

City of Greater Geelong Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clause 1 states the purposes of the Act, which are to restructure certain councils in the Geelong region, constitute the City of Greater Geelong and abolish the Geelong Regional Commission.

The Greater Geelong City Council will replace six existing councils and its municipal district will incorporate part of the district of the Shire of Bannockburn and part of the district of the Barrabool Shire Council.

The Councils which will be replaced by the Greater Geelong City Council are Bellarine Rural City Council, City of Geelong, City of Geelong West, City of Newtown, City of South Barwon and Shire of Corio.

Clause 2 states that with the exception of section 24, the Act comes into operation on the day it receives Royal Assent.

Clause 3 contains definitions of terms used in the Act. Most of the new arrangements are to take effect on the “appointed day” which is defined to be the day on which the Bill receives Royal Assent.

Clause 4 states that the Act must be construed as one with the **Local Government Act 1989** but that in the case of any inconsistency this Act prevails.

PART 2—CITY OF GREATER GEELONG

Clause 5 provides for the constitution of a City Council by the name of the Greater Geelong City Council, for the councils to be replaced to go out of existence and for Commissioners to administer the new Council as if they were the elected Councillors of the Council.

Clause 6 provides for the Greater Geelong City Council to be the successor in law of the former councils.

Clause 7 provides for the appointment of and other matters relating to the appointment of the Commissioners. At least 3 and not more than 5 Commissioners can be appointed by the Governor in Council.

Clause 8 sets out the functions and powers of the Commissioners.

Clause 9 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.

Clause 10 deals with transitional matters relating to staffing.

Clause 11 imposes special requirements on contracts entered by the councils to be replaced by the Greater Geelong City Council. As from 6 April 1993, the Minister must approve all contracts with a value of more than \$25 000 and all leasing arrangements. If a

council does not comply, then there is provision for councillors and members of staff to be surcharged.

Clause 12 contains transitional provisions dealing with rates and charges.

Sub-clause 1 allows the Greater Geelong City Council to use existing valuations until the beginning of the 1994–95 financial year.

Sub-clause 2 keeps current systems of valuation, current rating categories and current rates in the dollar and current charges in place for the 1993–94 financial year. For the 1994–95 financial year, the Council must adopt a common system of valuation and can do so without being required to conduct a poll of ratepayers.

Clause 13 contains transitional provisions dealing with local laws. The local laws remain in place in the relevant part of the Greater Geelong City Council's municipal district for a period of 18 months, unless sooner revoked or amended by Order of the Governor in Council or by the council.

Clause 14 contains transitional provisions dealing with borrowings.

Clause 15 provides flexibility to deal with specific issues as they arise by Order of the Governor in Council. Orders can alter specified requirements of the **Local Government Act 1989**, such as the form of the financial statements to be prepared for the 1992–93 financial year.

Clause 16 enables Orders to be made to fix a day for the first election of Councillors for the Greater Geelong City Council, and to provide for all other necessary matters relating to the election.

Clause 17 provides for the Commissioners go out of office at 9 a.m. on the day of the first meeting of the elected council.

PART 3—SHIRE OF BANNOCKBURN

Clause 18 makes consequential adjustments to the Shire of Bannockburn's boundaries.

The new boundaries are described in Schedule 2

PART 4—BARRABOOL SHIRE COUNCIL

Clause 19 makes consequential amendments to the Barrabool Shire Council's boundaries and provides for existing Councillors to remain in office until the next annual election at which 9 Councillors are to be returned.

The new boundaries are described in Schedule 3.

PART 5—GEELONG REGIONAL COMMISSION

Clause 20 provides that on the appointed day the members of the Geelong Regional Commission go out of office and an administrator takes over the affairs of the Commission. Also on the appointed day the Commission's regional planning function will cease.

Clause 21 deals with the appointment of the administrator.

Clause 22 spells out the functions and powers of the administrator. As stated in sub-clause (2) the role of the administrator is to ensure an orderly winding up of the affairs of the Geelong Regional Commission.

Clause 23 spells out certain transitional matters which are necessary to keep the Geelong Regional Planning Scheme in place but which also allow for the Scheme to be adapted for the three councils whose districts were previously covered by the Scheme.

Clause 24 provides for the repeal of the **Geelong Regional Commission Act 1977** and for the assets and liabilities of the Commission to vest in the Crown.

PART 6—GENERAL

Clauses 25 and 26 provide for matters which may be provided for by Orders in Council and the making of such Orders.

