

Bass Coast Shire Council

Chief Executive Officer Ms Ali Wastie.

Mayor Cr Brett Tessari.

Submission to the Draft LOCAL LAW – USE OF COMMON SEAL AND COUNCIL MEETING OFFENCES.

8/8/2020

Subject: - DRAFT LOCAL LAW – USE OF COMMON SEAL AND COUNCIL MEETING OFFENCES 2020.

Mr. Mayor and Councillors, the Ordinary Council Meeting 15 July 2020.

H.8 Local Law – Use of the Common Seal and Council Meeting Offences meeting minutes reports ' Other Options' page 92.

There is an option which reads as follows:-

Council could choose to remove the meeting offences section of the Draft Administrative Procedures Local Law 2020.

The Local Government Act 2020 Section 14 (1) (b) must have a Common Seal and

(2) The Common Seal of a Council must -

Councillors, the LGA 2020 outlines the **extreme** importance of a Council Common Seal.

This draft Local Law presented:-

PART A – 2. Purpose of this Local Law, is primarily for the Common Seal of Council.

PART A – 3. Authoring Provision, is for the Common Seal of Council.

PART A- Commencement and End Dates I make a request.

I request 4.2 the END DATE to be 4 years as an anniversary of the commencement date unless revoked sooner by a change required under a LGA revision or a Rescission motion.

I request the PART B – Behavior.

9. Offences.

9.1, 9.2, 9.3, 9.4 to be DELETED in full from this Local Law and be included into the 'GOVERNANCE RULES POLICY 2020' as they are not in any form or way connected to the COMMON SEAL of Council.

PART B – Behavior. 9. Offences are for Council meeting matters and therefore delete them from this LOCAL LAW.

I request the Governance Rules Policy state ‘who will issue a penalty of offence’ if one occurs.

I request this Local Law PART C – Certification.

11. Affixing of the Common Seal to include:-

(a) to be similar to what is shown currently with minor changes as per (b) and (c).

(b) the use of the Common Seal is to be carried out by the Chief Executive Officer or the Acting Chief Executive officer or the Mayor in the absence of the Chief Executive Officer or the acting Chief Executive Officer and no other delegation is to be allowed.

(c) the printed name of the person signing.

(d) the Common Seal must be stored in a secure container and in a secure place within the Chief Executives Officers office.

Keep well Councillors and Keep well all at Council.

I request a written reply.

Yours Sincerely

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Bass Coast Shire Council

DRAFT Administrative Procedures (Use
of the Common Seal) Local Law 2020

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PART A - INTRODUCTION

1. Title

This Local Law will be known as the Bass Coast Shire Council "Administrative Procedures Local Law 2020".

2. Purpose of this Local Law

The purpose of this Local Law is to:

- 2.1 regulate the use of the common seal;
- 2.2 make provision for related administrative procedures; and
- 2.3 provide for the peace, order and good government of the municipal district.
- 2.4 revoke the Bass Coast Shire Meeting Procedure Local Law 2018

3. Authorising Provision

This Local Law is made under section 14 of the Local Government Act 2020.

4. Commencement and End Dates

This Local Law:

- 4.1 commences on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette, and operates throughout the municipal district; and
- 4.2 ceases to operate on the tenth anniversary of the commencement date unless revoked sooner.

5. Revocation of the Bass Coast Shire Meeting Procedure Local Law 2018

On the commencement of this Local Law, the Bass Coast Shire Meeting Procedure Local Law 2018 is revoked.

6. Definitions

6.1 In this Local Law:

“Chairperson” means the person who chairs a meeting;

“Chief Executive Officer” means the person who is the Chief Executive Officer of Council or any person acting in that position;

“Committee meeting” means a meeting of a Delegated Committee;

“Council” means the Bass Coast Shire Council;

“Council meeting” means a meeting of Council;

“Councillor” means a Councillor of Council;

“meeting” means a Council meeting or a Delegated Committee Meeting;

“Officer” means a member of Council staff;

PART A - COUNCIL'S COMMON SEAL

The purpose of this Part is to regulate the use of the common seal and prohibit unauthorised use of the common seal or any device resembling the common seal as required by section 14(2)(c) of the Local Government Act 2020.

7. Security

- 7.1 The Chief Executive Officer must ensure the security of Council's common seal at all times.
- 7.2 The Chief Executive Officer will keep a register detailing how the Common Seal is affixed.

8. Use of the Common Seal

- 8.1 The common seal may only be used on the authority of Council given either generally or specifically and every document to which the common seal is affixed must be signed by the Chief Executive Officer or another Senior Officer authorised by the Chief Executive Officer for that purpose.
- 8.2 The common seal and words to be used accompanying it on any document to which it is affixed are as follows -

The COMMON SEAL of)
BASS COAST SHIRE COUNCIL))
was affixed on)
in the presence of:)

.....
Chief Executive Officer/Authorised Officer

- 8.3 A person must not use the common seal or any device resembling the common seal without the authority of Council.
Penalty: 5 penalty units

PART B – BEHAVIOUR

9. Offences

It is an offence for:

- 9.1 a Councillor to not withdraw an expression considered by the Chairperson to be offensive or disorderly, and apologise when called on twice by the Chairperson to do so;

Penalty: 2 penalty units

- 9.2 any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the meeting when requested by the Chairperson to do so;

Penalty: 5 penalty units

9.3 any person who fails to comply with a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order;

Penalty: 2 penalty units

9.4 a Councillor to refuse to leave the meeting on suspension.

Penalty: 5 penalty units

PART C – CERTIFICATION

10. Key information

The following key information is set down in order to facilitate the management of this Local Law.

Date Resolved By Council Day Month Year

Date of Notice in Gazette Day Month Year

Commencement Date: Day Month Year

Responsible Officer: Chief Executive Officer

11. Affixing of the Common Seal

The Common Seal is affixed to signify the authenticity of this Local Law. The COMMON SEAL of)
BASS COAST SHIRE COUNCIL)
was affixed on Day Month Year)
in the presence of:)

.....

Chief Executive Officer/Authorised Officer