

Authorised Version No. 001
**Local Government (Central Goldfields Shire
Council) Act 2017**

No. 36 of 2017

Authorised Version as at
26 August 2017

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The Parliament of Victoria enacts:

1 Purpose

The purpose of this Act is to—

- (a) dismiss the Central Goldfields Shire Council; and
- (b) provide for the appointment of an administrator or a panel of administrators for the Central Goldfields Shire Council; and
- (c) provide for the expiry of the Order in Council; and
- (d) provide for a general election for the Central Goldfields 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 Central Goldfields Shire Council

- (1) The Central Goldfields Shire Council is dismissed.
- (2) The persons holding office as Councillors of the Central Goldfields Shire Council cease to hold office.
- (3) Nothing in this Act affects the continuity of the Central Goldfields 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 Central Goldfields 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 Central Goldfields Shire Council under section 6 of this Act—

- (a) the administrator or the panel of administrators constitutes the Central Goldfields 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 Central Goldfields Shire Council, which must be treated as if they were performed by the Central Goldfields 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 Central Goldfields Shire Council, which must be treated as if they were performed by a Councillor of the Central Goldfields 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 Central Goldfields Shire Council, which must be treated as if they were performed by the Mayor of the Central Goldfields 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 Central Goldfields 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 Central Goldfields Shire Council or the Chairperson or a member of a committee of the Central Goldfields 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 Central Goldfields Shire Council is to be held on the fourth Saturday in October 2020.
 - (2) The Chief Executive Officer must summon a meeting of the Central Goldfields 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 Central Goldfields Shire Council starts.
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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: 23 August 2017

Legislative Council: 23 August 2017

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

The **Local Government (Central Goldfields Shire Council) Act 2017** was assented to on 25 August 2017 and came into operation on 26 August 2017: section 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

There are no amendments made to the **Local Government (Central Goldfields Shire Council) Act 2017** by Acts and subordinate instruments.

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.