



BOROONDARA CITY COUNCIL

COMMON SEAL AND CONDUCT AT MEETINGS LOCAL LAW

Date Resolved By Council	24 August 2020
Commencement Date:	1 September 2020
Revocation Date:	1 September 2030
Responsible Directorate:	Chief Executive Office

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PART A - INTRODUCTION

1. Title

This Local Law will be known as the Boroondara City Council, "Common Seal and Conduct at Meetings 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 2017;
- 2.2 regulate the use of the *common seal*;
- 2.3 prohibit unauthorised use of the *common seal* or any device resembling the *common seal*; and
- 2.4 create offences relating to conduct at *meetings*.

3. Authorising Provision

This Local Law is made under section 14 of the *Local Government Act 2020* and section 111(1) of the *Local Government Act 1989*.

4. Commencement and End Dates

This Local Law:

- 4.1 commences on 1 September 2020 and operates throughout the *municipal district*; and
- 4.2 ends on the 10th anniversary of the day on which it commenced operation, unless revoked earlier by Council.

5. Revocation of Meeting Procedure Local Law

On the commencement of this Local Law, Council's Meeting Procedure Local Law 2017 is revoked.

6. Definitions and Notes

- 6.1 In this Local Law:

"*Act*" means the *Local Government Act 2020*;

"*Chairperson*" means the *Chairperson* of a *meeting* and includes an acting, a temporary and a substitute *Chairperson*;

"*Chief Executive Officer*" means the Chief Executive Officer of *Council* or the person acting in or performing the position *Chief Executive Officer*;

"*common seal*" means the common seal of *Council*;

"*Council*" means Boroondara City Council;

"*Council Officer*" means a person appointed by the *Chief Executive Officer* as a member of Council staff, for the duration of their appointment;

"*Delegated Committee*" means a delegated committee established under section 63 of the Act;

"*Director*" means a *Council Officer* appointed by the *Chief Executive Officer* to Council's Executive Leadership Team, for the duration of that appointment;

"*Mayor*" means the Mayor of *Council*;

"*meeting*" means a properly constituted meeting of *Council* or a *Delegated Committee*;

"*municipal district*" means the municipal district of *Council*;

"*offence*" means an act or default contrary to this Local Law; and

"*penalty units*" mean penalty units has the same meaning as in section 110 of the *Sentencing Act 1991*.

- 6.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Local Law. They are provided to assist understanding.

PART C - COUNCIL'S COMMON SEAL

Introduction: The *common seal* is a device which formally and solemnly records the collective will of *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.

7. Council's Common Seal

- 7.1 The *Chief Executive Officer* must ensure the security of the *common seal* at all times.
- 7.2 The *common seal* may only be used with the authority of *Council* or the *Chief Executive Officer* exercising a relevant delegation.
- 7.3 Unless *Council* resolves otherwise, the affixing of the *common seal* to any document must be attested to by the signatures of both:
- 7.3.1 the *Mayor* and the *Chief Executive Officer*;
- 7.3.2 in the absence of the *Mayor*, by one Councillor and the *Chief Executive Officer*; or
- 7.3.3 where the document relates to a matter in which the *Chief Executive Officer* has an interest, by one Councillor and a *Director*.
- 7.4 A person must not use the *common seal* or any device resembling the *common seal* without the authority of *Council* or the *Chief Executive Officer*.

Penalty: 5 *penalty units*

PART D - OFFENCES

Introduction: To maintain order at *meetings* and ensure the efficient and effective conduct of *Council* business, *Council* requires recourse to enforcement mechanisms. The provisions in this Part create offences as one enforcement mechanism.

8. Offences

It is an *offence* for:

- 8.1 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 *meeting* without first obtaining the consent of the *Chairperson*. Such consent may at any time during the course of such *meeting* be revoked by the *Chairperson* or resolution of *Council*;

Penalty: 5 penalty units.

- 8.2 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

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

Penalty: 5 penalty units

- 8.4 any person to fail 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

- 8.5 a Councillor to refuse to leave the Chamber on suspension.

Penalty: 5 penalty units

The Common Seal of the City of
Boroondara was hereunto affixed in the
presence of:

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)

..... *L. Hutton*

Councillor

..... *[Signature]*

Chief Executive Officer

..... *1 September 2020*

Date

