

GLEN EIRA CITY COUNCIL

CONDUCT AT MEETINGS

AND

COMMON SEAL

LOCAL LAW 2024

DRAFT

CONTENTS

Contents

PART A – INTRODUCTION.....	1
1. Title	1
2. Purpose of this Local Law.....	1
3. Authorising provision	1
4. Commencement and End Dates.....	1
5. Revocation of Existing Local Law	1
6. Definitions	1
7. Regard to Further Guidance	2
8. Conflicts with other Acts	2
PART B – OFFENCES.....	3
9. OFFENCES	3
PART C – COMMON SEAL	4
10. Council's Common Seal.....	4
PART D – INFRINGEMENT NOTICES.....	5
11. Persons who may issue an Infringement Notice	5
12. Infringement Notice Penalty.....	5

PART A – INTRODUCTION

1. Title

This Local Law is the Glen Eira City Council "Local Law No. ### -Conduct at Meetings and Common Seal" and is referred to as "this Local Law".

2. Purpose of this Local Law

The purpose of this Local Law is to:

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

3. Authorising provision

This Local Law is made under section 71(1) of the *Local Government Act 2020*.

4. Commencement and End Dates

This Local Law:

- 4.1 comes into operation on [###insert date###]; and
- 4.2 ends on [###insert date], unless revoked sooner.

5. Revocation of Existing Local Law

On the commencement of this Local Law, Council's Meeting Procedure Local Law 2019, made on 7 November 2019, is revoked.

6. Definitions

In this Local Law:

"Act"	means the <i>Local Government Act 2020</i> .
"Authorised Officer"	means a person appointed as an authorised officer under section 224 of the <i>Local Government Act 1989</i> .
"Chair"	means the person taking the chair at a Meeting.
"Chamber"	means the room in which a Meeting is being held.
"Chief Executive Officer"	means the person occupying the position of Chief Executive Officer of Council, and includes a person acting in that position.
"Common Seal"	means the Common Seal of the Council, being the device which formally records the collective will of the Council.
"Council"	means Glen Eira City Council.
"Delegated Committee"	means a Delegated Committee established under section 63 of the Act.

"Director"	means a member of Council staff appointed by the Chief Executive Officer as part of Council's Executive Management Team.
"Governance Rules"	means the Governance Rules adopted by the Council under section 60 of the Act from time to time.
"Meeting"	means a properly constituted meeting of the Council or a Delegated Committee.
"Penalty Unit"	has the same meaning as in section 110 of the <i>Sentencing Act 1991</i> .

7. Regard to Further Guidance

In exercising its powers and functions under this Local Law, the Council may have regard to any guidelines, policies, codes or standards it has adopted for the purpose of the Local Law.

8. Conflicts with other Acts

Where any clause of this Local Law conflicts or is inconsistent with the Act or any other Act, that Act has precedence and the clause is inoperative to the extent of the inconsistency.

PART B – OFFENCES

9. OFFENCES

It is an offence:

- 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;

Penalty: 5 Penalty Units

- 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;

Penalty: 5 Penalty Units

- 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;

Penalty: 5 Penalty Units

- 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;

Penalty: 5 Penalty Units

- 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;

Penalty: 5 Penalty Units

- 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;

Penalty: 5 Penalty Units

- 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;

Penalty: 5 Penalty Units

- 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;

Penalty: 5 Penalty Units

- 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.

Penalty: 10 Penalty Units

PART C – COMMON SEAL

10. Council's Common Seal

- 10.1 Subject to sub-clause 10.2, the Chief Executive Officer has the power to affix the Common Seal to any document which gives effect to any decision of the Chief Executive Officer, whether taken by or under statute or under an instrument of delegation.
- 10.2 The authority to affix the Common Seal in all other cases must be by resolution of the Council.
- 10.3 Every document to which the Common Seal is affixed must be signed by one Councillor and the Chief Executive Officer.
- 10.4 The Chief Executive Officer must ensure a Common Seal register is kept that records, each time the Common Seal is affixed to a document:
 - 10.4.1 if authority to affix the Common Seal is given by the Council, the date of the authorising Council resolution; and
 - 10.4.2 the date on which the Common Seal was affixed; and
 - 10.4.3 a description of the document to which the Common Seal was affixed.

PART D – INFRINGEMENT NOTICES

11. Persons who may issue an Infringement Notice

As an alternative to prosecution, an Authorised Officer may serve an Infringement Notice under this Local Law on a person who has or is reasonably suspected of having committed an offence, requiring the person to pay the infringement penalty (or comply with other conditions) for that offence within the period specified in the Infringement Notice, being a period not less than the number of days set out in section 14 of the *Infringements Act 2006* after an infringement notice has been served.

12. Infringement Notice Penalty

The amount of penalty indicated on the Infringement Notice will be the greater of:

- 12.1 25% of the maximum penalty stated under a provision in this Local Law for the offence to which the Infringement Notice relates; and
- 12.2 \$50.00.

CERTIFICATION

The resolution for making this Local Law was passed by Glen Eira City Council on [##insert date##].

The **COMMON SEAL** of **GLEN EIRA CITY COUNCIL** was affixed in the presence of:

Mayor:

Councillor:

Chief Executive Officer:

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