should be explained here.</p>
(12) Review with consideration to neighbouring Councils	Detail of those councils whose local laws have been compared, the points of comparison and the result of the comparison.
(13) Possible restriction of competition by Local Law	<p>The application of the National Competition Policy (NCP) to Local Government in Victoria results from the Competition Principles Agreement signed by the Commonwealth, State and Territory Governments in 1995.</p> <p>NCP principles require, among other matters:</p> <ul style="list-style-type: none"> ○ the removal of legislative restrictions on competition, unless there is a net public benefit; and ○ the adoption of competitive neutrality policies; and ○ processes to recognise and offset the advantages enjoyed by government businesses.
(14) Identifying (and staying within) the power to make a Local Law	A brief statement confirming that Council considers it within its power to make the proposed Local Law.
(15) Considering possible alternatives to Local Law	A brief description of the possible alternatives to the proposed Local Law.
(16) Considering if a State Act is more appropriate than a Local Law	Details of whether any State Government legislation is more appropriate to deal with the problem identified in item (2) of the framework.
(17) Identifying Planning Scheme requirements with which a Local Law may be inconsistent	<p>A brief description:</p> <p>1) of any existing Planning Scheme on the issue covered by the proposed Local Law and</p> <p>2) where required, clarify why the proposed Local Law does not overlap, duplicate or cause inconsistency with that Planning Scheme.</p>

The responses to the assessment of the proposed Local Law against the template assessment tool in Table 3 above are as detailed in Table 4.

Table 4: Responses to the template assessment tool

Framework Number and Title	Description
(1) (a) and (b)	<p>A title precedes each Part and clause of the proposed Local Law.</p> <p>The titles of the proposed Local Law are:</p> <p>PART A – INTRODUCTION</p> <ol style="list-style-type: none"> 1. Title 2. Purpose of this Local Law 3. Authorising provision 4. Commencement and End Dates 5. Revocation of Existing Local Law 6. Definitions 7. Regard to Further Guidance 8. Conflicts with other Acts <p>PART B – OFFENCES</p> <ol style="list-style-type: none"> 9. OFFENCES <p>PART C – COMMON SEAL</p> <ol style="list-style-type: none"> 10. Council's Common Seal <p>PART D – INFRINGEMENT NOTICES</p> <ol style="list-style-type: none"> 11. Persons who may issue an Infringement Notice 12. Infringement Notice Penalty <p>A title does not form part of the proposed Local Law. It is provided to assist understanding.</p>
(2) Identify the Problem(s)	<p>Section 14 of the <i>Local Government Act 2020</i> requires Council to have a common seal and that the use of the common seal be in accordance with any applicable local law.</p> <p>Enhancing the governance and integrity framework; and decision-making processes of Council, including:</p> <ul style="list-style-type: none"> • regulation and use of the Common Seal, including offences relating to misuse; and • meeting conduct requirements, including offences relating to improper or disorderly conduct behaviour. <p>Council considers that the problem identified in relation to the proposed Local Law is a Council problem and that, accordingly, the provisions of the proposed Local Law is an appropriate solution.</p>
(3) Relating the Problem to	This is a Council problem because it supports:-

Framework Number and Title	Description
Council's policy objectives: Identifying if it is a Council problem	<ul style="list-style-type: none"> • A legislative requirement under section 14 of the <i>Local Government Act 2020</i> for the use of Council's common seal is in accordance with any applicable local law. • A theme of the Council and Community Plan 2021–2025: Well Informed and Transparent Decisions and Highly Valued Services.
(4) Identifying existing legislation that might be used instead of the proposed Local Law	No existing legislation could be used by Council instead of the proposed Local Law.
(5) Measures of success of proposed Local Law	<p>Measuring the success of a local law can be difficult; however, some quantitative and qualitative measures can be assessed. Some of the measures to be used include how many:</p> <ul style="list-style-type: none"> • Council meetings continue to operate in an orderly, efficient and respectful manner; • warnings have been issued; • infringement notices are issued; • Notice to Comply has been issued; and • prosecutions are undertaken. <p>However, success should not be assessed in isolation based on these criteria. The assessment and reporting by Council staff on current trends, anomalies and emerging problems is a measure of the success of the proposed Local Law.</p>
(6) Identifying existing legislative provisions that may be overlapped by a Local Law	The proposed Local Law does not contain any clauses where it is considered that State legislation alone would provide a more appropriate response to the issues concerned.
(7) A risk management approach to Local Law	<p>The proposed Local Law regulates the use of the common seal as required by legislation and prescribes offences for inappropriate behaviour at Council and Committee meetings.</p> <p>Council believes no risks are associated with the proposed Local Law, so no formal risk assessment has been completed.</p> <p>Community consultation will be undertaken before Council considers a resolution to make the proposed Local Law.</p>

Framework Number and Title	Description
(8) Considering and deciding on different Local Law approaches	<p>Council believes in the minimum imposition on the community with regard to local laws. The proposed Local Law reflects this approach by providing for:</p> <ul style="list-style-type: none"> • reasonable penalties; • minimum possible number of provisions that create offences; • reasonable enforcement procedures, including provision for giving warnings where appropriate. <p>Council's Common Seal The proposed Local Law adopts a high-impact regulatory approach. This approach is considered appropriate as it provides clear accountability for appropriate use and mandates associated with record-keeping.</p> <p>Conduct of meetings Whilst largely prescriptive, the proposed Local Law retains a level of discretion that is considered appropriate for the Chair of the meeting to facilitate the orderly conduct of meetings whilst allowing latitude to deal with particular circumstances of the meeting and business at hand.</p> <p>Council considers it is in the interest of the safety of the municipal community participating in Council meetings that this level of control is placed over these issues.</p>
(9) The least burden / greatest advantage test for Local Law	<p>Council considers that the municipal community would want problems prevented if possible or solved as quickly as possible and with the least cost to all concerned. A local law provides for quick resolution of the problem. State legislation is inadequate for managing the issues identified in item (2) of the framework.</p>
(10) Considering and deciding on penalties	<p>The penalties applying under the proposed Local Law were carefully considered. Because the matter being regulated is a high concern and priority of Council and the municipal community due to activities witnessed across the sector, substantial penalties may be incurred where the penalty provisions of the proposed Local Law are breached.</p> <p>The level of penalties in the Local Law generally reflects the following:</p> <ul style="list-style-type: none"> • relative risks to community health, safety and amenity; • the potential cost to the community of a breach; and • the deterrent in each case. <p>The proposed Local Law's clauses have been set at levels considered deterrents for them to be effective.</p> <p>The proposed Local Law's penalties range from five (5) to ten (10) penalty units.</p>

Framework Number and Title	Description												
	<p>The penalties applying to the proposed Local Law were compared to those imposed by adjoining municipalities of Bayside, Kingston, City of Port Phillip, Monash and Stonnington. The proposed penalties are broadly similar to those in adjoining municipalities with similar local laws.</p> <p>The amount of an Infringement Notice penalty is normally significantly less than the potential maximum penalty a Court might impose for the same offence. The Attorney-General's Guidelines¹⁰ provide that an infringement penalty should generally be approximately no more than 20 – 25% of the maximum penalty for the offence.¹¹ The level of Council's penalties for breaches of the proposed Local Law is compliant with the Attorney-General's Guidelines.</p> <p>Table 5 below lists the number of penalty units for an Infringement Notice and the maximum penalty that can be imposed by the Court for each offence under the proposed Local Law.</p> <p>Table 5: Infringement and Court Penalties</p> <table><tr><th>Clause number</th><th>Offence</th><th>Infringement Penalty</th><th>Maximum Penalty at Court</th></tr><tr><td>9.1</td><td>for any person, other than a Councillor or member of Council staff to make any comment, question or remark at a Meeting that is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature;</td><td>1.25</td><td>5</td></tr><tr><td>9.2</td><td>for any person, other than a Councillor or member of Council staff who is in attendance at a Meeting and who has been directed by the Chair to withdraw any comment, question or remark that is defamatory, indecent,</td><td>1.25</td><td>5</td></tr></table>	Clause number	Offence	Infringement Penalty	Maximum Penalty at Court	9.1	for any person, other than a Councillor or member of Council staff to make any comment, question or remark at a Meeting that is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature;	1.25	5	9.2	for any person, other than a Councillor or member of Council staff who is in attendance at a Meeting and who has been directed by the Chair to withdraw any comment, question or remark that is defamatory, indecent,	1.25	5
Clause number	Offence	Infringement Penalty	Maximum Penalty at Court										
9.1	for any person, other than a Councillor or member of Council staff to make any comment, question or remark at a Meeting that is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature;	1.25	5										
9.2	for any person, other than a Councillor or member of Council staff who is in attendance at a Meeting and who has been directed by the Chair to withdraw any comment, question or remark that is defamatory, indecent,	1.25	5										

¹⁰

www.justice.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2018/10/e4/35939b25a/infringementsact2006_attorneygeneralguidelines-051018.pdf

¹¹ Annexure A, Attorney-General's Guidelines to the Infringements Act 2006 (Vic).

Framework Number and Title	Description			
		abusive, offensive, disorderly or objectionable in language, substance or nature to fail to do so immediately without qualification or explanation;		
	9.3	for any person, other than a Councillor or member of Council staff to bring into a Meeting, or to fail to remove from a Meeting when directed to do so by the Chair, any object or material that is objectionable or disrespectful in form or content;	1.25	5
	9.4	for any person to display any placard, poster or other material in the Chamber, or in any building where a Meeting is being held, or is about to be held, other than outside the entrance to the building, and then only if the placard, poster or other like material does not obstruct the entrance to the building or disrupt the Meeting;	1.25	5
	9.5	for any person other than a Councillor or member of Council staff to interject in, or otherwise attempt to take part in, the Meeting, unless otherwise permitted by the Governance Rules, the Chair or by resolution of Council;	1.25	5
	9.6	for a Councillor or member of a Delegated Committee to fail to leave a Meeting when	1.25	5

Framework Number and Title	Description				
		directed to do so by the Chair;			
	9.7	for any person other than a Councillor or member of a Delegated Committee who has been directed at least once by the Chair to stop any conduct which the Chair has advised is disorderly or otherwise disruptive, not to leave the Chamber when directed by the Chair to do so;	1.25	5	
	9.8	for any person, other than a member of staff authorised by the Chief Executive Officer, to record or broadcast a Meeting without the permission of the Chief Executive Officer or the Chair. Such permission may at any time during the course of the Meeting be revoked by the Chair;	1.25	5	
	9.9	for any person to use the Common Seal or any device resembling the Common Seal other than in accordance with this Local Law.	2.5	10	
(11) Considering and deciding on the purpose and conditions of Permits and fees	Not applicable				
(12) Review with consideration to	Benchmarking was undertaken against similar local laws in all adjoining Councils (Bayside, Kingston, City of Port Phillip, Monash and Stonnington).				

Framework Number and Title	Description
Neighbouring Councils	The assessment found that a range of approaches and mechanisms regulate the conduct of Council meetings and the use of their common seal.
(13) Possible restriction of competition by Local Law	The proposed Local Law relates only to Council processes with no National Competition Policy implications.
(14) Identifying (and staying within) the power to make a Local Law	<p>Council has broad powers to make local laws for or with respect to any act, matter or thing in respect of which it has a function or power under the <i>Local Government Act 2020</i> or any other Act.</p> <p>The proposed Local Law identifies the authority on which it is based and remains within that power. A local law is made under section 71 of the <i>Local Government Act 2020</i>.</p> <p>Council has reviewed the proposed Local Law and considers its clauses within its power to make a local law.</p>
(15) Considering possible alternatives to Local Law	The proposed Local Law regulates the use of the common seal. It also prescribes offences for inappropriate behaviour at Council and Committee meetings. There are no practicable alternatives to adopting a local law to ensure that meetings are conducted in an orderly, respectful manner without disruptions.
(16) Considering if a State Act is more appropriate than a Local Law	The proposed Local Law references offences for the misuse of the Common Seal and conduct of Council meetings, and it will operate in conjunction with the <i>Summary Offences Act 1966</i> (Vic). The Summary Offences Act contains various provisions that regulate public behaviour and maintain public order. These provisions address acts that could disrupt social peace, damage property, or endanger individuals. The offence under Section 17 of this Act has similarities to clauses 9.1 and 9.2 of the proposed Local Law, particularly in their aim to regulate conduct and speech in public settings, such as Council meetings. The primary focus of the Summary Offences Act and the proposed local law provisions is maintaining public order and decency in public spaces. The Act provides a broader legal framework that addresses public behavior generally, while the proposed Local Law specifically targets conduct in Council meetings. The proposed Local Law addresses the unique needs and potential challenges of a Council meeting. This specificity helps ensure Council meetings operate efficiently and respectfully, free from undue disruption or interference.
(17) Identifying Planning Scheme requirements with which a	None of the proposed Local Law clauses was identified as inconsistent with the <i>Planning and Environment Act 1987</i> or the <i>Planning Scheme</i> .

Framework Number and Title	Description
Local Law may be inconsistent	

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Section 72(a) of the *Local Government Act 2020* provides that a local law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006 (**Human Rights Act**)) or regulations.

The Human Rights Act contains twenty (20) basic rights that promote and protect the values of freedom, respect, equality and dignity. Councils must not knowingly breach these rights and must always consider them when creating local laws, developing policies, and delivering services.

Council, as a 'public authority' under the Human Rights Act, must also ensure that a local law it makes is not incompatible with a human right. If a proposal restricts or interferes with a right, consideration must be given to determining whether the restrictions are reasonable and demonstrably justified under the Human Rights Act.

Council has assessed the proposed Local Law for compatibility with the Human Rights Act. On balance, the proposals in the proposed Local Law are not incompatible with the rights in the Human Rights Act. Even if they are, Council considers that the approach in the proposed Local Law is demonstrably justifiable, such that no incompatibility with the Human Rights Act exists.

In keeping with section 28 of the Human Rights Act, this statement of compatibility is made with respect to the proposed Local Law.

The proposed Local Law is compatible with the human rights protected by the Human Rights Act.

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
<p>Yes - A fair hearing - section 24</p> <p>A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.</p>	<p>Clause 11 of the proposed Local Law provides that an Authorised Officer may issue an infringement notice to a person who the Authorised Officer believes has committed an infringement offence as an alternative to prosecution.</p>	<p>Council acknowledges that every individual has the right to a fair hearing.</p>	<p>The <i>Infringements Act 2006</i> contains provisions for individuals to challenge Infringement Notices and for Council to waive Infringement Notices upon consideration of correspondence from the individual.</p> <p>The right to a fair hearing applies to "a person charged with a criminal offence or a party to a civil proceeding" (section 24(1)). This does not extend to Infringement Notice offences.</p>	<p>The number of Authorised Officers is limited. These persons will be supported in awareness of obligations under the Human Rights Act and the requirement to act consistently with human rights obligations in the course of exercising powers, duties and functions under the proposed Local Law.</p> <p>In the event of service of an Infringement Notice, any limitation can be further reduced by continuing to the Magistrates Court for a decision.</p>

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
<p>Yes – Privacy and reputation (section 13)</p> <p>A person has the right— (a) not to have that person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and (b) not to have that person's reputation unlawfully attacked.</p>	<p>Clauses 9.1 and 9.2</p>	<p>Council acknowledges the right of members of the community to privacy and reputation, including the right not to have not to have their reputation unlawfully attacked.</p> <p>This includes preventing defamatory or abusive language that could harm individuals or disrupt proceedings.</p>	<p>Many of the proposed Local Law provisions are intended to protect individuals from having their reputations unlawfully attacked.</p> <p>For example, the proposed Local Law creates an offence for any person, other than a Councillor or member of Council staff to make any comment, question or remark at a Meeting that is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature.</p> <p>Protecting individuals from slander, and maintaining a respectful environment can justify certain speech restrictions in a public forum.</p>	<p>Council provides mechanisms for public input or comment outside of formal meetings, such as written submissions.</p> <p>In addition, public participation is facilitated in meetings through written submissions to Council and questions through the written public question process that are, subject to the Governance Rules, responded to during the meeting.</p> <p>This ensures that while maintaining the order necessary for the functional and efficient conduct of public meetings, the rights enshrined in the Charter of Human Rights and Responsibilities Act 2006 are respected and infringed upon only when necessary. The goal is to strike a balance that protects the public's rights while enabling the effective operation of Council meetings.</p>

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
<p>Yes – Freedom of expression (section 15)</p> <p>(1) Every person has the right to hold an opinion without interference.</p> <p>(2) Every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether—</p> <p>(a) orally; or</p>	<p>Clauses 9.1, 9.2, 9.3, 9.4, 9.5 and 9.8</p>	<p>Council acknowledges that every person has the right to hold an opinion and to seek, receive and impart information and ideas.</p> <p>For Councillors, this includes fully participating in a debate at Council meetings.</p> <p>For members of the public, this includes the right to be engaged in accordance with the Council's Community Engagement Policy so that they can develop and express an informed opinion.</p> <p>The right to freedom of expression carries special duties and responsibilities, including respecting the rights and reputation of other persons.</p> <p>The right to freedom of expression is also balanced against the need to ensure that meetings are conducted in an</p>	<p>Many of the clauses of the proposed Local Law potentially restrict the freedom of expression, both for Councillors and members of the public who are attending a council meeting.</p> <p>To the extent that the proposed Local Law limits freedom of expression, the limitations are considered reasonable and justifiable under section 7(2) of the Charter to provide for the efficient and orderly conduct of Council meetings.</p> <p>When applied to an individual in context, the limitations on expression and participation may also protect another individual's rights. In this regard, the procedural limitations are discretionary, and there is some latitude to apply the clauses that do not disproportionately limit this right. Further, Councillors can express an opinion by voting on a resolution.</p>	<p>In addition to expressing a view during Council meetings, a member of the community may express a view through different avenues, including online via HaveYourSay or community groups such as Community Voice or written questions or petitions or written submissions as part of a community consultation process.</p> <p>A system of warnings may be used to balance maintaining order with permitting participation.</p> <p>This ensures that while maintaining the order necessary for the functional and efficient conduct of public meetings, the rights enshrined in the Charter of Human Rights and Responsibilities Act 2006 are respected and infringed upon only when necessary. The goal is to strike a balance that protects the public's rights while enabling effective governmental operations.</p>

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
<p>(b) in writing; or</p> <p>(c) in print; or</p> <p>(d) by way of art; or</p> <p>(e) in another medium chosen by that person.</p> <p>(3) Special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary—</p> <p>(a) to respect the rights and reputation of</p>		<p>orderly, respectful manner without disruptions is a legitimate aim. This includes preventing defamatory or abusive language that could harm individuals or disrupt proceedings.</p> <p>Restrictions may be intended to prevent proceedings from being sidetracked or becoming inefficient due to disorderly conduct or excessive interruptions.</p> <p>Protecting individuals from slander, and maintaining a respectful environment can justify certain speech restrictions in a public forum.</p> <p>Limiting the introduction of potentially harmful objects or disruptive materials serves to protect physical safety.</p>	<p>Where the expression of a view by a Councillor or a member of the community is improper or disorderly and/or interrupts the orderly and lawful process of the meeting, the person may be asked to leave the meeting.</p> <p>A Councillor is guilty of an offence if, they fail to leave a Meeting when directed to do so by the Chair.</p> <p>Council considers these measures to be a reasonable and justified limitation on the right to freedom of expression, having regard to the duties attached to the right, the public interest in maintaining order during Council meetings, and the need to protect the safety and wellbeing of other persons attending the meeting.</p>	

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
<p>other persons; or</p> <p>(b) for the protection of national security, public order, public health or public morality.</p>				

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
<p>Yes – Taking part in public life (section 18)</p> <p>(1) Every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.</p> <p>(2) Every eligible person has the right, and is to have the opportunity, without discrimination—</p>	<p>Clauses 9.1, 9.3, 9.4, 9.5, 9.6, 9.7 and 9.8.</p>	<p>Council acknowledges the right of members of the community to participate, without discrimination, in the conduct of public affairs, either directly or through freely chosen representatives.</p> <p>Limitations on who can interject, comment, or otherwise participate in a meeting could be viewed as restricting this right, particularly for members of the public.</p> <p>This is balanced against the community interest in ensuring that meetings are conducted in an orderly, respectful manner without disruptions. This includes preventing defamatory or abusive language that could harm individuals or disrupt proceedings.</p> <p>Restrictions may be intended to prevent proceedings from being</p>	<p>Having regard to the efficient and orderly conduct of meetings, it is not reasonable to allow unfettered access to Councillors during a Council meeting. The limitations prescribed are considered a reasonable response, balancing the opportunity for public to engage with Councillors during a Council meeting, against other matters which compete for Council's attention on the Agenda of a given meeting and are therefore not disproportionate to the Charter rights.</p> <p>The proposed Local Law provides for and facilitates participation in public life, with procedural limitations regarding the form and content of public participation.</p>	<p>Whilst the limitations may impact the right to participate in public life, they generally vest power in a discretionary rather than mandatory form. This provides the Chair with some latitude to apply the clauses of the proposed Local Law in a manner that is not disproportionate to the Charter Rights.</p> <p>Council live-streams its meetings and makes its agenda and minutes available online. Other than through a public meeting, there are ways to participate in Council decision-making, including community groups such as Community Voice or online forums such as Council's HaveYourSay website.</p> <p>These considerations and solutions aim to ensure that while maintaining the order necessary for the functional and efficient conduct of public meetings, the rights enshrined in the Charter of Human Rights and Responsibilities Act 2006 are respected and infringed upon only when necessary. The goal is to strike a balance that protects the</p>

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
<p>(a) to vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors; and</p> <p>(b) to have access, on general terms of equality, to the Victorian public service and public office.</p>		<p>sidetracked or becoming inefficient due to disorderly conduct or excessive interruptions.</p> <p>Protecting individuals from slander, and maintaining a respectful environment can justify certain speech restrictions in a public forum.</p> <p>Limiting the introduction of potentially harmful objects or disruptive materials serves to protect physical safety.</p>		<p>public's rights while enabling effective governmental operations.</p>

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
<p>Yes – Freedom of movement (section 12)</p> <p>Every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.</p>	<p>Clauses 9.6 and 9.7</p>	<p>Council acknowledges the right of members of the community to move freely within the municipality, including on Council land.</p> <p>This is balanced against the community's interest in the safety and well-being of other persons attending Council meetings.</p> <p>Ensuring that meetings are conducted in an orderly, respectful manner without disruptions is a legitimate aim.</p> <p>This includes preventing proceedings from being sidetracked or inefficient due to disorderly conduct or excessive interruptions.</p>	<p>The limitation on freedom of movement must be exercised by the Chair, and only applies to individuals whose behaviour is improper, disorder and/or disruptive to the meeting.</p> <p>The limitation can only be exercised in relation to the individual's presence at a Council meeting and does not affect their freedom of movement elsewhere within the municipality or on Council land.</p> <p>Council considers this limitation reasonable and justified because the community's interest in the lawful and orderly conduct of Council meetings outweighs the individual's rights in this instance.</p>	<p>The clauses vest power in a discretionary rather than mandatory form. This gives the Chair some latitude to apply the proposed Local Law's clauses in a manner that is not disproportionate to the Charter rights.</p> <p>There are mechanisms for public input or comment outside of formal meetings, such as written submissions, questions, and petitions, which can accommodate broader participation without disrupting meetings.</p> <p>A system of warnings can be used to balance maintaining order with permitting participation.</p> <p>This ensures that while maintaining the order necessary for the functional and efficient conduct of public meetings, the rights enshrined in the Charter of Human Rights and Responsibilities Act 2006 are respected and infringed upon only when necessary. The goal is to strike a balance that protects the</p>

Appendix 1 – Assessment of Compliance against the Human Rights Charter

Will any person feel their rights are limited / What human rights may be impacted?	Relevant Part(s)/clause(s) of the proposed Local Law	What are the interests you have to balance?	Is the limitation reasonable?	What practical solutions are available to reduce the limitation?
				public's rights while enabling effective operation of Council meetings.

Appendix 2 - Benchmarking of adjoining Councils' local laws**Table 6: Benchmarking of adjoining Councils' local laws**

Clause in proposed local law	Proposed offence	Similar clauses in adjoining Council:				Monash
		Bayside	Kingston	City of Port Phillip	Stonnington	
9.1	for any person, other than a Councillor or member of Council staff to make any comment, question or remark at a Meeting that is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature;	No equivalent in the local law.	Governance Rules, and Consolidated Local Law, no meeting local law. There is no direct equivalent. Clause 144.3 of Part 6 of Consolidated Community Local Law forbids indecent language in Council buildings—2 penalty units for infringement notice / ten penalty units maximum penalty.	A similar offence under 65(9) of Meeting Procedure Local Law No. 2/2019, but that requires the public member first to be called to order by the Chair and then misbehave again for it to be an offence under section 70 - 1 penalty units for infringement notice / 5 penalty units maximum	This is primarily contained in the Stonnington Governance Rules, with general behavioural clauses on “Municipal Places” in their General Local Law. No direct equivalent - clause 117.1 prohibits indecent conduct in Municipal Places 3 penalty units for infringement notice / 20 penalty units maximum penalty in Procedures and Protocol Manual of Stonnington	No equivalent in the local law.

Community Impact Statement – Appendix 2 - Benchmarking of adjoining Councils' local laws

Clause in proposed local law	Proposed offence	Similar clauses in adjoining Council:				
		Bayside	Kingston	City of Port Phillip	Stonnington	Monash
				penalty (clause 71(3))		
9.2	for any person, other than a Councillor or member of Council staff who is in attendance at a Meeting and who has been directed by the Chair to withdraw any comment, question or remark that is defamatory, indecent, abusive, offensive, disorderly or objectionable in language, substance or nature to fail to do so immediately without qualification or explanation;	No equivalent in the local law.	No equivalent in the local law. The above clause may capture it – 2 penalty units for infringement notice / 10 penalty units maximum penalty.	Yes - clause 65(9) of Meeting Procedure Local Law No. 2/2019 – One penalty unit for infringement notice / 5 penalty units maximum penalty (clause 71(3))	No equivalent in the local law.	No equivalent in the local law.
9.3	for any person, other than a Councillor or	No equivalent in the local law.	There is no direct equivalent local law. However, it may be	No direct equivalent – Closest is	No direct equivalent – Closest is clause 70.2 of Governance	No equivalent in the local law.

Clause in proposed local law	Proposed offence	Similar clauses in adjoining Council:				Monash
		Bayside	Kingston	City of Port Phillip	Stonnington	
	member of Council staff to bring into a Meeting, or to fail to remove from a Meeting when directed to do so by the Chair, any object or material that is objectionable or disrespectful in form or content;		captured under clause 144 of the Consolidated Local Law: 2 penalty units for infringement notice / 10 penalty units maximum penalty.	clause 65(10) prohibiting bringing items in, but this only becomes an offence when the public member fails to obey directions from the Chair – 1 penalty unit for infringement notice / five penalty units maximum penalty (clause 71(3))	Rules prohibiting display of offensive items - 117(f) of their General Local Law prohibits displaying posters etc., without consent - 3 penalty units for infringement notice / 20 penalty units maximum penalty in Procedures and Protocol Manual of Stonnington	
9.4	for any person to display any placard, poster or other material in the Chamber, or in any building where a Meeting is being held, or is about to be held, other than outside the entrance to the	No equivalent in the local law.	There is no direct equivalent local law. However, it may be captured under clause 144 of the Consolidated Local Law: 2 penalty units for infringement notice / 10 penalty	No direct equivalent – Closest is clause 65(10)(c)-(d), prohibiting posters, signs and other offensive material in	There is an equivalent in the local law. Clause 70 of their Governance Rules prohibits bringing placards and posters into Council meetings.	No equivalent in the local law.

Clause in proposed local law	Proposed offence	Similar clauses in adjoining Council:				Monash
		Bayside	Kingston	City of Port Phillip	Stonnington	
	building, and then only if the placard, poster or other like material does not obstruct the entrance to the building or disrupt the Meeting;		units maximum penalty.	Chamber or at the entranceway, but this only becomes an offence when the public member fails to obey directions from the Chair – 1 penalty units for infringement notice / 5 penalty units maximum penalty (clause 71(3))	Clause 117(f) of their General Local Law prohibits displaying posters etc. without consent - 3 penalty units for infringement notice / 20 penalty units maximum penalty in Procedures and Protocol Manual of Stonnington.	
9.5	for any person other than a Councillor or member of Council staff to interject in, or otherwise attempt to take part in, the Meeting, unless otherwise permitted by the	No equivalent in the local law.	There is no direct equivalent, potentially captured under clause 144(9) of the Consolidated Local Law, which prevents obstruction of Council staff or authorised persons from performing	Yes - clause 65(3)-(4) prevents interjection unless allowed. This seems only to become an offence if they fail to comply with a direction	There is no direct equivalent. Clause 71 prohibits public members from speaking/addressing Council without consent. If severe enough, this could breach clause 117 of the General Local	No equivalent in the local law.

Clause in proposed local law	Proposed offence	Similar clauses in adjoining Council:				
		Bayside	Kingston	City of Port Phillip	Stonnington	Monash
	Governance Rules, the Chair or by resolution of Council;		their duties—2 penalty units for infringement notice / 10 penalty units maximum penalty.	to stop from the Chair – 1 penalty unit for infringement notice / 5 penalty units maximum penalty (clause 71(3))	Law—3 penalty units for infringement notice / 20 penalty units maximum penalty in Procedures and Protocol Manual of Stonnington.	
9.6	for a Councillor or member of a Delegated Committee to fail to leave a Meeting when directed to do so by the Chair;	No equivalent in the local law.	No equivalent in the local law – It may be captured by clause 144.1 of the Local Law, which prohibits harmful behaviour interfering with the use/enjoyment of any person in a Council building - – 2 penalty units for infringement notice / 10 penalty units maximum penalty	No equivalent in the local law.	No equivalent in the local law.	No equivalent in the local law.
9.7	for any person other than a Councillor or member of a Delegated	No equivalent in the local law.	No equivalent in the local law.	Yes - clause 65(9) makes it an offence under 70(1) for	Yes - Under Governance Rules clause 72, the Chair may remove any	No equivalent in the local law.

Clause in proposed local law	Proposed offence	Similar clauses in adjoining Council:				Monash
		Bayside	Kingston	City of Port Phillip	Stonnington	
	Committee who has been directed at least once by the Chair to stop any conduct which the Chair has advised is disorderly or otherwise disruptive, not to leave the Chamber when directed by the Chair to do so;			a public member who has already been called to order not to obey the Chair's direction to leave the Chamber – 1 penalty unit for infringement notice / 5 penalty units maximum penalty (clause 71(3))	person who disrupts the meeting or fails to comply with directions to behave under clause 71.2. If disruptive enough, it may fall under 117(1)(a) of the General Local Law—3 penalty units for infringement notice / 20 penalty units maximum penalty in the Procedures and Protocol Manual of Stonnington.	
9.8	for any person, other than a member of staff authorised by the Chief Executive Officer, to record or broadcast a Meeting without the permission of the Chief Executive Officer	No equivalent in the local law.	No equivalent in the local law. Kingston Governance Rules 52.2.3, which prohibits the operation of recording devices in Council meetings.	Yes - clause 65(7), only uses the word “record”. This only becomes an offence if the member refuses to comply with the Chair if they	No equivalent in the local law. Clause 69 of the Governance Rules prohibits recording meetings without consent – Potentially captured under clause 117 of the General Local	No equivalent in the local law.

Clause in proposed local law	Proposed offence	Similar clauses in adjoining Council:				
		Bayside	Kingston	City of Port Phillip	Stonnington	Monash
	or the Chair. Such permission may at any time during the course of the Meeting be revoked by the Chair;			order them to stop – 1 penalty unit for infringement notice / 5 penalty units maximum penalty (clause 71(3))	Law if disruptive -3 penalty units for infringement notice / 20 penalty units maximum penalty in Procedures and Protocol Manual of Stonnington.	
9.9	for any person to use the Common Seal or any device resembling the Common Seal other than in accordance with this Local Law.	No equivalent in the local law. The Governance Rules detail the conditions under which the Council's common seal can be applied.	No equivalent in the local law. Chapter 7, clause 1.1 of the Governance Rules details the use of the Council seal only as authorised.	Yes - clause 10(5) prohibits the usage of the Common Seal without Council's authority— Offence under section 70(3) - 5 penalty units for infringement notice / 20 penalty units maximum penalty (clause 71(4))	Yes—Clause 24 of the General Local Law allows for the use of the Common Seal only with Council authorisation—3 penalty units for infringement notice / 20 penalty units maximum penalty in Procedures and Protocol Manual of Stonnington.	Yes - clauses 8.1 and 8.2 of the Administrative Procedures (Use Of Common Seal) Local Law – 20 penalty units maximum penalty

