



Governance Local Law 2024

The Resolution for making this Local Law was passed at a meeting of the Wellington Shire Council held on DD Month 2024.

The Common Seal of WELLINGTON SHIRE COUNCIL)
was affixed this day of 2024)
in accordance with the Governance Local Law 2024)

in the presence of:

.....

Chief Executive Officer

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PART 1 – PRELIMINARY

1.1 Title

- 1) This Local Law is the Wellington Shire Council Governance Local Law 2024 and is referred to as **this Local Law**.

1.2 Authorising Provisions

- 1) This Local Law is made under the provisions of Part 3 of the *Local Government Act 2020*.

1.3 Objectives

- 1) The objectives of this Local Law are to:
 - a. Regulate the use of the common seal;
 - b. Prohibit unauthorised use of the common seal or any device resembling the common seal and determine offences and associated penalties;
 - c. Determine offences and associated penalties relating to conduct at Meetings;
 - d. Provide for the administration and exercise of Council powers and functions; and
 - e. Revoke any redundant Local Laws.

1.4 Operation Date

- 1) This Local Law comes into operation at the beginning of the day immediately following the day on which it was made, at which time Local Law No. 1 - Processes of Municipal Government (Common Seal and Enforcement and Penalties) is revoked.

1.5 Revocation Date

- 1) Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its making.

1.6 Scope

- 1) This Local Law applies to the whole of the **municipal district**.

1.7 Division of Parts

- 1) This Local Law is divided into Parts. Each Part is divided into separate clauses. Some of the clauses may be divided into paragraphs. Further:
 - a. Schedules form a part of this Local Law.
 - b. References to a particular provision of this Local Law or one of its Schedules may appear abbreviated, for example:
 - i. 2.1 means clause 2.1 of this Local Law
 - ii. SCH1 means Schedule 1 of this Local Law
- 2) As to Local Law provisions, Administration of this Local Law, and their Relationships:
 - a. Parts 2 and 3 of this Local Law set out substantive provisions and imposes obligations.
 - b. Parts 4 and 5 of this Local Law set out administration and enforcement requirements.
 - c. Schedule 1 to this Local Law sets out penalties for infringement notices which may be issued in respect of offences against this Local Law

1.8 Definitions

- 1) In this Local Law and any other incorporated documents, unless the context otherwise requires:

“Act” means the *Local Government Act 2020*.

“Authorised Officer” means a person authorised by the **Council** under Section 224 of the *Local Government Act 1989*.

“Chairperson” means the Chairperson of a **Meeting** and includes an acting, temporary and substitute Chairperson.

“Chief Executive Officer” means the member of **Council** staff appointed by the **Council** to be its Chief Executive Officer or any person acting in that position.

“Council” means Wellington Shire Council.

“Governance Rules” means the Governance Rules adopted (and amended from time to time) by the **Council** in accordance with the **Act**.

“Meeting” means a meeting of the **Council** or a Delegated Committee of the **Council**.

“Penalty Unit” has the same meaning as given in the *Sentencing Act 1991*.

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PART 2 – COMMON SEAL

Summary: The common seal is a device which formally and solemnly records the collective will of the **Council**. The provisions in this Part are designed to protect the integrity of the common seal and describe when it may be affixed to a document.

2.1 Use of the 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 some other senior officer authorised by them.
- 3) Any person who uses the **Council's** Common Seal without the authority of the **Council** is guilty of an offence.
- 4) Any person who uses any replica of the **Council's** Common Seal without the authority of the **Council** is guilty of an offence.
- 5) For Ceremonial documents, the sealing clause may provide for the signature of the Mayor, a Councillor and the **Chief Executive Officer**.

2.2 Form of the common seal

- 1) The Wellington Shire Council Common Seal reads as:

The Common Seal of WELLINGTON SHIRE COUNCIL)
was affixed this day of 20)
in accordance with the Governance Local Law 2024)
in the presence of:

.....

Chief Executive Officer

- 2) For Ceremonial documents, the Wellington Shire Council Common Seal may read as:

The Common Seal of WELLINGTON SHIRE COUNCIL	)
was affixed this day of 20	)
in accordance with the Governance Local Law 2024	)
in the presence of:	
.....	
Chief Executive Officer	
.....	
Mayor	
.....	
Councillor	

PART 3 – MEETING CONDUCT

Summary: To maintain order at **Meetings** and ensure the effective conduct of **Council** business, the **Council** requires enforcement mechanisms. This Part creates offences as one enforcement mechanism and accompanies the standards of conduct for **Meetings** set out in the **Governance Rules**.

3.1 Conduct at Meetings

- 1) A person must comply with any lawful direction given to them by the **Chairperson** in relation to the conduct of a **Meeting**.
- 2) Any person, not being a Councillor, who fails to comply with a lawful direction of the **Chairperson** in relation to the conduct of the **Meeting** is guilty of an offence.

PART 4 – ADMINISTRATION

4.1 Related documents

- 1) This Local Law is to be read in conjunction with the **Governance Rules**.
- 2) This Local Law and the **Governance Rules** must be made available for inspection at the principal office of the **Council** during normal working hours, and on the **Council's** website.

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PART 5 – ENFORCEMENT

5.1 Offences

- 1) A person is guilty of an offence if the person:
 - a. does something which a provision of this Local Law prohibits; or
 - b. fails to do something which a provision of this Local Law requires.
- 2) If a person charged with an offence against this Local Law is a corporation, any person who is concerned or takes part in the management of the corporation may be charged with the same offence.

5.2 Exercise of Discretions

- 1) In exercising any discretion contained in this Local Law the **Council** must have regard to:
 - a. the objectives of this Local Law; and
 - b. the **Governance Rules**.

5.3 Review Rights

- 1) If any person is aggrieved by the level of fairness of any action taken by the **Council** or an **Authorised Officer** under this Local Law, they may request the **Chief Executive Officer** to review the fairness or reasonableness of the action taken.
- 2) Where the **Chief Executive Officer** reviews the fairness or reasonableness of any action taken by the **Council** or an **Authorised Officer**, the result of that review must be communicated to the person who made the request.

5.4 Penalties

- 1) Except where otherwise indicated the maximum penalty for breach of any provision of this Local Law is ten (10) **penalty units**.
- 2) Maximum penalties may be imposed by a Court when:
 - a. the **Council** chooses to prosecute an offence, rather than issue an infringement notice, or

- b. a person receiving an infringement notice chooses to have the matter heard in Court.

5.5 Infringement Notices

- 1) An **Authorised Officer** may serve an infringement notice on a person who has committed an offence under this Local Law.
- 2) Schedule 1 to this Local Law sets out penalties for infringement notices which may be issued in respect of offences against this Local Law where the **Council** or one of its **Authorised Officers** determines to issue an infringement notice.
- 3) The provisions of this clause are subject to the *Infringements Act 2006*.

SCHEDULE 1: FIXED PENALTIES FOR INFRINGEMENT NOTICES

Clause	Offence	Penalty Units
2.1 (3)	Use of the Common Seal without the authority of the Council	5
2.1 (4)	Use of a replica of the Common Seal without the authority of the Council	5
3.1 (2)	Any person, not being a Councillor, who fails to comply with a lawful direction of the Chairperson in relation to the conduct of the Meeting is guilty of an offence.	2

Note - the value of a **penalty unit** is in accordance with Section 110 of the *Sentencing Act 1991*.

REVISION HISTORY

VERSION	DATE	UPDATE TYPE	SUMMARY OF CHANGES
1.0 Draft	March 2024	Wellington Shire Council Governance Local Law 2024 adopted after the revocation of Local Law No 1: Processes of Municipal Government (Common Seal and Enforcement and Penalties)	Title change Reduction in penalty units Formatting of document updated for consistency. Inclusion of a Preliminary Part with definitions Community Impact Statement developed



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