

ATTACHMENTS

**Under Separate Cover
Ordinary Council Meeting**

6.00pm Tuesday 25 September 2018

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6.9 Geelong Heritage Centre - Membership request from Borough of Queenscliffe
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Further Supplemental Agreement

Greater Geelong City Council
and

Golden Plains Shire Council
and

Surf Coast Shire Council
and

Borough of Queenscliffe

[7584474: 21695465_1]

Interstate offices
Canberra Sydney
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Further Supplemental Agreement

Dated

Parties

Name	Greater Geelong City Council
Address	having its Municipal Office at 30 Gheringhap Street, Geelong, Victoria 3220
Facsimile	03 5272 4277
Email	contactus@geelongcity.vic.gov.au
Contact	Martin Cutter, Chief Executive Officer
Short name	Greater Geelong

Name	Golden Plains Shire Council
Address	having its Municipal Office at 2 Pope Street, Bannockburn, Victoria 3331
Facsimile	03 5220 7100
Email	enquiries@gplains.vic.gov.au
Contact	Eric Braslis, Chief Executive Officer
Short name	Golden Plains

Name	Surf Coast Shire Council
Address	having its Municipal Office at 1 Merrijig Drive, Torquay, Victoria 3228
Facsimile	03 5261 05025
Email	info@surfcoast.vic.gov.au
Contact	Keith Baillie, Chief Executive Officer
Short name	Surf Coast

Name	Borough of Queenscliffe
Address	having its Municipal Office at 50 Learmonth Street, Queenscliffe, Victoria, 3225
Facsimile	03 5258 3315
Email	info@queenscliffe.vic.gov.au
Contact	Lenny Jenner, Chief Executive Officer
Short name	Queenscliffe



Background

- A. The Geelong Regional Library Corporation (**the Regional Library**) was established by Greater Geelong, Golden Plains, Surf Coast and Queenscliffe on or about 27 March 1997, by agreement made under section 196 of the Act (**the Original Agreement**).
- B. On 19 March 2009, Greater Geelong, Golden Plains, Surf Coast and Queenscliffe entered into an agreement which, following approval by the Minister for Local Government (**Minister**) and the publication of a notice in the *Victoria Government Gazette* under section 196(2) of the *Local Government Act* 1989, had the effect of replacing the Original Agreement (**the Current Agreement**).
- C. On 27 June 2016, Greater Geelong, Golden Plains, Surf Coast and Queenscliffe entered into a Supplemental Agreement which, following approval by the Minister and the publication of a notice in the *Victorian Government Gazette* under section 196(2) of the *Local Government Act* 1987, had the effect of amending the Current Agreement and incorporating provisions concerned with the integration of the Geelong Heritage Centre with the operations at the Regional Library.
- D. Greater Geelong, Golden Plains, Surf Coast and Queenscliffe have now revised the funding arrangements for the Geelong Heritage Centre, which revised funding arrangements will necessitate a further amendment to the Current Agreement.
- E. This Agreement records the terms on which Greater Geelong, Golden Plains, Surf Coast and Queenscliffe have agreed to further amend the Current Agreement.



F. **The Parties Agree**

1. Definitions

In this Agreement:

Act means the *Local Government Act 1989*;

Current Agreement means the agreement described in Recital B, as amended by the Supplemental Agreement described in Recital C;

member Council means a council which is member of the Regional Library; and

Minister means the Victorian Government Minister responsible for administering the Act.

2. Condition Precedent, Commencement and Effect

2.1 This Agreement has no effect unless it is approved by the Minister in accordance with clause 23.1 of the Current Agreement and section 196(8) of the Act.

2.2 This Agreement commences operation on the date on which the notice in accordance with section 196(8) of the Act is published in the *Victoria Government Gazette*.

3. Amendments

In the Current Agreement, delete clause 13A.2(c) and substitute:

(a) [left vacant]

4. Confirmation of Current Agreement

In all other respects, the member Councils confirm the provisions of the Current Agreement.

5. Governing Law and Jurisdiction

5.1 This Agreement is governed by the law applicable in Victoria.

5.2 Each member Council submits to the exclusive jurisdiction of the courts of Victoria.

6. Interpretation

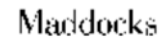
In this Agreement, unless the contrary intention appears:

6.1 headings are for ease of reference only and do not affect the meaning of this agreement;



- 6.2 the singular includes the plural and vice versa and words importing a gender include other genders;
- 6.3 other grammatical forms of defined words or expressions have corresponding meanings;
- 6.4 a reference to a clause, paragraph, schedule or annexure is a reference to a clause or paragraph of or schedule or annexure to this agreement and a reference to this agreement includes any schedules and annexure;
- 6.5 a reference to a document or agreement, including this agreement, includes a reference to that document or agreement as novated, altered or replaced from time to time;
- 6.6 a reference to a member Council includes its administrators and successors;
- 6.7 words and expressions importing natural persons include partnerships, bodies corporate, associations, governments and governmental and local authorities and agencies; and
- 6.8 a reference to any legislation or statutory instrument or regulation is construed in accordance with the *Interpretation of Legislation Act 1984*.

THIS Further Supplemental Agreement was approved by the Minister for Local Government on [insert date]. Notice of approval was published in the *Victoria Government Gazette* on [insert date].



Executed by the Parties

Witness (name) _____



Maddocks

Signed on behalf of the Surf Coast Shire Council)
 by the Chief Executive Officer)
 pursuant to the instrument of delegation)
 dated [insert date] in the presence of:)

 Chief Executive Officer (signature)

 Witness (signature)

THE COMMON SEAL of the **BOROUGH OF**)
QUEENSCLIFFE was affixed this day)
 of 2018 in the presence of:)

.....
 Councillor (signature)

.....
 Councillor (name)

.....
 Chief Executive Officer (signature)

.....
 Chief Executive Officer (name)