

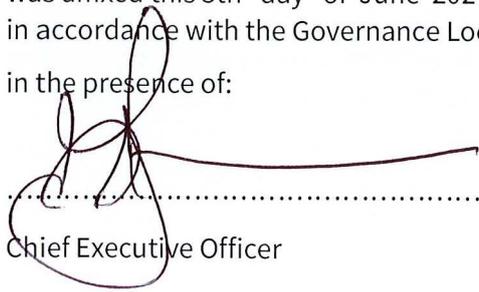


# Governance Local Law 2024

The Resolution for making this Local Law was passed at a meeting of the Wellington Shire Council held on 4 June 2024.

The Common Seal of WELLINGTON SHIRE COUNCIL )  
was affixed this 5th day of June 2024 )  
in accordance with the Governance Local Law 2024 )

in the presence of:

  
.....  
Chief Executive Officer



---

## Contents

PART 1 – PRELIMINARY.....	3
1.1 Title.....	3
1.2 Authorising Provisions.....	3
1.3 Objectives.....	3
1.4 Operation Date.....	3
1.5 Revocation Date.....	3
1.6 Scope.....	3
1.7 Division of Parts .....	4
1.8 Definitions .....	4
PART 2 – COMMON SEAL .....	6
2.1 Use of the common seal .....	6
2.2 Form of the common seal.....	6
PART 3 – MEETING CONDUCT .....	8
3.1 Conduct at Meetings.....	8
PART 4 – ADMINISTRATION.....	9
4.1 Related documents.....	9
PART 5 – ENFORCEMENT .....	10
5.1 Offences.....	10
5.2 Exercise of Discretions .....	10
5.3 Review Rights .....	10
5.4 Penalties.....	10
5.5 Infringement Notices .....	11
Schedule 1 : Fixed Penalties for Infringement Notices.....	12

## **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*.





## **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.

## 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 <b>Council</b>	5
2.1 (4)	Use of a replica of the Common Seal without the authority of the <b>Council</b>	5
3.1 (2)	Any person, not being a Councillor, who fails to comply with a lawful direction of the <b>Chairperson</b> in relation to the conduct of the <b>Meeting</b> 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	June 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



**Sale Service Centre**

18 Desailly Street, Sale, Victoria 3850  
Telephone 1300 366 244

**Yarram Service Centre**

156 Grant Street, Yarram, Victoria 3971  
Telephone 03 5182 5100

[www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)  
[enquiries@wellington.vic.gov.au](mailto:enquiries@wellington.vic.gov.au)

