

# LEGISLATIVE ASSEMBLY

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(As sent to the Legislative Council)

## A BILL

for

An Act to authorize the Appointment of Commissioners to administer the City of Melbourne for a limited Period, to remove the Council of that City from Office and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. (1) This Act may be cited as the *Local Government (City of Melbourne) Act 1981*. Short title.

(2) This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

2. In this Act unless inconsistent with the context or subject-matter—

“Corporation” means the Corporation of the City of Melbourne. “Corporation.”

3. (1) The Governor in Council may by proclamation published in the *Government Gazette* appoint three persons to be Commissioners of the City of Melbourne for the purposes of this Act. Appointment of Commissioners.

(2) The Governor in Council shall appoint one of the Commissioners to be the Chairman and one of the other Commissioners to be Deputy Chairman.

(3) The Chairman shall not during his continuance in office directly or indirectly engage in any paid employment outside of his office without the consent of the Governor in Council. 5

(4) The Governor in Council may at any time remove a Commissioner from office.

(5) The Commissioners shall hold office until the returning officer declares the results of the poll at the first election of the Councillors of the City of Melbourne held after the Commissioners have forwarded their final report to the Minister under section 10. 10

Deputy  
Chairman.

4. (1) During the absence from office or illness of the Chairman, the Deputy Chairman shall act in the place of the Chairman and while so acting shall have, exercise and discharge all the responsibilities, liabilities, rights, powers, authorities, duties and functions conferred or imposed on the Chairman by or under this Act. 15

(2) The Governor in Council may appoint some person to act in place of a Commissioner during his absence from office or illness and any person so appointed shall, while so acting, have, exercise and discharge all the responsibilities, liabilities, powers, authorities, duties and functions conferred or imposed on a Commissioner by or under this Act. 20

(3) Sub-section (3) of section 3 shall not apply to the Deputy Chairman while acting as the Chairman unless the Governor in Council determines either generally or in a particular instance that the sub-section shall apply. 25

(4) A reference in this Act—

(a) to the Chairman includes a reference to the Deputy Chairman while acting as the Chairman; and 30

(b) to the Commissioners includes a reference to any person appointed to act as a Commissioner pursuant to sub-section (2).

(5) No person shall be concerned to inquire whether any occasion had arisen requiring or authorizing the Deputy Chairman to act in the place of the Chairman or any person to act in the place of a Commissioner and all acts or things done or omitted to be done by the Deputy Chairman or such a person, as the case may be, while so acting, shall be as valid and effectual and shall have the same consequence as if they had been done or omitted to be done by the Chairman or a Commissioner, as the case may be. 40

5. Each

5. Each of the Commissioners shall be paid out of the Town Fund of the City of Melbourne such remuneration and expenses as the Governor in Council may from time to time determine.

Remuneration  
of  
Commissioners.

6. If any Commissioner—

Vacancy.

- 5 (a) becomes bankrupt or his property becomes in any manner subject to control under the law relating to bankruptcy;
- (b) is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence;
- 10 (c) becomes incapable of performing the duties of his office;
- (d) is removed from office or resigns his office; or
- (e) dies—

his office as a Commissioner shall become vacant.

7. (1) Upon the appointment of the Commissioners under section 3—

Commissioners  
substituted  
for Council  
of City of  
Melbourne.

- 15 (a) the Lord Mayor and Councillors of the City of Melbourne shall go out of office;
- (b) subject to this section, the Commissioners during their term of office shall be deemed to be councillors and shall
- 20 be deemed to constitute the Council of the City of Melbourne and in the name and on behalf of the Corporation, shall in respect of the City of Melbourne, have, exercise and discharge the responsibilities, liabilities, rights, powers, authorities, duties and functions conferred or imposed—
- 25 (i) upon the Council of the City of Melbourne by or under any Act; and
- (ii) upon them by or under this Act;
- 30 (c) subject to this section, the Chairman shall have, exercise and discharge the responsibilities, liabilities, rights, powers, authorities, duties and functions, conferred or imposed upon the Lord Mayor of the City of Melbourne and upon the chairman of a municipality; and
- 35 (d) subject to this section, the Commissioners shall have, exercise and discharge the responsibilities, liabilities, rights, powers, authorities, duties and functions conferred or imposed upon the councillors of the City of Melbourne.

40 (2) Where by any Act, regulation, rule, by-law, instrument or document provision is made for the Lord Mayor or a councillor of the City of Melbourne or the chairman or a member of a committee of the Council of the City of Melbourne to be a member of or to be represented on a board, council, committee, commission

or

or other body or to be a trustee or to be a member or director of a company, that provision shall have effect during the term of office of the Commissioners as if it provided for a Commissioner or some other person appointed by the Commissioners to be that member, representative, trustee or director (as the case may be). 5

(3) Notwithstanding sub-section (1)—

- (a) section 64 of the *Local Government Act* 1958 shall not apply to the Commissioners;
- (b) sections 65 and 71 of that Act shall not apply to the Chairman; 10
- (c) sections 54 and 55 of that Act shall apply to the Commissioners as if they were elected councillors of the municipality; and
- (d) section 166 of that Act shall apply to the Commissioners as if they were officers of the municipality. 15

Meetings.

8. (1) For the purpose of the exercise and discharge of their responsibilities, liabilities, rights, powers, authorities, duties and functions, the Commissioners shall hold meetings, which shall be convened by the Chairman at least once in each month at which—

- (a) two Commissioners shall form a quorum; and 20
- (b) the Chairman shall preside and, in the event of equality of voting, shall have, in addition to his original vote, a second or casting vote.

(2) The Commissioners shall meet at the times and places specified by the Chairman. 25

(3) Notwithstanding anything in any Act, regulation, rule or by-law but subject to this Act the Commissioners may regulate their own proceedings.

Commissioners to improve administration of Corporation.

9. It shall be the duty of the Commissioners during their term of office to ensure that the functions of the Corporation are carried out in the most efficient and economic manner possible and for that purpose the Commissioners may take such measures as appear to them to be necessary or desirable to improve the administration organization staffing and procedures of the Corporation. 30

Additional duties of Commissioners.

10. (1) As soon as practicable after their appointment, the Commissioners shall begin an examination for the purpose of— 35

- (a) recommending to the Minister the manner in which the boundaries of the City of Melbourne can be best altered to produce a more effective unit of local government having regard, in particular, to the special character of the Central Business District and its importance to the State as a whole; 40

(b) advising

- 5 (b) advising the Minister of the changes that should be made to the constitution structure functions and administration of the Corporation consequent upon their recommendations under paragraph (a) and upon the assumption that legislative provision may be made for the election by the voters of the municipal district of a person to be the Lord Mayor of the City of Melbourne; and
- 10 (c) making recommendations to the Minister on any other matters arising as a consequence of any recommendations made or advice given under paragraph (a) or (b).
- (2) In making their examination under sub-section (1), the Commissioners shall consider—
- 15 (a) the manner in which the existing boundaries of the municipality should be altered;
- (b) the effects on the City of Melbourne and adjoining municipalities of an alteration in the boundaries of the City;
- 20 (c) the manner in which any areas recommended to be severed from the municipal district of the City of Melbourne ought to be governed;
- (d) whether the municipality should be subdivided into wards and—
- 25 (i) if it is to be subdivided, the manner in which it should be subdivided; and
- (ii) if it is to be unsubdivided, the number of councillors there should be assigned to the municipality;
- 30 (e) what should be the basis of qualification of a candidate for the office of Lord Mayor of the City of Melbourne and the term of that office;
- (f) the procedures necessary to provide for the election of the Lord Mayor of the City of Melbourne by the voters of the whole municipal district as one electorate with each voter having one vote;
- 35 (g) the functions of the Lord Mayor in relation to the Council and whether any further powers and responsibilities should be vested in the Lord Mayor;
- 40 (h) the manner of apportionment, settlement and adjustment and resolution of all questions relating to the control and disposition of all assets, property (including parks and gardens), business undertakings, responsibilities, rights and liabilities in consequence of any recommendations made;

(i) the

- (i) the arrangements which should be made to make positions available to officers and employes of the Corporation who will be surplus to the requirements of the Corporation in consequence of any recommendations made; and 5
- (j) the arrangements which should be made to preserve and safeguard the rights and reasonable expectations with respect to salaries, long service leave and superannuation of such officers and employes.
- (3) In carrying out their examination under this section, the Commissioners shall, where necessary, consult with the councils of adjoining municipalities, ratepayers, employes associations and other persons and bodies concerned. 10
- (4) During their examination the Commissioners shall make progress reports to the Minister at intervals of not more than three months, and they shall complete their examination as soon as practicable and forward their final report and recommendations to the Minister. 15



