

**Authorised Version No. 020**  
**City of Greater Geelong Act 1993**  
**No. 16 of 1993**

Authorised Version incorporating amendments as at  
21 June 2017

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**City of Greater Geelong Act 1993**

**No. 16 of 1993**

Authorised Version incorporating amendments as at  
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**The Parliament of Victoria enacts as follows:**

**Part 1—Preliminary**

**1 Purpose**

The purpose of this Act is to—

- (a) restructure certain Councils in the Geelong region; and
- (b) constitute the City of Greater Geelong; and
- (c) abolish the Geelong Regional Commission.

**2 Commencement**

- (1) This Act (other than section 24) comes into operation on the day on which it receives the Royal Assent.
- (2) Section 24 comes into operation on a day to be proclaimed.

**3 Definitions**

- (1) In this Act—

\* \* \* \* \*

**S. 3(1) def. of  
Administrator  
repealed by  
No. 14/2016  
s. 11(1).**

*appointed day* means the day on which this Act  
receives the Royal Assent;

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S. 3(1) def. of  
*Commissioner*  
repealed by  
No. 1/2012  
s. 3(2).

\* \* \* \* \*

S. 3(1) def. of  
*Council*  
inserted by  
No. 1/2012  
s. 3(1).

*Council* means the Greater Geelong City Council;

S. 3(1) def. of  
*former Council*  
repealed by  
No. 14/2016  
s. 11(1).

\* \* \* \* \*

S. 3(1) def. of  
*Order in Council*  
amended by  
No. 1/2012  
s. 3(3).

*Order in Council* means an Order made by the  
Governor in Council and published in the  
Government Gazette.

S. 3(1) def. of  
*period of administration*  
repealed by  
No. 1/2012  
s. 3(2).

\* \* \* \* \*

(2) Unless inconsistent with the context or subject-matter, words and expressions defined in the **Local Government Act 1989** have the same meaning in this Act.

#### 4 Construction of Act

This Act must be read and construed as one with the **Local Government Act 1989** but the provisions of this Act prevail over the provisions of the **Local Government Act 1989** to the extent of any inconsistency.

## Part 2—City of Greater Geelong

### 5 Constitution of City of Greater Geelong

(1) On the appointed day—

- (a) there is deemed to have been constituted under the **Local Government Act 1989** a body corporate constituted as a City Council by the name of Greater Geelong City Council;

*	*	*	*	*	S. 5(1)(b)–(e)(2) repealed by No. 34/1996 s. 31.
*	*	*	*	*	S. 6 repealed by No. 14/2016 s. 11(2).
*	*	*	*	*	S. 7 repealed by No. 34/1996 s. 31, new s. 7 inserted by No. 1/2012 s. 4, repealed by No. 24/2017 s. 4.

### 8 Reconstitution of the Council from October 2017

(1) From the general election, to be held in October 2017, the Council consists of 11 Councillors elected to represent 4 individual wards as follows—

- (a) 3 wards represented by 3 Councillors each;  
(b) one ward represented by 2 Councillors.

S. 8 repealed by No. 34/1996 s. 31, new s. 8 inserted by No. 1/2012 s. 4, amended by No. 14/2016 s. 12(a)(b), substituted by No. 24/2017 s. 5.

- (2) The constitution of the Council as specified in subsection (1)—
- (a) may be altered as specified in section 9(2);  
and
  - (b) applies until an alteration is made as specified in section 9(2).

**S. 9**  
repealed by  
No. 34/1996  
s. 31, new s. 9  
inserted by  
No. 1/2012  
s. 4,  
amended by  
No. 14/2016  
s. 12(c),  
substituted by  
No. 24/2017  
s. 5.

## **9 Orders in respect of constitution of the Council under section 8(1)**

- (1) For the purposes of the general election to be held in October 2017, the Governor in Council may make an Order in Council in accordance with section 220Q of the **Local Government Act 1989** in respect of the following—
- (a) altering the boundaries or names of the wards of the Council;
  - (b) altering the number of Councillors assigned to each ward in accordance with section 8(1).
- (2) For the purpose of any general election to be held after October 2017, the Governor in Council may make an Order in Council in accordance with section 220Q of the **Local Government Act 1989** in respect of the constitution of the Council under section 8(1).

## **Part 3—Elections and Council administration**

New Pt 3  
(Heading)  
inserted by  
No. 1/2012  
s. 5.

### **Division 1—Election of Mayor**

Pt 3 Div. 1  
(Heading and  
ss 10, 11)  
amended by  
Nos 34/1996  
s. 31, 1/2012  
s. 5,  
substituted as  
Pt 3 Div. 1  
(Heading and  
s. 10) by  
No. 24/2017  
s. 6.

#### **10 Election of Mayor**

S. 10  
substituted by  
No. 24/2017  
s. 6.

- (1) At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) A Mayor is to be elected no later than 2 months after the date of a general election.
- (3) A Mayor is to be elected no sooner than 23 months, but no later than 24 months, after a Mayor was previously elected.
- (4) A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.
- (5) The election of a Mayor after the period specified in subsection (2), (3) or (4) does not invalidate the election.
- (6) During the period after a general election until a Mayor is elected under this section, the Council must appoint one of the Councillors to chair each meeting of the Council.

## Division 2—Council administration

Pt 3 Div. 2  
(Heading)  
inserted by  
No. 1/2012  
s. 5.

S. 11A  
inserted by  
No. 1/2012  
s. 6,  
amended by  
No. 14/2016  
s. 13,  
substituted by  
No. 24/2017  
s. 7.

### 11A Term of office of Mayor

- (1) The office of Mayor becomes vacant—
  - (a) at 6 a.m. on the day of the election of the Mayor; or
  - (b) if the Mayor dies or ceases to be a Councillor; or
  - (c) if the Mayor's office as a Councillor is suspended for any period under the **Local Government Act 1989**; or
  - (d) if the Mayor resigns in writing which is given at a Council meeting or to the Chief Executive Officer; or
  - (e) if the Mayor becomes ineligible to hold office under section 81J(2) or (2A) of the **Local Government Act 1989**; or
  - (f) if the Mayor is ousted from office.
- (2) For the avoidance of doubt, the office of Mayor becomes vacant under subsection (1)(b) at 6 a.m. on the day of a general election whether or not the Mayor has completed the Mayor's term of office.
- (3) Any Councillor is eligible for election or re-election to the office of Mayor.



### **11B Filling of vacancy of office of Mayor**

S. 11B  
inserted by  
No. 1/2012  
s. 6.

\* \* \* \* \*

S. 11B(1)(2)  
repealed by  
No. 24/2017  
s. 8.

- (3) If there is a vacancy in the office of Mayor, the Deputy Mayor must be the acting Mayor for the duration of the vacancy.
- (4) If the Mayor is absent, incapable of acting or refusing to act, the Council may by resolution appoint the Deputy Mayor to be the acting Mayor until the Mayor returns, is capable of acting, or is willing to act, as Mayor again.
- (5) An acting Mayor may perform any function or exercise any power conferred on the Mayor.

### **11C Election of Deputy Mayor**

S. 11C  
inserted by  
No. 1/2012  
s. 6.

- (1) At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Deputy Mayor of the Council.
- (2) A Deputy Mayor is to be elected after the Mayor and within the period specified in section 10(2).
- (2A) A Deputy Mayor is to be elected no sooner than 23 months, but no later than 24 months, after a Deputy Mayor was previously elected.
- (2B) A Deputy Mayor is to be elected within one month after any vacancy in the office of Deputy Mayor occurs.

S. 11C(1)  
substituted by  
No. 24/2017  
s. 9(1).

S. 11C(2)  
substituted by  
No. 24/2017  
s. 9(1).

S. 11C(2A)  
inserted by  
No. 24/2017  
s. 9(1).

S. 11C(2B)  
inserted by  
No. 24/2017  
s. 9(1).

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S. 11C(2C)  
inserted by  
No. 24/2017  
s. 9(1).

(2C) The election of a Deputy Mayor after the period specified in subsection (2), (2A) or (2B) does not invalidate the election.

S. 11C(3)(a)  
amended by  
No. 24/2017  
s. 9(2)(a).

(3) The office of Deputy Mayor becomes vacant—

(a) at 6 a.m. on the day of an election of a Deputy Mayor; or

S. 11C(3)(b)  
substituted by  
No. 24/2017  
s. 9(2)(b).

(b) if the Deputy Mayor resigns in writing which is given at a Council meeting or to the Chief Executive Officer; or

(c) if he or she dies or ceases to be a Councillor;  
or

(d) if he or she is elected to the office of Mayor;  
or

S. 11C(3)(e)  
amended by  
No. 24/2017  
s. 9(2)(c).

(e) if his or her office as a Councillor is suspended for any period under the **Local Government Act 1989**.

S. 11C(4)  
substituted by  
No. 24/2017  
s. 9(3).

(4) For the avoidance of doubt, the office of Deputy Mayor becomes vacant under subsection (3)(c) at 6 a.m. on the day of a general election whether or not the Deputy Mayor has completed the Deputy Mayor's term of office.

S. 11C(4A)  
inserted by  
No. 24/2017  
s. 9(3).

(4A) Any Councillor is eligible for election or re-election to the office of Deputy Mayor.

S. 11C(4B)  
inserted by  
No. 24/2017  
s. 9(3).

(4B) If a Councillor Conduct Panel makes a finding of serious misconduct by a Councillor under section 81J of the **Local Government Act 1989**, the Councillor is disqualified from holding the office of Deputy Mayor from the date of the finding for the remainder of the term of the Council unless the Councillor Conduct Panel otherwise orders.

- (5) If the Deputy Mayor is required to be acting Mayor for a period exceeding one month, the Council must elect another Councillor to be acting Deputy Mayor for the relevant period.

**11D Precedence of Mayor**

S. 11D  
inserted by  
No. 1/2012  
s. 6.

- (1) The Mayor of the Council takes precedence at all municipal proceedings within the municipal district.
- (2) The Mayor must chair all meetings of the Council at which he or she is present.
- (3) If the Mayor is absent from a meeting of the Council, the Deputy Mayor must chair the meeting if the Deputy Mayor is present.
- (4) If both the Mayor and Deputy Mayor are absent from a meeting of the Council, the Councillors who are present at the meeting must appoint one of their number to chair the meeting.

**11DA Functions of Mayor**

S. 11DA  
inserted by  
No. 53/2015  
s. 77.

The functions of the Mayor of the Council include—

- (a) providing guidance to Councillors about what is expected of a Councillor including the obligations and responsibilities of a Councillor; and
- (b) acting as the principal spokesperson for the Council; and
- (c) supporting good working relations between Councillors; and
- (d) carrying out the civic and ceremonial duties of the office of Mayor.

S. 11E  
inserted by  
No. 1/2012  
s. 6.

### 11E Special functions of Mayor

- (1) The Mayor of the Council may, at his or her discretion—
  - (a) appoint a Councillor of the Council, to a non-remunerated position, to be the Council's representative, on a body in respect of which the Council is entitled to representation;
  - (b) appoint a Councillor of the Council to be the chairperson of a special committee of which at least one member of the committee is a Councillor.
- (2) For the purposes of subsection (1)(b), if a Councillor appointed by the Mayor to be chairperson of a special committee was not already a member of that committee, he or she becomes a member of that committee on that appointment.

S. 12  
repealed by  
No. 34/1996  
s. 31,  
new s. 12  
inserted by  
No. 1/2012  
s. 5.

### 12 Orders in Council to specify allowances

- (1) The Governor in Council may, by Order in Council, specify the allowances payable by the Council to the Mayor and Deputy Mayor.
- (2) An Order in Council made under this section must specify a date from which an allowance under the Order is payable.
- (3) The Order in Council may specify that the Mayor and Deputy Mayor are to receive a higher allowance than that specified for other Councillors in an Order in Council made under section 74B of the **Local Government Act 1989** or Minister's notice published under section 73A, 73B or 74C of that Act.

### **13 Allowance reviews by Minister**

- (1) The Minister must, at least once every year, review the amounts of Mayoral and Deputy Mayoral allowances.
- (2) The Minister must have regard to movements in the levels of remuneration of executives within the meaning of the **Public Administration Act 2004** when reviewing the amounts of the Mayoral and Deputy Mayoral allowances under subsection (1).
- (3) If a review conducted by the Minister under this section results in a finding that Mayoral and Deputy Mayoral allowances require alteration, the Minister must specify by notice in the Government Gazette the new allowance amounts.

S. 13  
repealed by  
No. 34/1996  
s. 31,  
new s. 13  
inserted by  
No. 1/2012  
s. 5.

### **14 Payment of allowances**

- (1) Subject to subsection (3), the Council must pay the Mayor and Deputy Mayor allowances as specified in the most recent of—
  - (a) an Order in Council made under section 12;
  - (b) a Minister's notice made under section 13(3).
- (2) In paying an allowance under this Division, the Council must make the payment in the manner specified in the Order in Council that specified the amount of the allowance.
- (3) The Council does not have to pay an allowance to the Mayor or Deputy Mayor if the Mayor or Deputy Mayor does not wish to receive it.

S. 14  
repealed by  
No. 34/1996  
s. 31,  
new s. 14  
inserted by  
No. 1/2012  
s. 5.

### **15 Entitlement to receive an allowance**

- (1) A person is only entitled to receive an allowance while he or she holds the office for which it is payable.

S. 15  
repealed by  
No. 34/1996  
s. 31,  
new s. 15  
inserted by  
No. 1/2012  
s. 5.

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<p>S. 15(3) substituted by No. 24/2017 s. 10(1).</p>	<p>(2) The Mayor and the Deputy Mayor are not entitled to receive an allowance as a Councillor if he or she is receiving an allowance as Mayor or Deputy Mayor.</p> <p>(3) A person elected to be Mayor by the Council is entitled to receive the appropriate allowance for that office from the date the person is elected to be Mayor.</p> <p>(4) A person elected to be Deputy Mayor by the Council is entitled to receive the appropriate allowance for that office from the date the person is elected to be Deputy Mayor.</p>
<p>S. 15(5) substituted by No. 24/2017 s. 10(2).</p>	<p>(5) If the Deputy Mayor is required to act as Mayor for a continuous period exceeding 50 days, the Deputy Mayor is entitled to receive the allowance for the office of Mayor instead of the allowance for the office of Deputy Mayor for the period that the Deputy Mayor is acting as Mayor.</p>
<p>S. 16 amended by No. 34/1996 s. 31, repealed by No. 1/2012 s. 5.</p>	<p>* * * * *</p>
<p>S. 17 amended by No. 125/1993, s. 20(1), repealed by No. 34/1996 s. 31.</p>	<p>* * * * *</p>
<p>Pt 3 (Heading and s. 18) repealed by No. 34/1996 s. 31</p>	<p>* * * * *</p>

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**Pt 4 (Heading and s. 19) repealed by No. 34/1996 s. 31, new Pt 4 (Heading and ss 16–18) inserted by No. 1/2012 s. 7, amended by No. 14/2016 s. 12(d), repealed by No. 24/2017 s. 11.**

## Part 5—Geelong Regional Commission

\* \* \* \* \*

Ss 20–22  
repealed by  
No. 34/1996  
s. 31.

### 23 Transitional provision—planning matters

- (1) On the appointed day, the Geelong Regional Planning Scheme has effect as if it were 4 separate planning schemes applying the relevant part of the regional section of the Scheme to each of—
  - (a) the municipal district of the Greater Geelong City Council;
  - (b) the municipal district of the Shire of Bannockburn;
  - (c) the municipal district of the Borough of Queenscliffe;
  - (d) the municipal district of the Barrabool Shire Council.
- (2) Until a day to be specified by Order in Council for the purposes of this section, each of the Greater Geelong City Council, the Shire of Bannockburn, the Borough of Queenscliffe and the Barrabool Shire Council is a planning authority under the **Planning and Environment Act 1987** in relation to the regional section of the planning scheme applying in its municipal district under subsection (1).
- (3) The Greater Geelong City Council is the responsible authority for the purposes of the **Planning and Environment Act 1987** in relation to the planning scheme applying in its municipal district under subsection (1).



- (4) For the purposes of the administration, amendment or enforcement of each of the planning schemes created by this section—
- (a) anything of a continuing nature (including a contract, agreement or proceeding) done or commenced by or in relation to the Geelong Regional Commission under the Geelong Regional Planning Scheme in relation to land within the municipal district of the Greater Geelong City Council, the Shire of Bannockburn, the Borough of Queenscliffe or the Barrabool Shire Council may be done, enforced or completed by or in relation to the Greater Geelong City Council, the Shire of Bannockburn, the Borough of Queenscliffe or the Barrabool Shire Council as the case may be;
  - (b) anything done by or in relation to the Geelong Regional Commission that concerns a matter of a continuing nature in relation to the planning scheme applying to land in the municipal district of the Greater Geelong City Council, the Shire of Bannockburn, the Borough of Queenscliffe or the Barrabool Shire Council has effect as if done by or in relation to the relevant Council;
  - (c) the Geelong Regional Commission must give to the Greater Geelong City Council, the Shire of Bannockburn, the Borough of Queenscliffe or the Barrabool Shire Council any document that it holds that is relevant to anything done by it as a planning or referral authority in relation to the Geelong Regional Planning Scheme so far as it applies to land in the municipal district of the relevant Council.

- (5) In addition to any other powers to prepare and approve amendments to a planning scheme, the Minister administering the **Planning and Environment Act 1987** may prepare and approve amendments to the 4 planning schemes created by this section for the purpose of—
- (a) including provisions incorporating the regional section of the planning scheme into the local section;
  - (b) any consequential matter relating to the restructuring of municipal boundaries under this Act.
- (6) The **Planning and Environment Act 1987**, except sections 12(1)(d) and (e), 12(2), 12(3), Divisions 1 and 2 of Part 3 and sections 39(1), 39(2), 39(3), 39(4), 39(5) and 39(6), applies to the preparation and approval of amendments under subsection (5).

#### **24 Repeal of Geelong Regional Commission Act 1977**

- (1) The **Geelong Regional Commission Act 1977** is repealed.
- (2) On the commencement of this section—
- (a) all property, rights and assets of the Geelong Regional Commission are by virtue of this Act vested in the State;
  - (b) all liabilities of the Geelong Regional Commission are by virtue of this Act liabilities of the State;
  - (c) the Administrator ceases to hold office.
- (3) Where, immediately before the commencement of this section, proceedings to which the Geelong Regional Commission was a party were pending or existing in any court or tribunal, then, on and after that commencement, the State is substituted for the Geelong Regional Commission as a party

to the proceedings and has the same rights in the proceedings as the Geelong Regional Commission.

- (4) The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument, must make any amendments in the Register that are necessary because of the operation of this section.

*	*	*	*	*	<b>Pt 6 (Heading and ss 25, 26) repealed by No. 34/1996 s. 31.</b>
*	*	*	*	*	<b>Schs 1–3 repealed by No. 34/1996 s. 31.</b>



## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

*Minister's second reading speech—*

*Legislative Assembly: 8 April 1993*

*Legislative Council: 29 April 1993*

The long title for the Bill for this Act was "A Bill to constitute the Greater Geelong City Council, to abolish the Geelong Regional Commission, to repeal the **Geelong Regional Commission Act 1977** and for other purposes."

#### **Constitution Act 1975:**

*Section 18(2)*

*Absolute majorities:*

*Legislative Assembly: 27 April 1993*

*Legislative Council: 11 May 1993*

The **City of Greater Geelong Act 1993** was assented to on 18 May 1993 and came into operation as follows:

All of Act (*except* section 24) on 18 May 1993: s. 2(1); section 24 on 3 December 1993: Special Gazette (No. 92) 2 December 1993 page 2.

### **INTERPRETATION OF LEGISLATION ACT 1984 (ILA)**

#### **Style changes**

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

#### **References to ILA s. 39B**

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

### **Interpretation**

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

## 2 Table of Amendments

This publication incorporates amendments made to the **City of Greater Geelong Act 1993** by Acts and subordinate instruments.

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### **Local Government (Miscellaneous Amendments) Act 1993, No. 125/1993**

*Assent Date:* 7.12.93  
*Commencement Date:* S. 20(1) on 7.12.93: s. 2(4)  
*Current State:* This information relates only to the provision/s amending the **City of Greater Geelong Act 1993**

### **Local Government (Amendment) Act 1996, No. 34/1996**

*Assent Date:* 29.10.96  
*Commencement Date:* S. 31 on 29.10.96: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **City of Greater Geelong Act 1993**

### **City of Greater Geelong Amendment Act 2012, No. 1/2012**

*Assent Date:* 14.2.12  
*Commencement Date:* Ss 3–5 on 7.3.12: s. 2(1); ss 6, 7 on 28.10.12: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **City of Greater Geelong Act 1993**

### **Local Government Amendment (Improved Governance) Act 2015, No. 53/2015**

*Assent Date:* 27.10.15  
*Commencement Date:* S. 77 on 18.11.15: Special Gazette (No. 349) 18.11.15 p. 1  
*Current State:* This information relates only to the provision/s amending the **City of Greater Geelong Act 1993**

### **Local Government (Greater Geelong City Council) Act 2016, No. 14/2016**

*Assent Date:* 15.4.16  
*Commencement Date:* Ss 11–13 on 16.4.16: s. 2  
*Current State:* This information relates only to the provision/s amending the **City of Greater Geelong Act 1993**

### **City of Greater Geelong Amendment Act 2017, No. 24/2017**

*Assent Date:* 20.6.17  
*Commencement Date:* Ss 4–11 on 21.6.17: s. 2  
*Current State:* This information relates only to the provision/s amending the **City of Greater Geelong Act 1993**

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### **3 Amendments Not in Operation**

There are no amendments which were Not in Operation at the date of this publication.

#### **4 Explanatory details**

No entries at date of publication.