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Solicitor's Certificate – Section 74(1) *Local Government Act 2020*

Ararat Rural City Council Neighbourhood Amenity Local Law 2022

The Ararat Rural City Council (**Council**) is proposing to make the Neighbourhood Amenity Local Law 2022 (**proposed Local Law**).

I have been asked to provide a certificate under s 74(1) of the *Local Government Act 2020* (Act) in respect of the proposed Local Law.

In accordance with s 74(1) of the Act, I have assessed the proposed Local Law for consistency with the local law requirements, as outlined in the following table.

Local Law Requirement	Consistent
A local law must not be inconsistent with any Act (including the <i>Charter of</i> <i>Human Rights and</i> <i>Responsibilities Act 2006</i>) or regulations.	Yes. The proposed Local Law does not overlap or conflict with, or duplicate, existing legislation. The proposed Local Law is therefore not inconsistent with any Act or regulations.
	The proposed Local Law has been reviewed for compatibility with the <i>Charter of Human Rights and Responsibilities Act 2006</i> (Charter). The proposed Local Law engages a number of rights, including the rights to:
	 freedom of thought, conscience, religion and belief (see cls 15, 33 and 60(4)); freedom of expression (see cls 33, 41 and 60(4)); peaceful assembly (see cls 33 and 60(4)); enjoy cultural rights (see cl 15); and not be deprived of their property (see cl 77).
	Each of these matters has been assessed and it has been determined that since each:
	 activity which engages the Charter can be conducted with a permit issued by Council; and limit, if any, is proportionate and can be demonstrably justified taking into account the matters set out in s 7 of the Charter.
	The proposed Local Law, having been reviewed for compatibility with the Charter, is therefore considered to be compatible with the Charter.
A local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district.	Yes. Nothing in the proposed Local Law concerns or otherwise engages the Ararat Planning Scheme.
A local law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.	Yes. Clause 64 provides that any permit issued by Council for filming on a road or Council Land must be consistent with the Film Friendly Principles set out in the <i>Filming Approval Act 2014</i> .

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Local	Law Requirement	Consistent
the por confer	I law must not exceed wer to make local laws red by this Act or any authorising Act.	Yes. The proposed Local Law is consistent with, and does not exceed, the scope of Council's powers to make Local Laws under the Act.
A local law must be consistent with the objectives of this Act or any other authorising Act.		Yes. The proposed Local Law furthers the objects of accountable, transparent, collaborative and efficient operations of Council in a manner that engages with the municipal community and its needs.
expres unamb	l law must be ssed as clearly and biguously as is nably possible.	Yes. The proposed Local Law is clear and unambiguous.
expres under	s there is clear and ss power to do so this Act or any other rising Act, a local law not— seek to have a retrospective effect; or impose any tax, fee, fine, imprisonment or other penalty; or authorise the sub- delegation of powers delegated under the local law.	 Yes. The proposed Local Law: does not seek to have retrospective effect; makes provision for the imposition of penalties in respect of offences that are created, which penalties are: consistent with s 79 of the Act; similar in nature when compared to like councils; and sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences; makes provision for the setting and imposition of fees in a manner that is consistent with s 77 of the Act; and does not authorise the sub-delegation of any powers.
any de regulat	I law must comply with etails prescribed in the tions relating to the ration and content of aws.	Yes. No regulations relating to the preparation and content of local laws have, at the time of preparing this certification, been made.

I, Kate Emily Oliver, Partner at Maddocks, certify that I:

- am an Australian lawyer who has been admitted to the legal profession for at least 5 years;
- am not a Councillor of Council;
- have reviewed the proposed Local Law against the local law requirements; and
- am of the opinion that the proposed Local Law is consistent with the local law requirements set out in s 72 of the Act.

Signed by Kate Oliver in Victoria on 21 April 2022