

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
<p>A local law must not be inconsistent with any Act (including the <i>Charter of Human Rights and Responsibilities Act 2006</i>) or regulations.</p>	<p>Yes.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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). <p>Each of these matters has been assessed and it has been determined that since each:</p> <ul style="list-style-type: none"> • 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. <p>The proposed Local Law, having been reviewed for compatibility with the Charter, is therefore considered to be compatible with the Charter.</p>
<p>A local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district.</p>	<p>Yes.</p> <p>Nothing in the proposed Local Law concerns or otherwise engages the Ararat Planning Scheme.</p>
<p>A local law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.</p>	<p>Yes.</p> <p>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>.</p>

