

# City of Greater Bendigo Bill

## EXPLANATORY MEMORANDUM

### PART 1—PRELIMINARY

*Clause 1* states the purposes of the Act, which are to restructure certain Councils in the Bendigo region, to constitute the City of Greater Bendigo, to appoint Commissioners to administer the new Council until an election is held and to provide for other matters to enable the effective implementation of the restructuring provided for by the Act.

*Clause 2* provides for the Act to come into operation on the day it receives Royal Assent.

*Clause 3* contains definitions of terms used in the Act.

*Clause 4* is an interpretive aid and ensures that in the event of any inconsistency with the **Local Government Act 1989**, the provisions of the City of Greater Bendigo Act prevail.

### PART 2—CITY OF GREATER BENDIGO

*Clause 5 (1)* provides for the constitution of a City Council by the name of the Greater Bendigo City Council and having the boundaries fixed by Schedule I, for those named Councils to go out of existence; and for Commissioners to administer the new Council as if they were the elected Councillors of the Council.

*Sub-clause (2)* ensures that any future changes to the boundaries of the City of Greater Bendigo can be made in the same way as changes are made to the boundaries of any other Council.

*Sub-clause (3)* revokes the Order which suspended the Councillors of the Shire of Strathfieldsaye and appointed an Administrator.

*Clause 6* provides for the Greater Bendigo City Council to take over the assets and liabilities of the former Councils, for the new Council to be the successor in law of the former Councils and for other related matters.

*Clause 7* deals with the appointment of Commissioners.

*Sub-clause (1)* provides for the Governor in Council to appoint Commissioners who will act in the place of elected Councillors. At least 3 and not more than 5 Commissioners can be appointed.

*Sub-clauses (2)–(11)* deal with the usual matters relating to the appointment of Commissioners.

*Sub-clause (12)* deems certain persons to have been appointed Commissioners for the purposes of the Act and *sub-clause (13)* deems one of those persons to have been appointed Chairperson.

*Clause 8* deals with the functions and powers of Commissioners.

*Sub-clause (1)* provides for the Commissioners to have all the functions, powers, duties and responsibilities you would normally expect of Councillors.

*Sub-clause (2)* provides for a Commissioner or the Commissioners' nominee to represent the Council on other bodies.

*Sub-clause (3)* provides that the sections of the **Local Government Act 1989** which deal with the payment of allowances and expenses to councillors and the election of a Mayor and deputy Mayor, do not apply to the Commissioners.

*Clause 9* deals with the procedure for meetings of the Greater Bendigo City Council during the period of administration.

*Clause 10 (1)* sets out the duties of the Commissioners and states that the Commissioners must ensure that the operations of the new Council are carried out in the most efficient and economic manner possible.

*Sub-clause (2)* provides the Minister with a power of direction.

*Clause 11* deals with staff matters.

*Sub-clause (1)* transfers all existing staff of the former Councils to the new Council on existing terms and conditions and ensures that they keep existing accrued rights.

*Sub-clause (2)* provides that the provisions of the **Local Government Act 1989** dealing with the imposition of surcharges apply to former councillors and staff.

*Sub-clause (3)* authorises a person to perform the functions of a chief executive officer and keeps previous delegation in place.

*Clause 12* makes special transitional arrangements in relation to the local laws of the former Councils.

### **PART 3—RESTORATION OF ELECTED COUNCIL**

*Clause 13* deals with the election of Councillors to the Greater Bendigo City Council.

*Sub-clause (1)* fixes the date of the election, which is 5 August 1995 and sub-clause (2) deems that date to have been fixed in the normal way.

*Sub-clause (3)* allows Orders to be made in relation to the election, including the subdivision of the district into wards.

*Sub-clause (4)* ensures that any future changes in relation to these matters are made in the normal way.

*Sub-clause (5)* provides for triennial elections.

*Sub-clause (6)* provides for the provisions of the **Local Government Act 1989** to otherwise apply to the first election.

*Clause 14 (1)* requires the newly elected councillors to meet within 10 days of the first election behind held.

*Sub-clause (2)* provides for the Commissioners go out of office at 9 am on the day of the first meeting of the elected Council.

*Sub-clause (3)* provides a reserve power to enable an Order to be made in relation to the changeover from Commissioners to elected Councillors.

#### **PART 4—GENERAL PROVISIONS**

*Clause 15* spells out the general matters which may be dealt with by Order of the Governor in Council to ensure the effective implementation of the restructuring provided for by the Act.

*Clause 16* contains general matters relating to the making of Orders.

*Clause 17* contains transitional provisions in relation to the valuations to be used and the systems of valuation to be used until 30 September 1995.

*Clause 18* freezes rates and charges for the 1994–1995 rating year.

*Clause 19* contains transitional provisions which deal with planning matters.

*Clause 20* allows the new Council to borrow monies included in the budget of a former Council.

*Clause 21* requires the new Council to prepare a 3 year corporate plan by 30 November 1994.

*Clause 22* allows the Registrar of Titles to make consequential amendments to the Registrar.

*Clause 23* precludes proceedings being taken in the Supreme Court in respect of the operation of specified provisions of this Act.

*Clause 24* states that it is the intention of the section to alter section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court from dealing with applications under section 23.

SCHEDULE 1 sets out the boundaries of the municipal district of the Greater Bendigo City Council.

SCHEDULE 2 specifies the local laws of the former Councils which are revoked. The local laws deal with meeting procedures and the use of the common seal.

