



# **ATTACHMENTS**

**Under Separate Cover  
Council Meeting**

---

**6.00pm Tuesday 25 August 2020**



## Table of Contents

---

7.15	Geelong Regional Library Corporation - Endorsement of Colac Otway Shire Council membership	
	Attachment 1 GRLC Supplementary Agreement .....	4

**Maddocks**

Lawyers  
Collins Square, Tower Two  
Level 25, 727 Collins Street  
Melbourne VIC 3008  
Australia

Telephone 61 3 9258 3555  
Facsimile 61 3 9258 3666

info@maddocks.com.au  
www.maddocks.com.au

DX 259 Melbourne

## Supplementary Agreement

**Greater Geelong City Council**  
and

**Golden Plains Shire Council**  
and

**Surf Coast Shire Council**  
and

**Borough of Queenscliffe**  
and

**Colac Otway Shire Council**

[8224485:27266559\_1]

**Interstate offices**  
Canberra Sydney  
Affiliated offices around the world through the  
Advoc network - [www.advoc.com](http://www.advoc.com)



---

**Contents**

1.	Definitions .....	3
2.	Condition Precedent, Commencement and Effect .....	3
3.	Colac Otway Admission .....	3
4.	Amendments .....	3
5.	Confirmation .....	5



Maddocks

---

## Supplementary Agreement

### Dated

---

### Parties

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

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

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

Name	<b>Borough of Queenscliffe</b>
Address	having its Municipal Office at 50 Learmonth Street, Queenscliffe, Victoria, 3225
Email	info@queenscliffe.vic.gov.au
Contact	Martin Gill, Chief Executive Officer
Short name	Queenscliffe

Name	<b>Colac Otway Shire Council</b>
Address	having its Municipal Office at 2-6 Rae Street, Colac, Victoria, 3250
Email	inq@colacotway.vic.gov.au
Contact	Peter Brown, Chief Executive Officer
Short name	Colac Otway



Maddocks

---

## 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 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 and itself has been amended by a Supplemental Agreement dated 27 June 2016 and Further Supplemental Agreement dated 26 October 2019 (which agreement, as amended, is **the Current Agreement**).
- C. Clause 12.1 of the Current Agreement provides for the admission of other councils to membership of the Regional Library.
- D. Colac Otway wishes to become a member of the Regional Library, and a party to the Current Agreement.
- E. Greater Geelong, Golden Plains, Surf Coast and Queenscliffe are willing to admit Colac Otway to membership of the Regional Library, and to add Colac Otway as a party to the Current Agreement.
- F. Greater Geelong, Golden Plains, Surf Coast and Queenscliffe also wish to amend the Current Agreement, to reflect developments that have occurred since the Current Agreement was entered into.
- G. This Supplementary Agreement sets out the terms on which Colac Otway is admitted to membership of the Regional Library and becomes a party to the Current Agreement, and the amendments which are to be made to the Current Agreement.



Maddocks

---

## The Parties Agree

---

---

### 1. Definitions

In this Agreement:

**Act** means the *Local Government Act* 1989;

**Effective Date** means 2 April 2021; 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. Colac Otway Admission

3.1 On and from the Effective Date, Colac Otway is:

3.1.1 a party to the Current Agreement, as if it were expressly named as such; and

3.1.2 by reason of becoming a party to the Current Agreement, a member of the Regional Library.

3.2 The:

3.2.1 assets which Colac Otway is to transfer or make available to the Regional Library on or from the Effective Date; and

3.2.2 financial contribution which Colac Otway is to make to the Regional Library on the Effective Date or between the Effective Date and 30 June 2021

will be as agreed between and among Greater Geelong, Golden Plains, Surf Coast, Queenscliffe and Colac Otway or, in default of agreement, as determined in accordance with clause 14 of the Current Agreement.

---

### 4. Amendments

On and from the Effective Date:

4.1 clause 4.2 of the Current Agreement will be deleted and be replaced by:

The Board must consist only of the following members:





## Maddocks

- (a) four members appointed by Greater Geelong;
  - (b) one member appointed by Golden Plains;
  - (c) one member appointed by Surf Coast;
  - (d) one member appointed by Queenscliffe; and
  - (e) one member appointed by Colac Otway.
- 4.2 clause 4.4 of the Current Agreement will be amended by deleting 'Golden Plains, Surf Coast and Queenscliffe' and substituting 'Golden Plains, Surf Coast, Queenscliffe and Colac Otway'.
- 4.3 clause 5.9 of the Current Agreement will be amended by deleting 'section 76 of the Act' and substituting 'section 43 of the *Local Government Act 2020*'.
- 4.4 clause 14.1 of the Current Agreement will be amended by deleting '1984' and substituting '2011'.
- 4.5 clause 21 of the Current Agreement will be deleted and be replaced by:
- 21.1 A member Council giving notice or notifying under this agreement must do so in writing:
    - (a) directed to the recipient's address specified in this clause, as varied by any notice; and
    - (b) hand delivered or sent by prepaid post or email to that address:

The member Councils' postal and email addresses are:

Greater Geelong City Council:

Address 30 Gheringhap Street, Geelong, Victoria 3220  
Email [contactus@geelongcity.vic.gov.au](mailto:contactus@geelongcity.vic.gov.au)

Golden Plains Shire Council:

Address 2 Pope Street, Bannockburn, Victoria 3331  
Email [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)

Surf Coast Shire Council:

Address 1 Merrijig Drive, Torquay, Victoria 3228  
Email [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)

Borough of Queenscliffe

Address 50 Learmonth Street, Queenscliffe, Victoria, 3225  
Email [info@queenscliffe.vic.gov.au](mailto:info@queenscliffe.vic.gov.au)

Colac Otway Shire Council

Address 2-6 Rae Street, Colac, Victoria, 3250  
Email [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)
  - 21.2 A notice given in accordance with clause 21.1 is taken to be received:
    - (a) if hand delivered, on delivery;

**Maddocks**

- (b) if sent by prepaid post, 3 days after the date of posting; and
  - (c) if sent by email, at the time that the email containing the notice left the sender's email system (unless the sender receives notification that the email containing the notice was not received by the recipient or, if received after 5pm, at 9am on the next Business Day).
- 21.3 A member Council must give notice in writing of any changes to its address or email address recorded in clause 21.1.

---

**5. Confirmation**

In all other respects, Greater Geelong, Golden Plains, Surf Coast and Queenscliffe confirm the provisions of the Current Agreement.



Maddocks

---

## Signing Page

Executed by the Parties

THE COMMON SEAL of GREATER )  
GEELONG CITY COUNCIL was affixed this )  
day of 2020 in )  
the presence of: )

.....  
Mayor (signature)

.....  
Mayor (name)

.....  
Chief Executive Officer (signature)

.....  
Chief Executive Officer (name)



Maddocks

THE COMMON SEAL of GOLDEN PLAINS                    )  
SHIRE COUNCIL was affixed this                    day        )  
of                    2020 in the presence of:                    )

.....  
Chief Executive Officer (signature)

.....  
Chief Executive Officer (name)

.....  
Witness (signature)

.....  
Witness (name)



Witness (name)

**Maddocks**

**THE COMMON SEAL** of the **BOROUGH OF** )  
**QUEENSCLIFFE** was affixed this       day       )  
of       2020 in the presence of:       )

.....  
Councillor (signature)

.....  
Councillor (name)

.....  
Chief Executive Officer (signature)

.....  
Chief Executive Officer (name)

