



# Victoria Government Gazette

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By Authority L. V. North, Government Printer Melbourne

## SPECIAL

### Local Government Act 1989

Order constituting the Shires of Colac-Otway, Corangamite, Moyne and Southern Grampians and re-constituting the City of Warrnambool and the Shire of Glenelg and Altering the Surf Coast Shire and abolishing the Municipal

Districts of the Cities of Colac, Hamilton and Portland and the Shires of Colac, Heytesbury, Otway, Hampden, Mortlake, Belfast, Dundas, Minhamite, Mount Rouse, Warrnambool, Wannon and Heywood, the Town of Camperdown and the Borough of Port Fairy

Whereas—

A. On 11 March 1994 the Minister for Local Government, the Hon. Roger Murray Hallam, MLC (the Minister), required the Local Government Board to conduct a review under Part 10B of the **Local Government Act 1989** (the Act), on the most appropriate local government structure for the area comprising the municipal district of the Shire of Colac, City of Colac, Shire of Otway, Shire of Heytesbury, Town of Camperdown, Shire of Hampden, Shire of Mortlake, City of Warrnambool, Shire of Warrnambool, Borough of Port Fairy, Shire of Belfast, Shire of Minhamite, Shire of Mount Rouse, City of Portland, Shire of Heywood, City of Hamilton, Shire of Dundas, Shire of Ripon, Shire of Lexton, City of Ararat, Shire of Ararat, Shire of Glenelg and Shire of Wannon (the review).

B. On 6 May 1994 the Minister altered the terms of reference to include the Surf Coast Shire and the Southern Rural Shire in the review.

C. As required by section 220M of the Act, the Local Government Board has submitted a final report on the review to the Minister.

E. As required by sections 220M and 220P of the Act, the Minister has considered the report and has recommended to the Governor in Council that an Order in Council be made in the following terms.

Now therefore, the Governor in Council acting under Part 10C of the Act orders that:

### PART 1—PRELIMINARY

#### 1. Definitions

In this Order—

“Act” means the **Local Government Act 1989**.

“Allansford/Bushfield/Woodford area” means the area that was in the municipal district of the former Shire of Warrnambool and that is in the municipal district of the Warrnambool City Council.

“annexed area” means in relation to—

- (a) the Colac-Otway Shire Council, the Heytesbury settlement area and the Lake Murdeduke/Mount Pleasant area;
- (b) the Corangamite Shire Council, the Bungador/Carpentait/Stoneyford area;
- (c) the Moyne Shire Council, the Allansford/Bushfield/Woodford area and the Lake Keilambete area;
- (d) the Southern Grampians Shire Council, the Caramut hinterland and the Macarthur township; and
- (e) the Glenelg Shire Council, the Branxholme area.

“appointed day” means the day on which the Order comes into operation.

“Branxholme area” means the area that was in the municipal district of the former Shire of Heywood and that is in the municipal district of the Southern Grampians Shire Council.

“Bungador/Carpentait/Stoneyford area” means the area that was in the municipal district of the former Shire of Heytesbury and that is in the municipal district of the Colac-Otway Shire Council.

“Caramut hinterland” means the area that was in the municipal district of the former Shire of Mount Rouse and that is in the municipal district of the Moyne Shire Council.

“Commissioner” means a person appointed by the Governor in Council to administer a newly constituted Council.

"former Council" means in relation to—

- (a) the Colac-Otway Shire Council, the former City of Colac and the former Shires of Colac and Otway;
- (b) the Corangamite Shire Council, the former Town of Camperdown and the former Shires of Hampden and Heytesbury;
- (c) the Moyne Shire Council, the former Shires of Belfast, Mortlake, Minhamite and Warrnambool and the former Borough of Port Fairy;
- (d) the Southern Grampians Shire Council, the former Shires of Mount Rouse, Wannon, and Dundas and the former City of Hamilton;
- (e) the Glenelg Shire Council, the former Shires of Glenelg and Heywood and the former City of Portland;
- (f) the Warrnambool City Council, the former City of Warrnambool.

"Heytesbury settlement area" means the area that was in the municipal district of the former Shire of Otway and that is in the municipal district of the Colac-Otway Shire Council.

"Lake Keilambete area" means the area that was in the municipal district of the former Shire of Mortlake and that is in the municipal district of the Corangamite Shire Council.

"Lake Murdeduke/Mount Pleasant area" means the area that was in the municipal district of the former Shire of Colac and that is in the municipal district of the Surf Coast Shire Council.

"Macarthur township" means the Macarthur township and its surrounding rural lands that was in the municipal district of the former Shire of Dundas and that is in the municipal district of the Moyne Shire Council.

"newly constituted Council" means the Colac-Otway Shire Council, the Corangamite Shire Council, the Moyne Shire Council, the Southern Grampians Shire Council, the Glenelg Shire Council and the Warrnambool City Council constituted under clause 3 (a) of this Order.

"Surf Coast Order" means the Order entitled the "Order Constituting the Barrabool and Winchelsea Shire Council and Altering the Municipal District of the Greater Geelong City Council and the Municipal District of the Shire

of Colac" published in the Government Gazette on 9 March 1994.

## 2. Commencement

This Order comes into operation on the day it is published in the Government Gazette.

## 3. Constitution of New Councils

On the appointed day—

(a) there is constituted—

- (i) a body corporate constituted as a Shire Council by the name of the Colac-Otway Shire Council;
- (ii) a body corporate constituted as a Shire Council by the name of the Corangamite Shire Council;
- (iii) a body corporate constituted as a Shire Council by the name of the Moyne Shire Council;
- (iv) a body corporate constituted as a Shire Council by the name of the Southern Grampians Shire Council;
- (v) a body corporate constituted as a Shire Council by the name of the Glenelg Shire Council;
- (vi) a body corporate constituted as a City Council by the name of the Warrnambool City Council.

(b) the following councils cease to exist—

- (i) City of Colac;
  - (ii) City of Warrnambool;
  - (iii) City of Hamilton;
  - (iv) City of Portland;
  - (v) Shire of Heytesbury;
  - (vi) Shire of Colac;
  - (vii) Shire of Otway;
  - (viii) Shire of Hampden;
  - (ix) Shire of Mortlake;
  - (x) Shire of Belfast;
  - (xi) Shire of Dundas;
  - (xii) Shire of Minhamite;
  - (xiii) Shire of Mount Rouse;
  - (xiv) Shire of Warrnambool;
  - (xv) Shire of Wannon;
  - (xvi) Shire of Heywood;
  - (xvii) Shire of Glenelg;
  - (xviii) Town of Camperdown;
  - (ixx) Borough of Port Fairy.
- (c) the persons holding office as Councillors of a Council referred to in clause 3 (b) cease to hold such office.

4. Commissioners

(1) The Chief Executive Officer of a newly constituted council must call the first meeting of the Council to be held by the Commissioners which must be held within 3 days of the appointed day.

(2) Section 89 (4) of the Act does not apply to the first meeting of a newly constituted Council.

(3) The provisions of Schedule 1 apply to the Commissioners and meetings of the Commissioners.

PART 2—SHIRE OF COLAC-OTWAY

5. Boundaries

On the appointed day the boundaries of the municipal district of the Colac-Otway Shire Council shall be fixed as described in Schedule 2.

6. Colac-Otway Shire Council is Successor in Law

From the appointed day—

- (a) all property, rights and assets of the former Councils are vested in the Colac-Otway Shire Council;
- (b) all liabilities of the former Councils are liabilities of the Colac-Otway Shire Council;
- (c) the Colac-Otway Shire Council is the successor in law of the former Councils.

7. Staff of the Colac-Otway Shire Council

On the appointed day all the members of staff of the former Councils become members of staff of the Colac-Otway Shire Council with the same terms and conditions as those with the former Councils and with the benefit of all accrued rights.

8. Valuations—Transitional Provisions

The Colac-Otway Shire Council may determine to change its system of valuation in respect of the 1995–96 financial year in which case section 157 of the Act does not apply to that determination.

9. Rates—Transitional Provisions—1994–1995

Any rate or charge declared by a former Council or the former Shire of Heytesbury under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be the rate or charge declared by the Colac-Otway Shire Council in the 1994–1995 financial year in relation to that part of the

municipal district of the Colac-Otway Shire Council that was in the municipal district of the relevant Council immediately before the appointed day.

PART 3—SHIRE OF CORANGAMITE

10. Boundaries of the Shire of Corangamite

On the appointed day the boundaries of the municipal district of the Corangamite Shire Council shall be fixed as described in Schedule 3.

11. Corangamite Shire Council is Successor in Law

From the appointed day—

- (a) all property, rights and assets of the former Councils are vested in the Corangamite Shire Council;
- (b) all liabilities of the former Councils are liabilities of the Corangamite Shire Council;
- (c) the Corangamite Shire Council is the successor in law of the former Councils.

12. Staff of the Corangamite Shire Council

On the appointed day all the members of staff of the former Councils become members of staff of the Corangamite Shire Council with the same terms and conditions as those with the former Councils and with the benefit of all accrued rights.

13. Valuations—Transitional Provisions

The Corangamite Shire Council may determine to change its system of valuation in respect of the 1995–96 financial year in which case section 157 of the Act does not apply to that determination.

14. Rates—Transitional Provisions—1994–1995

(1) Any rate or charge declared by a former Council or the former Shires of Mortlake and Otway under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be the rate or charge declared by the Corangamite Shire Council in the 1994–1995 financial year in relation to that part of the municipal district of the Corangamite Shire Council that was in the municipal district of the relevant Council immediately before the appointed day.

(2) Any minimum rate fixed by the former Shires of Hampden and Mortlake under section 3 (2) of the Local Government (Consequential Provisions) Act 1989 for the

1993–1994 financial year is deemed to be the minimum rate fixed by the Corangamite Shire Council for the 1994–1995 financial year in relation to that part of the municipal district of the Corangamite Shire Council that was in the municipal district of the relevant Council.

#### PART 4—SHIRE OF MOYNE

##### 15. Boundaries of the Shire of Moyne

On the appointed day the boundaries of the municipal district of the Moyne Shire Council shall be fixed as described in Schedule 4.

##### 16. Moyne Shire Council is Successor in Law

From the appointed day—

- (a) all property, rights and assets of the former Councils are vested in the Moyne Shire Council;
- (b) all liabilities of the former Councils are liabilities of the Moyne Shire Council;
- (c) the Moyne Shire Council is the successor in law of the former Councils.

##### 17. Staff of the Moyne Shire Council

On the appointed day all the members of staff of the former Councils become members of staff of the Moyne Shire Council with the same terms and conditions as those with the former Councils and with the benefit of all accrued rights.

##### 18. Valuations—Transitional Provisions

The Moyne Shire Council may determine to change its system of valuation in respect of the 1995–96 financial year in which case section 157 of the Act does not apply to that determination.

##### 19. Rates—Transitional Provisions—1994–1995

(1) Any rate or charge declared by a former Council or the former Shires of Dundas and Mount Rouse under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be the rate or charge declared by the Moyne Shire Council in the 1994–1995 financial year in relation to that part of the municipal district of the Moyne Shire Council that was in the municipal district of the relevant Council immediately before the appointed day.

(2) Any minimum rate fixed by the former Shires of Belfast, Mortlake, Minhamite, Warnambool and Mount Rouse and the former Borough of Port Fairy under section 3 (2) of the **Local Government (Consequential Provisions) Act 1989** for the 1993–1994

financial year is deemed to be the minimum rate fixed by the Moyne Shire Council for the 1994–1995 financial year in relation to that part of the municipal district of the Moyne Shire Council that was in the municipal district of the relevant Council.

#### PART 5—SHIRE OF SOUTHERN GRAMPPIANS

##### 20. Boundaries of the Shire Southern Grampians

On the appointed day the boundaries of the municipal district of the Southern Grampians Shire Council shall be fixed as described in Schedule 5.

##### 21. Southern Grampians Shire Council is Successor in Law

On the appointed day—

- (a) all property, rights and assets of the former Councils are vested in the Southern Grampians Shire Council;
- (b) all liabilities of the former Councils are liabilities of the Southern Grampians Shire Council;
- (c) the Southern Grampians Shire Council is the successor in law of the former Councils.

##### 22. Staff of the Shire of Southern Grampians

On the appointed day all the members of staff of the former Councils become members of staff of the Southern Grampians Shire Council with the same terms and conditions as those with the former Councils and with the benefit of all accrued rights.

##### 23. Valuations—Transitional Provisions

(1) Until 30 September 1995 the Southern Grampians Shire Council must use in relation to rateable land in its municipal district the valuation which applied at the time rates and charges were levied in respect of the 1993–1994 financial year unless a supplementary valuation has been made under section 13DF of the **Valuation of Land Act 1960** in respect of that land.

(2) For the purposes of sub-clause (1), if a supplementary valuation has been or is made the Southern Grampians Shire Council can use that supplementary valuation.

(3) In respect of the 1994–95 financial year the Southern Grampians Shire Council must continue to use in that part of its municipal district that was the municipal district of a former Council or the

former Shire of Heywood, the system of valuation used by the relevant Council immediately before the appointed day.

(4) The Southern Grampians Shire Council must determine to use a system of valuation for the 1995–1996 financial year that applies to the whole of its municipal district and section 157 of the Act does not apply to that determination.

**24. Rates—Transitional Provisions—1994–1995**

(1) Any rate or charge declared by a former Council or the former Shire of Heywood under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be the rate or charge declared by the Southern Grampians Shire Council in the 1994–1995 financial year in relation to that part of the municipal district of the Southern Grampians Shire Council that was in the municipal district of the relevant Council immediately before the appointed day.

(2) Any minimum rate fixed by the former Shire of Mount Rouse under section 3 (2) of the **Local Government (Consequential Provisions) Act 1989** for the 1993–1994 financial year is deemed to be the minimum rate fixed by the Southern Grampians Shire Council for the 1994–1995 financial year in relation to that part of the municipal district of the Southern Grampians Shire Council that was in the municipal district of the former Shire of Mount Rouse.

**PART 6—SHIRE OF GLENELG**

**25. Boundaries of the Shire of Glenelg**

On the appointed day the boundaries of the municipal district of the Glenelg Shire Council shall be fixed as described in Schedule 6.

**26. Glenelg Shire Council is Successor in Law**

On the appointed day—

- (a) all property, rights and assets of the former Councils are vested in the Glenelg Shire Council;
- (b) all liabilities of the former Councils are liabilities of the Glenelg Shire Council;
- (c) the Glenelg Shire Council is the successor in law of the former Councils.

**27. Staff of the Shire of Glenelg**

On the appointed day all the members of staff of the former Councils become members of staff of the Glenelg Shire Council with the same terms and conditions as those with the former Councils and with the benefit of all accrued rights.

**28. Valuations—Transitional Provisions**

(1) Until 30 September 1995 the Glenelg Shire Council must use in relation to rateable land in its municipal district the valuation which applied at the time rates and charges were levied in respect of the 1993–1994 financial year unless a supplementary valuation has been made under section 13DF of the **Valuation of Land Act 1960** in respect of that land.

(2) For the purposes of sub-clause (1), if a supplementary valuation has been or is made the Glenelg Shire Council can use that supplementary valuation.

(3) The Glenelg Shire Council may determine to change its system of valuation in respect of the 1995–96 financial year in which case section 157 of the Act does not apply to that determination.

**29. Rates—Transitional Provisions—1994–1995**

(1) Any rate or charge declared by a former Council under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be the rate or charge declared by the Glenelg Shire Council in the 1994–1995 financial year in relation to that part of the municipal district of the Glenelg Shire Council that was in the municipal district of the former Council immediately before the appointed day.

(2) Any minimum rate fixed by the former Shire of Glenelg under section 3 (2) of the **Local Government (Consequential Provisions) Act 1989** for the 1993–1994 financial year is deemed to be the minimum rate fixed by the Glenelg Shire Council for the 1994–1995 financial year in relation to that part of the municipal district of the Glenelg Shire Council that was in the municipal district of the former Shire of Glenelg.

**PART 7—CITY OF WARRNAMBOOL**

**30. Boundaries of the City of Warrnambool**

On the appointed day the boundaries of the municipal district of the Warrnambool City Council shall be fixed as described in Schedule 7.

**31. Warrnambool City Council is Successor in Law**

On the appointed day—

- (a) all property, rights and assets of the former Council are vested in the Warrnambool City Council;

- (b) all liabilities of the former Council are liabilities of the Warrnambool City Council;
- (c) the Warrnambool City Council is the successor in law of the former Council.

### 32. Staff of the City of Warrnambool

On the appointed day all the members of staff of the former Council become members of staff of the Warrnambool City Council with the same terms and conditions as those with the former Council and with the benefit of all accrued rights.

### 33. Valuations—Transitional Provisions

(1) Until 30 September 1995 the Warrnambool City Council must use in relation to rateable land in its municipal district the valuation which applied at the time rates and charges were levied in respect of the 1993–1994 financial year unless a supplementary valuation has been made under section 13DF of the *Valuation of Land Act 1960* in respect of that land.

(2) For the purposes of sub-clause (1), if a supplementary valuation has been or is made the Warrnambool City Council can use that supplementary valuation.

(3) In respect of the 1994–95 financial year the Warrnambool City Council must continue to use in that part of its municipal district that was the municipal district of the former Council or the former Shire of Warrnambool the system of valuation used by the relevant Council immediately before the appointed day.

(4) The Warrnambool City Council must determine to use a system of valuation for the 1995–1996 financial year that applies to the whole of its municipal district and section 157 of the Act does not apply to that determination.

### 34. Rates—Transitional Provisions—1994–1995

(1) Any rate or charge declared by the former Council or the former Shire of Warrnambool under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be the rate or charge declared by the Warrnambool City Council in the 1994–1995 financial year in relation to that part of the municipal district of the Warrnambool City Council that was in the municipal district of the relevant Council immediately before the appointed day.

(2) Any minimum rate fixed by the former Council or the former Shire of Warrnambool under section 3 (2) of the *Local Government (Consequential Provisions) Act 1989* for the

1993–1994 financial year is deemed to be the minimum rate fixed by the Warrnambool City Council for the 1994–1995 financial year in relation to that part of the municipal district of the Warrnambool City Council that was in the municipal district of the relevant Council.

### PART 8—SURF COAST SHIRE

#### 35. Boundaries of the Surf Coast Shire

On the appointed day the boundaries of the municipal district of the Surf Coast Shire Council shall be fixed as described in Schedule 8.

#### 36. Transitional Provisions

(1) The provisions of the Surf Coast Order apply to the Lake Murdeduke/Mount Pleasant area as if it had been included in the municipal district of the Surf Coast Shire Council at the time the Order came into operation.

(2) Notwithstanding any reconstitution of the Surf Coast Shire Council effected by this clause, the Surf Coast Shire Council is deemed to be the same body on and after as before the appointed day and no act, matter or thing is in any way abated or affected by reason of any such reconstitution and any such act, matter or thing may be continued and concluded in all respects as if this Order had not been made.

### PART 9—GENERAL

#### 37. Holding of the First Elections

(1) The date for the first election of Councillors for a newly constituted Council is to be fixed by the Minister by a notice published in the Government Gazette.

(2) For the purposes of holding the first election of Councillors, a newly constituted council is deemed to have decided under section 35 of the Act to hold triennial elections and sub-sections (2) and (3) of that section do not apply in respect of that decision.

(3) Except as provided by this clause, the provisions of Part 3 of the Act apply to and in respect of the first and subsequent elections.

#### 38. First Meeting of the Councillors of a Newly Constituted Council

(1) After the first election of Councillors for a newly constituted Council has been held, the Chief Executive Officer of the Council must call the first meeting of the Council which must be held within 10 days of the day on which the returning officer declares the result of the first election.

(2) At 9 a.m. on the day on which the first meeting of the Council is held under sub-clause (1)—

- (a) the Commissioners go out of office; and
- (b) the Councillors elected at the first election of the Council assume office as Councillors of the Council.

#### 39. Delegations—Transitional Provisions

(1) A newly constituted Council may, with the agreement of a Council, delegate under section 98 of the Act a power, duty or function to a member of staff of that Council in respect of the period commencing on the appointed day and ending on 30 November 1994.

(2) On the appointed day until revoked by a newly constituted Council all delegations made by a former Council or by the Chief Executive Officer of a former Council under the Act or any other Act remain in force.

#### 40. Annexed Areas—Transitional Provisions

(1) For the period commencing on the appointed day and ending on 30 November 1994, unless otherwise agreed between the relevant Councils, a newly constituted Council must provide the same services and perform the same functions in an annexed area and in the same manner as if the area was in its municipal district and for that purpose any powers, duties and functions imposed or conferred by any Act on the Council of the municipal district of which the annexed area forms part are deemed to be imposed by that Act on the Council required by this provision to provide services and perform functions in the area.

(2) A newly constituted Council required by this provision to provide services and perform functions in an area outside its municipal district must be reimbursed the cost of so doing by the Council of the municipal district of which the area forms part.

(3) Newly constituted Councils must come to an agreement on the apportionment, settlement, transfer, adjustment or determination of any property, income, assets, liabilities, expenses, staff or other matters in relation to an annexed area by 30 November 1994.

#### 41. Rates—Transitional Provisions 1994–1995

(1) The date on which a newly constituted Council adopts its budget for the 1994–95 financial year is deemed to be the date on which any rates or charges are declared or fixed by virtue of this Order.

(2) A newly constituted Council must not levy any rate or charge in the 1994–95 financial year in relation to any rateable land in its municipal district which is additional to the rates and charges levied in respect of that land for the 1993–94 financial year.

(3) Sub-section (2) does not apply to the declaration of a special rate or special charge pursuant to section 163 of the Act.

#### 42. Minimum Rates—Transitional Provisions 1995–1996

In the 1995–96 financial year a newly constituted Council may levy a minimum rate in accordance with sub-section 3 (2) of the **Local Government (Consequential Provisions) Act 1989**.

#### 43. Differential Rates—Transitional Provisions 1995–1996 and 1996–1997

In the 1995–96 and 1996–97 financial years a newly constituted Council may—

- (a) raise any general rate by the application of a differential rate pursuant to section 161 of the Act regardless of the system of valuation it is using;
- (b) apply a differential rate for a type or class of land according to its geographic location;
- (c) declare a different service rate or different annual service charge pursuant to section 162 of the Act in different areas.

#### 44. Local Laws—Transitional Provisions

(1) On the appointed day any local law, or part of any local law, which deals with the meeting procedures or the common seal of a Council, which has ceased to exist by virtue of clause 3 (b), is revoked.

(2) Sections 5 (3) and 91 (1) of the Act do not apply in respect of the common seal and meetings of a newly constituted Council while the newly constituted Council is under the administration of Commissioners.

(3) Unless amended or revoked by an Order in Council or by a newly constituted Council the local laws in force in the municipal district of the newly constituted Council immediately before the appointed day continue to apply in the relevant part of its municipal district for a period of 12 months from the appointed day as if the local laws were made by the newly constituted Council.

(4) A newly constituted Council shall be responsible for the enforcement of local laws within its municipal district and for continuing any proceedings for the enforcement of those local laws.

#### 45. Enforcement and Proceedings—Transitional Provisions

(1) On the appointed day until revoked by a newly constituted Council all authorisations made by a former Council under section 224 of the Act remain in force.

(2) Where, immediately before the appointed day, proceedings to which a former Council was a party were pending or existing in any court or tribunal, then, except as otherwise provided in this Order, the Colac-Otway, Corangamite, Moyne, Glenelg and Southern Grampians Shire Councils and the Warrnambool City Council, as the case may be, is substituted for the former Council as a party to the proceedings and has the same rights in the proceedings as the former Council had.

#### 46. References—Transitional Provisions

From the appointed day, any reference in any instrument or any other document of any kind to a former Council is, except as otherwise provided in this Order, to be construed as a reference to the Colac-Otway, Corangamite, Moyne, Glenelg and Southern Grampians Shire Councils and the Warrnambool City Council, as the case may be, unless the contrary intention appears.

#### 47. Planning Matters—Transitional Provisions

(1) Except where a planning scheme specifies the Minister administering the **Planning and Environment Act 1987** or any other person to be the responsible authority, the newly constituted Council is the responsible authority for the purposes of the **Planning and Environment Act 1987** in relation to the planning schemes in force in its municipal district.

(2) Any reference in a planning scheme in force in the municipal district of a newly constituted Council to another council as a responsible authority for a particular purpose, is to be taken as a reference to the newly constituted Council in relation to the relevant part of its municipal district.

(3) For the purposes of the **Planning and Environment Act 1987** and the administration, amendment or enforcement of each of the

planning schemes referred to in sub-clause (1)—

- (a) anything of a continuing nature (including a contract, agreement or proceeding) done, commenced or made by or in relation to a council which has ceased to exist by virtue of clause 3 (b) may be done, enforced or completed by the newly constituted Council of the municipal district to which the matters relates;
- (b) anything done by or in relation to a council which has ceased to exist by virtue of clause 3 (b) that concerns a matter of a continuing nature has effect as if done by the newly constituted Council of the municipal district to which the matter relates.

#### 48. Corporate Plan—Transitional Provisions

For the purpose of section 153A of the Act a newly constituted Council must prepare a corporate plan for the three year period commencing 1 October 1994 by 30 November 1994.

#### 49. Modified Reporting Requirements for the 1993–1994 Financial Year

(1) A newly constituted Council must prepare—

- (a) a report in respect of each former Council for the period commencing 1 October 1993 and ending on the day before the appointed day containing—
  - (i) a report of the operations of the former Council during that period; and
  - (ii) audited financial statements for the former Council for that period.

(2) The provisions of the Act and the Local Government Regulations 1990 relating to the preparation and submission of annual reports, the preparation of reports of operations and the preparation, signing and audit of financial statements apply to a report prepared under sub-clause (1) with such modifications as are necessary, unless otherwise provided in this clause.

(3) For the purposes of section 128 (1) of the Act, the financial statements of a former council must be signed by two Commissioners of the newly constituted Council and a person designated by the Council as having relevant financial management responsibilities for that



purpose and regulation 85 of the Local Government Regulations 1990 is modified accordingly.

(4) Section 128 (2) of the Act does not apply to a report prepared under sub-clause (1).

(5) Except as provided in this clause, the requirements of section 126 of the Act do not apply to the newly constituted Council in respect of the 1993–1994 financial year.

#### 50. Modified Reporting Requirements for the 1994–1995 Financial Year

For the purposes of preparing an annual report for the 1994–1995 financial year, the period of the financial year is the period commencing on the appointed day and ending on 30 September 1995 and the provisions of the Act and the Local Government Regulations 1990 relating to the preparation of annual reports are modified accordingly.

#### 51. Registrar of Titles

The Registrar of Titles, on being requested to do so and on delivery of any relevant certificates of title or instrument, must make any amendments in the Register that are necessary because of the operation of this Order.

### SCHEDULE 1

#### Commissioners

##### 1. A Commissioner is entitled to receive—

- (a) an annual remuneration;
- (b) any travelling or subsistence allowances; and
- (c) any other allowances in relation to expenses incurred in the discharge of his or her duties—

that the Minister may from time to time determine in respect of the Commissioner.

2. Such remuneration, allowances and expenses are to be paid by the newly constituted Councils.

##### 3. A Commissioner must—

- (a) ensure that the operations of a newly constituted Council are carried out in the most efficient and economic manner possible;
- (b) report to the Minister on such matters and at such intervals as the Minister may specify.

4. A Commissioner must exercise his or her powers and perform his or her functions subject to any written directions given by the Minister.

##### 5. A Commissioner—

- (a) must not, without the consent of the Minister, while in office directly or indirectly engage in any paid employment outside the duties of his or her office;
- (b) may resign the office in writing signed by him or her and delivered to the Governor in Council;
- (c) may at any time be removed from office by the Governor in Council.

##### 6. If a Commissioner—

- (a) becomes bankrupt or his or her property becomes in any manner subject to control under the law relating to bankruptcy;
- (b) is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence;
- (c) becomes incapable of performing the duties of office;
- (d) is removed from office or resigns the office; or
- (e) dies—

the office of a Commissioner becomes vacant.

7. During the absence from office or illness of a Commissioner, a person nominated by the Minister shall act in the place of the Commissioner and while so acting shall have, exercise and discharge all the responsibilities, liabilities, rights, powers, authorities, duties and functions conferred or imposed on the Commissioner by or under this Order.

8. An act or decision of a Commissioner is not invalid by reason only of a defect or irregularity in or in connection with the appointment of a Commissioner or that Commissioner, as the case may be.

9. No person shall be concerned to inquire whether any occasion had arisen requiring or authorising a person to act in the place of a Commissioner and all acts or things done or omitted to be done by the person, while so acting, shall be as valid and effectual and shall have the same consequence as if the acts or things had been done or omitted to be done by the Commissioner.

10. Where provision is made in any Act, regulation, rule, by-law, local law, instrument or document—

- (a) for the Mayor, a councillor or the Chairperson or a member of a committee of the newly constituted Council or a former 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 during the period of administration as if it provided for a Commissioner or some other person appointed by a Commissioner to be that member, representative, trustee or director;
- (b) for a Council to appoint a councillor to be the representative of the Council that provision has effect during the period of administration as if it provided for a Commissioner or some other person nominated by a Commissioner to be the representative; or
- (c) for a member of a board, council, committee, commission or other body to be appointed from a panel of councillors of municipal councils, that provision has effect during the period of administration as if it provided for a Commissioner or some other person nominated by a Commissioner to be included in the panel.

11. Sections 71, 74 and 75 of the Act do not apply to a Commissioner.

12. A quorum for a meeting of Commissioners is two Commissioners.

13. Except as provided in this Order, the procedure for meetings of newly constituted Councils may be determined by the Commissioners.

#### ✓ SCHEDULE 2

##### Boundaries of the Colac-Otway Shire Council

Commencing on the Hamilton Highway at the Woody Yaloak River; thence generally southerly by that river and generally south-westerly by the southern shore of Lake Martin and the eastern shore of Lake Corangamite to the western boundary of the Township of Pirron Yallock; thence southerly by that township boundary to the Princes

Highway; thence westerly by that highway to the Cobden-Stoneyford Road; thence westerly by that road to Scoullers Road; thence generally southerly by that road to the Carpendeit-Bungador Road; thence further southerly by a road to the Timboon-Colac Road; thence easterly by that road and the northern boundary of the Parish of Coradjil to the road forming the eastern boundary of allotment 71, section A, Parish of Coradjil; thence southerly by that road to Coradjil Road; thence south-easterly and westerly by that road to Crescent Road; thence south-easterly by that road and Crescent Road Extension to Pipeline Road; thence south-westerly by that road to the north-eastern angle of the Reserved Forest; thence south-westerly by the northern boundary of that forest to its most western angle; thence generally south-easterly by the most western boundary of that forest to the northern angle of allotment 64, Parish of Wiridjil; thence south-easterly by the north-eastern boundary of that allotment and a line in continuation to the Gellibrand River; thence southerly by that river to the a point in line with the south-western boundary of allotment 16, Parish of Moomowroong; thence south-easterly by a line to the most western angle of that allotment being a point on the Gellibrand River Road; thence south-westerly by that road to the Gellibrand River; thence southerly by that river to the Great Ocean Road; thence southerly and easterly by that road to the south-western boundary of allotment 41, Parish of Wangerrip; thence south-easterly by that boundary and a line in continuation to the sea coast; thence south-easterly and north-easterly by the sea coast to the southern boundary of the Parish of Lorne; thence westerly by that boundary and northerly by the western boundaries of that parish and the Parish of Bamba to the north-western angle of allotment 45A2, Parish of Bamba; thence northerly by a road to the south-western angle of allotment 38B; thence further northerly by the western boundaries of that parish and the Parishes of Yan Yan Gurt and Karmgun to the Princes Highway; thence south-westerly by that highway to the road forming the eastern boundary of allotment 39F, Parish of Birregurra; thence northerly by that road, Prices Lane and Mountside Road to the road forming the southern boundary of allotment 20A, Parish of Hesse; thence westerly

by that road and the southern boundary of allotment 26A to its south-western angle; thence northerly by the western boundaries of that allotment and allotment 60A to the southern boundary of allotment 66A; thence easterly, northerly and westerly by the southern, eastern and northern boundaries of that allotment to a point in line with the western boundary of allotment 78; thence northerly by a line, the western boundaries of allotments 78 and 79, and a road to the Cressy-Shelford Road; thence westerly by that road to the Hamilton Highway, and thence westerly by that highway to the point of commencement.

#### SCHEDULE 3

##### Boundaries of the Corangamite Shire Council

Commencing on the Hamilton Highway at the Woody Yaloak River; thence generally southerly by that river and generally south-westerly by the southern shore of Lake Martin and the eastern shore of Lake Corangamite to the western boundary of the Township of Pirron Yallock; thence southerly by that township boundary to the Princes Highway; thence westerly by that highway to the Cobden-Stoneyford Road; thence westerly by that road to Scoullers Road; thence generally southerly by that road to the Carpendeit-Bungador Road; thence further southerly by a road to the Timboon-Colac Road; thence easterly by that road and the northern boundary of the Parish of Coradjil to the road forming the eastern boundary of allotment 71, section A, Parish of Coradjil; thence southerly by that road to Coradjil Road; thence south-easterly and westerly by that road to Crescent Road; thence south-easterly by that road and Crescent Road Extension to Pipeline Road; thence south-westerly by that road to the north-eastern angle of the Reserved Forest; thence south-westerly by the northern boundary of that forest to its most western angle; thence generally south-easterly by the most western boundary of that forest to the northern angle of allotment 64, Parish of Wiridjil; thence south-easterly by the north-eastern boundary of that allotment and a line in continuation to the Gellibrand River; thence southerly by that river to a point in line with the south-western boundary of allotment 16, Parish of Moomowroong; thence south-easterly by a line to the most western angle of that allotment,

being a point on the Gellibrand River Road; thence south-westerly by that road to the Gellibrand River; thence southerly by that river to the Great Ocean Road; thence southerly and easterly by that road to the south-western boundary of allotment 41, Parish of Wangerrip; thence south-easterly by that boundary and a line in continuation to the sea coast; thence south-westerly and north-westerly by the sea coast to the mouth of the Curdies River; thence generally northerly by that river to the southern boundary of the Parish of Brucknell; thence westerly by that boundary to Ayresford Road; thence northerly by that road to the Mount Emu Creek; thence westerly by that creek to the Garvoc-Laang Road; thence northerly by that road to the Princes Highway; thence easterly by that highway to Swansons Lane; thence northerly by that lane and Tapps Lane to the Sisters-Noorat Road; thence easterly by that road to McCrae Road; thence northerly by that road to the Terang-Mortlake Road; thence north-westerly by that road to Kolora Lane; thence northerly by that lane to the northern boundary of the Parish of Glenormiston; thence easterly by that boundary to the Mount Emu Creek; thence generally northerly, easterly and north-easterly by that creek to the western boundary of the Township of Skipton; thence northerly and easterly by the western and northern boundaries of that township to the Mount Emu Creek; thence easterly by that creek to the eastern boundary of the Parish of Skipton; thence southerly by that boundary and the eastern boundary of the Parish of Borriyalloak to the Gnarkeet Chain of Ponds; thence southerly by the Gnarkeet Chain of Ponds to the northern boundary of the Parish of Poliah North; thence easterly by that boundary and the northern boundary of the Parish of Wilgul North to the Woody Yaloak River, and thence generally southerly by that river to the point of commencement.

#### SCHEDULE 4

##### Boundaries of the Moyne Shire Council

Commencing on the sea coast at the mouth of the Curdies River; thence generally northerly by that river to the southern boundary of the Parish of Brucknell; thence westerly by that boundary to Ayresford Road; thence northerly by that road to the Mount Emu Creek; thence westerly by that creek to the Garvoc-Laang Road; thence

northerly by that road to the Princes Highway; thence easterly by that highway to Swansons Lane; thence northerly by that lane and Tapps Lane to the Sisters-Noorat Road; thence easterly by that road to McCrae Road; thence northerly by that road to the Terang-Mortlake Road; thence north-westerly by that road to Kolora Lane; thence northerly by that lane to the northern boundary of the Parish of Glenormiston; thence easterly by that boundary to the Mount Emu Creek; thence generally northerly by that creek to the northern boundary of the County of Hampden; thence westerly by that boundary to the Hopkins River; thence southerly by that river to Gray Creek; thence south-westerly by that creek to the road forming the eastern boundary of allotment 3, section 17, Parish of Chatsworth West; thence southerly by that road to the Hamilton-Chatsworth Road; thence north-westerly by that road to the Glenthompson-Caramut Road; thence southerly by that road to Petersons Lane; thence westerly by that lane and the road forming the northern boundaries of allotment 5, section 12, Parish of Nareeb Nareeb and sections 4 and 7, Parish of Pom Pom to the road forming the western boundary of the latter section; thence southerly by that road, the road forming the western boundary of section 6, southerly by the western boundaries of allotments 4 and 6, section 2, Parish of Boorpool, the road forming the western boundary of allotment 8, section 4 and Mustons Lane to the Hamilton Highway; thence north-westerly by that highway to Woolsthorpe Road; thence southerly by that road to the northern boundary of the Parish of Caramut South; thence westerly by that boundary and the northern boundary of the Parish of Langulac to the road forming the southern boundary of allotment 3B1, section 1, Parish of Tallangoork; thence generally westerly by that road and the road forming the southern boundaries of allotments 3B2, 2B and 2A and a line to the Eumeralla River; thence south-westerly by that river to Gerrigerrup Road; thence westerly by that road to the Macarthur-Penshurst Road; thence northerly by that road to the Byaduk-Penshurst Road; thence westerly by that road to the Weerangourt Creek; thence south-westerly by that creek to the north-eastern angle of the Parish of Weerangourt; thence north-westerly by the northern boundary of that parish to the road forming the northern

boundary of allotment 1M, section 16, Parish of Byambynee; thence westerly by that road to the north-eastern angle of allotment 8, section 3, Parish of Weerangourt, being a point on the northern boundary of that parish; thence westerly and south-westerly by that boundary and southerly by the eastern boundaries of the Parishes of Greenhills and Condah to a point in line with the south-eastern boundary of the Lake Condah pre-emptive section; thence southerly by the Condah Main Drain and south-easterly by a line through Lake Condah to the north-western angle of allotment 69A, Parish of Dunmore; thence southerly, easterly and again southerly by a road to the south-western angle of that allotment; thence south-westerly by a line to the north-eastern angle of allotment 23; thence southerly by the road forming the eastern boundary of that allotment to the northern boundary of allotment 19; thence westerly by that boundary to the road forming the western boundary of that allotment; thence southerly by that road to the north-western angle of allotment 16, Parish of Tyrendarra; thence easterly by a road to the road forming the eastern boundary of that allotment; thence southerly by that road and a line in continuation to the sea coast; thence generally south-easterly by the sea coast to a point in line with the western boundary of allotment 21, section D, Parish of Yangery; thence northerly by a line and the western boundaries of allotments 21, 17 and 3 to the northern boundary of allotment 2; thence westerly by that boundary to a point in line with the western boundary of Lot 10 on Plan of Subdivision 3869; thence northerly by a line and that boundary and easterly by the northern boundary of that lot to Atkinsons Lane; thence northerly by that lane to the Princes Highway; thence north-westerly by that highway to Conns Lane; thence northerly by that lane to the Bushfield-Tower Hill Road; thence easterly by that road to the Warmambool-Caramut Road; thence northerly by that road to the north-western angle of allotment 15, Parish of Yangery; thence easterly by the northern boundaries of that allotment and allotment 13 and further easterly by the northern boundary of allotment 17, Parish of Meerai to the road forming the western boundary of allotment 2; thence southerly by that road to the southern boundary of that allotment; thence easterly by

that boundary to the Merri River; thence north-easterly by that river to the north-eastern angle of allotment 5, Parish of Purnim; thence south-easterly by the north-eastern boundary of that allotment and further south-easterly by Philmore road to the western boundary of allotment 5, section C, Parish of Wangoom; thence southerly by that boundary to Spring Flat Road; thence north-easterly by that road to Wiggs Lane; thence southerly by that lane to Wangoom Road; thence easterly by that road to Dixons Lane; thence further easterly by that lane to Staffords Road; thence southerly by that road to the south-western angle of allotment 1, section I, Parish of Wangoom; thence easterly by the southern boundaries of that allotment and allotments 2 and 3 to the eastern boundary of allotment 1, section 6; thence southerly by that boundary and the eastern boundary of allotment 7, section 3 to the Princes Highway; thence easterly by that highway to the Terang and Warrnambool Railway; thence south-westerly by that railway to Liegler Parade; thence easterly by that parade to the western boundary of allotment 32A, Parish of Mepunga; thence southerly by that boundary and the western boundary of allotment 34B to Factory Road; thence westerly by that road to Carrolls Road; thence south-easterly by that road to Ritchies Road; thence westerly by that road to Burkes Road; thence southerly and westerly by that road to Skuses Road; thence southerly by that road to the north-western angle of allotment 6, section 2, Parish of Mepunga; thence generally south-westerly by the western and southern boundaries of that allotment to the northern boundary of allotment 26A2, no section; thence easterly by the northern boundary and southerly by the eastern boundary of that allotment and further southerly by a line in continuation to the sea coast, and thence south-easterly by the sea coast to the point of commencement.

#### SCHEDULE 5

##### Boundaries of the Southern Grampians Shire Council

Commencing on the Glenelg River at Pigeon Ponds; thence southerly by Pigeon Ponds to the northern boundary of the Parish of Koolomert; thence westerly, southerly and easterly by the northern, western and southern boundaries of that parish to the western boundary of the Parish of Dewrang; thence southerly and easterly by

the western and southern boundaries of that parish to Casterton Road; thence southerly by that road, Saw Pit Gully Road, Boyds Road and Carrolls Road to Carapook Road; thence south-westerly by that road to the Glenelg Highway; thence south-easterly by that highway to Heenans Road; thence southerly by that road to Sandford Road; thence westerly by that road and Lower Coleraine Road to Ridge Road; thence south-easterly by that road to the Wannon River; thence south-easterly by that river to the eastern boundary of the Parish of Tahara; thence southerly by that boundary to the Condah-Coleraine Road; thence southerly by that road to McMillans Lane; thence easterly by that lane and McMillans Road to the Henty Highway; thence northerly by that highway to Lens Road; thence easterly by that road to the Branhholme-Wallacedale road; thence further easterly by a road forming the northern boundary of allotment 1, section 14, Parish of Branhholme to the Wallacedale-Hamilton Road; thence northerly by that road to the Branhholme-Byaduk Road; thence easterly by that road to the road forming the eastern boundary of allotment 1B, section 6, Parish of Byambynee; thence southerly by that road to the road forming the northern boundary of allotment 4A, section 14; thence westerly by that road to the road forming the western boundary of allotment 6A; thence southerly by that road to the southern boundary of allotment 5B, section 13; thence westerly by that boundary and the southern boundaries of allotments 5A, 4D, 6B and 7B to the road forming the western boundary of allotment 7C; thence generally southerly by that road to the southern boundary of the parish; thence easterly by that boundary to the north-western angle of allotment 1M, section 16; thence south-easterly by the northern boundary of that allotment to its north-eastern angle, being a point on the southern boundary of the parish; thence south-easterly by that boundary to Louth Swamp Road; thence northerly and easterly by that road and further easterly by the Byaduk-Penshurst Road to the Macarthur-Penshurst Road; thence southerly by that road to Gerrigerrup Road; thence easterly by that road to the Eumeralla River; thence north-easterly by that river to the road forming the southern boundary of allotment 2A, section 1, Parish of Tallangoork; thence easterly

by that road and the road forming the southern boundaries of allotments 2B, 3B2 and 3B1 to the northern boundary of the Parish of Langulac; thence easterly by that boundary and the northern boundary of the Parish of Caramut South to Purdeet Siding Road; thence northerly and easterly by that road to Trifli Lane; thence northerly by that lane to the Hamilton Highway; thence south-easterly by that highway to Mustons Lane; thence northerly by that lane and a road to the western boundary of allotment 6, section 2, Parish of Boorpool; thence northerly by that boundary and the western boundary of allotment 4, northerly by the road forming the western boundaries of sections 6, 7 and 2, Parish of Pom Pom and Mortons Lane to the Hamilton-Chatsworth Road; thence south-easterly by that road to the road forming the eastern boundary of allotment 3, section 17, Parish of Chatsworth West; thence northerly by that road to Gray Creek; thence north-easterly by that creek to the Hopkins River; thence north-easterly by that river to Back Creek; thence northerly by that creek to the northern boundary of the County of Villiers; thence westerly by that boundary to the Serra Range at Mount Abrupt; thence northerly by the Serra Range to the most eastern angle of the County of Dundas; thence north-westerly by that boundary to the Glenelg River; thence generally north-westerly by that river, south-westerly and north-westerly by the former course of the Glenelg River through the Rocklands Reservoir and westerly, northerly and again westerly by the Glenelg River to the point of commencement.

#### SCHEDULE 6

##### Boundaries of the Glenelg Shire Council

Commencing on the sea coast at the western boundary of the State; thence northerly by that boundary to the Mosquito Creek, being a point on the southern boundary of the County of Lowan; thence generally easterly by that boundary to the junction of Pigeon Ponds with the Glenelg River; thence southerly by Pigeon Ponds to the northern boundary of the Parish of Koolomert; thence westerly, southerly and easterly by the northern, western and southern boundaries of that parish to the western boundary of the Parish of Dewrang; thence southerly and easterly by the western and southern boundaries of that parish to Casterton

Road; thence southerly by that road, Saw Pit Gully Road, Boyds Road and Carrolls Road to Carapook Road; thence south-westerly by that road to the Glenelg Highway; thence south-easterly by that highway to Heenans Road; thence southerly by that road to Sandford Road; thence westerly by that road and Lower Coleraine Road to Ridge Road; thence south-easterly by that road to the Wannon River; thence south-easterly by that river to the eastern boundary of the Parish of Tahara; thence southerly by that boundary to the Condah-Coleraine Road; thence southerly by that road to McMillans Lane; thence easterly by that lane and McMillans Road to the Henty Highway; thence northerly by that highway to Lens Road; thence easterly by that road to the Branxholme-Wallacedale road; thence further easterly by a road forming the northern boundary of allotment 1, section 14, Parish of Branxholme to the Wallacedale-Hamilton Road; thence northerly by that road to the Branxholme-Byaduk Road; thence easterly by that road to the road forming the eastern boundary of allotment 1B, section 6, Parish of Byambynee; thence southerly by that road to the road forming the northern boundary of allotment 4A, section 14; thence westerly by that road to the road forming the western boundary of allotment 6A; thence southerly by that road to the southern boundary of allotment 5B, section 13; thence westerly by that boundary and the southern boundaries of allotments 5A, 4D, 6B and 7B to the road forming the western boundary of allotment 7C; thence generally southerly by that road to the southern boundary of the parish; thence westerly and south-westerly by that boundary and southerly by the eastern boundaries of the Parishes of Greenhills and Condah to a point in line with the south-eastern boundary of the Lake Condah pre-emptive section; thence southerly by the Condah Main Drain and south-easterly by a line through Lake Condah to the north-western angle of allotment 69A, Parish of Dunmore; thence southerly, easterly and again southerly by a road to the south-western angle of that allotment; thence south-easterly by a line to the north-eastern angle of allotment 23; thence southerly by the road forming the eastern boundary of that allotment to the northern boundary of allotment 19; thence westerly by that boundary to the road

forming the western boundary of that allotment; thence southerly by that road to the north-western angle of allotment 16, Parish of Tyrendarra; thence easterly by a road to the road forming the eastern boundary of that allotment; thence southerly by that road and a line in continuation to the sea coast, and thence westerly, generally south-westerly and generally north-westerly by the sea coast to the point of commencement.

#### SCHEDULE 7

##### Boundaries of the Warrnambool City Council

Commencing on the sea coast at a point in line with the western boundary of allotment 21, section D, Parish of Yangery; thence northerly by a line and the western boundaries of allotments 21, 17 and 3 to the northern boundary of allotment 2; thence westerly by that boundary to a point in line with the western boundary of Lot 10 on Plan of Subdivision 3869; thence northerly by a line and that boundary and easterly by the northern boundary of that lot to Atkinsons Lane; thence northerly by that lane to the Princes Highway; thence north-westerly by that highway to Conns Lane; thence northerly by that lane to the Bushfield-Tower Hill Road; thence easterly by that road to the Warrnambool-Caramut Road; thence northerly by that road to the north-western angle of allotment 15, Parish of Yangery; thence easterly by the northern boundaries of that allotment and allotment 13 and further easterly by the northern boundary of allotment 17, Parish of Meerai to the road forming the western boundary of allotment 2; thence southerly by that road to the southern boundary of that allotment; thence easterly by that boundary to the Merri River; thence north-easterly by that river to the north-eastern angle of allotment 5, Parish of Purnim; thence south-easterly by the north-eastern boundary of that allotment and further south-easterly by Philmore road to the western boundary of allotment 5, section C, Parish of Wangoom; thence southerly by that boundary to Spring Flat Road; thence north-easterly by that road to Wiggs Lane; thence southerly by that lane to Wangoom Road; thence easterly by that road to Dixons Lane; thence further easterly by that lane to Staffords Road; thence southerly by that road to the south-western angle of allotment 1, section I, Parish of Wangoom; thence easterly

by the southern boundaries of that allotment and allotments 2 and 3 to the eastern boundary of allotment 1, section 6; thence southerly by that boundary and the eastern boundary of allotment 7, section 3 to the Princes Highway; thence easterly by that highway to the Terang and Warrnambool Railway; thence south-westerly by that railway to Liegler Parade; thence easterly by that parade to the western boundary of allotment 32A, Parish of Mepunga; thence southerly by that boundary and the western boundary of allotment 34B to Factory Road; thence westerly by that road to Carrolls Road; thence south-easterly by that road to Ritchies Road; thence westerly by that road to Burkes Road; thence southerly and westerly by that road to Skuses Road; thence southerly by that road to the north-western angle of allotment 6, section 2, Parish of Mepunga; thence generally south-westerly by the western and southern boundaries of that allotment to the northern boundary of allotment 26A2, no section; thence easterly by the northern boundary and southerly by the eastern boundary of that allotment and further southerly by a line in continuation to the sea coast, and thence north-westerly by the sea coast to the point of commencement.

#### SCHEDULE 8

##### Boundaries of the Surf Coast Shire Council

Commencing on the shore of Bass Strait at the mouth of the Thompson Creek; thence north-easterly by the Thompson Creek to Blackgate Road; thence easterly by that road to Breamlea Road; thence northerly by that road to Barwon Heads Road; thence westerly by that road to Lower Duneed Road; thence further westerly by that road and Mount Duneed Road to Pettavel Road; thence northerly by that road to the Princes Highway; thence further northerly by the western boundary of allotment A, Portion 5, Parish of Duneed to the Waurn Ponds Creek; thence northerly by the eastern boundary of allotment 4, Parish of Barrabool and further northerly by Honeys Road to Barrabool Road; thence northerly by Merrawarp Road to the Barwon River; thence westerly by that river to the road forming the northern boundary of allotment 129, section A, Parish of Doroq; thence westerly by that road to the road forming the western boundary of allotment 127, section A; thence southerly by that road to the Warrambine Creek; thence

further westerly by that creek to the western boundary of the Parish of Murdeduke; thence southerly by that boundary to the road forming the southern boundary of allotment 8, Parish of Hesse; thence westerly by that road to Mountside Road; thence southerly by that road, Prices Lane and further southerly by a road to the Princes Highway; thence north-easterly by that highway to the north-eastern angle of allotment B, section 8, Parish of Birregurra, being a point on the western boundary of the Parish of Karmgun; thence southerly by that boundary and the western boundaries of the Parishes of Yan Yan Gurt and Bamba to the south-western angle of allotment 38B, Parish of Bamba; thence southerly by a road to the north-western angle of allotment 45A2; thence further southerly by the western boundaries of the Parishes of Bamba and Lorne to the northern boundary of the Parish of Kaanglang; thence easterly by that boundary to the shore of Bass Strait, and thence north-easterly by that shore to the point of commencement.

Dated 20 September 1994

Responsible Minister:

ROGER M. HALLAM

Minister for Local Government

KATHY WILSON

Acting Clerk of the Executive Council

**Local Government Act 1989**  
**ORDER CONSTITUTING THE SHIRE OF**  
**PYRENEES AND ABOLISHING THE**  
**MUNICIPAL DISTRICTS OF THE SHIRE OF**  
**RIPON, THE SHIRE OF LEXTON AND THE**  
**SHIRE OF AVOCA**

Whereas—

A. On 11 March 1994 the Minister for Local Government, the Hon. Roger Murray Hallam, MLC (the Minister), required the Local Government Board to conduct a review under Part 10B of the **Local Government Act 1989** (the Act), on the most appropriate local government structure for the area comprising the municipal district of the Shire of Colac, City of Colac, Shire of Otway, Shire of Heytesbury, Town of Camperdown, Shire of Hampden, Shire of Mortlake, City of Warrnambool, Shire of Warrnambool, Borough of Port Fairy, Shire of Belfast, Shire of Minhamite, Shire of Mount Rouse, City of Portland, Shire of Heywood, City of Hamilton, Shire of Dundas, Shire of

Ripon, Shire of Lexton, City of Ararat, Shire of Ararat, Shire of Glenelg and Shire of Wannon (the review).

B. On 6 May 1994 the Minister altered the terms of reference to include the Surf Coast Shire and the Southern Rural Shire in the review.

C. As required by section 220M of the Act, the Local Government Board has submitted a final report on the review to the Minister.

E. As required by sections 220M and 220P of the Act, the Minister has considered the report and has recommended to the Governor in Council that an Order in Council be made in the following terms.

Now therefore, the Governor in Council acting under Part 10C of the Act orders that:

1. Definitions

In this Order

“Act” means the **Local Government Act 1989**.

“appointed day” means the day on which this Order comes into operation.

“Shire Council” means the Pyrenees Shire Council constituted under clause 3 (a).

“Commissioner” means a person appointed by the Governor in Council to administer the Shire Council.

“former Council” means a council specified in clause 3 (c).

2. Commencement

This Order comes into operation on the day it is published in the Government Gazette.

3. Constitution of the Pyrenees Shire Council

On the appointed day—

- (a) there is constituted a body corporate constituted as a Shire Council by the name of Pyrenees Shire Council;
- (b) the boundaries of the municipal district of the Shire Council shall be fixed as described in Schedule 1;
- (c) the following councils cease to exist—
  - (i) Shire of Ripon;
  - (ii) Shire of Lexton;
  - (iii) Shire of Avoca—
- (d) the persons holding office as Councillors of a former Council cease to hold such office.

4. Holding of the first election

(1) The date for the first general election of Councillors of the Shire Council is to be fixed



by the Minister by a notice published in the Government Gazette.

(2) For the purpose of holding the first election of Councillors, the Shire Council is deemed to have decided under section 35 of the Act to hold triennial elections and sub-sections (2) and (3) of that section do not apply in respect of that decision.

(3) Except as provided by this clause, the provisions of Part 3 of the Act apply to and in respect of the first and subsequent elections.

5. Pyrenees Shire Council is Successor in Law

(1) On the appointed day—

- (a) all property, rights and assets of the former Councils are vested in the Shire Council;
- (b) all liabilities of the former Councils are liabilities of the Shire Council; and
- (c) the Shire Council is the successor in law of the former Councils.

(2) Where, immediately before the appointed day, proceedings to which a former Council was a party were pending or existing in any court or tribunal, then on and after the appointed day the Shire Council is substituted for the former Council as a party to the proceedings and has the same rights in the proceedings as the former Council had.

(3) On the appointed day until revoked by the Shire Council all authorisations made by a former Council under section 224 of the Act remain in force.

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

(5) On and after the appointed day, any reference in any instrument or document of any kind to a former Council is to be construed as a reference to the Shire Council unless the contrary intention appears.

6. Commissioners of Pyrenees Shire Council

(1) The Chief Executive Officer of the Shire Council must call the first meeting of the Shire Council to be held by the Commissioners which must be held within three days of the appointed day.

(2) Section 89 (4) of the Act does not apply to the first meeting of the Shire Council.

(3) The provisions of Schedule 2 apply to the Commissioners and the meetings of the Commissioners.

7. Staff of the Pyrenees Shire Council

(1) On the appointed day all the members of staff of the former Councils become members of staff of the Shire Council with the same conditions as those with the former Councils and with the benefit of all accrued rights.

(2) With effect from the appointed day, until revoked by the Shire Council, all delegations made by a former Council or by the Chief Executive Officer of a former Council under the Act or any other Act remain in force.

8. First Meeting of the Councillors of the Pyrenees Shire Council

(1) After the first election of Councillors for the Shire Council has been held, the Chief Executive Officer of the Shire Council must call the first meeting of the Council which must be held within 10 days of the day on which the returning officer declares the result of the first election.

(2) At 9.00 a.m. on the day on which the first meeting of the Shire Council is held under subclause (1)—

- (a) the Commissioners go out of office; and
- (b) the Councillors elected at the first election of the Council assume office as Councillors of the Shire Council.

9. Valuations—Transitional Provisions

(1) Until 30 September 1995, the Shire Council must use in relation to rateable land in the municipal district the valuation which applied at the time rates and charges were levied in respect of the 1993–1994 financial year unless a supplementary valuation has been or is made under section 13DF of the *Valuation of Land Act 1960* in respect of that land.

(2) For the purposes of sub-clause (1) if a supplementary valuation has been made or is made the Shire Council can use that supplementary valuation.

(3) In respect of the 1994–95 financial year the Shire Council must continue to use in that part of its municipal district that was the municipal district of a former Council, the system of valuation used by the former Council immediately before the appointed day.

(4) The Shire Council must determine to use a system of valuation that applies to the whole

of its municipal district in respect of the 1995–1996 financial year and section 157 of the Act does not apply to that determination.

#### 10. Rates—Transitional Provisions 1994–1995

(1) Any rate or charge declared by a former Council under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be a rate or charge declared by the Shire Council for the 1994–1995 financial year in relation to that part of the municipal district of the Shire Council that was in the municipal district of the former Council immediately before the appointed day.

(2) Any minimum rates fixed by the former Shires of Lexton and Ripon under section 3 (2) of the *Local Government (Consequential Provisions) Act 1989* for the 1993–1994 financial year are deemed to be the minimum rates fixed by the Shire Council for the 1994–1995 financial year in relation to that part of the municipal district that was in the municipal district of the relevant Shire.

(3) The Shire Council must not levy any rate or charge in the 1994–95 financial year in relation to any rateable land in its municipal district which is additional to the rates and charges levied in respect of that land for the 1993–94 financial year.

(4) Sub-section (3) does not apply to the declaration of a special rate or special charge pursuant to section 163 of the Act.

(5) The date on which the Shire Council adopts its budget for the 1994–95 financial year is deemed to be the date on which any rates or charges are declared or fixed by virtue of sub-clause (1).

#### 11. Minimum Rates—Transitional Provisions 1995–1996

In the 1995–96 financial year the Shire Council may levy a minimum rate in accordance with sub-section 3 (2) of the *Local Government (Consequential Provisions) Act 1989*.

#### 12. Differential Rates—Transitional Provisions 1995–1996 and 1996–1997

In the 1995–96 and 1996–97 financial years the Shire Council may—

- (a) raise any general rate by the application of a differential rate pursuant to section 161 of the Act regardless of the system of valuation it is using;

- (b) apply a differential rate for a type or class of land according to its geographic location;

- (c) declare a different service rate or different annual service charge pursuant to section 162 of the Act in different areas.

#### 13. Local Laws—Transitional Provisions

(1) On the appointed day any local law, or any part of a local law, which deals with the meeting procedures or the common seal of a former Council is revoked.

(2) Sections 5 (3) and 91 (1) of the Act do not apply in respect of the common seal and meetings of the Shire Council while the Shire Council is under the administration of Commissioners.

(3) Unless amended or revoked by an Order in Council or by the Shire Council, the local laws made by a former Council and in force immediately before the appointed day continue to apply in the relevant part of the municipal district of the Shire Council for a period of 12 months from the appointed day as if the local laws were made by the Shire Council.

#### 14. Planning Matters

(1) Except where a planning scheme specifies the Minister administering the *Planning and Environment Act 1987* or any other person to be the responsible authority, the Shire Council is the responsible authority in relation to the planning schemes in force in its municipal district.

(2) Any reference in a planning scheme in force in the municipal district of the Shire Council to a former Council as a responsible authority for a particular purpose, is to be taken as a reference to the Shire Council in relation to the relevant part of its municipal district.

(3) For the purposes of the *Planning and Environment Act 1987* and the administration, amendment or enforcement of each of the planning schemes referred to in sub-clause (1)—

- (a) anything of a continuing nature (including a contract, agreement or proceeding) done, commenced or made by or in relation to a former Council in relation to its municipal district may be done, enforced or completed by or in relation to the Shire Council; and

- (b) anything done by or in relation to a former Council that concerns a matter of a continuing nature in relation to its municipal district has effect as if done by or in relation to the Shire Council.

#### 15. Corporate Plan—Transitional Provisions

For the purposes of section 153A of the Act, the Shire Council must prepare a corporate plan for the three year period commencing 1 October 1994 by 30 November 1994.

#### 16. Modified Reporting Requirements for the 1993–1994 Financial Year

- (1) The Shire Council must prepare—

- (a) a report in respect of each former Council for the period commencing 1 October 1993 and ending on the day before the appointed day containing—

- (i) a report of the operations of the former Council during that period; and

- (ii) audited financial statements for the former Council for that period.

(2) The provisions of the Act and the Local Government Regulations 1990 relating to the preparation and submission of annual reports, the preparation of reports of operations and the preparation, signing and audit of financial statements apply to a report prepared under sub-clause (1) with such modifications as are necessary, unless otherwise provided in this clause.

(3) For the purposes of section 128 (1) of the Act, the financial statements of a former council must be signed by two Commissioners of the Shire Council and a person designated by the Council as having relevant financial management responsibilities for that purpose and regulation 85 of the Local Government Regulations 1990 is modified accordingly.

(4) Section 128 (2) of the Act does not apply to a report prepared under sub-clause (1).

(5) Except as provided in this clause, the requirements of section 126 of the Act do not apply to the Shire Council in respect of the 1993–1994 financial year.

#### 17. Modified Reporting Requirements for the 1994–1995 Financial Year

For the purposes of preparing an annual report for the 1994–1995 financial year, the period of the financial year is the period commencing on the appointed day and ending on 30 September 1995 and the provisions of the

Act and the Local Government Regulations 1990 relating to the preparation of annual reports are modified accordingly.

#### SCHEDULE 1

##### Boundaries of Pyrenees Shire Council

Commencing on the Western Highway at Dobsons Lane; thence generally southerly by Dobsons Lane to the most western angle of allotment 38, section A, Parish of Brewster; thence south-easterly and north-easterly by the southern boundary of that allotment and further north-easterly by the south-eastern boundary of allotment 38A, section A, to the northern angle of allotment 11A, section 3, Parish of Haddon; thence south-easterly by the northern boundary of that allotment and easterly by the northern boundaries of allotment 13, section 3 and allotments 8 and 9, section 2 to the Burrumbeet-Hillcrest Road; thence southerly by that road to Cuthbert's Lane; thence easterly by that lane to the road forming the eastern boundary of allotment 11, section B; thence southerly by a road to the south-eastern angle of allotment 17C, section 14A, Parish of Carngham; thence southerly by a line to the north-eastern angle of allotment 2, section 15A, Parish of Smythesdale; thence southerly by the road forming the eastern boundary of that allotment to Hillcrest Road; thence southerly by that road to the northern boundary of allotment 8; thence westerly and southerly by the northern and western boundaries of that allotment to Tannery Road; thence north-westerly and westerly by the northern boundary of allotment 1, section 32B, Parish of Carngham and southerly by the western boundary of that allotment to the northern boundary of the Parish of Scarsdale; thence westerly by that boundary to the north-eastern boundary of allotment 1A, section B, Parish of Argyle; thence south-easterly by that boundary and south-westerly by the south-eastern boundary of that allotment to the eastern boundary of allotment 2A; thence southerly and westerly by the eastern and southern boundaries of that allotment to the road forming the eastern boundary of allotment 2B; thence southerly by that road and westerly by the southern boundary of that allotment to the eastern boundary of allotment 2C; thence southerly and westerly by the eastern and southern boundaries of that allotment to its south-western angle; thence due

west by a line to the eastern boundary of the Parish of Mortchup; thence southerly and south-easterly by that boundary and westerly, north-easterly and westerly by the southern boundary of that parish to the Chepstowe-Pittong Road; thence northerly by that road to the Mount Emu Settlement Road; thence westerly by that road to the Mount Emu Creek; thence south-westerly by that creek to the northern boundary of the Township of Skipton; thence westerly and southerly by the northern and western boundaries of that township to the Mount Emu Creek; thence generally south-westerly and westerly by that creek to the southern boundary of the Parish of Caramballuc North; thence further westerly by that boundary to Nerrin Nerrin Road; thence northerly by that road and north-easterly by the Eurambeen-Streatham Road to the northern boundary of allotment 9A, section 12, Parish of Moallaack; thence westerly by that boundary to the western boundary of allotment 5B; thence northerly by that boundary and the western boundary of allotment 5A to the road forming the southern boundary of allotment 8AA, section 13; thence westerly by that road to the western boundary of that allotment; thence northerly by that boundary and further northerly by a road to the north-eastern angle of allotment 85A, Parish of Woodnaggerak; thence northerly by a line to the south-western angle of allotment 76, Parish of Shirley; thence further northerly by a road to the Fiery Creek; thence easterly by that creek to Middle Creek; thence north-easterly by that creek to the Western Highway; thence north-westerly by that highway to the road forming the eastern boundary of allotment 15, section 6, Parish of Buangor; thence north-easterly by that road to the road forming the northern boundary of allotment 20; thence north-westerly by that road to the road forming the eastern boundary of allotment 46; thence north-easterly by that road to the road forming its northern boundary; thence westerly by that road to Andersons Road; thence northerly by that road to the south-western boundary of the Mount Buangor Park; thence north-westerly by that boundary to the northern boundary of the County of Ripon; thence north-easterly by that boundary to the western boundary of allotment 48B; thence northerly, easterly and southerly by the western, northern and eastern boundaries of that

allotment and easterly by the northern boundary of allotment 48C to the northern boundary of the County of Ripon; thence generally north-easterly by that boundary to the source of the Wimmera River; thence generally north-westerly by that river to the southern boundary of the Township of Crowlands; thence westerly and northerly by the southern and western boundaries of that township to the Joel Joel-Crowlands Road; thence north-westerly by that road to the southern angle of allotment 5, section 7, Parish of Crowlands; thence north-easterly by the eastern boundaries of that allotment and allotments 6 and 19 to the northern boundary of the latter allotment; thence easterly by a line in continuation of that boundary to the western boundary of allotment 6A, section 8; thence north-easterly by that boundary to the Ararat-St. Arnaud Road; thence northerly by that road to the southern angle of allotment 3, section 4, Parish of Landsborough; thence north-westerly by a road to the western boundary of allotment 6; thence northerly by that boundary and the western boundary of allotment 31 to Slorachs Road; thence northerly by that road to Landsborough Road; thence easterly by that road to the eastern boundary of allotment 21B, section 3; thence northerly by that boundary and northerly and westerly by the eastern and northern boundaries of allotment 21A to the eastern angle of allotment 20A; thence north-westerly by the north-eastern boundary of that allotment to the road forming the eastern boundary of allotment 15B; thence northerly by that road to the road forming the northern boundary of allotment 6C; thence easterly by that road to Howard Creek; thence north-westerly by that creek to the road forming the southern boundary of allotment 246, Parish of Navarre; thence easterly by that road to the Ararat-St. Arnaud Road; thence northerly by that road to Boundary Road; thence northerly by that road to the Tulkara-Navarre Road; thence northerly by that road to the Stawell-Avoca Road; thence easterly by that road to the Barkley-Navarre Road; thence generally easterly by that road to the road forming the northern boundary of allotment 168A; thence easterly by that road to western boundary of the Parish of Barkly; thence northerly by that boundary to the road forming the northern boundary of allotment 37, section E, Parish of Barkly; thence easterly by that road

to the western boundary of allotment 52D; thence southerly and easterly by the western and southern boundaries of that allotment and further easterly by the southern boundary of allotment 53 to the road forming its eastern boundary; thence northerly by that road to the road forming the southern boundary of allotment 54; thence easterly by that road and north-westerly by the eastern boundary of that allotment to a point thereon in line with the road forming the southern boundary of allotment 71, Parish of Redbank; thence easterly by that road to the Sunraysia Highway; thence southerly by that highway to the road forming the northern boundary of allotment 35; thence easterly by that road to the road forming the western boundary of allotment 34D; thence southerly by that road to the road forming the northern boundary of allotment 34F; thence easterly, southerly and easterly by that road to the western boundary of allotment 33B; thence northerly and easterly by the western and northern boundaries of that allotment and further easterly by the northern boundary of allotment 33C to Bandits Road; thence southerly by that road to the road forming the northern boundary of allotment 17; thence easterly by that road to Moyreisk Road; thence southerly by that road to the road forming the southern boundary of allotment 44G, section 1, Parish of Moyreisk; thence easterly by that road to the Maryborough-St. Arnaud Road; thence south-easterly by that road to the southern boundary of allotment 34B; thence easterly by that boundary and the southern boundary of the Rathscar pre-emptive section to the Avoca River; thence southerly by that river to a point in line with the road forming the southern boundary of allotment 17, Township of Natteyallock; thence easterly by a line and that road to the western boundary of allotment 3A, section 1, Parish of Natteyallock; thence southerly, easterly and northerly by the western, southern and eastern boundaries of that allotment to Ross Boundary Road; thence easterly by that road and northerly by McArdles Road to the road forming the southern boundary of allotment 14, section 4, being a point on the southern boundary of the parish; thence generally easterly by that parish boundary to the Dunolly-Avoca Road; thence south-westerly by that road to the northern angle of allotment 5A, section A, Parish of Rathscar; thence

south-easterly by the north-eastern boundary of that allotment and southerly by the eastern boundary of allotment 6A1 to the Maryborough-St. Arnaud Road; thence easterly by that road to the eastern boundary of allotment 2, section 3, Parish of Wareek; thence southerly by that boundary and the eastern boundary of allotment 7 to the road forming the southern boundary of that allotment; thence westerly by that road to the Bung Bong-Rathscar Road; thence southerly by that road to the northern boundary of allotment 26A, Parish of Rathscar; thence westerly by that boundary and southerly by the western boundaries of that allotment and allotments 26, 27 and 29 to the Wareek-Homebush Road; thence westerly by that road to the road forming the western boundary of allotment 43; thence southerly by that road to the road forming the northern boundary of the Township of Bung Bong; thence easterly by that road to the Bet Bet Creek; thence southerly by that creek to the road forming the southern boundary of allotment 14, section 2, Parish of Lillicur; thence easterly by that road to Mia Mia Road; thence southerly by that road to the northern boundary of the Parish of Caralulup; thence easterly by that boundary to the western boundary of the Parish of Amherst; thence southerly and easterly by the western and southern boundaries of that parish to the western boundary of the Parish of Beckworth; thence southerly by that boundary, the western boundary of the Parish of Addington and further southerly by the eastern boundaries of sections 32, 31, 2, 3 and 6, Parish of Ercildoun to the Beaufort-Learmonth Road; thence westerly by that road to the eastern boundary of allotment 3, section 8; thence southerly by that boundary to the western boundary of allotment 1, section 10; thence southerly by that boundary to the Ballarat-Ararat Railway; thence westerly by that railway to the eastern boundary of allotment 4, section 8A; thence southerly by that boundary to the Western Highway, and thence easterly by that highway to the point of commencement.

## SCHEDULE 2

### Commissioners

1. A Commissioner is entitled to receive—
  - (a) an annual remuneration;

- (b) any travelling or subsistence allowances; and
- (c) any other allowances in relation to expenses incurred in the discharge of his or her duties—

that the Minister may from time to time determine in respect of the Commissioner.

2. Such remuneration, allowances and expenses are to be paid by the Shire Council.

3. A Commissioner must—

- (a) ensure that the operations of the Shire Council are carried out in the most efficient and economic manner possible;
- (b) report to the Minister on such matters and at such intervals as the Minister may specify.

4. A Commissioner must exercise his or her powers and perform his or her functions subject to any written directions given by the Minister.

5. A Commissioner—

- (a) must not, without the consent of the Minister, while in office directly or indirectly engage in any paid employment outside the duties of his or her office;
- (b) may resign the office in writing signed by him or her and delivered to the Governor in Council;
- (c) may at any time be removed from office by the Governor in Council.

6. If a Commissioner—

- (a) becomes bankrupt or his or her property becomes in any manner subject to control under the law relating to bankruptcy;
- (b) is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence;
- (c) becomes incapable of performing the duties of office;
- (d) is removed from office or resigns the office; or
- (e) dies—

the office of a Commissioner becomes vacant.

7. During the absence from office or illness of a Commissioner, a person nominated by the Minister shall act in the place of the Commissioner and while so acting shall have, exercise and discharge all the responsibilities,

liabilities, rights, powers, authorities, duties and functions conferred or imposed on the Commissioner by or under this Order.

8. An act or decision of a Commissioner is not invalid by reason only of a defect or irregularity in or in connection with the appointment of a Commissioner or that Commissioner, as the case may be.

9. No person shall be concerned to inquire whether any occasion had arisen requiring or authorising a person to act in the place of a Commissioner and all acts or things done or omitted to be done by the person, while so acting, shall be as valid and effectual and shall have the same consequence as if the acts or things had been done or omitted to be done by the Commissioner.

10. Where provision is made in any Act, regulation, rule, by-law, local law, instrument or document—

- (a) for the Mayor, a councillor or the Chairperson or a member of a committee of the Shire Council or a former 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 during the period of administration as if it provided for a Commissioner or some other person appointed by a Commissioner to be that member, representative, trustee or director;
- (b) for a Council to appoint a councillor to be the representative of the Council that provision has effect during the period of administration as if it provided for a Commissioner or some other person nominated by a Commissioner to be the representative; or
- (c) for a member of a board, council, committee, commission or other body to be appointed from a panel of councillors of municipal councils, that provision has effect during the period of administration as if it provided for a Commissioner or some other person nominated by a Commissioner to be included in the panel.

11. Sections 71, 74 and 75 of the Act do not apply to a Commissioner.

12. A quorum for a meeting of the Commissioners is two Commissioners.

13. Except as provided in this Order, the procedure for meetings of the Council may be determined by the Commissioners.

Dated 20 September 1994

Responsible Minister:

ROGER M. HALLAM

Minister for Local Government

KATHY WILSON

Acting Clerk of the Executive Council

#### Local Government Act 1989

#### ORDER CONSTITUTING THE RURAL CITY OF ARARAT AND ABOLISHING THE MUNICIPAL DISTRICTS OF THE CITY OF ARARAT AND THE SHIRE OF ARARAT

Whereas—

A. On 11 March 1994 the Minister for Local Government, the Hon. Roger Murray Hallam, MLC (the Minister), required the Local Government Board to conduct a review under Part 10B of the **Local Government Act 1989** (the Act), on the most appropriate local government structure for the area comprising the municipal district of the Shire of Colac, City of Colac, Shire of Otway, Shire of Heytesbury, Town of Camperdown, Shire of Hampden, Shire of Mortlake, City of Warrnambool, Shire of Warrnambool, Borough of Port Fairy, Shire of Belfast, Shire of Minhamite, Shire of Mount Rouse, City of Portland, Shire of Heywood, City of Hamilton, Shire of Dundas, Shire of Ripon, Shire of Lexton, City of Ararat, Shire of Ararat, Shire of Glenelg and Shire of Wannon (the review).

B. On 6 May 1994 the Minister altered the terms of reference to include the Surf Coast Shire and the Southern Rural Shire in the review.

C. As required by section 220M of the Act, the Local Government Board has submitted a final report on the review to the Minister.

E. As required by sections 220M and 220P of the Act, the Minister has considered the report and has recommended to the Governor in Council that an Order in Council be made in the following terms.

Now therefore, the Governor in Council acting under Part 10C of the Act orders that:

#### 1. Definitions

In this Order—

“Act” means the **Local Government Act 1989**.

“appointed day” means the day on which this Order comes into operation.

“Rural City Council” means the Ararat Rural City Council as constituted under clause 3 (a).

“Commissioner” means a person appointed by the Governor in Council to administer the Rural City Council.

“former Council” means a council specified in clause 3 (c).

#### 2. Commencement

This Order comes into operation on the day it is published in the Government Gazette.

#### 3. Constitution of the Ararat Rural City Council

On the appointed day—

- (a) there is constituted a body corporate constituted as a Rural City Council by the name of Ararat Rural City Council;
- (b) the boundaries of the municipal district of the Rural City Council shall be fixed as described in Schedule 1;
- (c) the following councils cease to exist—
  - (i) City of Ararat; and
  - (ii) Shire of Ararat;
- (d) the persons holding office as Councillors of a former Council cease to hold such office.

#### 4. Holding of the first election

(1) The date for the first general election of Councillors of the Rural City Council is to be fixed by the Minister by a notice published in the Government Gazette.

(2) For the purpose of holding the first election of Councillors, the Rural City Council is deemed to have decided under section 35 of the Act to hold triennial elections and sub-sections (2) and (3) of that section do not apply in respect of that decision.

(3) Except as provided by this clause, the provisions of Part 3 of the Act apply to and in respect of the first and subsequent elections.

#### 5. Ararat Rural City Council is Successor in Law

(1) On the appointed day—

- (a) all property, rights and assets of the former Councils are vested in the Rural City Council;

- (b) all liabilities of the former Councils are liabilities of the Rural City Council; and

- (c) the Rural City Council is the successor in law of the former Councils.

(2) Where, immediately before the appointed day, proceedings to which a former Council was a party were pending or existing in any court or tribunal, then on and after the appointed day the Rural City Council is substituted for the former Council as a party to the proceedings and has the same rights in the proceedings as the former Council had.

(3) On the appointed day until revoked by the Rural City Council all authorisations made by a former Council under section 224 of the Act remain in force.

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

(5) On and after the appointed day, any reference in any instrument or document of any kind to a former Council is to be construed as a reference to the Rural City Council unless the contrary intention appears.

#### 6. Commissioners of Ararat Rural City Council

(1) The Chairperson of the Commissioners of the Rural City Council must call the first meeting of the Rural City Council to be held by the Commissioners which must be held within three days of the appointed day.

(2) Section 89 (4) of the Act does not apply to the first meeting of the Rural City Council.

(3) A person authorised by the Minister for Local Government has the power to administer an oath of allegiance to each of the Commissioners of the Rural City Council and the power to receive a declaration of office from each of them.

(4) The provisions of Schedule 2 apply to the Commissioners and the meetings of the Commissioners.

#### 7. Staff of the Ararat Rural City Council

(1) On the appointed day all the members of staff of the former Councils become members of staff of the Rural City Council with the same conditions as those with the former Councils and with the benefit of all accrued rights.

(2) With effect from the appointed day, until revoked by the Rural City Council, all delegations made by a former Council or by the Chief Executive Officer of a former Council under the Act or any other Act remain in force.

#### 8. First Meeting of the Councillors of the Ararat Rural City Council

(1) After the first election of Councillors for the Rural City Council has been held, the Chief Executive Officer of the Rural City Council must call the first meeting of the Council which must be held within 10 days of the day on which the returning officer declares the result of the first election.

(2) At 9.00 a.m. on the day on which the first meeting of the Rural City Council is held under subclause (1)—

- (a) the Commissioners go out of office; and

- (b) the Councillors elected at the first election of the Council assume office as Councillors of the Rural City Council.

#### 9. Valuations—Transitional Provisions

(1) Until 30 September 1995, the Rural City Council must use in relation to rateable land in the municipal district the valuation which applied at the time rates and charges were levied in respect of the 1993–1994 financial year unless a supplementary valuation has been or is made under section 13DF of the **Valuation of Land Act 1960** in respect of that land.

(2) For the purposes of sub-clause (1) if a supplementary valuation has been made or is made the Rural City Council can use that supplementary valuation.

(3) In respect of the 1994–95 financial year the Rural City Council must continue to use in that part of its municipal district that was the municipal district of a former Council, the system of valuation used by the former Council immediately before the appointed day.

(4) The Rural City Council must determine to use a system of valuation that applies to the whole of its municipal district in respect of the 1995–1996 financial year and section 157 of the Act does not apply to that determination.

#### 10. Rates—Transitional Provisions 1994–1995

(1) Any rate or charge declared by a former Council under sections 158 (1), 159 (1) and 162 of the Act for the 1993–1994 financial year is deemed to be a rate or charge declared by the



Rural City Council for the 1994–1995 financial year in relation to that part of the municipal district of the Rural City Council that was in the municipal district of the former Council immediately before the appointed day.

(2) Any minimum rates fixed by the former City of Ararat under section 3 (2) of the **Local Government (Consequential Provisions) Act 1989** for the 1993–1994 financial year are deemed to be the minimum rates fixed by the Rural City Council for the 1994–1995 financial year in relation to that part of the municipal district that was in the municipal district of the City of Ararat.

(3) The Rural City Council must not levy any rate or charge in the 1994–95 financial year in relation to any rateable land in its municipal district which is additional to the rates and charges levied in respect of that land for the 1993–94 financial year.

(4) Sub-section (3) does not apply to the declaration of a special rate or special charge pursuant to section 163 of the Act.

(5) The date on which the Rural City Council adopts its budget for the 1994–95 financial year is deemed to be the date on which any rates or charges are declared or fixed by virtue of sub-clause (1).

#### 11. Minimum Rates—Transitional Provisions 1995–1996

In the 1995–96 financial year the Rural City Council may levy a minimum rate in accordance with sub-section 3 (2) of the **Local Government (Consequential Provisions) Act 1989**.

#### 12. Differential Rates—Transitional Provisions 1995–1996 and 1996–1997

In the 1995–96 and 1996–97 financial years the Rural City Council may—

- (a) raise any general rate by the application of a differential rate pursuant to section 161 of the Act regardless of the system of valuation it is using;
- (b) apply a differential rate for a type or class of land according to its geographic location;
- (c) declare a different service rate or different annual service charge pursuant to section 162 of the Act in different areas.

#### 13. Local Laws—Transitional Provisions

(1) On the appointed day any local law, or any part of a local law, which deals with the meeting procedures or the common seal of a former Council is revoked.

(2) Sections 5 (3) and 91 (1) of the Act do not apply in respect of the common seal and meetings of the Rural City Council while the Rural City Council is under the administration of Commissioners.

(3) Unless amended or revoked by an Order in Council or by the Rural City Council, the local laws made by a former Council and in force immediately before the appointed day continue to apply in the relevant part of the municipal district of the Rural City Council for a period of 12 months from the appointed day as if the local laws were made by the Rural City Council.

#### 14. Planning Matters

(1) Except where a planning scheme specifies the Minister administering the **Planning and Environment Act 1987** or any other person to be the responsible authority, the Rural City Council is the responsible authority in relation to the planning schemes in force in its municipal district.

(2) Any reference in a planning scheme in force in the municipal district of the Rural City Council to a former Council as a responsible authority for a particular purpose, is to be taken as a reference to the Rural City Council in relation to the relevant part of its municipal district.

(3) For the purposes of the **Planning and Environment Act 1987** and the administration, amendment or enforcement of each of the planning schemes referred to in sub-clause (1)—

- (a) anything of a continuing nature (including a contract, agreement or proceeding) done, commenced or made by or in relation to a former Council in relation to its municipal district may be done, enforced or completed by or in relation to the Rural City Council; and
- (b) anything done by or in relation to a former Council that concerns a matter of a continuing nature in relation to its municipal district has effect as if done by or in relation to the Rural City Council.

## 15. Corporate Plan—Transitional Provisions

For the purposes of section 153A of the Act, the Rural City Council must prepare a corporate plan for the three year period commencing 1 October 1994 by 30 November 1994.

## 16. Modified Reporting Requirements for the 1993–1994 Financial Year

## (1) The Rural City Council must prepare—

- (a) a report in respect of each former Council for the period commencing 1 October 1993 and ending on the day before the appointed day containing—

- (i) a report of the operations of the former Council during that period; and

- (ii) audited financial statements for the former Council for that period.

(2) The provisions of the Act and the Local Government Regulations 1990 relating to the preparation and submission of annual reports, the preparation of reports of operations and the preparation, signing and audit of financial statements apply to a report prepared under sub-clause (1) with such modifications as are necessary, unless otherwise provided in this clause.

(3) For the purposes of section 128 (1) of the Act, the financial statements of a former council must be signed by two Commissioners of the Rural City Council and a person designated by the Council as having relevant financial management responsibilities for that purpose and regulation 85 of the Local Government Regulations 1990 is modified accordingly.

(4) Section 128 (2) of the Act does not apply to a report prepared under sub-clause (1).

(5) Except as provided in this clause, the requirements of section 126 of the Act do not apply to the Rural City Council in respect of the 1993–1994 financial year.

## 17. Modified Reporting Requirements for the 1994–1995 Financial Year

For the purposes of preparing an annual report for the 1994–1995 financial year, the period of the financial year is the period commencing on the appointed day and ending on 30 September 1995 and the provisions of the Act and the Local Government Regulations 1990 relating to the preparation of annual reports are modified accordingly.

## SCHEDULE 1

## Boundaries of Ararat Rural City Council

Commencing on the Glenelg Highway at the Eurambeen-Streatham Road; thence north-easterly by the Eurambeen-Streatham Road to the northern boundary of allotment 9A, section 12, Parish of Moallaack; thence westerly by that boundary to the western boundary of allotment 5B; thence northerly by that boundary and the western boundary of allotment 5A to the road forming the southern boundary of allotment 8AA, section 13; thence westerly by that road to the western boundary of that allotment; thence northerly by that boundary and further northerly by a road to the north-eastern angle of allotment 85A, Parish of Woodnaggerak; thence northerly by a line to the south-western angle of allotment 76, Parish of Shirley; thence further northerly by a road to the Fiery Creek; thence easterly by that creek to Middle Creek; thence north-easterly by that creek to the Western Highway; thence north-westerly by that highway to the road forming the eastern boundary of allotment 15, section 6, Parish of Buangor; thence north-easterly by that road to the road forming the northern boundary of allotment 20; thence north-westerly by that road to the road forming the eastern boundary of allotment 46; thence north-easterly by that road to the road forming its northern boundary; thence westerly by that road to Andersons Road; thence northerly by that road to the south-western boundary of the Mount Buangor Park; thence north-westerly by that boundary to the northern boundary of the County of Ripon; thence north-easterly by that boundary to the western boundary of allotment 48B; thence northerly, easterly and southerly by the western, northern and eastern boundaries of that allotment and easterly by the northern boundary of allotment 48C to the northern boundary of the County of Ripon; thence generally north-easterly by that boundary to the source of the Wimmera River; thence generally north-westerly by that river to the road forming the southern boundary of the Township of Crowlands; thence westerly and north-westerly by that road to the road forming the north-western boundary of allotment 26, section A, Parish of Crowlands; thence south-westerly by that road and a line in continuation to the most northern angle of allotment 7, section A;

thence northerly, westerly and southerly by the eastern, northern and western boundaries of allotment 16 to the road forming the western boundary of allotment 17; thence southerly by that road to the road forming the southern boundary of allotment 15; thence westerly by that road to the eastern boundary of the Parish of Bulgana; thence southerly by that boundary and westerly by the southern boundary of that parish to the south-western angle of allotment 52, Parish of Bulgana; thence northerly by the western boundary of that allotment to the southern boundary of allotment 94; thence westerly by that boundary and the southern boundary of allotment 38 and northerly by the western boundary of that allotment to the southern boundary of allotment 31A; thence westerly by that allotment and southerly by the eastern boundaries of allotments 30 and 32 and westerly by the southern boundary of the latter allotment to the eastern boundary of allotment 34B; thence southerly by that boundary and the eastern boundary of allotment 34A to the northern boundary of allotment 22, section Y, Parish of Concongella South; thence easterly by that boundary and southerly by the eastern boundary of that allotment and allotment 23 and westerly by the southern boundary of the latter allotment to the eastern angle of allotment 76, section 3A, Parish of Ararat; thence south-westerly by the south-eastern boundaries of that allotment, allotment 75 and allotment 72, section 15B to the eastern boundary of allotment 71; thence southerly by that boundary and south-westerly by the south-eastern boundary of that allotment to the eastern boundary of allotment 68; thence southerly by that boundary and the eastern boundary of allotment 67, easterly and southerly by the northern and eastern boundaries of allotment 66 to the road forming the northern boundary of allotment 34, section 3A; thence easterly by that road and the northern boundary of allotment 34 and south-westerly by the south-eastern boundary of that allotment, further south-easterly by a line in continuation and the north-western boundary of allotment 31A, section 3A and further south-westerly by a line in continuation to the eastern angle of allotment 43, section 9; thence south-westerly by the south-eastern boundary and north-westerly by the south-western boundary of that allotment and the south-western boundary of allotment 5

to the south-eastern boundary of allotment 3A; thence south-westerly by that boundary to the southern boundary of allotment 6; thence westerly by that boundary and the southern boundary of allotment 13 to its south-western angle; thence south-westerly by a line to the eastern boundary of allotment 67A, section 15; thence south-westerly by the south-eastern boundaries of that allotment and allotment 68 and westerly, northerly, again westerly and again northerly by the southern and western boundaries of the latter allotment to the road forming the southern boundary of allotment 70; thence easterly by that road to the eastern angle of allotment 70; thence north-westerly by the north-eastern boundaries of that allotment and allotment 71 and westerly by the northern boundary of the latter allotment to the road forming the western boundary of allotment 71B; thence northerly and easterly by that road to the eastern boundary of allotment 72A; thence northerly and westerly by the eastern and northern boundaries of that allotment and further westerly by the northern boundary of allotment A8 to the eastern boundary of allotment A7; thence northerly by that boundary and northerly and north-westerly by the north-eastern boundary of allotment A5 to the road forming the south-eastern boundary of allotment A13; thence south-westerly by that road and westerly by the road forming the southern boundary of that allotment to the road forming the western boundary of the parish; thence northerly by that boundary to the road forming the north-eastern boundary of allotment 18, section 5, Parish of Concongella South; thence northerly by that road to the road forming the north-eastern boundary of allotment 8; thence north-westerly by that road to the eastern boundary of allotment 25; thence northerly, westerly, northerly and again westerly by the eastern and northern boundaries of that allotment and further westerly by the northern boundaries of allotments 27 and 29 to the north-western angle of the latter allotment; thence southerly by the western boundary of allotment 29 to the northern boundary of allotment 19; thence westerly by that boundary to the western boundary of the parish; thence northerly by that boundary to the southern boundary of the Parish of Mokepilly; thence westerly by that boundary to the eastern boundary of allotment 70A; thence northerly by

that boundary and westerly and southerly by the road forming the northern and western boundaries of that allotment to the road forming the northern boundary of allotment 47; thence westerly by that road and north-westerly and westerly by the road forming the eastern and northern boundaries of allotment 57 to the eastern boundary of the Parish of Bellellen; thence southerly, westerly and northerly by the eastern, southern and western boundaries of that parish to the Grampians Road; thence south-westerly by that road to the road forming the western boundary of allotment 62, Parish of Bellellen; thence southerly by that road to the northern boundary of allotment 47A; thence westerly and southerly by the northern and western boundaries of that allotment and further southerly by a line in continuation to the Mount William Range; thence south-easterly and southerly by that range to Mount William at the south-eastern angle of the Parish of William; thence westerly by the southern boundary of that parish to the Serra Range; thence southerly by that range to the south-western angle of the County of Ripon; thence generally easterly by the southern boundary of that county to Neerin Neerin Road, and thence northerly by that road to the point of commencement.

## SCHEDULE 2

### Commissioners

#### 1. A Commissioner is entitled to receive—

- (a) an annual remuneration;
- (b) any travelling or subsistence allowances; and
- (c) any other allowances in relation to expenses incurred in the discharge of his or her duties—

that the Minister may from time to time determine in respect of the Commissioner.

2. Such remuneration, allowances and expenses are to be paid by the Rural City Council.

#### 3. A Commissioner must—

- (a) ensure that the operations of the Rural City Council are carried out in the most efficient and economic manner possible;
- (b) report to the Minister on such matters and at such intervals as the Minister may specify.

4. A Commissioner must exercise his or her powers and perform his or her functions subject to any written directions given by the Minister.

#### 5. A Commissioner—

- (a) must not, without the consent of the Minister, while in office directly or indirectly engage in any paid employment outside the duties of his or her office;
- (b) may resign the office in writing signed by him or her and delivered to the Governor in Council;
- (c) may at any time be removed from office by the Governor in Council.

#### 6. If a Commissioner—

- (a) becomes bankrupt or his or her property becomes in any manner subject to control under the law relating to bankruptcy;
- (b) is convicted of an indictable offence or of an offence which, if committed in Victoria, would be an indictable offence;
- (c) becomes incapable of performing the duties of office;
- (d) is removed from office or resigns the office; or
- (e) dies—

the office of a Commissioner becomes vacant.

7. During the absence from office or illness of a Commissioner, a person nominated by the Minister shall act in the place of the Commissioner and while so acting shall have, exercise and discharge all the responsibilities, liabilities, rights, powers, authorities, duties and functions conferred or imposed on the Commissioner by or under this Order.

8. An act or decision of a Commissioner is not invalid by reason only of a defect or irregularity in or in connection with the appointment of a Commissioner or that Commissioner, as the case may be.

9. No person shall be concerned to inquire whether any occasion had arisen requiring or authorising a person to act in the place of a Commissioner and all acts or things done or omitted to be done by the person, while so acting, shall be as valid and effectual and shall have the same consequence as if the acts or things had been done or omitted to be done by the Commissioner.

10. Where provision is made in any Act, regulation, rule, by-law, local law, instrument or document—

- (a) for the Mayor, a councillor or the Chairperson or a member of a committee of the Rural City Council or a former 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 during the period of administration as if it provided for a Commissioner or some other person appointed by a Commissioner to be that member, representative, trustee or director;
- (b) for a Council to appoint a councillor to be the representative of the Council that provision has effect during the period of administration as if it provided for a Commissioner or some other person nominated by a Commissioner to be the representative; or

- (c) for a member of a board, council, committee, commission or other body to be appointed from a panel of councillors of municipal councils, that provision has effect during the period of administration as if it provided for a Commissioner or some other person nominated by a Commissioner to be included in the panel.

11. Sections 71, 74 and 75 of the Act do not apply to a Commissioner.

12. A quorum for a meeting of the Commissioners is two Commissioners.

13. Except as provided in this Order, the procedure for meetings of the Council may be determined by the Commissioners.

Dated 20 September 1994

Responsible Minister:

ROGER M. HALLAM

Minister for Local Government

KATHY WILSON

Acting Clerk of the Executive Council

#### Local Government Act 1989

#### ORDER APPOINTING THE COMMISSIONERS AND CHIEF EXECUTIVE OFFICERS OF THE SHIRES OF COLAC-OTWAY, CORANGAMITE, PYRENEES, MOYNE AND SOUTHERN GRAMPPIANS, THE RURAL CITY OF ARARAT AND THE RE-CONSTITUTED CITY OF WARRNAMBOOL AND SHIRE OF GLENELG

Whereas eight new Councils have been constituted by Orders in Council under Part 10C of the **Local Government Act 1989** (the Act) the Minister has recommended to the Governor in Council that an Order be made, pursuant to section 220Q (o) of the Act, in the following terms.

Now therefore, the Governor in Council acting under Part 10C of the Act orders that:

#### 1. Definitions

In this Order—

“former council” means the Shire of Colac, City of Colac, Shire of Otway, Shire of Heytesbury, Town of Camperdown, Shire of Hampden, Shire of Mortlake, City of Warrnambool, Shire of Warrnambool, Borough of Port Fairy, Shire of Belfast, Shire of Minhamite, Shire of Mount Rouse, City of Portland, Shire of Heywood, City of Hamilton, Shire of Dundas, Shire of Ripon, Shire of Lexton, City of Ararat, Shire of Ararat, Shire of Avoca, Shire of Glenelg and the Shire of Wannon.

#### 2. Commencement

This Order comes into operation on the day it is published in the Government Gazette.

#### 3. Commissioners

(1) The persons specified in column 1 of the Schedule are appointed to administer the Council specified in column 2 of the Schedule from the day this Order comes into operation until 9.00 a.m. on the day on which the first meeting of the Council specified in column 2 is held following the first election of councillors for the Council.

(2) The person specified in column 3 of the Schedule is appointed the Chairperson of the Commissioners.

#### 4. Chief Executive Officers

(1) The person specified in column 4 of the Schedule is the person authorised to exercise the powers and perform the duties and functions conferred or imposed on Chief Executive Officers by

any other Order, the Act and any other Act until revoked by the Council specified in column 2 of the Schedule.

(2) Any authorisation given by a former Council under section 5 of the **Local Government (Miscellaneous Amendments) Act 1993** has no effect.

## SCHEDULE

<i>Column 1 Commissioners</i>	<i>Column 2 Councils</i>	<i>Column 3 Chairperson</i>	<i>Column 4 Acting CEO</i>
Hugh Mason Marie Thornton Neil Stewart	COLAC-OTWAY	Hugh Mason	Donald Welsh
Bernard Milroy Neville Smith Allan Waterson	CORANGAMITE	Bernard Milroy	Jeremy Tatchell
Douglas Ball Maxwell Martin Jill Meathrel	PYRENEES	Douglas Ball	Gary Price
Eda Ritchie David Atkinson Kevin Porter	MOYNE	Eda Ritchie	Graham Shiell
Richard Walter Leighton Wraith Catherine Mary Bowman	SOUTHERN GRAMPIANS	Richard Walter	Geoffrey Price
Peter Carthew John Greene Alexander John Dunn	ARARAT	Peter Carthew	Robert John
Carole Reid Douglas Allan David Jones	WARRNAMBOOL	Carole Reid	Greg Trevaskis
Digby Crozier Holford (Tiger) Wetenhall Jeffrey Baulch	GLENELG	Digby Crozier	Russell Worland

Dated 20 September 1994

Responsible Minister:

ROGER M. HALLAM

Minister for Local Government

KATHY WILSON

Acting Clerk of the Executive Council



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