



LOCAL LAW COMMUNITY IMPACT STATEMENT

Proposed Governance Local Law 2022

October 2022

Casey City Council (Council) provides the following information to the community in respect of the proposed Governance Local Law 2022.

INTRODUCTION

Council is proposing to make a new Governance Local Law 2022 (“**Local Law**”) to provide a mechanism to regulate the use of the Common Seal and to provide for 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.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process as required under the *Local Government Act 1989*.

BACKGROUND

At its meeting on 20 November 2020, Council revoked the Meeting Procedure and Use of Common Seal Local Law 2020 (“**Local Law 2020**”) as part of its transition to the *Local Government Act 2020* (“**2020 Act**”), which required Councils to address their meeting procedure applicable to Council (and Delegated Committees) through the Governance Rules. However, the use of the common seal cannot be addressed through the Governance Rules, nor can it contain any infringement penalty provisions

Under the 2020 Act, the common seal of a Council must be used in accordance with any applicable local law. In the absence of a Local Law, the use of a common seal is unregulated, meaning there is no documentation that dictates when and how it should be used.

It has been determined to make a new Local Law to regulate the use of the Common Seal and to provide for offence provisions in relation to the misuse of the Common Seal and the conduct at Council and Delegated Committee Meetings.

OVERVIEW OF PROPOSED LOCAL LAW

The purpose of the proposed Local Law is to make a Local Law.

The proposed Local Law will come into operation on the day after the day on which notice of the making of the proposed Local Law is published in the Victoria Government Gazette. It will expire 10 years after commencement, unless revoked earlier.

Under s 223 of *Local Government Act 1989*, Council is required to give public notice of the proposed Local Law and invite submissions for a period of at least 28 days.

Anyone who makes a written submission can request to be heard in support of their submission at the Council meeting which considers the making of the proposed Local Law, details of which will be provided.

The proposed Local Law has been reviewed by Council’s lawyers who confirm that it

complies with all regulatory requirements.

A copy of the proposed Local Law is attached (“**Attachment 1**”) to this Community Impact Statement.

EVALUATION OF THE PROPOSED LOCAL LAW

In accordance with Guidelines issued by the Minister for Local Government in relation to the making of Local Laws, Council has conducted an evaluation of the proposed Local Law. The evaluation is outlined in the following Table.

Issue	Evaluation
Objectives	The objective of the proposed Local law is to provide a mechanism to regulate the use of the Common Seal and to provide for 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.
Legislative Framework	<p>The 2020 Act gives Councils broad powers to make local laws with respect to any function or power of the Council.</p> <p>It also makes provision for a common seal of a Council to be used in accordance with any applicable local law.</p>
State legislation more appropriate	Not applicable.
Overlap with existing legislation	The proposed Local Law will operate in conjunction with the requirements of the 2020 Act.
Planning Scheme	Not applicable.
Legislative Approach	<p>Council has taken a high impact regulatory approach that is considered appropriate to:</p> <ul style="list-style-type: none">• Facilitate the orderly conduct of Council and Delegated Committee meetings; and• Provide for clear accountability of the appropriate use and safekeeping of the Council’s common seal.
Performance Standards or	Council has adopted a prescriptive approach to the proposed Local

Prescriptive Details	<p>law because its purpose is to prescribe the circumstances in which:</p> <ul style="list-style-type: none"> • Offences may be committed; and • Council's common seal may be lawfully used.
Risk Assessment	<p>No formal risk assessment has been undertaken.</p> <p>Council does not consider that there are any risks associated with the proposed Local Law.</p>
Measures of Success	<p>The success of the proposed Local Law will be measured monitoring the level of compliance with the proposed Local Law.</p>
Permits and Fees	<p>The proposed Local Law does not make provision for the issue of permits and does not prescribe any fees.</p>
Penalties	<p>All offences created under the proposed Local law will attract a maximum penalty of 5 penalty units.</p> <p>Council has compared the general level of penalties provided for in the proposed Local Law with other neighbouring Councils.</p> <p>Council is satisfied that the penalties are similar in nature and are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.</p>
Restriction of Competition	<p>Not applicable.</p>
Comparison with other Councils	<p>In drafting the proposed Local Law, Council examined Local Laws from a number of like and neighbouring Councils to assess similarities and differences, to ensure there is a reasonable degree of consistency in the content, approach and penalties.</p>
Charter of Human Rights	<p>The <i>Charter of Human Rights and Responsibilities Act 2006</i> ("Charter") contains basic rights, which promote and protect the values of freedom, respect, equality and dignity. Council has accessed its obligations against the Charter, which is provided for in a separate attachment.</p>
Community Consultation	<p>The proposed Local law has been reviewed in consultation with members of Council staff and Council's legal advisers.</p> <p>A community consultation process will be conducted in accordance with Council's Community Engagement Policy and section 223 of the <i>Local Government Act 1989</i>.</p> <p>This will require Council to give public notice of its intention to make the proposed Local Law and provide members of the public with the</p>

opportunity make a written submission to Council in relation to the proposed Local Law.

Council will consider submissions received before making a final decision on its proposed Local law. A person who makes a written submission is entitled to request in their written submission, the right to be heard by Council in support of their submission. When Council makes a final decision on the proposed Local law, it must notify each submitter of the decision and the reasons for the decision in writing.

This Community Impact Statement has been prepared to inform the community about the proposed Local Law and to assist any member of the public who may wish to make a submission to Council.