

# **Loddon–Campaspe Regional Planning Authority Bill**

No.

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# LEGISLATIVE ASSEMBLY

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Read 1° 8 April 1987

*(Brought in by Mr Wilkes and Mr Spyker)*

## A BILL

to facilitate the planning of the Loddon–Campaspe region and to reconstitute the Loddon–Campaspe Regional Planning Authority, and for other purposes.

### **Loddon–Campaspe Regional Planning Authority Act 1987**

The Parliament of Victoria enacts as follows:

#### PART 1—PRELIMINARY

##### **Purpose.**

1. The purpose of this Act is—

- 5       (a) to facilitate the planning of the Loddon–Campaspe region;  
          and  
          (b) to reconstitute the Loddon–Campaspe Regional Planning  
          Authority.

##### **Commencement.**

- 10       2. This Act comes into operation on a day to be proclaimed.

**Definitions.****3. In this Act—**

“**Authority**” means the Loddon–Campaspe Regional Planning Authority established under section 4.

“**Chairperson**” means the Chairperson of the Authority. 5

“**Deputy Chairperson**” means the Deputy Chairperson of the Authority.

“**Financial year**” means a year ending on 30 September.

“**Planning Appeals Board**” means the Planning Appeals Board established under the *Planning Appeals Board Act 1980*. 10

“**Public authority**” means any corporation, board, commission, trust or any other body corporate or unincorporate constituted by or under any Act for any public purpose but does not include a municipality.

“**Region**” means the area described in Schedule One. 15

“**Responsible authority**” means responsible authority under the *Town and Country Planning Act 1961*.

**PART 2—THE LODDON–CAMPASPE REGIONAL PLANNING  
AUTHORITY**

**Loddon–Campaspe Regional Planning Authority.** 20

**4. (1)** There is established a body corporate by the name of the Loddon–Campaspe Regional Planning Authority.

**(2)** The Authority—

(a) has perpetual succession; and 25

(b) shall have a common seal; and

(c) is capable of suing and being sued in its corporate name; and

(d) is capable of doing and suffering all acts and things which bodies corporate may by law do and suffer.

**(3)** All courts, judges and persons acting judicially must take judicial notice of the seal of the Authority on any document and until the contrary is proved must presume that the document was properly sealed. 30

**Functions of the Authority.**

**5. The functions of the Authority are—** 35

(a) to prepare a strategy plan for the region and carry out land use planning in relation to matters of regional significance; and

(b) to co-ordinate the land use planning activities of responsible authorities in the region; and 40

(c) to promote the co-ordination of works plans of public authorities in the region; and

(d) to promote the co-ordination and integration of land-use planning with economic and social planning in the region; and

(e) to assist the prevention of environmental degradation and the conservation of significant natural and man-made features of the region; and

(f) to encourage the participation of the people of the region in the planning of the land use and the development of the physical services of the region.

**Membership of Authority.**

6. (1) The Authority consists of—

(a) the councillors for the time being appointed under section 7; and

(b) one person appointed by the Governor in Council on the nomination of the Minister administering the *Water Act* 1958; and

(c) one person appointed by the Governor in Council on the nomination of the Minister administering the *Transport Act* 1983; and

(d) one person appointed by the Governor in Council on the nomination of the Minister administering the *Land Act* 1958; and

(e) one person appointed by the Governor in Council on the nomination of the Minister administering the *Economic Development Act* 1981; and

(f) two persons appointed by the Governor in Council on the nomination of the Minister after consideration of nominations submitted to the Minister by community groups, local organizations and persons within the region; and

(g) the person (if any) who becomes a member under section 8 (2).

(2) At least 28 days before the appointment of any person as a member under sub-section (1) (f), the Minister must by notice published in one or more newspapers circulating generally in the region call for nominations from community groups, local organizations and persons within the region.

**40 Appointments by municipal councils.**

7. (1) Each municipal council the municipal district of which is either wholly or partly within the region is entitled to appoint one councillor from that council to be a member of the Authority.

(2) If a municipal council makes an initial appointment to an office under sub-section (1), the council must, subject to this section, make all subsequent appointments necessary to fill vacancies in that office.

(3) A municipal council may at any time give notice to the Authority and the Minister that it does not intend to make any subsequent appointments under sub-section (1). 5

(4) A notice must be in writing and must set out the reasons of the municipal council.

(5) The municipal council must meet with representatives of the Authority at an ordinary or special meeting of the council without delay after a notice is given. 10

(6) At any time within twelve months after a notice is given, the municipal council may in writing to the Authority and the Minister withdraw the notice.

(7) A municipal council which gives a notice will, unless it withdraws the notice, continue during the period of twelve months after giving the notice to be represented on the Authority by— 15

(a) the councillor who is a member of the Authority at the time the notice is given; or

(b) if the term of office of that councillor expires during that period, a substitute member appointed by it in accordance with clause 6 of Schedule Two. 20

(8) At the expiration of twelve months after a notice is given, the municipal council must in writing to the Authority and the Minister withdraw the notice or confirm it. 25

(9) If a municipal council—

(a) confirms a notice; and

(b) has before the date of the confirmation made all contributions required under Part 4 in respect of the last financial year ended before the expiration of twelve months after the notice was given— 30

the municipal council is not required to make any subsequent appointment under sub-section (1).

(10) If, after confirming a notice, a municipal council makes an appointment to an office under sub-section (1), the council must, subject to this section, make all subsequent appointments necessary to fill vacancies in that office. 35

**Appointment of Chairperson and Deputy Chairperson.**

8. (1) The Governor in Council must appoint a person nominated by the Minister after consultation with the Authority to be the Chairperson of the Authority. 40

(2) If the person nominated by the Minister is not a member of the Authority that person becomes a member of the Authority upon his or her appointment as Chairperson.

5 (3) The Governor in Council must appoint a member of the Authority nominated by the Minister after consultation with the Authority to be Deputy Chairperson of the Authority.

**Schedule Two to apply.**

9. Schedule Two applies to and in relation to the Authority, its members and its proceedings.

**10 Disclosure of pecuniary interests of members.**

10. Section 181 of the *Local Government Act 1958* with any necessary modifications applies to and in relation to the members of the Authority.

**Staff.**

15 11. (1) The Authority must appoint a secretary and may appoint any other officers it considers necessary for the purposes of this Act.

(2) The officers of the Authority are entitled to be paid the remuneration and the travelling and other allowances (if any) from time to time fixed by the Governor in Council.

20 (3) The Authority may with the consent of the council of any municipality or of any government department or public authority use the services of any officer of that municipality government department or public authority.

25 (4) An officer whose services are used under sub-section (3) is entitled to be paid by the municipality government department or public authority (as the case requires) or by the Authority whichever is agreed to by the Authority and the council of the municipality government department or public authority (as the case requires).

**Advisory committees.**

30 12. (1) The Authority may appoint advisory committees to assist it in carrying out its functions.

(2) An advisory committee must have at least one member of the Authority as a member.

35 (3) The Authority must appoint a member of an advisory committee to be chairperson of the committee.

(4) The members of an advisory committee (other than members of the Authority) are entitled to be paid the fees (if any) and the travelling and other allowances (if any) from time to time fixed by the Governor in Council.

**PART 3—POWERS OF AUTHORITY****Authority to be responsible authority.**

13. (1) For the purposes of the *Town and Country Planning Act 1961* the Authority is a responsible authority in respect of the submission for approval of any planning scheme and the making of any interim development order for the region or any area or areas within the region and for the enforcing and carrying out of any such scheme or order. 5
- (2) In preparing any planning scheme or interim development order the Authority must—
- (a) have regard to any direction of the Minister administering the *Town and Country Planning Act 1961* as to the extent to which or the detail in which the Authority should plan; and 10
  - (b) have regard to any planning scheme or interim development order in force in an area within or adjoining the region; and 15
  - (c) consult with any responsible authority which has prepared or is carrying out and enforcing any scheme or order referred to in paragraph (b); and
  - (d) consult with the council of each municipality whose municipal district or any part thereof may be affected by the scheme or order; and 20
  - (e) have regard to the desirability of preserving any particular environment existing within the region and the need to preserve areas of natural beauty or interest and buildings structures and objects of historical or architectural interest; and 25
  - (f) have regard to any recommendation of any government department or public authority providing services or constructing works in the area.
- (3) The Minister administering the *Town and Country Planning Act 1961* may specify a period within which a planning scheme for the region or any area within the region is to be prepared and submitted. 30
- (4) The Authority must prepare and submit the scheme within that period or any extension of that period granted by the Minister.
- (5) The Governor in Council may by Order published in the *Government Gazette* direct that on and from a specified day the Authority is to be the sole responsible authority in respect of any interim development order then in force or any planning scheme then in operation to the extent that the planning scheme or interim development order operates within the region. 35  
40
- (6) Sections 12AB, 12AC, 54, 57 and 58 (other than sub-sections (1B) and (10A)) of the *Town and Country Planning Act 1961* with any necessary modifications apply to and in relation to the Authority, the preparation and submission for approval of any planning scheme of



5 the Authority, the making of any interim development order by the Authority and the enforcement and carrying out of that scheme or order in relation to the region or any part of the region (including the delegation of any powers authorities and responsibilities in respect of that scheme or order to municipal councils).

(7) Those sections of the *Town and Country Planning Act 1961* apply as if a reference—

(a) in sections 12<sup>AB</sup> and 12<sup>AC</sup> to—

- 10 (i) “the regional planning authority” were a reference to the Authority; and  
(ii) “the area in respect of which the authority was established” were a reference to the region; and

(b) in sections 54, 57 and 58 to—

- 15 (i) the “Minister” were a reference to the Authority; and  
(ii) the “metropolitan area” were a reference to the region; and  
(iii) the “Melbourne Metropolitan Planning Scheme” were a reference to a planning scheme or interim development order of the Authority; and  
20 (iv) the “Secretary for Planning and Environment” were a reference to the secretary of the Authority.

25 (8) If the enforcement and carrying out of a planning scheme or interim development order or any part of a planning scheme or interim development order is transferred to the Authority by Order in accordance with sub-section (5), all acts matters and things made or done under or in relation to the planning scheme or interim development order continue to have the same operation force and effect after the transfer as they respectively would have had if the transfer had not taken place, but the responsible authority for the purpose of the subsequent operation and effect of the planning scheme or interim development order or the act matter or thing is the Authority.

30 (9) A transfer does not render defective any appeal or other proceedings commenced by or against the responsible authority enforcing and carrying out the planning scheme or interim development order prior to the transfer, but the appeal or proceedings may only be continued by or against the Authority.

#### **Consultation in respect of matters of regional significance.**

40 14. (1) The Authority may from time to time by notice in writing sent to all responsible authorities for areas within the region specify the types of use or development which it proposes to declare under section 15 (1) to be of regional significance and the criteria considered relevant.

(2) The types of use or development specified in a notice may vary between and within areas of the region.

- (3) Each responsible authority which receives a notice may within 60 days after that receipt in writing to the Authority—
- (a) comment on the types of use or development specified in the notice; and
  - (b) suggest additional matters for consideration by the Authority. 5
- (4) The Authority may in writing refer the comments and suggestions of a responsible authority to any other responsible authority which received a notice.
- (5) Each responsible authority which receives a reference may within 60 days after that receipt give the Authority its written comments on the matters contained in the reference. 10
- (6) The Authority must before issuing any notice under section 15 (1) consider any comments and suggestions received from responsible authorities pursuant to sub-sections (3) and (5). 15

**Declaration of matters of regional significance.**

15. (1) The Authority may from time to time by notice in writing sent to all responsible authorities for areas within the region declare the types of use or development specified in the notice to be of regional significance. 20
- (2) The types of use or development declared in a notice may vary from area to area of and within areas of the region.
- (3) A notice may be amended at any time by the Authority.
- (4) The Authority must in writing refer to all responsible authorities for areas within the region the amendments it proposes to make to any notice. 25
- (5) Each responsible authority which receives a reference may within 60 days after that receipt give the Authority its written comments on the proposed amendments.
- (6) The Authority must before amending any notice consider any comments received from responsible authorities pursuant to sub-section (5). 30
- (7) If—
- (a) the Minister, as a responsible authority, considers that a type of use or development should not have been declared to be of regional significance; or 35
  - (b) a responsible authority (not being the Minister)—
    - (i) considers that a type of use or development should not have been declared to be of regional significance; and
    - (ii) refers the matter to the Minister— 40
- the Minister may direct the Authority to amend the relevant notice by deleting that type of use or development.

(8) If the Authority amends a notice under this section, it must give all responsible authorities for areas within the region a copy of those amendments.

5 (9) If a notice has been amended, a reference in this Act to a notice under sub-section (1) is a reference to the notice as amended.

**Procedures with respect to matters of regional significance.**

10 16. (1) Each responsible authority which has received a notice under section 15 (1) must refer to the Authority any application for a permit under the *Town and Country Planning Act 1961* for a use or development of a type declared in the notice.

(2) The Authority must within 60 days consider any application referred to it and may—

- 15 (a) consent to the granting of a permit by the responsible authority; or
- (b) refuse to consent to the granting of a permit by the responsible authority; or
- (c) consent to the granting of a permit by the responsible authority if the permit is subject to such conditions as the Authority specifies.

20 (3) If an application for a permit has been referred to the Authority, the responsible authority must not grant the permit unless the Authority has consented to the granting of the permit or the Planning Appeals Board has directed that a permit be issued.

25 (4) If an application has been referred to the Authority and the Authority has consented to the granting of the permit by the responsible authority if the permit is subject to certain conditions specified by the Authority, the responsible authority must not grant the permit or determine to grant the permit without including those conditions unless the Planning Appeals Board has otherwise directed.

30 (5) The responsible authority is not required to grant a permit by reason only of the fact that the granting of the permit has been consented to by the Authority.

35 (6) If an application for a permit should have been referred to the Authority and was not so referred any permit granted as a result of that application is void.

(7) If a responsible authority in contravention of sub-section (3) or (4) grants a permit or grants a permit which is not subject to conditions specified by the Authority the permit is void.

40 (8) If any person has incurred expenditure or liability for expenditure as a consequence of the grant of a permit which is void under sub-section (6) or (7) the person is entitled to receive compensation in respect of so much of that expenditure or liability as is rendered abortive by reason of the permit being void but not in

respect of any additional expenditure or liability incurred in purchasing other land to use or develop in the required manner.

(9) Compensation payable under sub-section (8) is payable by the responsible authority.

(10) Part XLIV. of the *Local Government Act 1958* with any necessary modifications applies with respect to compensation under this section. 5

(11) If any person appeals under the *Town and Country Planning Act 1961* against the refusal of a permit or any conditions specified or to be specified in a permit and the responsible authority was unable to grant the permit or was required to impose any condition which is whether alone or together with other conditions the subject of the appeal the Authority and the responsible authority must be the respondents to the appeal. 10

(12) If any person appeals under the *Town and Country Planning Act 1961* against the refusal of a permit or against any condition specified or to be specified in a permit and the application for the permit was referred to the Authority and the Authority consented to the granting of the permit, or, in the case of an appeal against a condition or conditions, did not specify that condition or any of those conditions, the Authority may appear and be heard before the Planning Appeals Board by one of its officers, by a barrister or solicitor or by a person authorized in that behalf by the Authority or may make a written submission to the Planning Appeals Board. 15  
20

(13) Any person who feels aggrieved by the failure of the Authority to make a determination under sub-section (2) within the time specified in that sub-section may appeal to the Planning Appeals Board against that failure. 25

#### **Delegations.**

17. (1) The Authority may delegate to a committee of the Authority or to an officer of the Authority any of its powers, authorities, duties or functions under sections 13, 14, 15 and 16. 30

(2) The instrument of delegation must specify the period of time during which the delegation of power may be exercised or, if the Authority has determined that the delegation is to be exercisable for an unlimited period of time, the instrument must so specify. 35

### **PART 4—FINANCIAL**

#### **Definition.**

18. In this Part—

“**Municipal council**” means a municipal council a councillor of which is a member of the Authority pursuant to section 6 (1) (a). 40

**“Rateable property” and “total net annual value of rateable property”** have the same meanings as they have in the *Local Government Act 1958*.

**Preparation of estimates.**

- 5        19. (1) The Authority must cause to be prepared by 31 May in each year an estimate of the moneys required for the following financial year for the purposes for which the Authority is empowered or required to expend money.
- 10        (2) The estimate must show—
- (a) the several amounts required; and
- (b) the several accounts available; and
- (c) the proposed sources of revenue.
- (3) The Authority must send a copy of the estimate to the Minister and to each municipal council as soon as practicable after it is prepared.
- 15        (4) The Authority must—
- (a) modify the estimate or omit any item from the estimate in accordance with any directions of the Minister; and
- (b) if it has been informed prior to 31 July by a majority of the municipal councils that they have by resolution disapproved the amount of any item of the estimate, omit or modify that
- 20        item after consideration of the terms of the resolutions; and
- (c) consider any other submissions in relation to the omission or modification of any item of the estimate which are received prior to 31 July from any municipal council.
- 25        (5) The Authority must during the month of August adopt the estimate with or without modifications.
- (6) Members of the Authority appointed pursuant to section 6 (1) (b) (c) (d) (e) and (f) must not vote on the adoption of the estimate and if any such member does vote that vote must not be counted.
- 30        (7) The Authority must send a copy of the adopted estimate to each municipal council as soon as practicable after it is adopted.
- (8) The Authority must not raise revenue except in accordance with the adopted estimate.

**Municipality liable to contribute to Authority.**

- 35        20. (1) Each municipal council which is required to make subsequent appointments as provided in section 7 is liable to contribute moneys to the Authority in each financial year on the basis and by the date or dates in each financial year determined by the Authority in accordance with sub-section (2).

(2) The contribution to be made by each municipal council must be determined by the Authority at a meeting of the Authority at which not less than two-thirds of the members appointed to the Authority pursuant to section 7 who are present at the meeting vote in favour of the determination. 5

(3) If a determination is not made prior to 15 September, the amount to be contributed by each municipal council is—

(a) the prescribed amount; or

(b) an amount equal to 0.4 cents in the dollar of the net annual value of all rateable property within so much of its municipal district as is within the region— 10

whichever is the lesser amount.

(4) The Authority must not later than 30 September in each year issue its precept in the form prescribed to each municipal council requiring it to contribute the amount calculated in accordance with sub-section (2) or (3) (as the case requires). 15

(5) Each municipal council may make and levy a rate as if for its own purposes upon all rateable property within so much of its municipal district as is within the region to raise the amount of the contribution required under the precept plus not more than 5 per cent of that amount to be retained by it to cover the cost of collecting the moneys. 20

(6) The provisions of the *Local Government Act 1958* with respect to the making levying and recovery of rates with any necessary modifications apply with respect to any rate made by a municipal council under this section. 25

(7) A municipal council may pay from its municipal fund any amount payable by it under this section.

(8) If the amount due in respect of any precept or any part of such amount is not paid on or before the date specified in the precept the municipal council must pay interest on the amount outstanding at a rate fixed by the Authority. 30

(9) The rate fixed by the Authority under sub-section (8) in relation to a precept must not exceed the rate last determined by the Treasurer prior to the date of the precept.

(10) The Treasurer may from time to time determine a rate of interest for the purposes of sub-section (9). 35

(11) In this section—

“**Prescribed amount**” in relation to a municipal council, is the amount calculated by the following formula:

$$\frac{A}{B} \times C$$

A = the net annual value of all rateable property within so much of its municipal district as is within the region.

5 B = the net annual value of all rateable property within the region.

C = the adopted estimate.

**Municipal council to send to Authority notice of proposed general valuation.**

10 21. (1) A municipal council must send to the Authority notice of a resolution by it to cause a general valuation to be made.

(2) The Authority may request the Valuer-General to require that the general valuation or any specified part of that valuation show the net annual value.

(3) The Valuer-General must comply with the Authority's request.

15 (4) The Authority must meet any extra cost incurred by the municipal council as a result of a request under this section.

**Money to be paid into account kept by Authority.**

20 22. (1) All money received by the Authority under this Act, including any money appropriated by Parliament for the purposes of this Act, must be paid into an account kept by the Authority.

(2) All money expended by the Authority must be paid out of that account.

25 (3) Money in the account must be applied only in and towards the performance and discharge of the powers authorities duties and functions of the Authority under this Act, including the payment of any remuneration and travelling and other allowances required to be paid under this Act.

**Borrowing by the Authority.**

30 23. (1) The Authority, with the consent of the Treasurer and subject to such terms and conditions as the Treasurer approves and to such limits as the Treasurer determines may borrow money for the purposes of this Act.

35 (2) Members of the Authority appointed pursuant to section 6 (1) (b), (c), (d), (e) or (f) must not vote on any resolution with respect to the borrowing of money by the Authority and if such a member does vote that vote must not be counted.

(3) The Authority must send a copy of a resolution approving the borrowing of money to each municipal council.

40 (4) If, within one month after the copies were sent to those councils, a majority of those councils resolve that money should not be borrowed

by the Authority in accordance with its resolution the Authority must not proceed further with the proposed borrowing.

(5) Sections 409, 428A and sections 433 to 435 of the *Local Government Act* 1958 apply to and in relation to borrowing by the Authority under this section as if the Authority were the council of a municipality, except that a sinking fund must not be established for the redemption of any loan. 5

#### **Keeping of loan accounts.**

24. (1) Money forming part of any loan must be applied only to the purposes for which it was borrowed. 10

(2) Loan money must not be used for the payment of principal or interest or for any payment into a sinking fund or for any other payment on account of the moneys so borrowed.

(3) Any member or officer of the Authority who wilfully sanctions or concurs in any contravention of this section is liable to a penalty of not more than 4 penalty units. 15

#### **Overdrafts, &c.**

25. (1) The Authority may with the consent of the Treasurer and subject to such terms and conditions as the Treasurer approves and to such limits as the Treasurer determines— 20

(a) borrow money from any bank by way of overdraft; and

(b) obtain temporary financial accommodation secured or arranged in such manner and for such period as the Treasurer approves in each particular case.

(2) Any municipal council may make advances to the Authority from its municipal fund for the purposes of this Act. 25

#### **Accounts of the Authority.**

26. (1) The Authority must cause to be kept proper accounts and records of the transactions and affairs of the Authority and all other records necessary to sufficiently explain the financial operations and financial position of the Authority. 30

(2) The Authority must do all things necessary to—

(a) ensure that all money due is properly collected; and

(b) ensure that all money expended is correctly expended and properly authorized; and 35

(c) ensure that adequate control is maintained over the assets of or in the custody of the Authority; and

(d) ensure that all liabilities incurred by the Authority are properly authorized; and

(e) ensure efficiency and economy of operations; and 40



- (f) develop and maintain an adequate budgeting and accounting system.

**Annual report.**

5 27. (1) The Authority must cause to be prepared an annual report in respect of each financial year containing—

- (a) a report of its operations during the financial year; and  
(b) financial statements for the financial year, prepared in accordance with sub-section (2)—

10 and must submit it to the Minister within three months after the end of the financial year.

(2) The financial statements referred to in sub-section (1) (b) must—

- (a) contain such matters as the Treasurer determines; and  
(b) be of a nature and in a form approved by the Treasurer; and  
15 (c) present fairly the financial transactions during the year and the financial position as at the end of the year; and  
(d) be under the seal of the Authority and signed by two members of the Authority and the principal accounting officer who must—  
20 (i) certify that in their opinion the financial statements present fairly the financial transactions and financial position; and  
(ii) state whether at the date of signing the statements they are aware of any circumstances which would render any particulars included in the statements misleading or inaccurate; and  
25 (e) be audited as required by section 30.

**Minister may require inclusion of additional information in report.**

30 28. The Minister may in writing direct the Authority to include in an annual report any additional information the Minister considers necessary or appropriate in the public interest.

**Laying report before Parliament.**

29. (1) The Minister must cause an annual report to be laid before each House of Parliament within 14 sitting days of that House after it has been received by the Minister.

35 (2) If the Authority fails to submit to the Minister the annual report for a financial year within three months after the end of the financial year, the Minister must cause that failure and the reasons for that failure to be reported to each House of Parliament.

**Auditing financial statements.**

30. (1) The financial statements referred to in section 27 must be audited by the Auditor-General who has in respect of the audit of the financial statements all the powers conferred on the Auditor-General by any law relating to the audit of the public accounts. 5

(2) Without limiting the generality of sub-section (1), the Auditor-General and the officers of the Auditor-General—

- (a) have right of access at all times to the books, accounts and vouchers of the Authority; and
- (b) may require from an officer of the Authority any information, assistance and explanations necessary for the performance of the duties of the Auditor-General in relation to the audit. 10

(3) The Authority must pay to the Consolidated Fund an amount to be determined by the Auditor-General to meet the costs and expenses of the audit under this section. 15

**PART 5—REGULATIONS****Regulations.**

31. The Governor in Council may make regulations for or with respect to any matter or thing required or permitted to be prescribed by this Act or necessary to be prescribed to give effect to this Act. 20

**PART 6—TRANSITIONAL****Definition.**

32. In this Part, “the former Authority” means the Loddon–Campaspe Regional Planning Authority established under the *Town and Country Planning Act* 1961 by Order of the Governor in Council of 11 September 1973 as amended and in force immediately before the commencement of this Act. 25

**Abolition of the former Authority.**

33. On the commencement of this Act the former Authority ceases to exist. 30

**Authority is successor to the former Authority.**

34. (1) On and from the commencement of this Act—
- (a) the Authority becomes and is the successor in law of the former Authority; and
  - (b) all acts matters or things made or done or authorized or required to be made or done by or in relation to the former Authority before that commencement are deemed to have 35

5 been made or done or to have been authorized or required to be made or done by or in relation to the Authority and continue to have the same operation force and effect after that commencement as they had before that commencement; and

- (c) any appeal or other proceedings commenced by or against the former Authority before that commencement may be continued by or against the Authority—

10 and this Act and the *Town and Country Planning Act* 1961 have effect accordingly.

(2) On the commencement of this Act, every person who was immediately before the commencement a member of the former Authority becomes and is a member of the Authority and is subject to this Act such a member without any further or other authority than  
15 this sub-section for the remainder of the term for which that person was appointed to be a member of the former Authority.

(3) For the purposes of this Act—

(a) a person who was appointed to be a member of the former Authority by a municipal council is deemed to have been  
20 appointed to be a member of the Authority pursuant to section 7; and

(b) any other person who was appointed to be a member of the former Authority is deemed to have been appointed to be a member of the Authority pursuant to section 6 (1) (b), (c),  
25 (d), (e) or (f) (as the Minister determines).

(4) A deemed appointment under sub-section (3) (a) is not an initial appointment for the purposes of section 7.

(5) On the commencement of this Act, the person who, immediately before that commencement, was the Chairman of the former Authority, becomes the Chairperson of the Authority and, subject to this Act, is to hold that office for the remainder of the period for which that person was appointed to be the Chairman of the former Authority.  
30

(6) On the commencement of this Act, the person who, immediately before that commencement, was the Deputy Chairman of the former Authority, becomes the Deputy Chairperson of the Authority and, subject to this Act, is to hold that office for the remainder of the period for which that person was appointed to be the Deputy Chairman of the former Authority.  
35

40 **Amendments consequential on *Planning Appeals (Amendment) Act* 1987.**

35. (1) In this section “appointed day” means the date of commencement of—

- (a) section 6 (1) (g) of the *Planning Appeals (Amendment) Act 1987*; or  
 (b) this Act—  
 whichever occurs later.
- (2) On the appointed day this Act is amended as follows: 5
- (a) In section 3—
- (i) before the definition of “Authority” insert—  
     “**Administrative Appeals Tribunal**” means the  
     Administrative Appeals Tribunal established  
     under the *Administrative Appeals Tribunal Act 1984*.”; and 10
- (ii) the definition of “Planning Appeals Board” is repealed;
- (b) In section 16 (3), (4), (12) and (13) for “Planning Appeals Board” (wherever occurring) substitute “Administrative Appeals Tribunal”; 15
- (c) After section 16 insert—
- Provision of this Act to prevail**
- “16A. If a provision of the *Administrative Appeals Tribunal Act 1984* is inconsistent with a provision of this Act, the provision of this Act prevails.”. 20
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## SCHEDULES

### SCHEDULE ONE

The Loddon-Campaspe region consists of—

- (a) the municipal districts (as from time to time constituted under the *Local Government Act 1958*) of the—

Borough of Eaglehawk  
 City of Bendigo  
 City of Castlemaine  
 City of Echuca  
 City of Maryborough  
 Shire of Bet Bet  
 Shire of Charlton  
 Shire of Cohuna  
 Shire of East Loddon  
 Shire of Gordon  
 Shire of Huntly  
 Shire of Kara Kara  
 Shire of Korong  
 Shire of Kyneton  
 Shire of Maldon  
 Shire of Marong  
 Shire of Metcalfe  
 Shire of McIvor  
 Shire of Newstead  
 Shire of Pyalong  
 Shire of Rochester  
 Shire of Strathfieldsaye  
 Shire of Tullaroop  
 Town of St. Arnaud; and

- (b) the Western Riding of the municipal district (as from time to time constituted under the *Local Government Act 1958*) of the Shire of Waranga.

### Section 9

### SCHEDULE TWO

#### PROVISIONS WITH RESPECT TO THE AUTHORITY AND ITS MEMBERS

**Public Service Act 1974 not to apply.**

1. A member is not in respect of the office of member subject to the *Public Service Act 1974*.

**Terms of office.**

2. (1) Subject to this Act, a member (other than a member appointed by a municipal council) holds office for the term not exceeding three years specified in the instrument of appointment.

(2) A member appointed by a municipal council must be appointed for a period of one year and, subject to this Act, holds office for that period.

(3) A member is eligible to be re-appointed.

**Vacancies, &c.**

3. (1) A member (other than a member appointed by a municipal council) may resign from office by writing under the member's hand delivered to the Governor in Council.

(2) A member appointed by a municipal council may resign from office by writing under the member's hand addressed to the municipal council.

(3) The office of a member appointed by a municipal council becomes vacant if the member ceases to be a member of the council.

SCHEDULE TWO—*continued***Remuneration, &c.**

4. (1) The Chairperson is entitled to be paid the remuneration (if any) and travelling and other allowances (if any) fixed from time to time by the Governor in Council.

(2) A member, other than the Chairperson, is entitled to be paid the fees (if any) and travelling and other allowances (if any) fixed from time to time by the Governor in Council.

(3) In determining what (if any) fees and travelling and other allowances are payable to members the Governor in Council may distinguish between particular members or particular classes of members.

**Provisions concerning the Deputy Chairperson.**

5. (1) If the Chairperson is absent or the office of Chairperson is vacant, the Deputy Chairperson is entitled to act as Chairperson during the period of absence or until the vacancy is filled.

(2) The Deputy Chairperson while acting as Chairperson—

(a) has all the powers and may perform all the duties of Chairperson; and

(b) is entitled to be paid the remuneration (if any) and the travelling and other allowances (if any) fixed from time to time by the Governor in Council.

**Substitute members.**

6. (1) A municipal council may appoint another councillor to be a substitute member for the councillor appointed by it to be a member of the Authority.

(2) The Governor in Council may on the nomination of a Minister appoint another person to be a substitute member for the member of the Authority appointed on the nomination of that Minister.

(3) A substitute member may be appointed for—

(a) in the case of a substitute member appointed by a municipal council, the term not exceeding one year specified in the instrument of appointment; and

(b) in the case of a substitute member appointed by the Governor in Council, the term not exceeding three years specified in the instrument of appointment.

(4) A substitute member ceases to be such a member if—

(a) the appointment is revoked; or

(b) in the case of a substitute member appointed by a municipal council, the substitute member ceases to be a councillor.

(5) In the case of the absence of a member (other than the Chairperson) or in the case of the office of a member (other than the office of Chairperson) becoming vacant, the substitute member for that member is without any further or other authority than this clause entitled to act in the place of that member during the period of absence or until the vacancy is filled and so long as the substitute member continues to be a substitute member.

(6) A substitute member while acting in the place of a member—

(a) has all the powers and may perform all the duties of the member for whom or office in respect of which the substitute member is acting; and

(b) is entitled to be paid the fees (if any) and the travelling and other allowances (if any) fixed from time to time by the Governor in Council.

(7) In determining what (if any) fees and travelling and other allowances are payable to substitute members the Governor in Council may distinguish between particular substitute members or particular classes of substitute members.

**Proceedings.**

7. (1) The Chairperson may at any time convene a meeting of the Authority.

(2) The Chairperson must preside at all meetings of the Authority at which the Chairperson is present.

SCHEDULE TWO—*continued*

(3) If the Chairperson is not present at a meeting, the Deputy Chairperson must preside and if the Deputy Chairperson is not present the members present must elect one of their number to preside.

(4) A quorum of the Authority consists of an integral number of members equal to or exceeding one-third of the total number of members for the time being in office.

(5) Subject to the presence of a quorum, the Authority may act notwithstanding any vacancy in its membership.

(6) A question arising at a meeting must be determined by a majority of the votes of the members present and voting on that question, and in the event of an equality of votes the person presiding has a casting vote as well as a deliberative vote.

(7) Subject to this Act and the regulations, the Authority may regulate its own proceedings.

**Validity of acts and decisions of the Authority.**

8. An act or decision of the Authority is not invalid by reason only of—
- (a) a defect or irregularity in or in connexion with the appointment of a member;
  - (b) a vacancy in the membership of the Authority including a vacancy arising because of the failure to appoint an original member; or
  - (c) in the case of a person acting as Chairperson or in the place of a member, the fact that the occasion for so acting had not arisen or had ceased.

