

Melbourne and Metropolitan Board of Works (Offices) Bill 1982

NOTES ON CLAUSES

Clause 1 provides for the title of the Act and for the Act to come into operation on a day or respective days to be proclaimed by the Governor in Council.

Clause 2 amends the table in section one of the Principal Act in consequence of the new Division 1A—General Manager of the Board, section 25A.

Clause 3 amends section 4 of the Principal Act to include the General Manager as a person to whom the Board may delegate its powers, functions, authorities or discretions.

Clause 4 amends section 4A of the Principal Act to include the General Manager as a person with whom the Minister may put himself into direct communication.

Clause 5 amends section 21 of the Principal Act by substituting new sub-sections (3) and (4) to provide for the resignation of the Chairman and to state the grounds on which the Chairman may be removed from office.

Sub-section (5) is consequentially repealed.

Sub-section (7) is substituted to remove the stipulation that the Chairman is to devote his whole time to the service of the Board.

Clause 6 inserts a new section 25A into the Principal Act to provide for the appointment of a full-time General Manager by the Governor in Council on the recommendation of the Ministers for Local Government and Planning and of Water Supply after they have consulted with the Board. The General Manager is to be the chief executive officer of the Board for a term of appointment not exceeding five years and he is eligible for re-appointment. He may be removed from office by the Governor in Council.

The new section also provides that the General Manager shall advise the Board on policy and manage the operations of the Board and that he may, with the approval of the Minister, exercise the powers and perform the functions and duties of the Chairman in the Chairman's illness or absence but shall not be entitled to sit or vote as a member of the Board.

In addition the section entitles the General Manager to be paid such salary and allowances as are determined by the Governor in Council.

Clause 7 amends section 41 of the Principal Act in consequence of the appointment of the General Manager by removing the provisions that the Secretary of the Board shall be the principal officer and that he may exercise the powers and perform the functions and duties of the Chairman in the Chairman's illness or absence.

Clause 8 amends section 42 of the Principal Act to include the General Manager of the Board in eligibility for benefits in relation to gratuities, superannuation allowances and pensions.

Clause 9 amends section 249 of the Principal Act by extending the provisions relating to personal liability, to include the General Manager.

Clause 10 amends section 257A of the Principal Act regarding judicial notice of certain matters to include reference to the General Manager.

Clause 11 amends section 257B of the Principal Act to include the appointment of the General Manager as a matter proof of which is not required in any legal proceedings until evidence is given to the contrary.

Clause 12 amends section 258c of the Principal Act to include the General Manager as a person the Minister may appoint to be a director on the board of management of a company engaged in scientific research, training or development which the Minister considers may be of benefit to the Board.