

Latrobe Regional Commission (Repeal) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 8 March 1995

(Brought in by Mr Maclellan (Pakenham) and Mr Coleman)

A BILL

to provide for the winding up of the Latrobe Regional Commission, to repeal the **Latrobe Regional Commission Act 1983** and for other purposes

Latrobe Regional Commission (Repeal) Act 1995

The Parliament of Victoria enacts as follows:

1. *Purposes*

The main purposes of this Act are—

- (a) to provide for the winding up of the Latrobe Regional Commission; and
- (b) to **repeal the Latrobe Regional Commission Act 1983.**

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984.**)

2. Commencement

- (1) This Act (except section 7) comes into operation on the day on which it receives the Royal Assent.
- (2) Section 7 comes into operation on a day to be proclaimed.

3. Definitions

In this Act—

“**administrator**” means the administrator appointed under section 5;

“**appointed day**” means a day fixed by the Governor in Council by Order published in the Government Gazette as the day appointed for the purposes of this Act.

4. Members of Commission to go out of office

On the appointed day—

- (a) the members and acting members of the Latrobe Regional Commission cease to hold such office by virtue of this Act;
- (b) the administrator is deemed to be the members of the Latrobe Regional Commission and may perform the functions and exercise the powers conferred on the members of the Latrobe Regional Commission under the **Latrobe Regional Commission Act 1983** or this Act;
- (c) sections 4, 5, 7 (1) (a) to (e), 7 (2), 7 (3), 10, 11 and 47 and Parts IV, V and VI and Schedules 2 and 6 of the **Latrobe Regional Commission Act 1983** are repealed;
- (d) in section 7 (1) (f) of the **Latrobe Regional Commission Act 1983** omit “other”;
- (e) in section 48 (2) of the **Latrobe Regional Commission Act 1983** omit paragraph (b);
- (f) the Latrobe Regional Commission ceases to be a regional planning authority;

- (g) section 10 (b) of the **Planning and Environment Act 1987** is repealed;
- (h) section 27 (d) and (ia) of the **Planning Appeals Act 1980** is repealed;
- (i) in section 69A (m) of the **State Electricity Commission Act 1958** omit “the Latrobe Regional Commission and”.

5. *Appointment of administrator*

- (1) The Governor in Council may by Order appoint a person to be an administrator for the purposes of this Act.
- (2) The Governor in Council may by Order appoint a person to fill a vacancy in the office of administrator.
- (3) The Governor in Council may by Order appoint a person to act in the place of the administrator during the absence from office or illness of the administrator.
- (4) A person appointed under sub-section (3) shall while so acting have, exercise and discharge all the responsibilities, liabilities, powers, authorities, duties and functions conferred or imposed on the administrator by or under this Act.
- (5) The administrator (other than an administrator who is an officer or employee of the public service) is entitled to receive such salary, allowances and expenses as are determined by the Governor in Council.
- (6) The administrator’s salary, allowances and expenses are to be paid out of the General Fund established under section 48 of the **Latrobe Regional Commission Act 1983** and for that purpose that expenditure is deemed to be authorised under that Act.

6. *Functions and powers of administrator*

- (1) Subject to this section—
 - (a) the administrator shall have, exercise and discharge the responsibilities, liabilities, rights,

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powers, authorities, duties and functions conferred on the Latrobe Regional Commission or a member of the Latrobe Regional Commission under the **Latrobe Regional Commission Act 1983** and that Act shall apply as if the administrator's function under paragraph (b) were a function of the Latrobe Regional Commission under that Act;

- (b) the administrator shall ensure an orderly winding-up of the affairs of the Latrobe Regional Commission.
- (2) The administrator must exercise his or her powers and perform his or her functions subject to any general directions given by the Minister.
- (3) The administrator must report to the Minister on such matters and at such intervals as the Minister may specify.
- (4) The administrator may, by instrument, delegate to the chief executive officer or to any officer or employee of the Latrobe Regional Commission any of the administrator's powers and functions under this Act or the **Latrobe Regional Commission Act 1983** except this power of delegation.

7. Repeal of Latrobe Regional Commission Act 1983

- (1) The **Latrobe Regional Commission Act 1983** is repealed.
- (2) On the commencement of this section—
 - (a) all property, rights and assets of the Latrobe Regional Commission are by virtue of this Act vested in the State;
 - (b) all liabilities of the Latrobe Regional Commission are by virtue of this Act liabilities of the State;
 - (c) the administrator ceases to hold office.
- (3) If, immediately before the commencement of this section, proceedings to which the Latrobe Regional

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Commission was a party were pending or existing in any court or tribunal, then, on and after that commencement, the State is substituted for the Latrobe Regional Commission as a party to those proceedings and has the same rights in the proceedings as the Latrobe Regional Commission.

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

