

SOUTH GIPPSLAND SHIRE COUNCIL

Local Law No.2 2020

Processes of Municipal Government Meeting Procedures and Common Seal



*South Gippsland
Shire Council*

LOCAL LAW NO. 2 2020

PROCESSES OF MUNICIPAL GOVERNMENT

Revised 25 November 2020

CERTIFICATION:

This Local Law was made by Council on Wednesday 27 May 2020

The Local Law was gazetted on Thursday 4 June 2020 and become operational on Friday 5 June 2020.

Common Seal of South Gippsland Shire Council was affixed to the original Local Law by the Chief Executive Officer, Kerryn Ellis on Tuesday 2 June 2020 and is affixed to this revised edition - December 2020.

Version incorporates amendments gazetted 3 December 2020

COMMON SEAL STAMP



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PART 1 – PRELIMINARY

1. Title

This Local Law is the Council's Processes of Municipal Government Local Law No.2 2020 and referred to below as this Local Law.

2. Objectives of this Local Law

The objectives of this Local Law are to:

- d. regulate and control the procedures governing the conduct of meetings;
- f. provide for the administration of the Council's powers and functions;
- g. provide generally for the peace, order and good government of the municipal district; and
- h. repeal any redundant Local Laws.

3. The power to make this Local Law

The Council's power to make this Local Law is contained in sections 5, 91 and 111 of the Local Government Act 1989.

4. Commencement and Revocations

This Local Law comes into operation on the date when it is advertised in the Government Gazette and ceases to operate 10 years from that date unless it is sooner revoked by Council. On commencement of this Local law, Local Law No.3 2010 will be revoked.

5. Definitions

In this Local Law, unless inconsistent with the context:

Title	Definition
Act	Means the Local Government Act 1989, or the Local Government Act 2020, depending on the status of each Act.
Authorised Officer	As described in the Local Government Act 1989.
Chair	The person who chairs a meeting of the Council or Special Committee of the Council.

Title	Definition
Chief Executive	Means the Chief Executive Officer appointed by the Council, in accordance with the Local Government Act 1989, or other officer acting in that position.
Council	Means the South Gippsland Shire Council.
Councillor	Means a person who is an elected member of the Council.
Council Meeting	Includes Ordinary and Special meetings of the Council.
Penalty	Means a fine or other monetary penalty and includes an amount payable under an Act or regulation in respect of an offence for which an infringement notice can be issued under the relevant Act or regulation.
Penalty Unit	Has the meaning ascribed to it by Section 110 of the Sentencing Act 1991.

PART 8 – OTHER MEETING PROCEEDINGS

Division 7 - Public Participation

100. Engagement of Public

Council may adopt policies, guidelines and procedures relating to public participation to ensure the smooth and efficient conduct of Council meetings and meetings of Special Committees in accordance with this Local Law.

103. Signing Petitions

Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence.

Penalty: 10 penalty units.

Division 8 - Additional Duties of Chair

105. Chair May Remove

- a. Any person, including a Councillor, who has been called to order and who fails to comply with the Chair's direction, is guilty of an offence.

Penalty: 5 penalty units

- b. The Chair has the discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.

PART 10 - ENFORCEMENT AND PENALTIES

108. Infringement Notices

- a. An authorised officer may issue an infringement notice in accordance with the *Infringements Act 2006*.
- b. The fixed penalty in respect of an infringement is the amount set out in Schedule 2.

109. Payment of Penalty

- a. A person issued with an infringement notice may pay the penalty in accordance with payment options specified in the infringement notice.

- b. To avoid prosecution, the penalty indicated must be paid by the due date in the infringement notice.
- c. A person issued with an infringement notice may elect to have the matter of the infringement heard and determined in the Court, in accordance with the *Infringements Act 2006*.
- d. A person issued with an infringement notice may seek a payment plan in accordance with the *Infringements Act 2006*
- e. A person issued with an infringement notice may request an internal review in accordance with the *Infringements Act 2006*.

SCHEDULE 2 - PENALTIES FIXED FOR INFRINGEMENTS

Provision	Offence	Penalty Units
103	Fraudulently signs a petition or joint letter	10
105 (a)	Failing to comply with a direction of the chair	5