

Local Government (City of Melbourne) Bill

NOTES ON CLAUSES

Clause 1 is a provision in the usual form as to the short title and commencement of the Act.

Clause 2 is an interpretation provision.

Clause 3:

Sub-clause (1) provides for the appointment of Commissioners.

Sub-clause (2) enables the Governor in Council to appoint a Chairman and Deputy Chairman.

Sub-clause (3) prohibits the Chairman from engaging in paid employment outside of official duties.

Sub-clause (4) enables the Governor in Council to remove a Commissioner from office.

Sub-clause (5) provides that the Commissioners shall hold office until a new Council is elected.

Clause 4:

Sub-clause (1) enables the Deputy Chairman to act as chairman during the absence from office or illness of the Chairman.

Sub-clause (2) enables the Governor in Council to appoint a deputy for a Commissioner.

Sub-clause (3) provides that the requirement that the Chairman refrain from engaging in paid employment outside official duties shall not apply to the Deputy Chairman while acting as Chairman unless the Governor in Council so determines.

Sub-clause (4) provides that a reference in the Act to the Chairman includes a reference to the Deputy Chairman while acting as Chairman and to the Commissioners includes a reference to an acting Commissioner.

Sub-clause (5) sets out the effect of the appointment and actions of a deputy.

Clause 5 provides for the payment of remuneration and expenses to the Commissioners.

Clause 6 sets out the circumstances in which the office of a Commissioner shall become vacant.

Clause 7:

Sub-clause (1) provides that upon the appointment of the Commissioners—

- (a) the Lord Mayor and Councillors of the City of Melbourne will go out of office;
- (b) the Commissioners shall be deemed to be councillors and the Council of the City of Melbourne and shall exercise the functions of the Council and the other functions imposed on them by or under the Act; and

- (c) the Chairman shall exercise the functions of the Lord Mayor of the City of Melbourne and the chairman of a municipality; and
- (d) the Commissioners shall exercise the functions of councillors of the City of Melbourne.

Sub-clause (2) enables the Commissioners or persons appointed by the Commissioners to take the place of councillors on committees boards and other bodies during the term of office of the Commissioners.

Sub-clause (3) provides that section 64 of the *Local Government Act* 1958 does not apply to the Commissioners, sections 65 and 71 do not apply to the Chairman, sections 54 and 55 apply to the Commissioners as if they were elected councillors of the municipalities and section 166 applies to the Commissioners as if they were officers of the municipality.

Clause 8 sets out the procedure for meetings of the Commissioners.

Clause 9 provides that it shall be the duty of the Commissioners to ensure that the functions of the Corporation are carried out in the most efficient and economic manner possible and to take measures to improve the administration of the Corporation.

Clause 10:

Sub-clause (1) provides that the Commissioners shall make an examination for the purpose of recommending to the Minister the changes which should be made to the boundaries of the City of Melbourne to produce a more effective unit of local government and the consequential changes which should be made to the Corporation and municipal district of the City of Melbourne.

Sub-clause (2) sets out the matters relating to the restructuring of the municipality and the Corporation which the Commissioners should consider in making their examination under sub-section (1).

Sub-clause (3) provides for the Commissioners to consult with adjoining councils, ratepayers, employees associations and other persons and bodies in making their examination.

Sub-clause (4) requires the Commissioners to make progress reports to the Minister and on completion of their examination to forward their final report and recommendations to the Minister.