



Latrobe City Council Local Law No. 1

Meeting Conduct Local Law 2021

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Part A: Introduction

1. Title

This is the Latrobe City Council Meeting Conduct Local Law which will be known as the "Meeting Conduct Local Law".

2. Objectives of this Local Law

The objectives of this Local Law are to:

- 2.1. regulate the use of the Council's Common Seal; and
- 2.2. determine a set of offences and associated penalties relating to conduct at Council and Delegated Committee Meetings.

3. Authorising Provision

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

4. Scope of the Local Law

This Local Law shall apply to and have operation throughout the whole of the Municipal District of Latrobe City Council.

5. Period of Operation of the Local Law

This Local Law:

- 5.1. 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
- 5.2. ends on the 10th anniversary of the day on which it commenced operation.

6. Revocation of Local Law No. 1 - 2020

On the commencement of this Local Law, the Meeting Procedure Local Law No.1 2020 is revoked.

7. Definitions and Notes

In this Local Law:

Act	means the <i>Local Government Act 2020</i> or <i>Local Government Act 1989</i> as referenced
Chamber	means any room where the Council holds a Meeting
Chair	means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson
Chief Executive Officer	means the Chief Executive Officer of Council

Common Seal	means the Common Seal of Council
Council	means Latrobe City Council
Meeting	means a properly constituted meeting of the Council or a Delegated Committee
Delegated Committee	means a Delegated Committee established by Council under section 63 of the <i>Local Government Act 2020</i>
Disorderly conduct	<p>means any disorderly conduct of a member of the gallery or a Councillor and includes:</p> <ul style="list-style-type: none"> • interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order; • making comments that are defamatory, malicious, abusive or offensive; • refusing to leave the Meeting when requested, ordered or directed to do so by the Chair in accordance with the <i>Local Government Act 2020</i> and the Governance Rules; and • engaging in any other conduct which prevents the orderly conduct of the meeting.
Governance Rules	means the Governance Rules of Latrobe City Council as in force from time to time pursuant to section 60 of the <i>Local Government Act 2020</i>
Penalty units	mean penalty units as prescribed in the <i>Sentencing Act 1992</i>

Part B: Council's Common Seal

Summary: The Common Seal is a formal legal means of evidencing the Council's "signature" on documents when required. 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.

8. Council's Common Seal

- 8.1. The Chief Executive Officer must ensure the security of Council's Common Seal at all times.
- 8.2. The use of the Common Seal shall be in accordance with a specific decision of the Council.
- 8.3. The affixing of Council's Common Seal to any document must be attested to by the signature of the Chief Executive Officer or any other member of Council staff duly authorised by Council.
- 8.4. A person must not use the Common Seal or any device resembling the Common Seal without authority of Council under subclause 8.2.

Penalty: 10 penalty units

Part C: Meeting Conduct

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

9. Offences

It is an offence in relation to the conduct of Meetings for:

- 9.1** a Councillor to not withdraw an expression considered by the Chair to be offensive or disorderly, and apologise when called on twice by the Chair 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 Chamber when requested by the Chair to do so.
Penalty: 5 penalty units
- 9.3** a Councillor not to leave the Chamber on the Chair's order or suspension by Council.
Penalty: 5 penalty units
- 9.4** any person to fail to comply with a lawful direction of the Chair in relation to the conduct of the Meeting and the maintenance of order.
Penalty: 2 penalty units
- 9.5** any person to inscribe a name or signature purporting to be the name or signature of another person upon a petition or joint letter which is presented to Council or has the intention of being presented to Council.
Penalty: 10 penalty units
- 9.6** any person to record or broadcast any part of a Meeting without the prior approval of Council or the Chair, except for a member of staff authorised by the Chief Executive Officer. Such consent may at any time during the course of the Meeting be revoked by Council or the Chair.
Penalty: 5 penalty units.

Explanatory Note

The penalty units shown are the maximum penalty which a Court can impose. It is always open to a Court to impose no penalty or a lesser penalty.

If an offence has been committed, the person who committed the offence can be prosecuted in a Court.

Certification

This Local Law was made by resolution of Latrobe City Council on .

Date of public notice of the making of this Local Law in Latrobe Valley Express: .

Date of notice of the making of this Local Law in the Victoria Government Gazette: .

Date of sending this Local Law to the Minister: .

Date the Local Law came into force: .

The Common Seal of the Latrobe City Council)

was affixed this day of)

in the presence of:)

Steven Piasente

Chief Executive Officer