



## **LOCAL LAW NO.8 OF 2020**

### **Use of the Common Seal**

**Adopted by Council: 19 August 2020**

**Date of Commencement: 1 September 2020**

# West Wimmera Shire Council Local Law No.8 of 2020

## Use of the Common Seal

### Part 1 – Preliminary Provisions

#### 1. Title

This Local Law is the West Wimmera Shire Council Local Law No.8 of 2020 – Use of the Common Seal.

#### 2. Objectives

The objectives of this Local Law are to:

- a) Revoke the Meeting Procedure and Common Seal Local Law No.7 of 2017;
- b) Regulate the use of the Common Seal; and
- c) Prohibit unauthorised use of the Common Seal or any device resembling the Common Seal.

#### 3. Authorising Provisions

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

#### 4. Period of Operation

This Local Law:

- a) Commences on 1 September 2020; and
- b) Unless it is revoked sooner, ceases to operate on 31 August 2030.

#### 5. Revocation of other Local Laws

On the commencement of this Local Law, the Meeting Procedure and Common Seal Law No.7 of 2017 is revoked.

## **6. Application and Scope of the Local Law**

This Local Law applies to the whole of the municipal district of Council.

## **7. Definitions**

Unless the contrary intention appears in this Local Law, the following words are defined to mean:

**"the Act"** means the Local Government Act 2020.

**"Chief Executive Officer"** means the Chief Executive Officer of the Council and includes a person acting in that position.

**"Council"** means West Wimmera Shire Council.

**"Penalty Units"** has the same meaning as in section 110 of the Sentencing Act 1991.

## **Part 2 – The Common Seal**

### **8. Use of the Common Seal**

The Common Seal may only be used on the authority of the Council in accordance with this Local Law.

### **9. Custody of the Common Seal**

The Chief Executive Officer must keep the Common Seal in safe custody.

### **10. Signatures to accompany the Common Seal**

Every document to which the Common Seal is affixed must be signed as required by:

- a) Two Councillors and the Chief Executive Officer; or
- b) In the absence of the Chief Executive Officer, or where the document relates to a matter in which the Chief Executive Officer has an interest, by two Councillors and any other member of staff authorised by Council.

## **11. Unauthorised Use of the Common Seal**

- a) A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.
- b) Any person who fraudulently uses the Common Seal is guilty of an offence.

**Penalty: 10 Penalty Units.**

## **12. Delegation**

Council delegates to the Chief Executive Officer the power to authorize the use of the Common Seal on behalf of Council subject to the following:

- a) The Common Seal must not be used for matters for which the Chief Executive Officer is not delegated power, as detailed in the conditions and limitations of the Instrument of Delegation from Council to the Chief Executive Officer.
- b) The Chief Executive Officer must not authorise the use of the Common Seal if the document proposed to be sealed relates to a matter in which the Chief Executive Officer has an interest.
- c) The Chief Executive Officer must first be satisfied that any provisions of the Act or the Local Government Act 1989 required to be complied with in relation to the subject matter of the document have been complied with.

The resolution for making this Local Law was made by West Wimmera Shire Council on 19 August 2020.

The resolution to sign and seal this Local Law was made by West Wimmera Shire Council on 19 August 2020.

**THE COMMON SEAL of WEST WIMMERA  
SHIRE COUNCIL was hereunto affixed in the  
presence of:**

*Trevor Day* Councillor

*B.H. Meyer* Councillor

*[Signature]* Chief Executive Officer



Public Notices of the proposal to make and confirmation of the making of this Local Law were published in the:

1. West Wimmera Shire Council Website on 16/08/2020 and 25/08/2020
2. West Wimmera Advocate on 22/08/2020 and 02/09/2020
3. Kaniva Times/Nhill Free Press on 22/08/2020 and 02/09/2020
4. Wimmera Mail Times on 22/08/2020 and 02/09/2020

Notices of the proposal to make and confirmation of the making of this Local Law were published in the Victorian Government Gazette dated 23/08/2020 and 27/08/2020

A copy of this Local Law was sent to the Victorian Minister for Local Government on 31 August 2020

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