

Authorised Version

**Local Government (South Gippsland Shire Council)
Act 2019
No. 18 of 2019**

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Authorised Version



Victoria

Local Government (South Gippsland Shire Council) Act 2019[†]

No. 18 of 2019

[Assented to 21 June 2019]

The Parliament of Victoria enacts:

1 Purpose

The purpose of this Act is to—

- (a) dismiss the South Gippsland Shire Council;
and
- (b) provide for the appointment of an
administrator or a panel of administrators for
the South Gippsland Shire Council; and
- (c) provide for the expiry of the Order in
Council; and

(d) provide for a general election for the South Gippsland Shire Council.

2 Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

3 Construction of Act

This Act must be read and construed as if it was part of the **Local Government Act 1989**.

4 Definition

In this Act—

Order in Council means the first Order in Council made under section 6 of this Act and any further Order in Council made under that section.

5 Dismissal of South Gippsland Shire Council

- (1) The South Gippsland Shire Council is dismissed.
- (2) The persons holding office as Councillors of the South Gippsland Shire Council cease to hold office.
- (3) Nothing in this Act affects the continuity of the South Gippsland Shire Council as constituted under this Act by the administrator or panel of administrators appointed under the Order in Council.

6 Order in Council

The Governor in Council may, on the recommendation of the Minister, by Order in Council published in the Government Gazette, do any or all of the following—

- (a) appoint an administrator or a panel of administrators for the South Gippsland Shire Council;

- (b) if a panel of administrators is appointed, appoint one of the administrators to be the Chairperson of the panel of administrators;
- (c) appoint a person to fill a vacancy in the office of an administrator;
- (d) appoint a temporary administrator in the place of an administrator to act in the administrator's absence or incapacity to act.

7 Provisions applying in respect of administrator or panel of administrators appointed under section 6

The following provisions apply in respect of the appointment of an administrator or a panel of administrators of the South Gippsland Shire Council under section 6 of this Act—

- (a) the administrator or the panel of administrators constitutes the South Gippsland Shire Council and, subject to any conditions of the administrator's appointment or administrators' appointments, must perform all the functions, powers and duties of the South Gippsland Shire Council, which must be treated as if they were performed by the South Gippsland Shire Council;
- (b) subject to any conditions of an administrator's appointment, an administrator must perform all the functions, powers and duties of a Councillor of the South Gippsland Shire Council, which must be treated as if they were performed by a Councillor of the South Gippsland Shire Council;
- (c) subject to any conditions of the administrator's appointment, the administrator or, if a panel of administrators is appointed, the Chairperson of the panel of administrators, must perform all the

- functions, powers and duties of the Mayor of the South Gippsland Shire Council, which must be treated as if they were performed by the Mayor of the South Gippsland Shire Council;
- (d) an administrator's appointment and anything done by an administrator is not invalid only by reason of a defect in relation to the appointment;
 - (e) an administrator is entitled to be paid the remuneration and allowances and is employed on the conditions which are fixed by the Minister and the remuneration and allowances are to be paid by the South Gippsland Shire Council;
 - (f) an administrator—
 - (i) must not, without the Minister's consent, directly or indirectly engage in any paid employment outside the duties of the office of administrator; and
 - (ii) may resign by a written notice of resignation addressed to the Governor in Council;
 - (g) the office of an administrator becomes vacant if the administrator—
 - (i) becomes bankrupt; or
 - (ii) dies; or
 - (iii) is removed or resigns from office; or
 - (iv) is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence; or
 - (v) becomes incapable of performing the duties of the office.

8 Effect of Order in Council

The first Order in Council made under section 6 of this Act takes effect on the date specified in the Order in Council.

9 Construction of provisions in any Act or document

If provision is made in any Act, regulation, rule, by-law, local law, instrument or document for the Mayor or a Councillor of the South Gippsland Shire Council or the Chairperson or a member of a committee of the South Gippsland Shire Council to be a member of, or to be represented on, a board, Council, committee, commission or other body, or to be a trustee, or to be a member or director of a company, that provision has effect while the Order in Council is in force as if it provided for an administrator, or some other person appointed by the administrator or the panel of administrators, to be that member, representative, trustee or director.

10 General election

- (1) Despite section 31(1) of the **Local Government Act 1989**, a general election of Councillors for the South Gippsland Shire Council is to be held on the fourth Saturday in October 2021.
- (2) The Chief Executive Officer must summon a meeting of the South Gippsland Shire Council within 14 days after the day the returning officer for the general election publicly declares the result of the general election.
- (3) The Order in Council expires when that meeting of the South Gippsland Shire Council starts.

Endnotes

1 General information

See 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: 19 June 2019

Legislative Council: 19 June 2019

The long title for the Bill for this Act was "A Bill for an Act to dismiss the South Gippsland Shire Council and provide for a general election for that Council and for other purposes."