



Council Policy Manual

WEST WIMMERA SHIRE COUNCIL

COUNCIL POLICY		
PUBLIC TRANSPARENCY POLICY	Policy No:	
	Adopted by Council:	18 June 2020
	Next review date:	June 2021
Senior Manager:	Chief Executive Officer	
Responsible Officer:	Chief Executive Officer	
Functional Area:	CEO & Governance	
Introduction & Background	<p>The objective of Council's Public Transparency Policy is to formalise its support for transparency in its decision-making processes, and the public awareness of the availability of Council information.</p> <p>As a result, this policy seeks to promote:</p> <ul style="list-style-type: none">a) Greater clarity in Council's decision-making processes;b) Increased confidence and trust in the community through greater understanding and awareness;c) Enhanced decision making by the community;d) Improve Council's performance;e) Access to information that is current, easily accessible and disseminated in a timely manner; andf) Reassurance to the community that Council is spending public monies wisely.	
Purpose & Objectives	<p>This policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct, and how Council information is to be made publicly available.</p> <p>Council must adopt and maintain a public transparency policy under section 57 of the <i>Local Government Act 2020</i> (the Act).</p> <p>This policy gives effect to the <i>Public Transparency Principles</i> outlined in section 58 of the Act.</p>	
Definitions	Community	Community is a flexible term used to define groups of connected people. Council will use it to describe people of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.



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	<p>More specifically, it can refer to everyone affiliated with the municipality, or smaller groups defined by interest, identity or location, and not necessarily homogenous in composition or views. Different types of communities often overlap and extend beyond municipal boundaries. Communities may be structured groups, as in clubs or associations or unstructured groups, such as teenagers. Communities are flexible and temporary, subject to individual identity and location.</p> <p>Consultation The process of seeking input on a matter.</p> <p>Public Participation</p> <p>Public participation encompasses a range of public involvement, from simply informing people about what government is doing, delegating decisions to the public and community activity addressing the common good.</p> <p>Stakeholder An individual or group with a strong interest in the decisions of Council and are directly impacted by their outcomes.</p> <p>Closed Meetings</p> <p>When Council resolves to close the meeting to the general public, in order to consider a confidential matter regarding issues of a legal, contractual or personnel nature and other issues deemed not in the public interest.</p> <p>Transparency A lack of hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, “transparency” is also human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs (s.58 of The Act).</p>
Policy Details	
1.	<p>Scope</p> <p>This policy applies to Councillors and Council Staff of West Wimmera Shire Council.</p>
2.	<p>What will Council be transparent with</p> <p>Decision Making at Council Meetings</p> <ul style="list-style-type: none"> • Will be undertaken in accordance with the Act and the Governance Rules. • Will be conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules. • Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy.



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- Will be made fairly and on merit, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered.

Council Information

A list of available information is provided in the Part II Statement published in accordance the *Freedom of Information Act 1982*. Part II of the *Freedom of Information Act 1982* requires government agencies and Local Councils to publish a number of statements designed to assist members of the public in accessing the information it holds. This information includes but is not limited to:

Documents such as:

- Plans and Reports adopted by Council;
- Policies;
- Project and service plans;
- Grant application, tenders and tender evaluation material;
- Service agreements, contracts, leases and licences;
- Council leases, permits and notices of building and occupancy; and
- Relevant technical reports and / or research that informs decision making.

Process information such as:

- Practice notes and operating procedures;
- Application processes for approvals, permits, grants, access to Council services;
- Decision making processes;
- Guidelines and manuals;
- Community engagement processes;
- Complaints handling processes.

Council records will, at a minimum, be available on Council's website:

- Council meeting agendas;
- Reporting to Council;
- Minutes of Council meetings;
- Reporting from Advisory Committees to Council through reporting to Council;
- Audit and Risk Committee Performance Reporting;
- Terms of reference or charters for Advisory Committees;
- Registers of gifts, benefits and hospitality offered to Councillors or Council Staff;
- Registers of travel undertaken by Councillors or Council Staff;



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	<ul style="list-style-type: none"> ○ Registers of Conflicts of Interest disclosed by Councillors or Council Staff; ○ Submissions made by Council; ○ Registers of donations and grants made by Council; ○ Registers of leases entered into by Council, as lessor and lessee; ○ Register of Delegations; ○ Register of Authorised officers; ○ Register of Election campaign donations. ○ Summary of Personal Interests. ○ Any other Registers or Records required by legislation or determined to be in the public interest. <p>Any other Registers or Records required by legislation or determined to be in the public interest.</p> <p>Consistent with the Part II statement, Council will make available the following records for inspection. Examples include but are not limited to:</p> <ul style="list-style-type: none"> ○ Summary of Personal Interests ('Register of interests' until 24 October 2020); and ○ Submissions received under section 223 of the <i>Local Government Act 1989</i> until its repeal or received through a community engagement process undertaken by Council. <p>Publications</p> <p>Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to Council. These documents can be downloaded from the website. Some of these publications are available at Council's Libraries.</p>
3.	<p>Access to Information</p> <ul style="list-style-type: none"> • Information will be made available on the Council website, open data, at Council offices, or by request. • Members of the public can make different kinds of information requests to the Council (eg: informal requests for documents and information, or formal FOI requests). • Consideration will be given to accessibility and cultural requirements. • Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy. • In accordance with Part II statement made under the <i>Freedom of Information Act 1982</i>.



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Freedom of information (FOI) applications

The *Freedom of Information Act 1982* gives the public the right of access to documents that Council hold.

If a document is not available on Council's website, members of the public can make an FOI Application.

4. Information Not Available

Some Council information may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014*.

"Confidential information" is defined in section 3 of the *Local Government Act 2020*. It includes the types of information listed in the following table.

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of Council and delegated committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the Councillor Code of Conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> .



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The Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act.

However, this will not happen if release is contrary to law in breach of contractual requirements, or if releasing the information is likely to cause harm to any person or is not in the public interest to do so.

Public interest test

Council is not required to make publicly available information if the release would be contrary to the public interest, in accordance with the *Local Government Act 2020*. When considering public interest, Council will apply the test that exists in the *Freedom of Information Act 1982*. Council may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.

When considering possible harm from releasing information, the Council will only concern itself with harm to the community or members of the community. Potential harm to the Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the Council from performing its functions.

Information that might be withheld because it is contrary to the public interest may include:

- internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public;
- directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community;
- correspondence with members of the community, where release may inappropriately expose a person's private dealings.

5. Responsibilities

It is everyone's role to promote and facilitate access to Council information in accordance with the public transparency policy.

Party/parties	Roles and responsibilities	Timelines
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.	Ongoing
Senior Management	Monitor implementation of this policy. Manage areas of responsibility to ensure public	Ongoing



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	Team	transparency, good governance and community engagement is consistent with this policy.	
	All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.	Ongoing
	Manager Governance	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing
6.	Human Rights Charter		
	<p>This policy has been reviewed against and complies with section 13 of the <i>Charter of Human Rights and Responsibilities Act 2006</i>, as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with.</p> <p>It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.</p>		
7.	Non-Compliance with this Policy		
	<p>If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If still not satisfied and they would like to contest the decision, this can be reported to Council's Freedom of Information Officer.</p> <p>If not satisfied with Council's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222 or via their website at www.ombudsman.vic.gov.au.</p>		
8.	Monitoring, Evaluation and Review		
	<p>Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in the Policy's implementation.</p> <p>A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.</p>		



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9.	Related Policies and Legislation
	<p>West Wimmera Shire Council's:</p> <ul style="list-style-type: none"> • Governance Rules • Public Transparency Principles • Governance Framework • Community Engagement Policy • Information Privacy Policy • Health Records Policy <p><u>Legislation:</u></p> <p>Charter of Human Rights and Responsibilities Act 2006</p> <p>Freedom of Information Act 1982</p> <p>Local Government Act 2020</p> <p>Privacy and Data Protection Act 2014</p> <p>Equal Opportunity Act 2010</p>

Policy Adopted:	Council Meeting 18/06/20	Minute Book Page [number]	RecFind
Policy Reviewed:			

S7A Instrument of Sub-Delegation by CEO

West Wimmera Shire Council

Instrument of Sub-Delegation

by

The Chief Executive Officer

Under Local Government Acts of 1989 and 2020

Instrument of Sub-Delegation

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 47(2) of the *Local Government Act 2020*, I, as Chief Executive Officer of West Wimmera Shire Council –

1. delegate each duty and/or function and/or power respectively described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position respectively described in column 3 of the Schedule;
2. record that references in the Schedule are as follows;
 - AC: Asset Coordinator
 - CEO: Chief Executive Officer
 - CM: Contracts Manager
 - CSTL: Community Support Team Leader
 - DCCS: Director Corporate and Community Services
 - DIDW: Director Infrastructure Development and Works
 - EDO: Economic Development Officer
 - EHO: Environmental Health Officer
 - FC: Finance Coordinator
 - GM: Governance Manager
 - IMTL: Information Management Team Leader
 - MBPD: Manager Business Performance and Development
 - MBS: Municipal Building Surveyor
 - MCHN: Maternal Child Health Nurse
 - MCSW: Manager Community Support & Wellbeing
 - ME: Manager Engineering
 - MPE: Manager Planning and Environment
 - ND: Not Delegated -
 - OHSC: OHS & Risk Coordinator
 - RAC: Regional Access Coordinator
 - RC: Rates Coordinator - Leilani Dawes
 - RLLC: Ranger - Local Laws Coordinator
 - RO: Rates Officer
 - WM: Works Manager
3. record that nothing in this Instrument of Delegation affects any earlier delegation made except to the extent that it relates to the *Local Government Act 1989*;
4. declare that this Instrument of Sub-Delegation -
 - 4.1 comes into force immediately upon its execution;
 - 4.2 remains in force until varied or revoked;
 - 4.3 is subject to any conditions and limitations set out in paragraph 5, and in the Schedule; and
 - 4.4 must be read in accordance with any guidelines or policies which Council from time to time adopts; and

5. declare that the delegate must not determine the issue, take the action or do the act or thing if:
 - 5.1 the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
 - 5.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategyadopted by Council; or
 - 5.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of sections 11(2)(a) – (n) and 47(2) (inclusive) of the Act or otherwise.

This Instrument of Sub-Delegation is dated 18 June 2020 and is made by the Chief Executive Officer under authority of an instrument of delegation authorised by Resolution of Council made on 18 June 2020

Signed by the Chief Executive Officer of Council)
in the presence of:)

.....
Witness

Date:

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(8)	Duty to keep a public register of delegations under section 11 of this Act	CEO GM	[Commencement date 1 May 2020] [Delegations made by Council under previous Act continue in force until 1 September 2020]
s 16(12)	Duty to pay an account received of the reasonable expenses incurred by a person engaged by the Minister to support a review by an electoral representative advisory panel	CEO GM	[Commencement date 6 April 2020]
s 17(6)	Duty to pay an account received of the reasonable expenses incurred by the Victorian Electoral Commission as a consequence of conducting a ward boundary review	CEO GM	[Commencement date 6 April 2020]
s 40(1)	Duty to reimburse a Councillor or a member of a delegated committee for out-of-pocket expenses in accordance with this section	CEO DCCS FC	[Commencement date 1 May 2020]
s 40(2)	Duty to provide details of all reimbursements of out-of-pocket expenses of Councillors and members of a delegated committee to the Audit and Risk Committee	DCCS FC	[Commencement date 1 May 2020]
s 42	Duty to make available to the Mayor and the Councillors the resources and facilities reasonably necessary to enable them to effectively perform their role	CEO	[Commencement date 1 May 2020]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50	Duty to implement appropriate long service leave arrangements for members of Council staff in accordance with the regulations	CEO DCCS FC	[Commencement date 1 July 2021]
s 73(4)	Duty to publish a notice regarding a proposed local law in accordance with subsection 73(3)(a) to (d)	CEO GM	[Commencement date 1 July 2021]
s 73(5)	Duty to ensure that a copy of the proposed local law is available for inspection	CEO GM	[Commencement date 1 July 2021]
s 74(1)	Duty to obtain a certificate from a qualified person	GM	[Commencement date 1 July 2021]
s 74(5)	Duty to publish a notice after a local law is made in accordance with subsection 74(4)(a) to (d)	CEO GM	[Commencement date 1 July 2021]
s 75	Duty to ensure that a copy of a local law made under section 74 is available for inspection	GM	[Commencement date 1 July 2021]
s 76(3)	Duty to publish a notice of an amendment to a document, code, standard, rule, specification or method which contains matter applied, adopted or incorporated by a local law	GM	[Commencement date 1 July 2021]
s 76(4)	Duty to ensure that a copy of any document, code, standard, rule, specification or method which contains any matter incorporated in a local law is available for inspection	CEO GM	[Commencement date 1 July 2021]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 98	Duty to prepare an annual report in respect of each financial year	DCCS FC	Subject to section 99 [Commencement date NYP 24 October 2020]
s 99(1)	Duty to prepare, as soon as practicable after the end of the financial year, the performance statement and financial statements of the Council for the financial year	DCCS FC	[Commencement date NYP 24 October 2020]
s 103	Power to invest any money in accordance with subsections (a) to (f)	DCCS FC	[Commencement date 1 July 2021]
s 106	Duty to plan and deliver services to the municipal community in accordance with the service performance principles	CEO DIDW DCCS	[Commencement date 6 April 2020]
s 109(1)	Duty to comply with Council's Procurement Policy before entering into a contract for the purchase of goods or services or carrying out of works	CM DIDW DCCS	[Commencement date 1 July 2021]
s 114(2)(a)	Duty to give notice before selling or exchanging land	MPBD	[Commencement date 1 July 2021]
s 114(2)(b)	Duty to undertake a community engagement process in accordance with Council's Community Engagement Policy before selling or exchanging land	CEO MPBD	[Commencement date 1 July 2021]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 114(2)(c)	Duty to obtain valuation before selling or exchanging land not more than 6 months prior to the sale or exchange	MPBD	[Commencement date 1 July 2021]
s 115(1)	Power to lease land	CEO DCCS MPBD	[Commencement date 1 July 2021]
s 115(3)	Duty to include proposal to lease in the budget	DCCS FC MPBD	[Commencement date 1 July 2021]
s 115(4)	Duty to undertake a community engagement process in accordance with Council's Community Engagement Policy before leasing land	MPBD	[Commencement date 1 July 2021]
s 116(1)	Power to transfer, exchange or lease land with or without consideration to an entity described in s 116(1)(a) to (e)	CEO DCCS MPBD	[Commencement date 1 July 2021]
s 117(1)(a)	Power to approve another person to carry out the work required under s 117(1)	DIDW CM	Delegation extends only to area of functional responsibility of delegate [Commencement date 1 July 2021]
s 117(1)(b)	Power to carry out the work required under s 117(1)	DIDW	Delegation extends only to area of functional responsibility of delegate [Commencement date 1 July 2021]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 117(3)	Power to recover costs of carrying out work	DIDW	[Commencement date 1 July 2021]
s 119	Power to require payment of all or part of money from present owner or occupier	DCCS DIDW	Subject to section 121 [Commencement date 1 July 2021]
s 120(1)	Power to charge interest on unpaid money (other than rates and charges) in accordance with s 120	DCCS	[Commencement date 1 July 2021]
s 121	Function of receiving application for land information certificate	DCCS RC	[Commencement date 1 July 2021]
s 121(4)	Power to provide a land information certificate, including the power to provide in a land information certificate any other information concerning the land as the delegate considers in their absolute discretion to be relevant	RC DIDW	[Commencement date 1 July 2021]
s 152	Duty to pay the fees for a Councillor Conduct Panel to the Principal Council Conduct Registrar	DCCS	[Commencement date NYP 24 October 2020]
s 162	Duty to provide all reasonable assistance to the Councillor Conduct Panel which is necessary to enable the Councillor Conduct Panel to conduct the hearing and make a determination	DCCS	[Commencement date NYP 24 October 2020]
s 167(8)	Duty to pay any necessary expenses incurred by Councillors in attending mediation, training or counselling directed by a Councillor Conduct Panel	DCCS	[Commencement date NYP 24 October 2020]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 177(1)	Power to apply to the Minister for a compliance exemption from a regulatory requirement under this Act or the regulations specified in the application	CEO GM	Subject to subsection (2) [Commencement date NYP 24 October 2020]
s 179(3)	Duty to pay a Municipal Monitor the amounts entitled to be paid and the terms of the appointment	DCCS	[Commencement date NYP 24 October 2020]
s 313(1)	Power to institute proceedings in the corporate name of the Council	CEO DCCS	Subject to subsection (a) – (d) [Commencement date 1 May 2020]
s 313(1)	Power to authorise a person to institute proceedings in the corporate name of the Council	CEO DCCS	Subject to subsection (a) – (d) [Commencement date 1 May 2020]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76C(6)	Duty to give copy of Code of Conduct to each Councillor and duty to make Code of Conduct available for inspection by the public and publish a copy on Council's internet website	CEO GM	[To be repealed 24 October 2020]
s 80(1)	Power to apply to the Minister in writing for exemption of Councillors from s 79	CEO GM	[To be repealed 24 October 2020]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 80(1A)	Function of providing additional information regarding application to exempt Councillors from s 79 to the Minister	CEO GM	[To be repealed 24 October 2020]
s 81(2B)	Duty to review any exemptions in force under s 81(2A) with 12 months after a general election	GM	[To be repealed 24 October 2020]
s 81F	Power to request to be joined as a party to a VCAT proceeding regarding Councillor misconduct	CEO GM	[To be repealed 24 October 2020]
s 81G(1)(b)	Function of receiving notice from Councillor Conduct Panel	DCCS	[To be repealed 24 October 2020]
s 81J(5)	Duty to pay necessary expenses incurred by Councillors attending mediation, training or counselling	DCCS	[To be repealed 24 October 2020]
s 94(6)	Duty to make details of proposed remuneration of CEO available for public inspection	GM	[To be repealed 1 July 2021]
s 101(1)	Duty to implement long service leave for Council staff	DCCS FC	[To be repealed 1 July 2021]
s 119(2)	Duty to give notice in government gazette and a public notice stating certain matters	CEO GM	[To be repealed 1 July 2021]
s 119(2A)	Duty to ensure proposed law is available for inspection	GM	[To be repealed 1 July 2021]
s 119(3)	Duty to give notice in government gazette and a public notice after local law is made	CEO GM	[To be repealed 1 July 2021]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 119(4)	Duty to send copy local law to Minister	CEO GM	[To be repealed 1 July 2021]
s 120(1)	Duty to print copies of local laws	GM	[To be repealed 1 July 2021]
s 120(2)(a)	Duty to make local laws available for inspection	GM	[To be repealed 1 July 2021]
s 120(2)(b)	Duty to make local laws available for purchase	GM	[To be repealed 1 July 2021]
s 120(3)	Duty to make available for inspection all documents incorporated by local laws	CEO GM	[To be repealed 1 July 2021]
s 125(3A)	Duty to publish the proposed Council Plan on Council's website and make it available for public inspection	CEO GM	[To be repealed 24 October 2020]
s 125(5)	Duty to submit a copy of the Council Plan to the Minister	CEO GM	[To be repealed 24 October 2020]
s 125(10)	Duty to advise the Minister of details of adjustment to the Council Plan	CEO GM	[To be repealed 24 October 2020]
s 125(11)	Duty to make Council Plan available for inspection	CEO GM	[To be repealed 24 October 2020]
s 126(4)	Duty to make copy of Strategic Resource Plan available for inspection	GM	[To be repealed 24 October 2020]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 129(1)	Duty to provide public notice after preparing a budget or revised budget	DCCS FC	[To be repealed 24 October 2020]
s 129(4)	Duty to display copy of budget and revised budget	DCCS FC	[To be repealed 24 October 2020]
s 130(2)	Duty to give notice of its decision to adopt budget or revised budget	DCCS FC	[To be repealed 24 October 2020]
s 130(4)	Duty to submit a copy of the budget or revised budget to the Minister	DCCS FC	[To be repealed 24 October 2020]
s 130(7)	Duty to give the Minister any details concerning its budget or revised budget that the Minister requires	DCCS	[To be repealed 24 October 2020]
s 130(9)	Duty to make copies of the budget or revised budget available for inspection by the public	DCCS FC	[To be repealed 24 October 2020]
s 131(1)	Duty to prepare an annual report	DCCS GM	[To be repealed 24 October 2020]
s 132(1)	Duty to submit the finalised performance statement and financial statements to the auditor as soon as possible after the end of the financial year	DCCS FC	[To be repealed 24 October 2020]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 132(2)	Duty to submit the performance statement and financial statements to the auditor for reporting on the audit	DCCS	[To be repealed 24 October 2020] Must be done after Council has passed a resolution to approve the statements in principle
s 132(6)	Function of receiving a copy of the report on the performance statement	CEO DCCS	[To be repealed 24 October 2020]
s 133(1)	Duty to submit annual report to the Minister	DCCS	[To be repealed 24 October 2020]
s 133(2)	Duty to give public notice that annual report has been prepared and can be inspected at the Council office and on Council's website	CEO DCCS GM	[To be repealed 24 October 2020]
s 133(3)	Duty to make annual report available for public inspection	GM	[To be repealed 24 October 2020]
s 136(1)	Duty to implement the principles of sound financial management	DCCS FC	[To be repealed 1 July 2021]
s 137(1)	Duty to establish/maintain a budgeting and reporting framework that is consistent with the principles of sound financial management	DCCS FC	[To be repealed 24 October 2020]
s 140(1)	Duty to keep records and accounts	DCCS FC	[To be repealed 1 July 2021]
s 140(2)(a)	Duty to ensure moneys due are collected	DCCS FC	[To be repealed 1 July 2021]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 140(2)(b)	Duty to implement arrangement for security of money received	DCCS FC	[To be repealed 1 July 2021]
s 140(2)(c)	Duty to expend moneys received	DCCS FC	[To be repealed 1 July 2021]
s 140(2)(d)	Duty to ensure control over assets	DIDW MES AC	[To be repealed 1 July 2021]
s 140(2)(e)	Duty to ensure liabilities are authorised	DCCS	[To be repealed 1 July 2021]
s 140(2)(f)	Duty to ensure efficiency of operations	CEO	[To be repealed 1 July 2021]
s 140(2)(g)	Duty to develop and maintain adequate internal control system	CEO DCCS	[To be repealed 1 July 2021]
s 140(3)	Duty to keep accounts and records up to date and ready for inspection	DCCS FC	[To be repealed 1 July 2021]
s 141	Power to apply money to: <ul style="list-style-type: none"> perform functions and powers under this or any other Act repay an overpayment make a refund 	CEO DCCS FC	[To be repealed 1 July 2021] Schedules of accounts paid to be submitted to next possible Council meeting for Council approval of reimbursements to Advance Account

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 142(1)	Power to waive payments	CEO DCCS	[To be repealed 1 July 2021] Subject to limits as determined by CEO
s 142(3)(a)	Power to defer payments	CEO DCCS	[To be repealed 1 July 2021] Subject to limits as determined by CEO
s 142(3)(b)	Power to waive payment and interest	CEO DCCS	[To be repealed 1 July 2021] Subject to limits as determined by CEO
s 142(3)(c)	Power to waive interest	CEO DCCS	[To be repealed 1 July 2021] Subject to limits as determined by CEO
s 143(a)	Power to invest money in government securities (Commonwealth)	DCCS	[To be repealed 1 July 2021]
s 143(b)	Power to invest money in government securities (Victoria)	DCCS	[To be repealed 1 July 2021]
s 143(c)	Power to invest money with an authorised deposit-taking institution	DCCS	[To be repealed 1 July 2021]
s 143(d)	Power to invest money with a financial institution	DCCS	[To be repealed 1 July 2021]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 143(e)	Power to invest money with eligible money market dealers	DCCS	[To be repealed 1 July 2021]
s 154	Power to determine that land is not rateable land in accordance with s 154	RC DCCS	
s 157(2)	Duty to publish notice of change in valuation system	DCCS	
s 158(3)	Power to levy rates by sending notice to person liable	RC DCCS	
s 158(3A)	Power to send rate notice to a person specified upon request	DCCS RC	
s 159(5)	Power to determine form & time period	DCCS	
s 159(6)	Power to require applicant to give further particulars or verify particulars	DCCS	
s 161(3)	Duty to make available for inspection certain information	DCCS	
s 163(1C)	Duty to send a copy of the public notice to each person who will be liable to pay the special rate or special charge	RC MES DIDW	
s 163(4)	Power to levy special rate/charge by sending notice to person liable	RC MES DIDW	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 164(2)	Duty to notify of decision under s 164(1) to persons liable to pay special rate/charge	DIDW ME RC	Limited to Director or Executive Manager responsible for works or project
s 165	Duty to refund excess money	DCCS FC	
s 166(2)	Duty to notify persons liable that special rate/charge varied	DIDW ME	
s 169(2)	Duty to send notice to person who was granted a rebate or concession and not complied with terms	DCCS	
s 170(1)	Power to defer payment where applicant shows hardship	DCCS	
s 170(3)(a)	Power to require payment where no longer hardship/in occupation	DCCS	
s 171(1)	Power to waive rate/charge to eligible recipient or in accordance with Council determination	DCCS	
s 171(4)(e)	Duty to waive amount which is in accordance with concession order upon receipt of application	DCCS	
s 171(4)(f)	Power to decide to treat person to whom waiver granted as having made continuing application or waiver	DCCS	Requires the approval of the Minister administering the <i>State Concessions Act 2004</i>

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 171(5A)	Power to waive rate/charge where person has right to recover it from another (upon application of the eligible recipient)	DCCS	
s 171A(1)	Function of receiving application for waiver	DCCS	
s 171A(2)	Power to require information or verification	DCCS	
s 171A(3)	Power to waive rate/charge/interest	DCCS	
s 172(1)	Power to raise interest and require payment from person liable	DCCS	
s 172(3)	Power to exempt a person from paying interest	DCCS	
s 172(4)	Power to recover interest due	DCCS	
s 173(2)(a)	Duty to refund rates/charges where land ceases to be rateable and payment was made	DCCS	
s 173(2)(b)	Duty to require pro rata payment where land ceases to be rateable	DCCS	
s 175(2)	Power to require current rates, arrears from person acquiring land	DCCS	
s 177(1)	Power to require occupier to pay rent upon notice	MBPD DCCS	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 177(4)	Power to recover unpaid rent as a debt due	MBPD DCCS	
s 180(1)	Power to recover unpaid rate/charge as a debt due	DCCS	
s 181(2)	Power to dispose of land where rate/charge unpaid	CEO RC DCCS	
s 181(5)	Power to serve and to give notices before Council sells the land	RC	
s 181(7)	Power to deduct expenses incurred in connection with sale	RC DCCS	
s 181C(2)	Power to send notice to person liable to pay environmental upgrade charge	RC DCCS	
s 181E(1)	Duty to use best endeavours to recover environmental upgrade charge	RC DCCS	
s 181F	Duty to adjust environmental upgrade charge to reflect lower amount advanced to owner and advise any person liable to pay charge in writing of the adjustment	RC DCCS	Council must refund any excess amounts paid to owner or occupier as a result of an adjustment being made to an upgrade charge under 181F(1)
s 185F(1)	Duty to comply with any direction of the Minister under s 185D	CEO DCCS	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185I	Power to enter into a cladding rectification agreement in respect of rateable land with an existing building on it	MBS DIDW	Subject to ss 185I(4), 185J(4) and 185J(5)
s 185J(1)	Function of receiving details in writing of the information set out in s 185J(1)(a)	MBS DIDW	
s 185J(2)	Duty to give written notice to each owner or, in the case of rateable land managed by an owners corporation, each owner of a lot on the rateable land	RC	
s 185J(8)	Power to enter into a cladding rectification agreement if all the existing mortgagees of the rateable land agree in writing to the proposed cladding rectification charged	MBS DIDW	If Council is not satisfied of the matters set out in s 185J(4)
s 185J(9)	Power to enter into a cladding rectification agreement if all the existing mortgagees of those lots agree in writing to the cladding rectification charge	MBS DIDW	If Council is not satisfied of the matters set out in s 185J(5)
s 185K(1)(b)	Function of receiving information from the owners corporation	DIDW	
s 185N(1)	Duty to use Council's best endeavours to recover a cladding rectification charge in accordance with any requirements imposed on it by the <i>Building Act 1993</i> and the cladding rectification agreement	DIDW	Subject to s 185N(2) and (3)

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 186(1)	Duty to give notice and invite proposals where intend to enter into contract in excess of \$150,000 for contracts in relation to goods and services and \$200,000 for contracts in relation to works	CEO DIDW DCCS CM MBPD	[To be repealed 1 July 2021]
s 186(3)	Duty to ensure the public notice for tenders and expression of interest are in the prescribed form	CM	[To be repealed 1 July 2021]
s 186A(8)	Duty to make procurement policy available for public inspection on website and at Council offices	MBPD	[To be repealed 1 July 2021]
s 188(a)	Power to accept devise of real property, gift, etc	CEO	[To be repealed 24 October 2020]
s 188(b)	Power to carry out condition of devise, gift, etc	CEO	[To be repealed 24 October 2020]
s 189(2)(a)	Duty to give notice before sell/exchanging land	MBPD	[To be repealed 1 July 2021]
s 189(2)(b)	Duty to obtain valuation before selling/exchanging land not more than 6 months prior to the sell/exchange	MBPD	[To be repealed 1 July 2021]
s 190	Power to lease land where there is no requirement to give public notice under s 223	Not Delegated	[To be repealed 1 July 2021]
s 190(3)	Duty to give notice before making certain leases	MBPD GM	[To be repealed 1 July 2021] s 190(1) applies

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 199	Duty to give notice of proposed drainage works to persons affected	DIDW ME	
s 200(1)	Power to give persons notice that must carry out drainage works	DIDW ME	
s 200(2)	Power to carry out works itself where non-compliance with notice	DIDW ME WM	
s 201(1)	Duty to construct, manage, etc works under schemes approved under <i>Water Act 1989</i>	DIDW ME WM	
s 201(2)	Power to carry out any power under the Act for purpose of 201(1)	DIDW ME WM	
s 203(1)	Power to develop and implement a transport plan	DIDW ME	
s 203(2)	Power to prepare a transport plan jointly with one or more other councils	DIDW ME	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 203A	Power to procure, provide or enable transport services within the municipal district	DIDW ME	
s 204(1)	Power to publish notice in Government Gazette of road to be declared a public highway	DIDW ME	
s 207D(2)	Duty to notify Registrar of Titles of an action under s 207D(1)(b) or a transfer of land in the form described in (a) – (c)	MPE DIDW	Delegation only extends to matters within the functional responsibility of delegate
s 208A	Duty to comply with the Best Value Principles	CM DIDW	[To be repealed 1 July 2021]
s 208D	Duty to develop quality and cost standards for the provision of services to the community	DCCS	[To be repealed 1 July 2021]
s 208E(1)	Duty to develop a program for the application of the Best Value Principles	DCCS DIDW	[To be repealed 1 July 2021]
s 208E(2)	Duty to ensure that the program required by s 208E(1) is available to the public	GM	[To be repealed 1 July 2021]
s 208E(3)	Duty to apply the Best Value Principles to services	CEO	[To be repealed 1 July 2021]
s 208F	Duty to ensure that any quality or cost standards adopted are available for inspection by the public	CEO GM	[To be repealed 1 July 2021]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 208G	Duty to report on what has been done to ensure that effect has been given to the Best Value Principles	DCCS	[To be repealed 1 July 2021]
s 208H(3)	Duty to comply with Code	CEO DIDW DCCS	[To be repealed 1 July 2021]
s 223(1)(a)	Duty to publish a public notice	GM	
s 223(1)(b)(iii)	Administrative duty to give reasonable notice of day, time and place of the meeting to each person who made a request to appear in person, or be represented in the submission	GM	
s 223(1)(d)(ii)	Duty to notify submitters after made decision	CEO DIDW DCCS GM	
s 223(3)	Power to authorise members of Council staff to carry out administrative procedures	CEO	
s 223BF(1)(a)	Function of receiving a report of the findings of the investigation from the Chief Municipal Inspector	CEO GM DCCS	[To be repealed 24 October 2020]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 223BF(1)(b)	Function of receiving recommendations from the Chief Municipal Inspector	CEO GM	[To be repealed 24 October 2020]
s 223BF(2)(b)	Function of notifying the Chief Municipal Inspector within a specified time of the steps to be taken to address the recommendations	CEO GM	[To be repealed 24 October 2020]
s 224(1)	Power to appoint authorised officer	CEO	
s 224(1A)	Duty to maintain register of authorised officers	CEO	
s 224(2)	Duty to supply authorised officers with identity cards	CEO	Authorisation only to be made in respect of areas of responsibility of delegate
s 224(3)	Power to authorise a person to sign identity cards of authorised officers	CEO	
s 224A(2)	Power to publish a notice in the Government Gazette which authorises police officers to enforce provisions of local law	CEO DIDW GM	
s 225(1)(a)	Power to approve another person to carry out the work required under s 225(1)	CEO	[To be repealed 1 July 2021]
s 225(1)(b)	Power to carry out required work where person fails to do so	CEO DIDW DCCS	[To be repealed 1 July 2021] Delegation extends only to area of functional responsibility of delegate

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 225(3)	Power to recover costs of carrying out work	DCCS DIDW	[To be repealed 1 July 2021]
s 227	Power to require payment of all or part of money from present owner or occupier	DCCS	[To be repealed 1 July 2021]
s 227AA	Power to recover costs, fees and expenses from owner of house subject to declaration	DIDW DCCS	[To be repealed 1 July 2021]
s 227A(1)	Power to require payment of interest	DCCS FC	[To be repealed 1 July 2021]
s 229(1)	Function of receiving application for land information certificates	RC DCCS	[To be repealed 1 July 2021]
s 229(3)	Power to provide prescribed information or any other information relevant to land	DCCS	[To be repealed 1 July 2021]
s 237A	Duty to make available to the Secretary to the Department any information requested in accordance with s 121A of the <i>Livestock Disease Control Act 1994</i>	DIDW RLLC	
sch 10 cl 1(a)	Power to make, maintain and repair roads	DIDW	
cl 2	Administrative functions necessary to give effect to power to deviate roads	DIDW ME	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
cl 3	Administrative functions necessary to give effect to power to discontinue roads	MPE DIDW ME	
cl 4	Power to enter and take any materials necessary from certain land	ME WM	
cl 5(1)(a)	Power to approve, assign or change the name of a road	MPE DIDW	Power in cl 5(1) must be exercised in accordance with the <i>Geographic Names Places Act 1998</i>
cl 5(1)(b)	Power to erect signs on a road	DIDW ME WM	
cl 5(1)(c)	Power to approve, assign and change the number of a road and any premises next to a road	AC DIDW ME	
cl 5(1)(d)	Power to require people to number their premises and to renew those numbers	AC DIDW	
cl 6	Power to cause standard survey marks to be established in roads	ME AC	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
cl 8(1)(b)	Power to allow persons to make minor repairs, alterations, etc between the old alignment and the new alignment of a road	DIDW ME	
cl 8(3)	Duty to publish notice in Government Gazette before starting work	DIDW ME	
cl 9	Power to provide for temporary roads	DIDW ME	
cl 10	Power to permit the erection and maintenance of gate and fences and to revoke the permission and to permit the construction of by-passes for unfenced roads and to revoke the permission and require the removal of the by-pass	DIDW ME WM	
cl 11(a)	Power to require/cause the filling up of holes or excavations	ME WM	
cl 11(b)	Power to require/cause the removal of a cause of danger/damage	ME WM	
cl 11(c)	Power to require/cause the erection or restoration of a fence between the holes or excavations and any adjacent land or road	DIDW ME WM	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
cl 12	Power to make, maintain, repair or reconstruct a bridge or crossing	DIDW ME	
sch 11 cl 1	Power to fix times when vehicles may stand in parking areas and the fees for and manner of standing in parking areas	DIDW RLLC	
cl 2	Power to issue special parking permits to disabled persons	RLLC	
cl 3	Power to remove abandoned/unregistered vehicles	RLLC	
cl 4	Power to tow away and impound vehicles which are causing an unlawful obstruction etc and to charge a fee	RLLC	
cl 5	Power to require or cause the removal of any encroachment or obstruction	RLLC	
cl 6	Power to control traffic to enable works to be carried out on, over, or on land next to a road	DIDW ME WM	
cl 7	Power to close a road, or part of a road for a particular period	ME WM	
cl 8	Power to erect and remove any works or structures to protect passengers, pedestrians and drivers or to regulate traffic on a road	ME WM	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
cl 9	Administrative functions necessary to give effect to power to block or restrict the passage or access of vehicles on a road by placing a permanent barrier or obstruction on a road	DIDW ME WM	Only to be exercised where report from Head, Transport for Victoria has been considered; and if the road is a freeway or arterial road, consent of Head, Transport for Victoria is required
cl 10(1)(a) & cl 10(1)(b)	Power to block or restrict the passage or access of vehicles on a road by placing a temporary barrier or obstruction on a road	DIDW ME WM	If the road is a freeway or arterial road, consent of Head, Transport for Victoria is required
cl 11	Administrative functions necessary to give effect to power to declare a road or part of a road a shopping mall and prohibit or restrict the entry of vehicles	MPE DIDW ME	
cl 12(1)	Administrative functions necessary to give effect to power to prohibit the use of a road by a vehicle over a certain size or weight	ME AC	
cl 12(2)	Power to make decision to prohibit the use of a road by a vehicle over a certain size or weight	ME AC	Only to be exercised where immediate risk of danger to people or damage to property exists and action is immediately reported to Council
cl 13	Power to determine speed limits	Not Delegated	
cl 14	Power to prohibit or restrict traffic on a road if unsafe	DIDW ME WM	

C1 Explanatory Notes – Delegations: Committees**Explanatory Notes - Delegations to Committees****Delegated Committee**

Section 63 of the *Local Government Act 2020 (Act)* provides for the establishment of delegated committees of:

- (a) Councillors; and
 - (b) any other persons who are appointed by the Council who are entitled to vote,
- which may be the subject of delegations.

Pursuant to section 11(1)(a) of the Act, Council may by Instrument of Delegation delegate to the members of a delegated committee any power, duty or function of a Council under this Act or any other Act other than a power, duty or function specified in section 11(2) of the Act.

A delegated committee does not include an Audit and Risk Committee.

The Instrument of Delegation to any member of a delegated committee should clearly articulate the nature of the delegation, and any conditions or limitations under which the delegation is to be exercised.

It is also incumbent on a member of a delegated committee to only exercise delegations while acting as a member of the delegated committee at a meeting of the delegated committee. A Council must keep a public register of those delegations.

A delegated committee may determine that a meeting is to be closed to the public for specified reasons under section 66(2) of the Act, which includes:

- to consider confidential information; or
- security reasons; or
- to enable the meeting to proceed in an orderly manner.

A delegated committee can only close a meeting to the public for security reasons or for the meeting to proceed in an orderly manner, if arrangements have been made by the delegated committee to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.

If the meeting is closed to the public to consider confidential information, the delegated committee must record in the minutes of the meeting the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in section 3(1) of the Act, an explanation why the specified grounds applied, and make the minutes available for public inspection.

Delegations to Committees under the *Planning and Environment Act 1987* are subject to the provisions of s 188 of that Act. Given that s 188 provides a range of matters that cannot be delegated, members of a delegated committee and Council's planning officers need to be familiar with this section.

Community Asset Committee

Section 65 of the Act provides for the establishment of community asset committees.

Council may appoint as many members as Council considers necessary to enable the community asset committee to achieve its purpose. A Council may only establish a community asset committee for the purpose of managing a community asset in the municipal district.

Pursuant to section 47(1)(b) of the Act, the CEO may by Instrument of Delegation delegate to members of a community asset committee any power, duty or function of the Council that has been delegated to the CEO by the Council.

A member of a community asset committee to whom a delegation is given can only exercise the delegation while acting as a member of the community asset committee at a meeting of the community asset committee.

A CEO must keep a register of those delegations.

The Instrument of Delegation to any member of a community asset committee must include terms and conditions to the following effect:

- the specified limit on any financial delegation and the specified purpose for which the financial delegation may be used;
- compliance with specified governance requirements to ensure appropriate standards of probity are met;
- specified monitoring and reporting of the activities and performance of the community asset committee.

Council Resolution – Appointment and Delegation (Community Asset Committee)

1. From the date of this resolution, there be established as a Community Asset Committee the ## [##**Name of committee**] Community Asset Committee (**Committee**).
2. The purpose of the Committee is set out in the Schedule to this resolution.
3. The members of the Committee are *[for example]*:
 - 3.1 *[##insert members - Council may appoint as many members as it considers necessary to achieve the purpose/s].*
4. The Chairperson of the Committee is [##**insert name**].
5. A quorum of the Committee is [a whole number that is an absolute majority, which is greater than half the total number of members of the Committee].
6. All members of the Committee have voting rights on the Committee.

***[name]* Community Asset Committee**

To manage the following community asset: **[#insert details]**.

***C7 Instrument of Delegation
by CEO to Community Asset Committee***

West Wimmera Shire Council

Instrument of Delegation

by the Chief Executive Officer

to the ## Community Asset Committee

In exercise of the power conferred by s 47(1)(b) of the *Local Government Act 2020 (Act)*, I, as Chief Executive Officer of West Wimmera Shire Council, by this Instrument of Delegation –

1. delegate to each person who is from time to time appointed as a member of the Community Asset Committee, established by resolution of Council passed on ## [## insert date] and known as “## Community Asset Committee” (**Community Asset Committee**), each power and/or function and/or duty set out in the Schedule;
2. declare that a delegate can only exercise the delegations contained in this Instrument of Delegation while acting as a member of the Community Asset Committee at a meeting of the Community Asset Committee;
3. declare that this Instrument of Delegation –
 - 3.1 comes into force immediately upon its execution;
 - 3.2 remains into force until varied or revoked; and
 - 3.3 is subject to the conditions and limitations set out in paragraph 4 and 5, and in the Schedule;
4. declare that the delegate must comply with specified governance requirements to ensure appropriate standards of probity are met and monitor and report on the activities and performance of the Community Asset Committee;
5. declare that the delegate must not determine the issue, take action or do the act or thing if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 47 of the Act or otherwise.

This Instrument of Delegation is dated [##date] and is made by the Chief Executive Officer.

Signed by the Chief Executive Officer of Council)
in the presence of:)

.....

Witness

SCHEDULE

Powers and functions

To manage the following community asset: **[#insert details]**.

And for that purpose:

[##Insert purposes, e.g.]

1. to enter into contracts, and to incur expenditure, not exceeding the value of **[#insert amount]** and for the specific purpose of **[#insert]**;
2. to do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

Requirements

The members of the Community Asset Committee must, when exercising the powers, functions and duties delegated to them:

3. comply with the following governance requirements:
 - 3.1 **[#list specified governance requirements];**
4. monitor and report on its activities and performance at least in accordance with the following:
 - 4.1 **[#insert monitoring and reporting requirements].**

Exceptions, conditions and limitations

The Community Asset Committee is not authorised by this Instrument to:

[##Insert limitations, e.g.]

5. enter into contracts, or incur expenditure, for an amount which exceeds the approved budget.



S11 Instrument of Appointment and Authorisation

West Wimmera Shire Council

Instrument of Appointment and Authorisation

Note that in this document the following abbreviations have been used to provide guidance as to the appropriate officers to appoint or authorise in respect of the relevant legislation:

- [MBS] means Municipal Building Surveyor;
- [DMBS] means Deputy Municipal Building Surveyor;
- [RLLC] means Ranger Local Laws, Fire Prevention, Animal Control Officer;
- [MPE] means Manager Planning & Environment;
- [EHO] means Environmental Health Officer;
- [DIDW] means Director Infrastructure Development & Works;
- [DCCS] means Director Corporate & Community Services;
- [RC] means Rates Coordinator;
- [CM] means Contracts Manager;
- [AC] means Assets and G.I.S. Coordinator;
- [TL] means Team Leader;
- [WM] means Works Manager;
- [MBPD] means Manager Business Performance and Development;
- [FC] means Finance Coordinator;
- [GM] means Governance Manager; and
- [BA] means Building Administrator.

Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

Alex Cooper	- Municipal Building Surveyor.....	(MBS)
Terry Baker	- Deputy Municipal Building Surveyor.....	(DMBS)
Alexander Cumming	- Deputy Municipal Building Surveyor.....	(DMBS)
Ben Griffith	- Deputy Municipal Building Surveyor.....	(DMBS)
Dennis Hogan	- Deputy Municipal Building Surveyor.....	(DMBS)
Donna McKellar	- Building Administrator.....	(BA)
Donna Gurney	- Ranger Local Laws, Fire Prevention, Animal Control.....	(RLLC)
Leilani Dawes	- Rates Coordinator.....	(RC)
Nicole Wearne	- Environmental Health Officer.....	(EHO)
Mark Marziale	- Director Infrastructure Development and Works.....	(DIDW)
Bernie Maddern	- Contracts Manager.....	(CM)
Ashley Roberts	- Director Corporate & Community Services.....	(DCCS)
Terry Ough	- Works Manager.....	(WM)
Robert Warren	- Team Leader.....	(TL)
Steve Carter	- Team Leader.....	(TL)
Christopher Chaston	- Team Leader.....	(TL)
John Griffiths	- Manager Engineering.....	(ME)
Melanie Jordan	- Finance Coordinator.....	(FC)
Sarah Ellis	- Manager Business Performance & Development.....	(MBPD)
Nola McFarlane	- Manager Business Performance & Development.....	(MBPD)

By this Instrument of Appointment and Authorisation West Wimmera Shire Council –

PART A

- under s 224 of *the Local Government Act 1989* – appoints the officers to be authorised officers for the administration and enforcement of –

the <i>Building Act 1993</i>	[MBS, DMBS]
the <i>Country Fire Authority Act 1958</i>	[RLLC, DIDW, MPE]
the <i>Domestic Animals Act 1994</i>	[RLLC]
the <i>Emergency Management Act 1986</i>	[DIDW, RLLC, MPE]
the <i>Environment Protection Act 1970</i>	[EHO, MPE, RLLC]
the <i>Fire Services Property Levy Act 2012</i>	[DCCS, FC, RC]
the <i>Food Act 1984</i>	[EHO]
the <i>Graffiti Prevention Act 2007</i>	[RLLC]
the <i>Housing Act 1983</i>	[MBS, DMBS, EHO]
the <i>Impounding of Livestock Act 1994</i>	[RLLC]
the <i>Land Act 1958</i>	[MPE, RC]
the <i>Local Government Act 1989</i>	[CEO, GM, DCCS, DIDW]
the <i>Local Government Act 2020</i>	[CEO, GM, DCCS, DIDW]
the <i>Public Health and Wellbeing Act 2008</i> ¹	[EHO]
Part 14 of the <i>Residential Tenancies Act 1997</i>	[EHO]
the <i>Road Management Act 2004</i>	[ME, WM, AC]
the <i>Road Safety Act 1986</i>	[ME, WM, AC]
the <i>Summary Offences Act 1966</i>	[EHO]
the <i>Tobacco Act 1987</i> ²	[EHO]

¹ Council only to appoint a person suitably qualified or trained under s 31(2) of the Act.

² This Act provides for the CEO of a Council to nominate a person to be an inspector for the purposes of the Act and the Secretary may then appoint them to be an inspector (see s 36). An EHO appointed under the Act is also regarded as an inspector under the Act.



the *Valuation of Land Act 1960*

[DCCS, RC]

the Regulations made under each of those Acts

the local laws made under the *Local Government Act 1989* or the *Local Government Act 2020*

and any other Act, Regulation or local law which relates to the functions and powers of the Council;

PART B

2. under s 3 of the *Building Act 1993* – appoints the officer **(Mr Alex Cooper)(MBS)** to be Municipal Building Surveyor for the purposes of the *Building Act 1993*.
-

3. under s 96A(1)(a) of the *Country Fire Authority Act 1958* – appoints the officer **(Ms Donna Gurney) (RLLC)** to be the fire prevention officer.
-

4. under s 72 of the *Domestic Animals Act 1994* – appoints the officers to be Council authorised officers for the purposes of the *Domestic Animals Act 1994*. [RLLC,EHO, MPE]
-

5. under s 21 of the *Emergency Management Act 1986* – appoints the officers to be Municipal Emergency Resource Officers. [DIDW, RLLC, MPE]
-

6. under s 48A of the *Environment Protection Act 1970* – appoints the officers to be authorised officers for the purposes of s 48A of the *Environment Protection Act 1970*.

[EHO, MPE, RLLC]

7. under s 23 of the *Fire Services Property Levy Act 2012* – appoints the officers to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012*.³
[FC, RC, DCCS]
-

8. for the purposes of s 20 of the *Food Act 1984* – appoints the officer to be an authorised officer for the purposes of the *Food Act 1984*

[EHO]

³ Persons appointed or authorised officers under the *Local Government Act 1989* are taken to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012* (except in Part 4 of that Act).



9. under s 19(1) of the *Graffiti Prevention Act 2007* – appoints the officers to be authorised persons for the purposes of carrying out Council's functions under s 18 of the, *Graffiti Prevention Act 2007* for a term of 4 years [RLLC, MPE]

10. under s 71(1) of the *Housing Act 1983* – appoints the officer to be an authorised person for the purposes of entering a house or building and conducting an inspection under s 71 of the *Housing Act 1983*. [EHO, MBS]

11. under s 3 of the *Infringements Act 2006* – appoints the officer to be an issuing officer for the purposes of the *Infringements Act 2006*. [RLLC]

12. under s 190 of the *Land Act 1958* – authorises the officers for the purposes of s 190 of that Act.⁴ [MPE, MBS]

13. under s 81Y of the *Local Government Act 1989* – appoints the officer to be the Principal Conduct Officer.⁵ [DCCS]

14. under s 29 of the *Public Health and Wellbeing Act 2008* – appoints the officer to be an Environmental Health Officer for the purposes of enforcing the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*. [EHO]

15. under s 525(2) of the *Residential Tenancies Act 1997* – appoints the officer to exercise the powers set out in s 526 of the *Residential Tenancies Act 1997*. [EHO]

16. under s 71(3) of the *Road Management Act 2004* – appoints the officers to be authorised officers for the purposes of the *Road Management Act 2004*. [ME, WM, AC]

17. under s 59(1)(a)(ii) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under s 59(1)(a) of that Act. [ME, WM, AC]

18. under r 79(1)(b) of the *Road Safety (General) Regulations 2019* – authorises the officers for the purposes of filing a charge or an offence under s 90E of the *Road Safety Act 1986* or under a regulation under that Act. [ME,WM,AC]

⁴ Authorisation requires the consent of the Minister (see s 190 of the Act).

⁵ Only an 'eligible person' may be appointed (see the requirements in s 81Y of the Act). Section 81Y is to be repealed on 24 October 2020 and replaced with s 150 of the *Local Government Act 2020*, which deals with the appointment of the Councillor Conduct Officer.

19. under r 5 of the *Road Safety (Traffic Management) Regulations 2019* – authorises the officers for the purposes of r 14 of the *Road Safety (Traffic Management) Regulations 2019*.

[ME,WM, AC]

20. under s 13DA(1) of the *Valuation of Land Act 1960* – appoints the persons who are a members of Council's staff for the purposes of s 13DA of the *Valuation of Land Act 1960*.⁶

[DCCS, RC]

PART C

21. under –
- s 313 of the *Local Government Act 2020*⁷
 - s 527 of the *Residential Tenancies Act 1997*
 - s 77(2)(b) of the *Road Safety Act 1986*⁸
 - s 77(4) of the *Road Safety Act 1986* **[[Note – only where Council is a Committee of Management under the Crown Land (Reserves) Act 1978]**
 - ss 48A(9)(c) and 59(3) of the *Environment Protection Act 1970*
 - s 241 of the *Building Act 1993*
 - s 92 of the *Domestic Animals Act 1994*⁹
 - s 96 of the *Road Management Act 2004*
 - s 33A of the *Impounding of Livestock Act 1994*
 - s 10(4) of the *Graffiti Prevention Act 2007*
 - s 219 of the *Public Health and Wellbeing Act 2008*
 - s 45AC of the *Food Act 1984*

authorises the officers generally to institute proceedings and represent Council in proceedings for offences against the Acts, Regulations and local laws described in this instrument.

It is declared that this Instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Shire Council made on 17 June 2020

[[Council seal]]

OR

⁶ Council must ensure that the person appointed holds the qualifications or experience specified from time to time by the Minister by notice published in the Government Gazette.

⁷ A person authorised under s 313 of the *Local Government Act 2020* is also authorised to bring proceedings under the *Fire Services Property Levy Act 2012* (see s 22 of the *Fire Services Property Levy Act 2012*).

⁸ A person authorised under ss 77(2)(b) and/or 77(4) of the *Road Safety Act 1986* is also an authorised officer for the purposes of rr 203 and 307 of the *Road Safety Road Rules 2017*.

⁹ Council may only appoint an authorised officer who is also appointed under s 72 of the Act.



Maddocks

This Instrument is made by the Chief Executive Officer of West Wimmera Shire Council in the exercise of his authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on 17 June 2020

David Paul Leahy
Chief Executive Officer
West Wimmera Shire Council

Date:

S5 Instrument of Delegation to Chief Executive Officer

The Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (**the Act**) and all other powers enabling it, the **West Wimmera Shire Council** (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 17 June 2020;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

[##Council seal]

SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

3. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 3.1 awarding a contract or making an expenditure exceeding the value of **\$100,000**;
 - 3.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 3.3 election of a Mayor or Deputy Mayor;
 - 3.4 granting of a reasonable request for leave under section 35 of the Act;
 - 3.5 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 3.6 approval or amendment of the Council Plan;
 - 3.7 adoption or amendment of any policy that Council is required to adopt under the Act;
 - 3.8 adoption or amendment of the Governance Rules;
 - 3.9 appointment of the chair or the members to a delegated committee;
 - 3.10 making, amending or revoking a local law;
 - 3.11 approval of the Budget or Revised Budget;
 - 3.12 borrowing money;
 - 3.13 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges; or
4. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
5. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

6. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 6.1 policy; or
 - 6.2 strategy adopted by Council; or
7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
8. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Maddocks Delegations and Authorisations

C4 Instrument of Delegation (Delegated Committees)

**West Wimmera Shire Council
Instrument of Delegation
Delegated Committee**

West Wimmera Shire Council (**Council**) delegates to each person who is from time to time appointed as a member of the Delegated Committee established by resolution of Council passed on ## [##date] and known as the "## Delegated Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on ## [##date];
2. a delegate can only exercise the delegations contained in this Instrument of Delegation while acting as a member of the Committee at a meeting of the Committee;
3. the delegation:
 - 3.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2 remains in force until Council resolves to vary or revoke it; and
 - 3.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
4. all members of the Delegated Committee will have voting rights on the Delegated Committee.

[##Council seal]

SCHEDULE

Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of the ##, and for those purposes:

[##Insert purposes, e.g.]

1. to enter into contracts, and to incur expenditure to a maximum monetary limit of [#\$insert];
2. to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

Exceptions, conditions and limitations

The members of the Delegated Committee are not authorised by this Instrument to:

[##Insert limitations, e.g.]

3. enter into contracts, or incur expenditure, for an amount which exceeds [#\$insert];
4. exercise the powers which, by force section 11(2) of the *Local Government Act 2020*, cannot be delegated.

Email Letter

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DX 259 Melbourne

From Maryam Popal	Date 29 April 2020
Direct 03 9285 3305	Email Maryam.Popal@maddocks.com.au
Partner Melanie Olynyk	

Our Ref MSB:MARP:628721

Dear subscriber

Delegations and Authorisations Service Mini-Update Local Government Act 2020

We are pleased to provide you with a 'mini' update to the Delegations and Authorisations Service, specifically in response to the commencement of the *Local Government Act 2020 (2020 Act)*.

In this update, the following documents have been updated and some new documents prepared as follows:

- S2 (Council Resolution – Delegation to CEO)
- S5 (Instrument of Delegation from Council to CEO)
- S7A (Instrument of Delegation by CEO – LGA powers)
- S13A (Instrument of Delegation by CEO of CEO LGA powers)
- S11 (Instrument of Appointment and Authorisation)
- S11A (Instrument of Appointment and Authorisation for Planning Enforcement Officers)
- C1 (Explanatory Notes)
- C2 (Council Resolution – Appointment and Delegation - Delegated Committee)
- C4 (Instrument of Delegation to Delegated Committee)
- New C6 (Council Resolution – Community Asset Committee) – to replace the former C6 Guidelines for Committees
- New C7 (Instrument of Delegation to Community Asset Committee).

Please review the new documents carefully. When doing so, please have regard to the following explanatory comments.

The new powers of delegation commence on 1 May 2020. However, unless sooner revoked, an existing delegation made by a Council or its CEO under the *Local Government Act 1989 (1989 Act)* continues in force until 1 September 2020.

Some documents have been provided in 'marked up' form, to show the changes made to existing instruments. These are provided for reference purposes only. When preparing your own new instruments/documents, you should only use the 'clean' versions provided.

S5 Instrument of Delegation by Council to CEO

Section 11(1)(b) of the 2020 Act provides for a Council to delegate powers, duties and functions to its CEO.

The updated S5 Instrument has been drafted to take into account the matters that cannot be delegated by the CEO pursuant to section 11(2) of the 2020 Act. These matters are listed as Conditions and Limitations in the Schedule to the S5 Instrument, including the condition under section 11(5) that any delegation to enter into a contract must include a financial limit.

It is open to each Council to include additional matters if it so wishes. For example, a Council may not wish to delegate the power to adopt the Community Vision, Financial Plan, Asset Plan or Revenue and Rating Plan.

Pursuant to section 11(4) of the 2020 Act, a Council may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days.

The requirement to keep a public register of these delegations remains under section 11(8) of the 2020 Act.

The new S5 Instrument is to be used in conjunction with the new S2 Council Resolution.

S7A Instrument of Delegation by CEO (LGA powers)

Section 47 of the 2020 Act provides the CEO the power to sub-delegate any powers, duties or functions that has been delegated to him or her to members of Council staff. These powers, duties or functions may be delegated to a named person or to the holder of a specified position.

The new S7A Instrument provided in this Update is made pursuant to this provision. It refers to both the 2020 Act and the 1989 Act. This is because:

- Not all provisions of the 2020 Act are yet in force;
- The 1989 Act is intended to continue in force, with some provisions (including, for example, Part 8 and s 224) surviving until the 2020 Act is, or other Acts are, amended.

The document sets out the commencement date of the new provisions of the 2020 Act and the date by which the provisions of the 1989 Act will be repealed. Where no date is specified against provisions of the 1989 Act, this means no current repeal date is set and the provisions continue.

The S7A Instrument relates only to the 1989 Act and the 2020 Act, and not to any other Acts that are usually contained in the S7 Instrument. We will provide an updated S7 Instrument that includes all relevant legislation as part of the July Update. As noted above, Council's existing delegations will continue to operate until 1 September 2020.

So, for now, you should have both the new S7A Instrument and the existing S7 Instrument in place.

S11 and S11A Instruments of Appointment and Authorisation

Section 224 of the 1989 Act is an example of a provision that remains in force and so this continues to be the authorising provision for the S11 and S11A Instruments of Appointment and Authorisation. However, the power to commence proceedings, which was s 232 of the 1989 Act, will no longer apply from 1 May 2020, and has been replaced with s 313 of the 2020 Act.

S13A Instrument of Delegation by CEO of CEO powers

Section 47(2) of the LGA 2020 provides that the CEO may delegate any power, duty or function conferred by the LGA 2020 or any other Act on the CEO. That is, this refers to powers of the CEO, rather than Council powers.

The new S13A Instrument provided is made pursuant to this provision. It refers to both the 2020 Act and the 1989 Act but not to any other Acts. Again, we will provide an updated S13 Instrument that includes all relevant legislation as part of the July Update, noting that an existing S13 delegation will continue to operate until 1 September 2020.

Committees

While the 1989 Act referred to 'special committees' under s 86, the 2020 Act refers to 'delegated committees' established under s 63 and 'community asset committees' established under s 65. In light of this, a new Council Resolution and Instrument of Delegation for a delegated committee and community asset committee have been provided as part of this update.

The amended C4 Instrument (for a Delegated Committee) is made pursuant to s 11(1) of the 2020 Act. It includes the limitations under section 11(2) of the 2020 Act and condition imposed under section 11(5) that any delegation to enter into a contract must include a financial limit. This document should be used in conjunction with the C2 Council Resolution.

The new C7 Instrument (Community Asset Committee) is made pursuant to s 47(1)(b) of the 2020 Act. Pursuant to s 47(4) of the 2020 Act, it needs to specify:

- The specific limit on any financial delegation and the specified purpose for which the financial delegation may be used;
- Compliance with specified governance requirements to ensure appropriate standards of probity are met; and
- Specified monitoring and reporting requirements of the activities and performance of the committee.

While Council 'establishes' the community asset committee, it is the CEO who delegates powers to the community asset committee. As such, the C7 Instrument should be used in conjunction with the new C6 Council Resolution.

There will no longer be Guidelines for Committees. We have not prepared an instrument for joint delegated committees (s 63, 2020 Act) as part of this Update.

There is also no need to provide a replacement C5 (Instrument of Delegation – Planning Committees) at this time.

Other Comments

We have not updated the S6 (Instrument of Delegation from CEO to Council Staff) at this time but will do so as part of the July Update, noting again that Council's existing delegations will continue to operate until 1 September 2020.

If you have any queries about the above, or the Delegations and Authorisations Service more generally, please contact us via our Delegations and Authorisations website or email us.

Yours sincerely



Melanie Olynyk
Partner

S13A Instrument of Delegation of CEO powers, duties and functions

West Wimmera Shire Council

Instrument of Delegation

by

The Chief Executive Officer

Under the Local Government Acts of 1989 and 2020

Instrument of Delegation of CEO powers, duties and functions

By this Instrument of Delegation, in exercise of the power conferred by s 47(2) of the *Local Government Act 2020*, I, David Paul Leahy, as Chief Executive Officer of West Wimmera Shire Council –

1. delegate each duty and/or function and/or power respectively described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position respectively described in column 3 of the Schedule;
2. record that references in the Schedule are as follows;
 - AC: Asset Coordinator
 - CEO: Chief Executive Officer
 - CM: Contracts Manager
 - CSTL: Community Support Team Leader
 - DCCS: Director Corporate and Community Services
 - DIDW: Director Infrastructure Development and Works
 - EDO: Economic Development Officer
 - EHO: Environmental Health Officer
 - FC: Finance Coordinator
 - GM: Governance Manager
 - HRM: Human Resource Manager
 - IMTL: Information Management Team Leader
 - MBPD: Manager Business Performance and Development
 - MBS: Municipal Building Surveyor
 - MCHN: Maternal Child Health Nurse
 - MCSW: Manager Community Support & Wellbeing
 - ME: Manager Engineering
 - MPE: Manager Planning and Environment
 - ND: Not Delegated -
 - OHSC: OHS & Risk Coordinator
 - RAC: Regional Access Coordinator
 - RC: Rates Coordinator - Leilani Dawes
 - RLLC: Ranger - Local Laws Coordinator
 - RO: Rates Officer
 - WM: Works Manager
3. record that nothing in this Instrument of Delegation affects any earlier delegation made except to the extent that it relates to the *Local Government Act 1989*;
4. declare that this Instrument of Delegation -
 - 4.1 comes into force immediately upon its execution;
 - 4.2 remains in force until varied or revoked; and
 - 4.3 is subject to any conditions and limitations set out in paragraph 5, and in the Schedule; and

5. declare that the delegate must not determine the issue, take the action or do the act or thing if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation.

This Instrument of Delegation is dated 18 June 2020 and is made by the Chief Executive Officer.

Signed by the Chief Executive Officer of Council)
in the presence of:)

.....
Witness

Date:

SCHEDULE

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 32(4)(a)	Duty to ensure that the Councillor induction training is available to be taken by a Councillor from the day the Councillor takes the oath or affirmation of office	CEO GM	[Commencement date NYP 24 October 2020]
s 32(4)(b)	Duty to provide reasonable assistance to a Councillor to enable them to access the Councillor induction training	GM	[Commencement date NYP 24 October 2020]
s 46(1)(a)	Function of supporting the Mayor and the Councillors in the performance of their roles	CEO GM	[Commencement date 1 July 2021]
s 46(1)(b)	Function of ensuring the effective and efficient management of the day to day operations of the Council	CEO HRM	[Commencement date 1 July 2021]
s46(3)(a)	Duty of establishing and maintaining an organisational structure for the Council	HRM	[Commencement date 1 July 2021]
s 46(3)(b)	Responsibility for appointing, directing, managing and dismissing Council staff and for all other issues relating to Council staff	CEO HRM DCCS DIDW	[Commencement date 1 July 2021] Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to approve the filling of vacancies or the creation, reclassification, or abolition of positions within budget	HRM DCCS DIDW	[Commencement date 1 July 2021] Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			the person ceases to hold that office
s 46(3)(b)	Power to fix salaries for vacant positions	ND	[Commencement date 1 July 2021]
s 46(3)(b)	Power to approve the appointment, engagement or promotion of full time, part time and casual staff	CEO HRM DIDW DCCS	[Commencement date 1 July 2021] Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to approve position descriptions	HRM DCCS DIDW	[Commencement date 1 July 2021]
s 46(3)(b)	Power to create or approve creation of new positions	ND	[Commencement date 1 July 2021]
s 46(3)(b)	Power to conduct disciplinary action under relevant awards and policies	HRM DCCS DIDW	[Commencement date 1 July 2021]
s 46(3)(b)	Power to terminate or suspend the employment of, or to suspend from duty, a member of Council staff	HRM DIDW DCCS	[Commencement date 1 July 2021]
s 46(3)(b)	Power to conduct interviews for staff annual review	HRM DIDW	[Commencement date 1 July 2021]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		DCCS	
s 46(3)(b)	Power to authorise sick, annual and family leave	Managers, Supervisors, DIDW, DCCS, HRM	[Commencement date 1 July 2021]
s 46(3)(b)	Power to approve long service leave and compassionate leave	HRM,DIDW,DCCS	[Commencement date 1 July 2021]
s 46(3)(b)	Power to authorise all forms of study and training leave and educational assistance	HRM,DIDW,DCCS	[Commencement date 1 July 2021]
s 46(3)(b)	Power to approve leave without pay	ND	[Commencement date 1 July 2021]
s 46(3)(b)	Power to authorise time sheets, higher duties, time-in-lieu, overtime and travel expense claims	HRM,DIDW,DCCS	[Commencement date 1 July 2021]
s 46(3)(b)	Power to approve attendance at conferences and seminars by staff	HRM,DCCS,DIDW	[Commencement date 1 July 2021]
s 46(3)(b)	Power to approve attendance at training programs by staff	HRM, DCCS, DIDW	[Commencement date 1 July 2021]
s 46(3)(b)	Power to give approval for staff to travel	HRM, DIDW, DCCS	[Commencement date 1 July 2021]
s 46(3)(b)	Power to approve travel accommodation for staff	DIDW, DCCS	[Commencement date 1 July 2021]
s 46(3)(b)	Power to sign Notice of Injury and Work Injury Form	DIDW, DCCS	[Commencement date 1 July 2021]
s 46(3)(b)	Power to approve claims under WorkCover excess	DCCS, DIDW, HRM, OHSC	[Commencement date 1 July 2021]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(3)(b)	Power to approve expenses relating to an approved course of study for staff	DIDW, DCCS, HRM	[Commencement date 1 July 2021]
s 46(3)(b)	Power to approve staff engaging in other employment	ND	[Commencement date 1 July 2021]
s 46(3)(b)	Power to determine acceptance or denial of liability in the event of a WorkCover claim	HRM, DCCS, DIDW, OHSC	[Commencement date 1 July 2021]
s 46(3)(b)	Power to sign Letter of Acceptance of Resignation	HRM, DIDW, DCCS	[Commencement date 1 July 2021]
s 46(3)(b)	Power to provide references on Council letterhead	DIDW, DCCS	[Commencement date 1 July 2021]
s 46(3)(b)	Power to authorise access to a staff member's personal file	HRM, GM	[Commencement date 1 July 2021]
s 46(4)(a)	Duty to develop and maintain a workforce plan that describes the organisational structure of the Council and specifies the projected staffing requirements for a period of at least 4 years and sets out measures to seek to ensure gender equality, diversity and inclusiveness	CEO HRM	[Commencement date 1 July 2021]
s 46(4)(b)	Duty to inform the Council before an organisational restructure that will affect the capacity of the Council to deliver the Council Plan is implemented	HRM	[Commencement date 1 July 2021]
s 46(4)(c)	Duty to consult members of Council affected by a proposed organisational restructure, before the organisational restructure is implemented	CEO, HRM, DIDW, DCCS	[Commencement date 1 July 2021]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(5)	Duty to, in giving effect to gender equality, diversity and inclusiveness, comply with any processes and requirements prescribed by the regulations for the purposes of this section of this Act	HRM	[Commencement date 1 July 2021]
s 46(6)	Duty to ensure that the Mayor, Deputy Mayor, Councillors and members of Council staff have access to the workforce plan	ND	[Commencement date 1 July 2021]
s 47(6)	Duty to submit an annual report to the Council in relation to the activities and performance of a Community Asset Committee in respect of which the members have been given a delegation under this section	DCCS, GM	[Commencement 1 May 2020]
s 47(7)	Duty to keep a register of delegations under section 47 of this Act	CEO, GM	[Commencement 1 May 2020]
s 48(1)	Power to appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be performed	ND	[Commencement date 1 July 2021] Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 48(2)	Duty to adopt and maintain a recruitment policy addressing the matters listed in s 48(2)	HRM	[Commencement date 1 July 2021]
s 49(1)	Duty to develop and implement a code of conduct for members of Council staff	ND	Must develop and implement the first code of conduct within 6 months of commencement of this section

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			[Commencement date 1 July 2021]
s 49(4)	Duty to ensure that members of Council staff have access to the code of conduct for members of Council staff	HRM	[Commencement date 1 July 2021]
s 54(6)	Duty to ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee	DCCS, FC	[Commencement date 1 May 2020]
s 97(1)	Duty to ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public	DCCS, FC	[Commencement date NYP 24 October 2020]
s 109(2)	Duty to ensure that any report of the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available	DCCS, MBPD	[Commencement date 1 July 2021]
s 121	Function of receiving application for land information certificate	DIDW, MPE, RC	[Commencement date 1 July 2021]
s 130(7)	Duty to notify the Chief Municipal Inspector as soon as practicable after the Chief Executive Officer becomes aware that a relevant person, who is a member of Council staff, has failed to disclose a conflict of interest	GM	[Commencement date NYP 24 October 2020]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 130(8)	Duty to notify the Council if a relevant person, who is not a Councillor or member of Council staff, fails to disclose a conflict of interest and make a recommendation to the Council as to the action that is to be taken	CEO, GM	[Commencement date NYP 24 October 2020]
s 132(1)	Power to nominate a 'nominated officer'	CEO, GM	[Commencement date NYP 24 October 2020]
s 133	Function of receiving an initial personal interests return	GM	[Commencement date NYP 24 October 2020]
s 134	Function of receiving a biannual personal interests return	GM	[Commencement date NYP 24 October 2020]
s 135(1)	Duty to prepare a summary of the personal interests information disclosed in the last personal interests return lodged with the Chief Executive Officer	GM	[Commencement date NYP 24 October 2020]
s 135(3)	Duty to ensure the summary of personal interests is published on the Council's Internet site and available for inspection at the Council office	GM	[Commencement date NYP 24 October 2020]
s 136(1)	Duty to ensure that personal interests return are kept in accordance with the Public Records Act 1973	GM	[Commencement date NYP 24 October 2020]
s 136(2)	Duty to ensure that only the 'specified persons' have access to or can inspect a personal interests return	GM	[Commencement date NYP 24 October 2020]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 150(1)	Duty to appoint the Councillor Conduct Officer and notify the Principal Councillor Conduct Registrar of the appointment	ND	[Commencement date NYP 24 October 2020]
s 240(10)	Duty to send notice	RC	[Commencement date 6 April 2020]
s 240(11)	Duty to send notice	RC	[Commencement date 6 April 2020]
s 240(12)	Duty to send notice	RC	[Commencement date 6 April 2020]
s 246(1)	Duty to enrol a person following receipt of a written application for enrolment unless she or he believes the personal is not entitled to be enrolled	RC	[Commencement date 6 April 2020]
s 246(2)	Power to refuse enrolment and duty to give written reasons for refusal application for enrolment	ND	[Commencement date 6 April 2020]
s 246(3)	Power to request information orally or in writing to enable her or him to determine a person's eligibility for enrolment	RC	[Commencement date 6 April 2020]
s 246(4)	Power to require information to be given in writing and signed by the person giving the information	RC	[Commencement date 6 April 2020]
s 247(3)	Power to decide whether address should be placed on voters' roll and to then take action accordingly	RC	[Commencement date 6 April 2020]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 247(4)	Duty to notify the person in writing of a decision to grant or refuse a request to remove the person's address from Council voters' roll	RC	[Commencement date 6 April 2020]
s 248(1)	Duty to supply to the Victorian Electoral Commission list of voters who appear to be entitled to be enrolled as ratepayers or corporation representatives and any information required by the Victorian Electoral Commission to compile or amend the voters' roll	RC	[Commencement date 6 April 2020]
s 248(2)	Power to include in the list supplied to the Victorian Electoral Commission people whose address on the rate notice is outside of the municipal district	RC	For the purposes of section 243 [Commencement date 6 April 2020]
s 254(1)	Power to use the Council voters' roll for communicating or consulting the local community on the performance of the Council's functions	ND	Subject to section 254(2)(a) and (b) [Commencement date 6 April 2020]
s 254(2)	Duty to obtain undertaking	CEO, GM, RC	[Commencement date 6 April 2020]
s 254(4)	Power to request the Victorian Electoral Commission to provide a copy of the voters' roll	GM, RC	[Commencement date 6 April 2020]
s 258(8)	Duty to notify the Minister and the Victorian Electoral Commission that an extraordinary vacancy has occurred within 3 days of receiving a written resignation from a Councillor or becoming aware of an extraordinary vacancy	ND	[Commencement date 6 April 2020]
s 306(1)	Function of receiving election campaign donation	GM	[Commencement date 6 April 2020]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	return		
s 307(1)(a)	Duty to submit a report to the Minister specifying details of the candidates in the election and who submitted an election campaign donation return within 14 days after the period specified in section 360(1)	CEO, GM	[Commencement date 6 April 2020]
s 307(2)	Duty to provide a summary of each election campaign donation return given to the Chief Executive Officer on the Council's Internet site	GM	[Commencement date 6 April 2020]
s 307(3)	Duty to ensure that a summary of the return is made available on the Council's Internet	GM	[Commencement date 6 April 2020]
s 308(2)	Duty to ensure that a summary of an election campaign donation return is made available on the Council's Internet site until the close of the roll for the next general election	GM	[Commencement date 6 April 2020]
s 308(3)	Duty to ensure that a copy of an election campaign donation return is available for inspection at the Council's office for a period of 4 years from the date specified in section 360(1)	GM	[Commencement date 6 April 2020]
s 313(2)	Power to represent the Council in all respects as though the person was the party concerned in any proceedings in which the Council is a party or has an interest	DCCS, DIDW	[Commencement date 1 May 2020]
s 324(2)	Power to sign a certificate certifying any matter relating	GM, DCCS, DIDW	[Commencement date 1 May 2020]

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	to the contents of any document kept by a Council		

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 28(1B)	Function of receiving notice of any change to any entitlement relating to enrolment of a Councillor	ND	[To be repealed on 24 October 2020]
ss 68A(1) & 69(1)(c)	Function of receiving resignation from a Councillor	ND	[To be repealed on 24 October 2020]
s 68A(4)	Power to commence the holding of an election to fill extraordinary vacancy	ND	[To be repealed on 24 October 2020]
s 72(1)(c)	Function of receiving resignation from the Mayor	ND	[To be repealed on 24 October 2020]
s 77(2)(c)	Power to designate information to be 'confidential information' for the purposes of s 77	ND	[To be repealed on 24 October 2020]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
ss 79(2)(a)(ii) & (3)	Function of receiving advice of a conflict of interest of a Councillor or member of a special committee	GM, CEO	[To be repealed on 24 October 2020]
s 79(5)(a)	Duty to keep written disclosures given to him or her under this section in a secure place for 3 years after the date the Councillor or member of a special committee who made the disclosure ceases to be Councillor or member of a committee	GM	[To be repealed on 24 October 2020]
s 79(5)(b)	Duty to destroy the written disclosure when the 3 year period referred to in section 79(5)(a) has expired	GM	[To be repealed on 24 October 2020]
s 79(8)	Duty to record a conflict of interest in the minutes of a meeting	GM	[To be repealed on 24 October 2020]
s 80(1)(b)	Power to apply, in writing, to the Minister, after receiving written declarations of conflicts of interest from a majority of Councillors, for an exemption of those Councillors from any or all of the provisions of section 79	ND	[To be repealed on 24 October 2020]
s 80(1A)	Function of providing additional information regarding an application made under section 80(1)(b)	GM	[To be repealed on 24 October 2020]
s 80A(1)	Duty to ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending, the matters considered and any conflict of interest disclosures made by a Councillor attending under section 80A(3) and whether a Councillor who discloses a conflict leaves the assembly	GM	[To be repealed on 24 October 2020]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 80A(2)(a)	Duty to ensure a written record of an assembly of Councillors is reported at an ordinary meeting of the Council as soon as practicable	GM	[To be repealed on 24 October 2020]
s 80A(2)(b)	Duty to ensure a written record of an assembly of Councillors is incorporated in the minutes of that Council meeting as soon as practicable	GM	[To be repealed on 24 October 2020]
s 80B(2)(b)	Duty to disclose type and nature of conflict of interest to the Mayor or the Council	GM	[To be repealed on 24 October 2020]
s 80B(2)(c)	Function of receiving written disclosure of conflict of interest from staff member	GM, CEO	[To be repealed on 24 October 2020]
s 81(1)	Power to nominate a 'nominated officer'	GM, DIDW, DCCS, CEO	[To be repealed on 24 October 2020]
s 81(2)	Function of receiving a primary return from a Councillor or a member of a special committee	GM	[To be repealed on 24 October 2020]
s 81(4)	Function of receiving a primary return from a nominated person	GM	[To be repealed on 24 October 2020]
s 81(5)	Function of receiving an ordinary return from a Councillor, member of a special committee or a nominated officer	GM	[To be repealed on 24 October 2020]
s 81(9)	Duty to maintain a register of the interests of Councillors, members of special committees and nominated officers	GM	[To be repealed on 24 October 2020]
s 81(10)	Duty to allow a person to inspect the register following	GM	[To be repealed on 24 October 2020]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	a written request to the Chief Executive Officer		
s 81(12)	Duty to take all reasonable steps to ensure that only persons who made written applications may inspect the register	GM	[To be repealed on 24 October 2020]
s 81(13A)	Duty to maintain a record of the names of persons who have inspected the register of interests under section 81(10)	GM	[To be repealed on 24 October 2020]
s 81(16)	Duty to remove all the returns submitted by a Councillor or a member of a special committee or a nominated officer from the register, as soon as practicable after a person ceases to hold that position	GM	[To be repealed on 24 October 2020]
s 81Y	Duty to appoint, in writing, a Principal Conduct Officer	ND	[To be repealed on 24 October 2020]
s 94A(2)	Power to appoint members of Council staff to enable the statutory functions of Council or the Chief Executive Officer to be carried-out	ND	[To be repealed 1 July 2021]
s 94A(3)*	responsibility for appointing, directing, managing and dismissing Council staff and for all other issues relating to Council staff	HRM, DCCS, DIDW	[To be repealed 1 July 2021]
s 94A(3)	Power to approve the filling of vacancies or the creation, reclassification, or abolition of positions within budget	HRM, DIDW, DCCS	[To be repealed 1 July 2021]
s 94A(3)	Power to fix salaries for vacant positions	HRM	[To be repealed 1 July 2021]

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 94A(3)	Power to approve the appointment, engagement or promotion of full time, part time and casual staff	HRM, DCCS, DIDW	[To be repealed 1 July 2021]
s 94A(3)	Power to approve position descriptions	HRM, DIDW, DCCS	[To be repealed 1 July 2021]
s 94A(3)	Power to create or approve creation of new positions	ND	[To be repealed 1 July 2021]
s 94A(3)	Power to conduct of disciplinary action under relevant awards and policies	HRM, DIDW, DCCS	[To be repealed 1 July 2021]
s 94A(3)	Power to terminate or suspend the employment of, or to suspend from duty, a member of Council staff	DCCS, DIDW	[To be repealed 1 July 2021]
s 94A(3)	Power to conduct interviews for staff annual review	All managers, supervisors & directors	[To be repealed 1 July 2021]
s 94A(3)	Power to authorise sick, annual and family leave	DIDW, DCCS	[To be repealed 1 July 2021]
s 94A(3)	Power to approve long service leave and compassionate leave	DIDW, DCCS	[To be repealed 1 July 2021]
s 94A(3)	Power to authorise all forms of study and training leave and educational assistance	HRM, DCCS, DIDW	[To be repealed 1 July 2021]
s 94A(3)	Power to approve leave without pay	ND	[To be repealed 1 July 2021]
s 94A(3)	Power to authorise time sheets, higher duties, time-in-lieu, overtime and travel expense claims	DIDW, DCCS	[To be repealed 1 July 2021]
s 94A(3)	Power to approve attendance at conferences and	HRM, DIDW, DCCS	[To be repealed 1 July 2021]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	seminars		
s 94A(3)	Power to approve attendance at training programs	HRM, DCCS, DIDW	[To be repealed 1 July 2021]
s 94A(3)	Power to give approval for officers to travel	HRM, DCCS, DIDW	[To be repealed 1 July 2021]
s 94A(3)	Power to approve travel accommodation	HRM, DIDW, DCCS	[To be repealed 1 July 2021]
s 94A(3)	Power to sign Notice of Injury and Work Injury Form.	HRM, DCCS, DIDW, OSHC	[To be repealed 1 July 2021]
s 94A(3)	Power to approve claims under WorkCover excess	HRM, DCCS, DIDW, OHSC	[To be repealed 1 July 2021]
s 94A(3)	Power to approve expenses relating to an approved course of study.	HRM, DIDW, DCCS	[To be repealed 1 July 2021]
s 94A(3)	Power to approve staff engaging in other employment	ND	[To be repealed 1 July 2021]
s 94A(3)	Power to determine acceptance or denial of liability in the event of a WorkCover claim	HRM, DCCS, DIDW, OHSC	[To be repealed 1 July 2021]
s 94A(3)	Power to sign Letter of Acceptance of Resignation	HRM, DCCS, DIDW	[To be repealed 1 July 2021]
s 94A(3)	Power to provide references on Council letterhead	ND	[To be repealed 1 July 2021]
s 94A(3)	Power to authorise access to a staff member's personal file	HRM, GM	[To be repealed 1 July 2021]
s 94A(3A)	responsibility for managing interactions between Council staff and Councillors, including by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction	ND	[To be repealed 1 July 2021]

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	between Council staff and Councillors		
s 94B(1)	Power to appoint a senior officer	ND	[To be repealed 1 July 2021] Subject to prescribe notice requirements Notice requirements do not apply when appointing an acting senior officer for a period of less than 12 months (s 94B(2))
s 94B(3)	Duty to ensure that a person who has filled a senior officer's position on an acting basis for 12 months is not remunerated in any way for anything the person does in respect of that position after that 12 month period (unless subsection (1) applies).	HRM	[To be repealed 1 July 2021]
s 94D	Duty to give Council staff an opportunity to apply for any vacant permanent full-time Council staff position	HRM	[To be repealed 1 July 2021]
s 95AA(1)	Duty to develop and implement a code of conduct for Council staff in accordance with 'any matters which are prescribed for the purposes of this section' (s 95AA(2))	CEO, HRM	[To be repealed 1 July 2021]
s 95AA(3)	Duty to ensure members of Council staff have access to the code of conduct for Council staff	HRM	[To be repealed 1 July 2021]
s 95B(5)	Duty to comply with a notice under s 95B(3)(b)		[To be repealed 1 July 2021]
s 95B(6)	Duty to employ a person on an acting basis where the Council or the Chief Executive officer is forbidden to fill a vacancy by a notice	HRM	[To be repealed 1 July 2021]

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97A(2)	Duty to review the performance of every senior officer at least once each year	Managers, supervisors and directors	[To be repealed 1 July 2021]
s 132(5)(b)	Duty to certify Council performance statement and financial statements	ND	The CEO must certify: the performance statement pursuant to r 18(1)(a) of the <i>Local Government (Planning and Reporting) Regulations 2014 (Reporting Regulations)</i> , and; the financial statements pursuant to r 21(1)(a) of the Reporting Regulations
s 138	Duty to give quarterly statements at a Council meeting that is open to the public	DCCS, FC	[To be repealed 1 July 2021]
s 181G	Duty to ensure that quarterly statement prepared under section 138 of <i>Local Government Act 1989</i> includes relevant details of environmental upgrades and charges	DCCS, FC	
s 219(12)	Duty to summon a Council meeting within 14 days after the public declaration of the election result	ND	[To be repealed 24 October 2020]
s 229(2)(b)	Function of receiving an application for a land information certificate	DIDW, MPE, RC	[To be repealed 1 July 2021]
s 230	Function of receiving notice in relation to the disposition of any land	DIDW, MPE, RC	[To be repealed 1 July 2021]
s 231	Function of receiving notice in relation to the acquisition of any land	ND	[To be repealed 1 July 2021] The CEO is the prescribed person

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			pursuant to r 15(1)(b) of the <i>Local Government (General) Regulations 2015</i>