



Hindmarsh
Shire Council

HINDMARSH SHIRE COUNCIL

GOVERNANCE LOCAL LAW

MAY 13, 2021
HINDMARSH SHIRE COUNCIL
92 Nelson Street

Contents

PART 1	PRELIMINARY PROVISIONS.....	2
PART 2	USE OF THE COMMON SEAL	3
PART 3	OFFENCES AND PENALTIES	4

PART 1 PRELIMINARY PROVISIONS

1 TITLE

- 1.1 This Local Law is called the Hindmarsh Local Law No 1 2021, and is referred to hereunder as “this local Law”.

2 OBJECTIVES OF THIS LOCAL LAW

- 2.1 The objectives of this Local Law are to:
- 2.1.1 provide a mechanism to facilitate the good governance of the Council;
 - 2.1.2 regulate the use of the Common Seal’;
 - 2.1.3 provide offences in the event of inappropriate conduct at Council meetings and meetings of Delegated Committees, and for offences in relation to the misuse of the Common Seal or any petition or joint letter; and
 - 2.1.4 revoke Local Law 1 of 2014.

3 AUTHORISING PROVISION

- 3.1 This Local Law is authorised under s111 of the *Local Government Act 1989*.

4 COMMENCEMENT AND END DATE

- 4.1 This Local Law commences operation on the day following the day on which notice of making this Local Law is published in the Government Gazette, and operates throughout the municipal district.
- 4.2 Unless sooner revoked, this Local Law ceases to operate on the date 10 years following its making.

5 REVOCATION

- 5.1 Upon this Local Law coming into operation, Local Law no. 1 of 2014 is revoked.

6 DEFINITIONS

Unless the contrary intention appears in the Local Law, the following words and phrases are defined to mean or include:

Act	means the <i>Local Government Act 2020</i> .
Authorised Officer	means an authorised officer appointed under section 224 of the <i>Local Government Act 1989</i> .
Chairperson	means the person who chairs a meeting of the Council or Delegated Committee and includes an acting, temporary or substitute Chairperson.
Common Seal	means the common seal of Council.

Council	means Hindmarsh Shire Council.
Council meeting	has the same meaning as in the Act.
Councillor	means a person who is an elected member of the Council.
Delegated Committee	means a Delegated Committee established by Council.
Offence	means an act or default contrary to this Local Law.
Penalty Units	means a penalty unit as prescribed by the <i>Sentencing Act 1992</i> .
Petition	means a formal written application, typed or pointed without erasure, from one or more persons whose names and physical addresses also appears and on which each page of the petition bears the wording of the whole of the petition.

PART 2 USE OF THE COMMON SEAL

7 USE OF THE COMMON SEAL

- 7.1 Council may, by resolution, authorise the use of the Common Seal.
- 7.2 The Chief Executive Officer must ensure the security of the Council's common seal at all times.
- 7.3 Every document to which the seal is affixed must be signed by the Chief Executive Officer or some other senior officer authorised by them and one other Councillors.

8 SEALING CLAUSE

- 8.1 Every document to which the Common Seal is affixed must be generally signed with Council's Sealing clause:

The common seal of Hindmarsh Shire Council was hereto affixed in accordance with its Local Law No 1 2021

Chief Executive Officer

Date

Councillor

Date

PART 3 OFFENCES AND PENALTIES

9 OFFENCES

9.1 It is an offence for:

9.1.1 A person who has been called to order by the Chairperson and who then fails to comply with the Chairperson's direction;

Penalty: one (1) Penalty Unit

9.1.2 A person to fraudulently sign a petition or joint letter presented to Council;

Penalty: one (1) Penalty Unit

9.1.3 A person to use Council's common seal without authority;

Penalty: ten (10) Penalty Units

9.1.4 A person to use a replica of Council's common seal without authority;

Penalty: ten (10) Penalty Units

10 INFRINGEMENT NOTICES

- 10.1 Any person who has committed an offence against this Local Law may be prosecuted in the State of Victoria.
- 10.2 As an alternative to prosecution for an offence, an authorised officer may issue an infringement notice containing the information required by the *Infringements Act 2006* (Vic).
- 10.3 To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued or within an extended time period as permitted by the authorised officer.
- 10.3.1 If payment is made within this time, the offence is to be deemed to be discharged.
- 10.3.2 If payment is not made within this time and the notice is not withdrawn the authorised officer may pursue the matter by:
- (a) prosecuting for the offence; or
 - (b) taking the steps available under the *Infringements Act 2006* (Vic) for enforcing penalties by registration of infringement notices.

NOTE: a person with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

11 PAYMENT OF PENALTY

- 11.1 A person issued with an infringement notice may pay the penalty indicated to:

Chief Executive Officer
Hindmarsh Shire Council
PO Box 250
NHILL VIC 3418

Resolution for the making of this Local Law was agreed to by Hindmarsh Shire Council on 5 May 2021

The common seal of Hindmarsh Shire Council was hereto
affixed in accordance with its Local Law No 1 2021

Chief Executive Officer

Date

Councillor

Date

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette on 11 March 2021 and 13 May 2021.

Public notice of the proposal to make and confirmation of the making of this Local Law were/will be inserted in the following local papers:

Dimboola Banner:	Wednesday 10 March 2021
Nhill Free Press:	Wednesday 10 March 2021
Rainbow Jeparit Argus:	Thursday 11 March 2021
Government Gazette	Thursday 11 March 2021

Dimboola Banner:	Wednesday 19 May 2021
Nhill Free Press:	Wednesday 19 May 2021
Rainbow Jeparit Argus:	Thursday 20 May 2021

A copy of this Local Law was sent to the Minister for Local Government on 9 June 2021.

Resolution for the making of this Local Law was agreed to by Hindmarsh Shire Council on 5 May 2021

The common seal of Hindmarsh Shire Council was hereto affixed in accordance with its Local Law No 1 2021

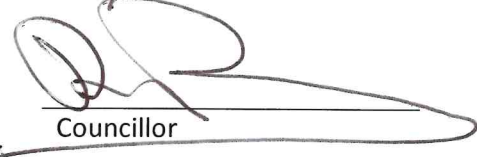


Chief Executive Officer

Date

9/6/2021





Councillor

Date

9-6-2021

Notices of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette on 11 March 2021 and 13 May 2021.

Public notice of the proposal to make and confirmation of the making of this Local Law were/will be inserted in the following local papers:

Dimboola Banner:	Wednesday 10 March 2021
Nhill Free Press:	Wednesday 10 March 2021
Rainbow Jeparit Argus:	Thursday 11 March 2021
Government Gazette	Thursday 11 March 2021

Dimboola Banner:	Wednesday 19 May 2021
Nhill Free Press:	Wednesday 19 May 2021
Rainbow Jeparit Argus:	Thursday 20 May 2021

A copy of this Local Law was sent to the Minister for Local Government on 9 June 2021.