



# **GOVERNANCE RULES**

**Adopted: 19 August 2020**



# WEST WIMMERA SHIRE COUNCIL GOVERNANCE RULES

## Introduction

### 1. Nature of Rules

These are the Governance Rules of **West Wimmera Shire Council**, made in accordance with section 60 of the *Local Government Act 2020*.

### 2. Date of Commencement

These Governance Rules commence on 1 September 2020.

### 3. Contents

These Governance Rules are divided into the following Chapters:

Chapter	Name
Chapter 1	Governance Framework
Chapter 2	Meeting Procedure for Council Meetings
Chapter 3	Meeting Procedure for Delegated Committees
Chapter 4	Meeting Procedure for Community Asset Committees
Chapter 5	Disclosure of Conflicts Of Interest
Chapter 6	Miscellaneous
Chapter 7	Election Period Policy
Chapter 8	Annexures <ul style="list-style-type: none"><li>- Declaration of Conflict of Interest Form</li><li>- Notice of Motion</li><li>- Notice of Rescission</li><li>- Councillor Code of Conduct – adopted 20 June 2019</li></ul>

### 4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

*Act* means the *Local Government Act 2020*.

*Chief Executive Officer* includes an Acting Chief Executive Officer.

*Community Asset Committee* means a Community Asset Committee established under section 65 of the Act.

*Council* means **West Wimmera Shire Council**.

*Council meeting* has the same meaning as in the Act.

*Delegated Committee* means a Delegated Committee established under section 63 of the Act.

*Mayor* means the Mayor of West Wimmera Shire Council.

*these Rules* means these Governance Rules.

## Chapter 1 – Governance Framework

### 1. Context

*These Rules* should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:

Public Transparency Policy

Community Engagement Policy

Councillor Code of Conduct

Staff Code of Conduct

Election Period Policy

### 2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
  - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
  - (i) before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - (ii) if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - (iii) if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
  - (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

## Chapter 2 – Meeting Procedure for Council Meetings

### Contents

<b>Part A – Introduction .....</b>	<b>1</b>
1. Title .....	1
2. Purpose of this Chapter .....	1
3. Definitions and Notes.....	1
<b>Part B – Election of Mayor .....</b>	<b>2</b>
4. Election of the <i>Mayor</i> .....	2
5. Method of Voting.....	2
6. Determining the election of the <i>Mayor</i> .....	2
7. Election of Deputy Mayor and Chairs of Delegated Committees .....	3
8. Appointment of Acting Mayor .....	3
<b>Part C – Meetings Procedure .....</b>	<b>4</b>
<b>Division 1 – Notices of Meetings and Delivery of Agendas .....</b>	<b>4</b>
9. Dates and Times of Meetings Fixed by <i>Council</i> .....	4
10. <i>Council</i> May Alter Meeting Dates .....	4
11. Meetings Not Fixed by <i>Council</i> .....	4
12. Notice of Meeting .....	4
<b>Division 2 – Quorums.....</b>	<b>5</b>
13. Inability to Obtain a Quorum .....	5
14. Inability to Maintain a Quorum.....	5
15. Adjourned Meetings .....	5
16. Time limits for Meetings.....	5
17. Cancellation or Postponement of a Meeting .....	5
<b>Division 3 – Business of Meetings .....</b>	<b>6</b>
18. Agenda and the Order Of Business.....	6
19. Change To Order Of Business .....	6
20. Urgent Business .....	6
<b>Division 4 – Motions and Debate .....</b>	<b>6</b>
21. Councillors May Propose <i>Notices of Motion</i> .....	6
22. Notice of Motion.....	6
23. Chair’s Duty .....	7
24. Introducing a Report .....	7
25. Introducing a Motion or an Amendment .....	7
26. Right of Reply .....	8
27. Moving an Amendment.....	8
28. Who May Propose an Amendment.....	8
29. How Many Amendments May Be Proposed .....	8
30. An Amendment Once Carried .....	9
31. Foreshadowing Motions.....	9
32. Withdrawal of Motions .....	9
33. Separation of Motions.....	9
34. <i>Chair</i> May Separate Motions .....	9
35. Priority of address .....	9
36. Motions in Writing .....	9
37. Repeating Motion and/or Amendment.....	10
38. Debate Must be Relevant to the Motion .....	10
39. Speaking Times .....	10
40. Addressing the Meeting .....	10
41. Right to Ask Questions .....	10

<b>Division 5 – Procedural Motions</b> .....	<b>11</b>
42.    Procedural Motions.....	11
<b>Division 6 – Rescission Motions</b> .....	<b>13</b>
43.    Notice of Rescission .....	13
44.    If Lost.....	14
45.    If Not Moved .....	14
46.    May Be Moved By Any Councillor .....	14
47.    When Not Required .....	14
<b>Division 7 – Points of Order</b> .....	<b>14</b>
48. <i>Chair</i> to Decide .....	14
49. <i>Chair</i> May Adjourn to Consider .....	14
50.    Dissent from <i>Chair’s</i> Ruling .....	14
51.    Procedure for Point ofOrder .....	15
52.    Valid Points ofOrder.....	15
<b>Division 8 – Public Question Time</b> .....	<b>15</b>
53.    Question Time .....	15
<b>Division 9 – Petitions and Joint Letters</b> .....	<b>17</b>
54.    Petitions and Joint Letters .....	17
<b>Division 10 – Voting</b> .....	<b>18</b>
55.    How Motion Determined .....	18
56.    Silence .....	18
57.    Recount.....	18
58.    Casting Vote .....	18
59.    By Show Of Hands .....	18
60.    Procedure for A Division.....	18
61.    No Discussion Once Declared.....	19
<b>Division 11 – Minutes</b> .....	<b>19</b>
62.    Confirmation of Minutes.....	19
63.    No Debate on Confirmation of Minutes .....	20
64.    Deferral of Confirmation of Minutes .....	20
65.    Form and Availability of Minutes.....	20
<b>Division 12 – Behaviour</b> .....	<b>21</b>
66.    Public Addressing the Meeting .....	21
67.    Conduct at Meetings.....	21
68. <i>Chair</i> May Remove .....	22
69. <i>Chair</i> may adjourn disorderly meeting .....	22
70.    Removal from Chamber.....	22
<b>Division 13 – Additional Duties of <i>Chair</i></b> .....	<b>22</b>
71.    The <i>Chair’s</i> Duties and Discretions .....	22
<b>Division 14 – Suspension of Standing Orders</b> .....	<b>22</b>
72.    Suspension of Standing Orders.....	22
<b>Division 15 – Miscellaneous</b> .....	<b>23</b>
73.    Meetings Conducted Remotely .....	23
74.    Procedure not provided in this Chapter .....	23
75.    Criticism of members of Council staff .....	23

## Part A – Introduction

### 1. Title

This Chapter will be known as the "Meeting Procedure Chapter".

### 2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of *Council meetings*.

### 3. Definitions and Notes

#### 3.1 In this Chapter:

"*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting;

"*Chair*" means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the *Act*;

"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting, and which will be included in that meeting's Agenda if approved by the Chief Executive Officer;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

#### 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

## Part B – Election of Mayor

**Introduction:** This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

### 4. Election of the *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

### 5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands.

### 6. Determining the election of the *Mayor*

- 6.1 Unless Council resolves otherwise, the election of the *Mayor* will occur at a meeting held specifically to elect the *Mayor* and Deputy *Mayor*, appoint Councillors to various committees, determine the schedule of meetings (including locations) for the coming year and set the Councillor and Mayoral allowances. This meeting will be held on the first Wednesday of November each year (other than an election year).
- 6.2 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.
- 6.3 Nominations for the office of *Mayor* can be received in the following ways:
  - 6.3.1 in writing and in a form prescribed by the *Chief Executive Officer*; or
  - 6.3.2 Via a verbal nomination at the meeting as called for by the CEO
  - 6.3.3 Written nominations must be seconded / co-signed by another Councillor.
  - 6.3.4 The seconder of a nomination has the right to nominate one other Councillor.
- 6.4 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:
  - 6.4.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;
  - 6.4.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;
  - 6.4.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;
  - 6.4.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;
  - 6.4.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the

candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

6.4.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

- (a) a defeated candidate; and
- (b) duly elected

the declaration will be determined by lot.

6.4.7 if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:

- (a) each candidate will draw one lot;
- (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
- (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, & the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

## **7. Election of Deputy Mayor and Chairs of Delegated Committees**

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

- 7.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 7.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).

## **8. Appointment of Acting Mayor**

If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 8.1 resolving that a specified Councillor be so appointed; or
- 8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.



## Part C – Meetings Procedure

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

### Division 1 – Notices of Meetings and Delivery of Agendas

#### 9. Dates and Times of Meetings Fixed by Council

Subject to Rule 11, *Council* must from time to time fix the date, time and place of all *Council meetings*. This will be undertaken at a meeting scheduled for the first Wednesday in November each year, other than an election year, where the meeting will be called following the declaration of the Council.

#### 10. Council May Alter Meeting Dates

*Council* may change the date, time and place of any *Council meeting* which has been fixed by it and must provide reasonable notice of the change to the public.

#### 11. Meetings Not Fixed by Council

11.1 The *Mayor* or at least 3 Councillors may by a *written* notice call a *Council meeting*.

11.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.

11.3 The *Chief Executive Officer* must convene the *Council meeting* as specified in the notice.

11.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.

#### 12. Notice of Meeting

12.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.

12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of his or her absence.

12.3 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:

12.3.1 for *meetings* which it has fixed by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in newspapers generally circulating in the *municipal district* either at various times throughout the year, or prior to each such *Council meeting*; and

12.3.2 for any meeting by giving notice on its website and:

(a) in each of its Customer Service Centres; and/or

(b) in newspapers generally circulating in the *municipal district*.

## **Division 2 – Quorums**

### **13. Inability to Obtain a Quorum**

If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:

- 13.1 the meeting will be deemed to have lapsed;
- 13.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 13.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor*.

### **14. Inability to Maintain a Quorum**

- 14.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 14.2 Sub-Rule 14.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

### **15. Adjourned Meetings**

- 15.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 15.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 15.3 If it is impracticable for the notice given under sub-Rule 15.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

### **16. Time limits for Meetings**

- 16.1 A *Council meeting* must not continue for more than 3.5 hours unless a majority of Councillors present vote in favour of it continuing.
- 16.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).
- 16.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

### **17. Cancellation or Postponement of a Meeting**

- 17.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.

- 17.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 17.1.

### **Division 3 – Business of Meetings**

#### **18. Agenda and the Order Of Business**

The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer, in consultation with the Mayor*, so as to facilitate and maintain open, efficient and effective processes of government.

#### **19. Change To Order Of Business**

Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered with the consent of *Council*.

#### **20. Urgent Business**

If the *agenda* for a *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

- 20.1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 20.2 cannot safely or conveniently be deferred until the next *Council meeting*.

### **Division 4 – Motions and Debate**

#### **21. Councillors May Propose *Notices of Motion***

Councillors may ensure that an issue is listed on an *agenda* by lodging a *Notice of Motion*.

#### **22. Notice of Motion**

- 22.1 A *notice of motion* must be in *writing* signed by a Councillor, and be lodged with or sent to the *Chief Executive Officer* by the Agenda cut-off time, to allow sufficient time for him or her to include the *notice of motion* in agenda papers for a *Council meeting* and to give each Councillor at least 48 hours' notice of such *notice of motion*.
- 22.2 The *Chief Executive Officer* may reject any *notice of motion* which:
- 22.2.1 is vague or unclear in intention
  - 22.2.2 it is beyond *Council's* power to pass; or
  - 22.2.3 if passed would result in *Council* otherwise acting invalidly
- but must:
- 22.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
  - 22.2.5 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.
- 22.3 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.

- 22.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 22.5 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
- 22.6 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 22.7 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses.

### **23. Chair's Duty**

Any motion which is determined by the *Chair* to be:

- 23.1 defamatory;
- 23.2 objectionable in language or nature;
- 23.3 vague or unclear in intention;
- 23.4 outside the powers of *Council*; or
- 23.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

### **24. Introducing a Report**

- 24.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:
- 24.1.1 its background; or
- 24.1.2 the reasons for any recommendation which appears.
- 24.2 Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.
- 24.3 Councillors can ask questions of the staff member presenting the report prior to a motion being moved and seconded and debate commencing.

### **25. Introducing a Motion or an Amendment**

The procedure for moving any motion or amendment is:

- 25.1 the mover must state the motion without speaking to it;
- 25.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 25.3 if a motion or an amendment is moved and seconded the *Chair* must ask:

"Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"

- 25.4 if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion or amendment carried without discussion;
- 25.5 if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;
- 25.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 25.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- 25.8 if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

## **26. Right of Reply**

- 26.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 26.2 After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

## **27. Moving an Amendment**

- 27.1 Subject to sub-Rule 27.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 27.2 A motion to confirm a previous resolution of *Council* cannot be amended.
- 27.3 An amendment must not be directly opposite to the motion.

## **28. Who May Propose an Amendment**

- 28.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 28.2 The seconder of an amendment is permitted to move a subsequent amendment
- 28.3 Any one Councillor cannot move more than two amendments in succession.

## **29. How Many Amendments May Be Proposed**

- 29.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the *Chair* at any one time.
- 29.2 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

### **30. An Amendment Once Carried**

- 30.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- 30.2 The mover of the original motion retains the right of reply to that motion.

### **31. Foreshadowing Motions**

- 31.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 31.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 31.3 The *Chief Executive Officer* or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 31.4 The *Chair* is not obliged to accept foreshadowed motions.

### **32. Withdrawal of Motions**

- 32.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.
- 32.2 If the majority of Councillors object to the withdrawal of the motion, it may not be withdrawn.

### **33. Separation of Motions**

Where a motion contains more than one part, a Councillor may request the *Chair* to put the motion to the vote in separate parts.

### **34. Chair May Separate Motions**

The *Chair* may decide to put any motion to the vote in several parts.

### **35. Priority of address**

In the case of competition for the right of speak, the *Chair* must decide the order in which the Councillors concerned will be heard. This will be determined by the Councillors raising their hand to alert the *Chair* to the desire to ask a question. The order will be established as the *Chair* acknowledges each Councillor's request to speak.

### **36. Motions in Writing**

- 36.1 The *Chair* may require that a complex or detailed motion be in writing. This is to be provided on the motion template and handed to the minute taker. It must also be read to the meeting to ensure that the content is clearly understood by Councillors.
- 36.2 *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

**37. Repeating Motion and/or Amendment**

The *Chair* may request the person taking the minutes of the *Council meeting* to read the motion or amendment to the meeting before the vote is taken.

**38. Debate Must be Relevant to the Motion**

38.1 Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.

38.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.

38.3 A speaker to whom a direction has been given under sub-Rule 38.2 must comply with that direction.

38.4 A speaker must direct debate to the meeting.

**39. Speaking Times**

A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chair*:

39.1 the mover of a motion or an amendment which has been opposed: 5 minutes;

39.2 any other Councillor: 3 minutes; and

39.3 the mover of a motion exercising a right of reply: 2 minutes.

**40. Addressing the Meeting**

If the *Chair* so determines:

40.1 any person addressing the *Chair* must refer to the *Chair* as:

40.1.1 Madam Mayor; or

40.1.2 Mr Mayor; or

40.1.3 Madam Chair; or

40.1.4 Mr Chair

as the case may be;

40.2 all Councillors, other than the *Mayor*, must be addressed as

**Cr .....(name).**

40.3 all members of Council staff, must be addressed as Mr or Ms

.....(name) as appropriate or by their official title.

**41. Right to Ask Questions**

41.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.

- 41.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

## **Division 5 – Procedural Motions**

### **42. Procedural Motions**

- 42.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- 42.2 Procedural motions require a seconder.
- 42.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:



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**PROCEDURAL MOTIONS TABLE**

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<b>Procedural Motion</b>	<b>Form</b>	<b>Mover &amp; Seconder</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of a <i>Chair</i> ; (b) When another Councillor is speaking; or (c) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

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## Division 6 – Rescission Motions

### 43. Notice of Rescission

- 43.1 A Councillor may propose a *notice of rescission* provided:
- 43.1.1 it has been signed and dated by the mover and the seconder;
  - 43.1.2 the resolution proposed to be rescinded has not been acted on; and
  - 43.1.3 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -
    - (a) the resolution to be rescinded; and
    - (b) the meeting and date when the resolution was carried.

*It should be remembered that a notice of rescission is a form of notice of motion.*

*Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.*

- 43.2 A resolution will be deemed to have been acted on if:
- 43.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
  - 43.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 43.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 43.3.1 has not been acted on; and
  - 43.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 43.1.3,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

*By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).*

*In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.*

*Sub-Rule 43.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.*

**44. If Lost**

If a motion for rescission is lost, a similar motion may not be put before *Council* for at least three months from the date it was last lost, unless *Council* resolves that the *notice of motion* be re-listed at a future meeting.

**45. If Not Moved**

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

**46. May Be Moved By Any Councillor**

A motion for rescission listed on an *agenda* may be moved by any Councillor present but may not be amended.

**47. When Not Required**

47.1 Unless sub-Rule 47.2 applies, a motion for rescission is not required where *Council* wishes to change policy.

47.2 The following standards apply if *Council* wishes to change policy:

47.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and

47.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

**Division 7 – Points of Order**

**48. Chair to Decide**

The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

**49. Chair May Adjourn to Consider**

49.1 The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

49.2 All other questions before the meeting are suspended until the point of order is decided.

**50. Dissent from Chair's Ruling**

50.1 A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:

"That the *Chair's* ruling [setting out that ruling or part of that ruling] be dissented from".

50.2 When a motion in accordance with this Rule is moved and seconded, the *Chair* must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary *Chair* elected by the meeting) must take his or her place.

50.3 The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.

50.4 The Deputy Mayor or temporary *Chair* must put the motion in the following form:

"That the *Chair's* ruling be dissented from."

50.5 If the vote is in the negative, the *Chair* resumes the Chair and the meeting proceeds.

50.6 If the vote is in the affirmative, the *Chair* must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.

50.7 The defeat of the *Chair's* ruling is in no way a motion of censure or non- confidence in the *Chair*, and should not be so regarded by the meeting.

#### **51. Procedure for Point of Order**

A Councillor raising a point of order must:

51.1 state the point of order; and

51.2 state any section, Rule, paragraph or provision relevant to the point of order within these rules or the Local Government Act 2020

#### **52. Valid Points of Order**

A point of order may be raised in relation to:

52.1 a motion, which, under Rule 23, or a question which, under Rule 53, should not be accepted by the *Chair*;

52.2 a question of procedure; or

52.3 any act of disorder.

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

### **Division 8 – Public Question Time**

#### **53. Question Time**

53.1 There must be a public question time at every *Council meeting* fixed under Rule 9 to enable members of the public to submit questions to *Council*.

53.2 Sub-Rule 53.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.

- 53.3 Public question time will not exceed 30 minutes in duration. The time of commencing public question time will be recorded in the minutes.
- 53.4 Questions submitted to *Council* can be submitted as follows:
- 53.4.1 in *writing*, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and
  - 53.4.2 placed in the receptacle designated for the purpose at the place of the meeting at least two hours prior to the *Council meeting*, or be lodged electronically at the prescribed email address at least two hours prior to the *Council meeting*.
  - 53.4.3 Verbally at a Council Meeting, following the removal of standing orders and via the prompt of the Mayor.
  - 53.4.4 Members of the Gallery providing verbal questions without notice at a Council Meeting, must state their name to be recorded in the minutes.
- 53.5 No person may submit more than two questions at any one meeting.
- 53.6 If a person has submitted two questions to a meeting, the second question:
- 53.6.1 may, at the discretion of the *Chair*, be deferred until all other persons who have asked a question have had their questions asked and answered; or
  - 53.6.2 may not be asked if the time allotted for public question time has expired.
- 53.7 The *Chair* or a member of Council staff nominated by the *Chair* may read to those present at the meeting a question which has been submitted in accordance with this Rule.
- 53.8 Notwithstanding sub-Rule 53.6, the *Chair* may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- 53.9 A question may be disallowed by the *Chair* if the *Chair* determines that it:
- 53.9.1 relates to a matter outside the duties, functions and powers of *Council*;
  - 53.9.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - 53.9.3 deals with a subject matter already answered;
  - 53.9.4 is aimed at embarrassing a Councillor or a member of Council staff;
  - 53.9.5 relates to personnel matters;
  - 53.9.6 relates to the personal hardship of any resident or ratepayer;
  - 53.9.7 relates to industrial matters;
  - 53.9.8 relates to contractual matters;
  - 53.9.9 relates to proposed developments;

- 53.9.10 relates to legal advice;
  - 53.9.11 relates to matters affecting the security of *Council* property; or
  - 53.9.12 relates to any other matter which *Council* considers would prejudice *Council* or any person.
- 53.10 Any written question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.
  - 53.11 All questions and answers must be as brief as possible, and no discussion may be allowed other than by *Councillors* for the purposes of clarification.
  - 53.12 Like questions may be grouped together and a single answer provided.
  - 53.13 The *Chair* may nominate a Councillor or the *Chief Executive Officer* to respond to a question.
  - 53.14 A Councillor or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent to the person who asked the question.
  - 53.15 A Councillor or the *Chief Executive Officer* may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or *Chief Executive Officer* (as the case may be) must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

## **Division 9 – Petitions and Joint Letters**

### **54. Petitions and Joint Letters**

- 54.1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Council meeting* after that at which it has been presented.
- 54.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- 54.3 Every Councillor presenting a petition or joint letter to *Council* must:
  - 54.3.1 write or otherwise record his or her name at the beginning of the petition or joint letter; and
  - 54.3.2 confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 54.4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 12 people.
- 54.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.

- 54.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.
- 54.7 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 54.8 If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

## **Division 10 – Voting**

### **55. How Motion Determined**

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

### **56. Silence**

Voting must take place in silence.

### **57. Recount**

The *Chair* may direct that a vote be recounted to satisfy himself or herself of the result.

### **58. Casting Vote**

In the event of a tied vote, the *Chair* must exercise a casting vote.

### **59. By Show Of Hands**

Voting on any matter is by show of hands.

### **60. Procedure for A Division**

60.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

60.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

60.3 When a division is called for, the *Chair* must:

60.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any authorised officer must record, the names of those Councillors voting in the affirmative; and

60.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any authorised officer must record, the names of those Councillors voting in the negative.

## 61. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- 61.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 61.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

*For example, Rule 61 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.*

*Equally, Rule 61 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.*

*Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 61.2, to discussion about a positive motion were a resolution has just been rescinded.*

## Division 11 – Minutes

### 62. Confirmation of Minutes

- 62.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
  - 62.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;
  - 62.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
  - 62.1.3 if a Councillor indicates opposition to the minutes:
    - (a) he or she must specify the item(s) to which he or she objects;
    - (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
    - (c) the Councillor objecting must move accordingly without speaking to the motion;
    - (d) the motion must be seconded;
    - (e) the *Chair* must ask:  
"Is the motion opposed?"
    - (f) if no Councillor indicates opposition, then the *Chair* must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 62.1.3(k);



- (g) if a Councillor indicates opposition, then the *Chair* must call on the mover to address the meeting;
- (h) after the mover has addressed the meeting, the seconder may address the meeting;
- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no Councillor speaks to the motion, the *Chair* must put the motion; and
- (k) the *Chair* must, after all objections have been dealt with, ultimately ask:

"The question is that the minutes be confirmed" or

"The question is that the minutes, as amended, be confirmed",

and he or she must put the question to the vote accordingly;

- 62.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;
- 62.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively; and
- 62.1.6 unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

### **63. No Debate on Confirmation of Minutes**

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

### **64. Deferral of Confirmation of Minutes**

*Council* may defer the confirmation of minutes until later in the *Council meeting* or until the next meeting if considered appropriate.

### **65. Form and Availability of Minutes**

- 65.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:
  - 65.1.1 the date, place, time and nature of the meeting;
  - 65.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

- 65.1.3 the names of the members of Council staff present;
  - 65.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;
  - 65.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - 65.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - 65.1.7 the vote cast by each Councillor upon a division;
  - 65.1.8 the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
  - 65.1.9 questions upon notice;
  - 65.1.10 the failure of a quorum;
  - 65.1.11 any adjournment of the meeting and the reasons for that adjournment; and
  - 65.1.12 the time at which standing orders were suspended and resumed.
- 65.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 65.2.1 published on *Council's* website; and
  - 65.2.2 available for inspection at *Council's* office during normal business hours.
- 65.3 Nothing in sub-Rule 65.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

## **Division 12 – Behaviour**

### **66. Public Addressing the Meeting**

- 66.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.
- 66.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 66.3 A member of the public present at a *Council meeting* must not disrupt the meeting.

### **67. Conduct at Meetings**

Councillors will have regard to the Councillor Code of Conduct in their participation in any meetings they attend as a Councillor. This will be achieved by treating fellow Councillors, Staff and members of Delegated Committees with respect and not making defamatory, indecent, factually incorrect, abusive or disorderly statements or comments.

**68. Chair May Remove**

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 66.2.

*It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.*

**69. Chair may adjourn disorderly meeting**

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rules 15.2 and 15.3 apply.

**70. Removal from Chamber**

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 68.

**Division 13 – Additional Duties of Chair**

**71. The Chair's Duties and Discretions**

In addition to the duties and discretions provided in this Chapter, the *Chair*:

71.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and

71.2 must call to order any person who is disruptive or unruly during any meeting.

**Division 14 – Suspension of Standing Orders**

**72. Suspension of Standing Orders**

72.1 To expedite the business of a meeting, *Council* may suspend standing orders.

*The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.*

*Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.*

72.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

- 72.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.
- 72.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:
- "That standing orders be resumed."

## **Division 15 – Miscellaneous**

### **73. Meetings Conducted Remotely**

If:

73.1 by law a meeting may be conducted electronically; and

73.2 *Council* decides that a meeting is to be conducted electronically,

the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

### **74. Procedure not provided in this Chapter**

In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).

### **75. Criticism of members of Council staff**

75.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising him or her or any member of Council staff.

75.2 A statement under sub-Rule 75.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.

## Chapter 3 – Meeting Procedure for Delegated Committees

### 1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and
- 1.2 any reference in Chapter 2 to:
  - 1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;
  - 1.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and
  - 1.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

### 2. Meeting Procedure can be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

- 2.1 *Council* may; or
- 2.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.

## **Chapter 4 – Meeting Procedure for Community Asset Committees**

### **1. Introduction**

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the *Act*.

### **2. Meeting Procedure**

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

## Chapter 5 – Disclosure of Conflicts of Interest

### 1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.\*

### 2. Definition

In this Chapter:

- 2.1 “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 2.2 a member of a *Delegated Committee* includes a Councillor.

### 3. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

- 3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting*, when prompted by the Chair at the appropriate point in the meeting agenda and / or immediately before the matter is considered; or
- 3.2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice on the form provided specifically for the purpose of declaring an interest:
  - 3.2.1 advising of the conflict of interest;
  - 3.2.2 explaining the nature of the conflict of interest; and
  - 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
    - (a) name of the other person;
    - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
    - (c) nature of that other person’s interest in the matter,

and then, at the appropriate point of the meeting or, immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

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\* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.

#### **4. Disclosure of Conflict of Interest at a Delegated Committee Meeting**

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which he or she:

- 4.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or
- 4.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:
  - 4.2.1 advising of the conflict of interest;
  - 4.2.2 explaining the nature of the conflict of interest; and
  - 4.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
    - (a) name of the other person;
    - (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
  - 4.2.4 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

#### **5. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting**

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which he or she:

- 5.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or
- 5.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:
  - 5.2.1 advising of the conflict of interest;
  - 5.2.2 explaining the nature of the conflict of interest; and
  - 5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
    - (a) name of the other person;



- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

5.2.4 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

## **6. Disclosure at a Meeting Conducted Under the Auspices of Council**

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which he or she is present must:

- 6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- 6.2 absent himself or herself from any discussion of the matter; and
- 6.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

## **7. Disclosure by Members of Council Staff Preparing Reports for Meetings**

7.1 A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:

- 7.1.1 *Council meeting*;
- 7.1.2 *Delegated Committee meeting*;
- 7.1.3 *Community Asset Committee meeting*

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

7.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

7.3 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer*:

- 7.3.1 the written notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and
- 7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

**8. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power**

8.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

8.2 If the member of Council staff referred to in sub-Rule 8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**9. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function**

9.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

9.2 If the member of Council staff referred to in sub-Rule 9.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**10. Retention of Written Notices**

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of three years.

## Chapter 6 – Miscellaneous

### 1. Informal Meetings of Councillors (Councillor Forums)

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 All items discussed at Informal Meetings are to be accompanied by a briefing report prepared by the appropriate officer
- 1.4 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

### 2. Confidential Information

- 2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

#### *Example of Officer Recommendation*

#### GROUNDS FOR DETERMINING TO CLOSE THE MEETING TO THE PUBLIC

#### RECOMMENDATION

That as required by Section 66 (5) (a) and (b) of the Local Government Act 2020, Council hereby records the ground or grounds for determining to close the meeting to the public as follows:

Edenhope Industrial Estate

Grounds: LG Act 2020 Section 3 Confidential Information definition (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Explanation: This report contains details of commercial negotiations regarding the sale of land at the Edenhope Industrial Estate.

## Chapter 7 – Election Period Policy

COUNCIL POLICY		
<b>Election Period Policy</b>	Policy No:	
	Adopted by Council:	21 Aug 2019
	Next review date:	Aug 2023
Senior Manager:	Chief Executive Officer	
Responsible Officer:	Chief Executive Officer	
Functional Area:	Governance	

### Introduction & Background

Section 93B of the Local Government Act 1989 requires all Councils to adopt and maintain an Election Period Policy to explain to their communities how they will conduct their business immediately prior to an election (election period).

Section 93B of the Act also requires all Councils to review, and if required, amend this policy no later than 12 months before the commencement of the next general election period.

This policy will ensure Council Elections are not compromised by inappropriate electioneering by existing Councillors, actions and decisions which could be perceived as influencing voters are avoided and the authority of the incoming council is safeguarded.

### Purpose & Objectives

This policy provides a framework for Councillors and staff and outlines expected behaviours for the conduct of Council business during the lead-up to the general election for 2020.

The policy will ensure that the election is conducted in a transparent and accountable manner, the highest standard of governance is achieved and the statutory requirements of the *Local Government Act 1989 (the Act)* are met.

The policy will achieve greater consistency and rigour in Council procedures and reduce ambiguity and confusion surrounding caretaker arrangements in the 32 days leading up to the conduct of the general election (election period).

Once the 2019 review of the Local Government Act 1989 has been completed, this policy will again be reviewed and updated so that it reflects the amendments to the Act.

Council is committed to:

- ensuring that the ordinary business of local government in West Wimmera continues throughout an election period in a responsible and transparent manner and in accordance with statutory requirements and established 'caretaker' conventions;
- ensuring that the ongoing ordinary business of Council is kept separate from Councillors' activities which relate to the election;
- ensuring that in the run-up to an election, Council does not make decisions which inappropriately

- bind the next Council;
- avoiding making significant new policies or decisions that could unreasonably bind a future Council; and
- ensuring that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

## Definitions

<b><i>Election Period</i></b>	The statutory caretaker requirements apply during the 'election period'. For the 2020 Council elections, this means that the mandatory election period will be from midnight at the end of 22 September 2020 to 6 pm on 24 October 2020 (Election Day). (A Council may at its discretion decide to implement caretaker arrangements from an earlier date.)
<b><i>Election candidates</i></b>	All sitting Councillors will be considered as being election candidates until the close of nominations.
<b><i>Electoral matter</i></b>	Means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting the election) (s3(1A)). Includes, but is not limited to, material that deals with the election or election candidates or issues of contention in the election, e.g. <ul style="list-style-type: none"> <li>• publicity of the strengths or weaknesses of a candidate</li> <li>• advocacy of the policies of the Council or of a candidate</li> <li>• response to claims made by a candidate</li> <li>• publicity of achievements of the elected Council</li> </ul>

## Policy Details

The policy addresses decisions during elections, use of Council resources, Council publications, and media and communications issues.

### 1. Preventing Inappropriate Decisions and Misuse of Resources

Given the relatively short election period, Council will reschedule most decisions until after the new Council commences its term, or if that is not appropriate, bring decisions forward so they are determined before the election period starts.

Council will continue to hold council meetings during the election period; however, the following decisions will be avoided completely in the 32 days leading up to the general election:

#### Major Policy Decisions

- a) the employment or remuneration of a Chief Executive Officer under Section 94, other than a decision to appoint an acting Chief Executive Officer;
- b) the termination of a Chief Executive Officer under Section 94 of the Act;
- c) entering into a contract the total value of which exceeds whichever is the greater of:
  - i. \$100,000 or such higher amount as may be fixed by Order in Council under section 186(1); or
  - ii. \$1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.
- d) the use of entrepreneurial powers under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 of the preceding financial year. *[For*

*the 2020 caretaker period 1% of the 2019/2020 rate revenue is \$67,876. This does not include revenue from special rates or special charges.]*

Other types of decisions that Council will not make during an election period are:

1. Allocating community grants or other forms of direct funding to community organisations.
2. Major planning scheme amendments.
3. Changes to strategic objectives or strategies in the Council Plan.
4. Any decisions of a significant nature and which would unnecessarily bind an incoming Council.

Council commits that any other decision will be considered only if absolutely necessary for Council operational purposes or pursuant to a statutory requirement. It is noted that to avoid making certain decisions during an election (other than decisions prohibited under section 93A) is not legally binding; however, if it becomes important to make a decision contrary to this policy during the election period, the necessity will need to be demonstrated to the community.

If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for Local Government for an exemption from the application of section 93A to the major policy decision specified in the application.

Council will consult with Local Government Victoria before writing to the Minister and confirm what details should be included in the application to avoid unnecessary delays.

It is understood that Council cannot assume that an application will be granted. Scope to grant exemptions is limited because the Minister must be satisfied that the circumstances are extraordinary. The Minister will also consider whether granting the application is in the public interest.

Should a Council make a major policy decision within the election period, the decision is invalid. [s93A(4)]

Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage. S93A(5)

Papers prepared for Council meetings during the election period will be carefully vetted by the Chief Executive Officer to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage Councillor candidates to use the item as part of their electioneering. Council commits that all Councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

### **Use of Council resources**

Public resources must not be used in any way that would influence the way people vote in elections or give Councillors any inappropriate real or perceived electoral advantage. Councillors will be treated in the same way as other candidates on access to council resources. The following guidelines will ensure that due propriety is observed in the use of and access to staff, property, equipment and other resources during the election period.

- Councillors will continue to be provided with resources during the election period to continue to perform their elected role.
- Council resources, including officers, support staff, email services, equipment (ie: computers, ipads, photocopiers, motor vehicles), branding and stationery, are only to be used for normal Council business and are not to be used for any election campaign activities.

No Council logos, letterheads, uniforms or other West Wimmera Shire Council branding will be used for, or linked in any way to, a candidate's election campaign.

Staff must:

- avoid assisting Councillors in ways that are or could create a perception that they are being used for electoral purposes
- report any interest in being involved privately in the election campaign of any candidate to the Chief Executive Officer
- not provide any information to any candidate or prospective candidate other than information that is available to the general public and will direct all election enquiries to the Returning Officer
- report to the Chief Executive Officer when the use of resources might be construed as being related to a candidate's election campaign
- Not make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer.
- Not promote any Councillors in social media.

Councillors must:

- Not use Council resources for any election campaign activities except as provided for under this policy. These resources include but not limited to Council provided motor Vehicle, Council uniforms, IT equipment, telephone, stationery.
- Councillors will reimburse the Council for usage of those services during the election period that exceeds normal usage levels.
- Not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign
- Not ask Councillor support staff to undertake any tasks indirectly or directly connected with a Councillor candidate's election campaign
- Not exert undue influence over the timing of works or the delivery of Council services that may result in a political gain for electoral purposes.
- Adhere to all provisions of Section 76D of the Act - Misuse of Position.

Where Councillors have Council funded services such as internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse the Council for usage of those services during the election period that exceeds normal usage levels.

## **2. Limiting public consultation and council events**

Council will defer any scheduled Community Forum until after the election period.

Council will not accept any questions from members of public without the question being placed on the Council agenda, as it constitutes community consultation. The Chief Executive Officer will review all questions on notice and will make a decision if an item could be placed on Council's agenda.

Consultation is an integral part of Council's policy development process and operations. However there are concerns that consultation undertaken close to a general election may become an election issue in itself and influence voting. Issues raised through the consultation and decisions that follow may also unreasonably bind the incoming Council.

Where events occur and whether or not a Councillor is to make a speech, Councillors will be reminded that they are representing Council and are not to use the opportunity for electioneering.

Functions or events for the purpose of electioneering must not be resourced or publicised by the Council.

Material printed or disseminated during the election period to publicise a function or event must be subject to the certification process.

## **3. Equitable access to Council information**

Councillors will be treated in the same way as other candidates with respect to access to the council held information. The following guidelines will ensure that due propriety is observed in the use of and access to information during the election period.

- Councillors may continue to automatically access council held documents during the election period, but only as is necessary for them to perform their elected role and functions.
- Information and briefing material prepared and provided to Councillors must be necessary to the carrying out of the Councillor's role and must not be used for election purposes.
- Any document made available to Councillors will also be made available to candidates.
- Applications for access to council information by all parties will be processed by the Chief Executive Officer, who will ensure that information made available to one candidate is accessible to all candidates.

## **Council Publications**

### **s. 55D – Prohibition on Council**

A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer. (This power may not be delegated to another member of Council staff.) This does not include publication of any document published before the commencement of the election period (but still available after commencement, e.g., on Council's website) and publication of any document required to be published in accordance with, or under, any Act or regulation, e.g., rate notices, food premises registrations.

All publications including, newsletters, advertisements and notices, media releases, leaflets and brochures and mail outs during the election period will be certified by the Chief Executive Officer that they do not contain electoral matter before being printed or published or distributed. (This power may not be delegated to another member of Council staff.) This also applies to the publication of such material on the Council's website. The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.

Council staff will avoid all publication activity, including updated or new information added to its website during the election period except where printing, publishing or distributing a document is essential for the conduct of Council operations.

The Act imposes these limitations during the election period to ensure the Council does not publish material with public funds that may influence, or be seen to influence people's voting decisions.

## **Annual Report**

Council will produce its 2019-2020 Annual Report and submit it to the Minister for Local Government in accordance with the Act. The Annual Report may be published during the election period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfil its statutory obligations on reporting matters. It may also be required for the Annual Report to be the subject of a Special Meeting of Council to confirm the completion of the Annual Report. If it is appropriate, the special meeting will be held post-election period. The wider distribution of annual report and placing the annual report on Council website will be done after the election.

## **Other**

Emails that are part of the normal conduct of Council business will not require certification; however any emails with multiple addressees, used for broad communication, will be subject to the certification process.



All reports listed for consideration by Council through agendas prepared during the election period will be checked by the Chief Executive Officer for compliance with section 55D. An 'Election Period Statement' will be included in every report submitted to the Council or Council Committee for a decision.

The Electoral material, including pamphlets, posters and notices will not be visible or available at any council premises, including libraries, during the election period. The only exception to this is material issued by the Returning Officer for the purpose of conducting the election.

Councillors may use the title 'Councillor' in their election material as they continue to hold the positions in the period; however to avoid confusion, Councillors must ensure that any election publication using the title Councillor clearly indicates that it is their own material and does not represent Council.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign will be referred to the Chief Executive Officer for consideration.

#### Expenses incurred by Councillors

Claims for the reimbursement of expenses shall only relate to expenditure incurred whilst conducting Council business in accordance with *Council's Expense Entitlement & Support Policy* and not election activities.

#### Media/Communications issues

Media Releases and other media statements are regarded as documents that require certification by the CEO. All official media statements will only be made by the Chief Executive Officer.

Media Releases or other media statements will not refer to specific Councillors or feature any photograph, quote or name of incumbent Councillors during the election period. Where it is necessary to make or clarify any public statement, comment on sensitive or political issues or identify a spokesperson in relation to an issue, the matter must be referred to and approved by the Chief Executive Officer.

Media statements dealing with their election campaign must be issued by Councillors privately. Statements must be clearly communicated as personal opinion and not undermine the standing of the Council in the community.

Staff will not provide advice or assistance in the preparation of media releases or other media statements that contain electoral material.

Council staff must not make any public statement that can be interpreted as a political comment or have an influence on the electoral process.

#### Social Media

Any publication on social media sites which are auspice by the Council is to be certified by the CEO.

Council staff will undertake constant monitoring of social media site (Facebook) during the election period to ensure no electoral matter is posted.

For the duration of the election period, the ability for the public to post comments on Council's social media sites will be disabled.

#### Website

Council's website will not be used to convey information that could be regarded as electoral material but will contain information about the election process.

Council's website will be checked at the start of the election period to ensure that any information that might be regarded as likely to influence how people vote will be removed, including photos of Councillors at publicity events. Profiles of Councillors will also be removed but contact details and photos will remain.

### **Responsibilities**

The Chief Executive Officer is responsible for overseeing adherence to the policy.

Councillors and staff are responsible for reporting any breach or suspected breach of this policy to the Chief Executive Officer.

### **Stakeholders**

The following people are directly affected by the policy:

Councillors

Chief Executive Officer

Council Directors

### **Review**

Following the 2020 General Election Council will continue to maintain the policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.

### **Communication/Implementation**

The policy must be transparent and accessible. It will be communicated to Councillors and staff in accordance with the Council's policy administrative processes. It will also be made public on the council's website and available in hardcopy for public inspection. Copies will be made available to each Councillor on Docs on Tap.

### **Charter of Human Rights Compliance**

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights & Responsibilities Act 2006*.

**Chapter 8 – Annexures**

**DECLARATION OF CONFLICT OF INTEREST (Local Gov Act 2020 S.126-131)  
West Wimmera Shire Council**

**Section A** - to be completed by Councillor / Committee Member / Member of Council Staff making statement and submitted to the Chief Executive Officer or their delegate before the meeting (where possible).

1.	Name of Councillor / Committee Member / Member of Council Staff	
2.	Name of Meeting	
3.	Date of Meeting	
4.	Date of Disclosure (if different to above)	
5.	Agenda Item Number	
6.	Agenda Item Description	
7.	Description of Conflict of Interest in Item	<input type="checkbox"/> <b>General Conflict of Interest (S127)</b> Private interests could result in that person acting in a manner that is contrary to their public duty
	<p><b><u>Material Conflict of Interest (S128)</u></b></p> The declarant has a material conflict of interest, if an <b>affected person</b> would gain a benefit or suffer a loss depending on the outcome of a matter	For a Material Conflict of Interest, <b>affected person</b> is: <ul style="list-style-type: none"> <li><input type="checkbox"/> The declarant on this form (S128(3)(a))</li> <li><input type="checkbox"/> A family member of the declarant on this form (S128(3)(b))</li> <li><input type="checkbox"/> A body corporate of which the declarant on this form or their spouse/domestic partner is a Director of a member of the governing body (S128(3)(c))</li> <li><input type="checkbox"/> An employer of the declarant on this form, unless the employer is a public body (S128(3)(d))</li> <li><input type="checkbox"/> A business partner of the declarant on this form (S128(3)(e))</li> <li><input type="checkbox"/> A person for whom the declarant on this form is a consultant, contractor or agent (S128(3)(f))</li> <li><input type="checkbox"/> A beneficiary under a trust or an object of a discretionary trust, of which the declarant on this form is a trustee (S128(3)(g))</li> <li><input type="checkbox"/> A person from whom the declarant on this form has received a disclosable gift (S128(3)(h))</li> </ul>
8.	Nature of Conflict of Interest (please provide a description of the nature of your conflict of interest)	
	Signature of Councillor / Committee Member / Member of Council Staff	.....
	Time left meeting: .....am/pm	Time returned to meeting:.....am/pm



**private interests** means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.

**public duty** means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

### **S 128: MATERIAL CONFLICT OF INTEREST**

A relevant person has a **material conflict of interest** in respect of a matter if an affected person would **gain a benefit or suffer a loss** depending on the outcome of the matter.

(2) The benefit may arise or the loss incurred—

- (a) directly or indirectly; or
- (b) in a pecuniary or non-pecuniary form.

(3) For the purposes of this section, any of the following is an **affected person**—

- (a) the relevant person;
- (b) a family member of the relevant person;
- (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
- (d) an employer of the relevant person, unless the employer is a public body;
- (e) a business partner of the relevant person;
- (f) a person for whom the relevant person is a consultant, contractor or agent;
- (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
- (h) a person from whom the relevant person has received a disclosable gift.

### **SECTION 128: DISCLOSABLE GIFTS**

(4) For the purposes of subsection (3)(h), **disclosable gift** means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, **received from a person in the 5 years preceding the decision on the matter**—

- (a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or
- (b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation—  
but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.

### **SECTION 129: EXEMPTIONS**

A conflict of interest does not arise if any of the following applies—

- (a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;
- (b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- (c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- (d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;

- (e) the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;
- (f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;
- (g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.









**WEST  
WIMMERA  
SHIRE COUNCIL**



**West Wimmera Shire Council  
Councillor Code of Conduct**

Adopted 20 June 2019

*The best of country living*

## TABLE OF CONTENTS

1. Introduction.....	4
2. Purpose of the Code of Conduct .....	4
a. Definitions .....	5
3. Background .....	6
a. Role of Mayor and Councillors .....	6
4. Conduct Obligations .....	8
a. Functions of the CEO .....	9
b. Councillor / Staff Contact Protocols .....	10
c. Expectations and Obligations of Councillors & Staff.....	11
d. Gifts and Benefits .....	12
e. Communication .....	12
5. Councillor Conduct Principles .....	14
a. Agreed Behavioural Values .....	14
i. Integrity.....	14
ii. Respect .....	14
iii. Selflessness .....	14
iv. Openness .....	15
v. Community Focus .....	15
vi. Objectivity .....	15
vii. Leadership .....	16
viii. Teamwork .....	16
b. Statutory Conduct Requirements .....	16
i. Misuse of Position .....	17
ii. Improper Direction .....	17
iii. Breach of Confidentiality .....	18
iv. Disclosure of Conflict of Interest .....	18
6. Communication Principles .....	21
a. Community Engagement .....	21
b. Communication Protocols .....	22
c. Candidature of Councillors for State or Federal Elections .....	22
7. Information and Resources .....	23
a. Use of Council Provided Resources .....	23
b. Access to Information .....	23
c. Appraisal of Governance Performance .....	24
8. Dispute Resolution Procedures .....	24
a. Internal Dispute Resolution Procedure .....	24
b. Hierarchy of Conduct Standards (who handles various complaints)	25

c. Disputes Between Councillors .....	26
d. Councillor Misconduct .....	31

## 1. INTRODUCTION

The Local Government Act 1989 (the Act) requires all Councils to develop and maintain a Councillor Code of Conduct. The Code of Conduct is required to be reviewed periodically. The West Wimmera Councillor Code of Conduct was last reviewed in February 2017, following the 2016 Council Elections.

This reviewed version of the Councillor Code of Conduct has been developed following a recommendation included as part of a Governance Examination undertaken by the Local Government Inspectorate in October 2018.

The Councillor Code of Conduct includes an internal resolution procedure for dealing with any alleged contraventions of the Code. It enables Council to apply sanctions to a Councillor, who has been found to have contravened this Code of Conduct.

Failure by a Councillor to comply with the Council's internal resolution procedure or to comply with a written direction given by the Council under section 81AB of the Act (sanctions for contraventions of the Code) constitutes misconduct by a Councillor.

If a Councillor Conduct Panel makes a finding of misconduct against a Councillor, the Panel may apply further sanctions against that Councillor.

A set of Councillor Conduct Principles have been developed and included in this Code to guide Councillor behaviour standards that comply with this Code.

Section 8(c) of this Code contains a table explaining the hierarchy for the management of Councillor Conduct Issues and who is responsible for managing the process at the various levels.

## 2. PURPOSE OF THE CODE OF CONDUCT

The Local Government Act 1989 (the Act) sets out standards of conduct for Councillors under section 76C. It also requires Councils to adopt a Code of Conduct that complies with these principles.

As the purpose of Local Government is to provide a system under which Councils perform the functions and exercise the powers conferred by or under the Local Government Act 1989 and any other Act for the peace, order and good government of their municipal districts. Good governance is fundamental to a Council being able to perform its purpose. Good governance relies heavily on good working relations between Councillors.

The performance of Council has a direct effect on the wellbeing of the residents of West Wimmera Shire. The community can expect certain standards of conduct are adhered to by Councillors and this code provides the following;

## 2(a) Definitions

The definitions provided below are to assist in guiding Councillors through the key terms that are included in this Code and are defined in the Act.

**Arbiter** is an independent party appointed by Council to consider alleged violations of the Code of Conduct, by a Councillor and someone who is able to make a determination on such violations.

**Bullying** by a Councillor means the Councillor repeatedly behaves unreasonably towards another person and that behaviour creates a risk to the health and safety of that person.

**Chief Municipal Inspector (CMI)** is the head of the Local Government Inspectorate

**Principal Conduct Officer** is the person appointed by the CEO to be the Principal Conduct Officer under section 81Y of the Act. The Principal Conduct Officer at West Wimmera Shire Council is the Director Corporate and Community Services.

**Principal Conduct Registrar** is a State appointed officer with specific responsibilities of managing the Councillor Conduct process.

**Councillor Conduct Panel** means a panel of two people selected by the Principal Conduct Registrar to hear applications of misconduct and serious misconduct in accordance with Section 81V of the Act.

**Local Community** includes people who live in the Municipal District and people and bodies who are ratepayers and people and bodies who conduct activities or have an interest in the Municipal District.

**Misconduct by a Councillor** means;

- a. Failure by a Councillor to comply with Council's internal resolution procedure, or
- b. Failure by a Councillor to comply with a written direction given by the Council under section 81AB, or
- c. Repeated contraventions of the Councillor Conduct Principles.

**Gross Misconduct by a Councillor** means behaviour that demonstrates that a Councillor is not of good character or is otherwise not a fit and proper person to hold the office of Councillor.

**Serious Misconduct by a Councillor** means;

- a. The failure of a Councillor to attend a Councillor Conduct Panel Hearing formed to make a finding in respect of that Councillor, or
- b. The failure of a Councillor to give a Councillor Conduct Panel any information the Councillor Conduct Panel has requested the Councillor to give, or
- c. The failure of a Councillor to comply with a direction of a Councillor Conduct Panel, or
- d. Continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by a Councillor Conduct Panel, or

- e. Bullying of another Councillor or a member of Council staff by a Councillor, or
- f. Conduct by a Councillor in respect of a member of Council Staff in contravention of section 76E, or
- g. The release of confidential information by a Councillor in contravention of section 77 of the Act.

### 3. BACKGROUND

A Council must, within 4 months after a general election:

- (a) call a Special Meeting solely for the purpose of reviewing the Councillor Code of Conduct; and
- (b) at that Special Meeting, approve any amendments to be made to the Councillor Code of Conduct determined by the Council to be necessary, following the review of the Councillor Code of Conduct.

A copy of this Code of Conduct (as amended from time to time) must be:

- given to each Councillor
- available for inspection at the Council Office and any district offices
- published on the Council's internet website

From the 2016 Council elections, a person elected to be a Councillor is not capable of acting as a Councillor until the person has read the Councillor Code of Conduct and made a declaration stating that they will abide by the Councillor Code of Conduct. It is the personal responsibility of Councillors to ensure that they are conversant with, and comply with, the provisions of this Code.

#### 3(a) Role of Mayor & Councillors

The role of Councillors and Mayors is clearly spelt out in the Local Government Act 1989 (the Act). The Act also describes the primary objective of Council in section 3C(1), to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

The role of Council as set out in section 3D(2) of the Act is as follows;

- a) acting as a representative government by taking into account the diverse needs of the local community in decision making;
- b) providing leadership by establishing strategic objectives and monitoring their achievement;

- c) maintaining the viability of Council by ensuring that resources are managed in a responsible and accountable manner;
- d) advocating for the interests of the local community to other communities and government;
- e) acting as a responsible partner in government by taking into account the needs of other communities; and
- f) fostering community cohesion and encouraging active participation in civic life.

### **Role of a Councillor**

West Wimmera Shire Council has five democratically elected Councillors who collectively constitute the Council.

The role of a Councillor as set out in section 65(1) of the Act is as follows;

- (a) to participate in the decision making of the Council; and
- (b) to represent the local community in that decision making; and
- (c) to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

In performing the role of a Councillor in accordance with section 65(2) of the Act, a Councillor must;

- (a) consider the diversity of interests and needs of the local community; and
- (b) observe principles of good governance and act with integrity; and
- (c) provide civic leadership in relation to the exercise of the various functions and responsibilities of the Council under this Act and other Acts; and
- (d) participate in the responsible allocation of the resources of Council through the annual budget; and
- (e) facilitate effective communication between the Council and the community.

The role of a Councillor is to act for the entire community and advocate on their behalf. A Councillor plays a key role in facilitating communication with the community and encouraging engagement with the activities of Council. Councillors collectively constitute the Council. As an individual, a Councillor cannot direct or bind the organisation to any actions or decisions.

## Role of the Mayor

The role of the Mayor is set out in section 73AA of the Local Government Act 1989 (the Act). The functions described in the Act include;

- (a) providing guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 65, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors under sections 76B, 76BA and 76C; and
- (b) acting as the principal spokesperson for the Council; and
- (c) supporting good working relations between Councillors; and
- (d) carrying out the civic and ceremonial duties of the office of Mayor.

While having no additional statutory power other than as specified in the Act, the following duties are carried out by the Mayor by convention;

- Being a leader and a positive advocate for the community,
- Encouraging participation of Councillors in the decision-making process,
- Maintaining a close working relationship with the Chief Executive Officer,
- Leading and providing guidance to Councillors in relation to their role,
- Sustaining partnerships and advocating for Council's interests and pursuing opportunities for the Shire in line with relevant adopted policies, strategies and plans,
- Acting as a representative of the Shire where required.

## 4. CONDUCT OBLIGATIONS

The Act places obligations on Councillors in relation to the way they should act. The Act also prohibits certain conduct by Councillors and prescribes penalties for Councillors who contravene these provisions. As Councillors of West Wimmera Shire Council, we undertake to comply with the various provisions of the Act and with this Code of Conduct.

Section 76B of the Act sets out the primary principle of Councillor Conduct as follows:

"It is the primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must:

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person."



#### 4(a) Functions of the Chief Executive Officer

Under section 94A of the Act, the Chief Executive Officer is responsible for the operation of the organisation, all staffing related matters, the implementation of Council policy and decisions, operational policy and procedures, service delivery and providing professional advice to Council. The Chief Executive Officer also maintains a close working relationship with the Mayor.

This code endeavours to support the aforementioned legislated powers of the Chief Executive Officer to manage all staffing matters and West Wimmera Shire Councillors will;

- Respect the role of Council staff and treat them in a way that builds mutual respect (as also required by the Staff Code of Conduct);
- Observe the Councillor – Staff contact protocols (included in this Code);
- Respect and support the role of the Chief Executive Officer to provide Council with timely and reliable advice about its legal obligations under the Act or any other relevant Act;
- Understand that there is no capacity to individually direct members of staff to carry out particular functions, or exercise powers or discretions in any particular way; and
- Refrain from using the position of Councillor to improperly influence members of staff in their duties or functions (including the preparation of Council reports or recommendations to Council) or seek to gain advantage for themselves or others.

The functions as included in the Local Government Act 1989 (the Act) are as follows;

The Chief Executive Officer is responsible for:

- (a) establishing and maintaining an appropriate organisational structure for the Council; and
- (b) ensuring that the decisions of the Council are implemented without undue delay; and
- (c) the day to day management of the Council's operations in accordance with the Council Plan; and
- (d) developing, adopting and disseminating a Code of Conduct for Council staff; and
- (e) providing timely advice to the Council; and
- (f) ensuring that the Council receives timely and reliable advice about its legal obligations under this Act and any other Act;
- (g) supporting the Mayor in the performance of the Mayor's role as Mayor;
- (h) carrying out the Council's responsibilities as a deemed employer with respect to Councillors, as deemed workers, which arise under or with respect to the Accident Compensation Act 1985 or the Workplace Injury Rehabilitation and Compensation Act 2013; and
- (i) performing any other function or duty of the Chief Executive Officer specified in this Act or any other Act.

The Chief Executive Officer is responsible 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 between Council staff and Councillors.

We, the Councillors of West Wimmera Shire, undertake to respect the functions of the Chief Executive Officer and to comply with the policies, practices and protocols defining appropriate arrangements for interaction between Council staff and Councillors that are put in place by the Chief Executive Officer.

#### **4(b) Councillor / Staff Contact Protocols**

West Wimmera Shire Council developed the following set of protocols in October 2016 to assist in managing the working relationship between Councillors and Staff. Councillors agree to abide by these protocols and will report any inappropriate staff contact to the Chief Executive Officer. The following are the agreed protocols;

##### **Background:**

The following protocols are provided as guidelines to ensure that contact with West Wimmera Shire Council staff is undertaken in a consistent and orderly fashion.

As Councillors would be aware, providing direction to staff is prohibited under the Local Government Act for staff other than the CEO. It is the responsibility of the CEO to manage the staff resources of the organisation and inappropriate direction is in breach of the Act.

The following protocols are not designed to prevent contact between staff and Councillors but are designed to provide staff with the confidence that their conversations will not be used to form an argument in a debate.

It will also assist in Councillors avoiding the accusation that they are inappropriately involving themselves in operational activities.

##### **Reasons for Councillor / Staff Contact:**

There are many reasons that direct contact with staff will assist Councillors in undertaking their civic duties, these may include but not limited to the following;

- Questions around planning permit reports prior to making a decision
- Finding information to answer question of a constituent
- Financial information
- Status reports on various programs
- Assistance with travel arrangements
- Discussions on meeting minutes etc.

##### **Process for Receiving Information:**

The process for Councillors to follow when seeking information that a staff member may be able to assist with is as follows;

A request to the CEO or relevant Director to provide the information or a request to the CEO or relevant Director to meet with the staff member. These requests can be as simple as a phone call or email.

Staff should not be approached directly at their work station as a request from a Councillor may trigger a re-prioritisation of their activities. If a re-prioritisation occurs in an area that is required to meet statutory timelines (such as planning or finance), it could potentially put the organisation at risk of non-compliance with regulations or legislation.

The only exception is Councillor contact with the Governance Officer (GO). Councillors may have direct contact with the GO on a daily basis or as required, as the GO provides direct administrative and organisational support to Councillors including coordinating meeting and event RSVP's, meeting and event attendance, provision of agendas and minutes, travel and accommodation arrangements.

**4(c) Expectations and Obligations of Councillors and Staff**

In accordance with the Councillor / Staff Contact Protocols, listed in section 4(b), an agreed set of expectations are provided in the table below;

<p style="text-align: center;"><b>Councillors expect that officers will:</b></p> <ul style="list-style-type: none"> <li>• <i>Act professionally and honestly with a good sense of humour</i></li> <li>• <i>Provide recommendations that are accurate, timely and outline alternatives and their implications</i></li> <li>• <i>Act devoid of bias</i></li> <li>• <i>Make recommendations that are consistent with the Council Plan</i></li> <li>• <i>Be accessible within reason and respond in a timely manner</i></li> </ul>	<p style="text-align: center;"><b>Officers expect that Councillors will:</b></p> <ul style="list-style-type: none"> <li>• <i>Convey principles and Council values</i></li> <li>• <i>Say when they don't understand something and ask for clarification</i></li> <li>• <i>Not interfere in operational matters – advice and questions will be directed to the CEO and Directors</i></li> <li>• <i>Have a vision for the Council and represent the community's interest</i></li> <li>• <i>Share information early</i></li> <li>• <i>Respect and trust professional opinion</i></li> </ul>
<p style="text-align: center;"><b>Councillors agree to give to officers:</b></p> <ul style="list-style-type: none"> <li>• <i>Professional and honest behaviour</i></li> <li>• <i>Diversity – A broad range of skills, perceptions and opinions</i></li> <li>• <i>Trust, good judgement and vision</i></li> <li>• <i>Community linkages</i></li> <li>• <i>Healthy productive debate</i></li> </ul>	<p style="text-align: center;"><b>Officers agree to give to Councillors:</b></p> <ul style="list-style-type: none"> <li>• <i>Frank and fearless advice</i></li> <li>• <i>The whole story</i></li> <li>• <i>Acknowledge mistakes</i></li> <li>• <i>Full support</i></li> <li>• <i>The same advice will be provided to all Councillors</i></li> <li>• <i>Benefit of experience and expertise</i></li> </ul>

#### 4(d) Gifts and Benefits or Hospitality

We will scrupulously avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from an individual Councillor or from the Council.

We will take all reasonable steps to ensure that our immediate family members (parents, spouse, children and siblings) do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.

Where a gift is received on behalf of the Council, the gift becomes the property of the Council. For transparency and accountability purposes, these gifts will be recorded in the Councillor Gifts Register with a notation that it is the property of Council.

Councillors and Senior Staff will be required to attend events periodically where there is a clear value to the work of the Council (community engagement sessions, meeting with State and Federal members and state and regional Local Government functions). Invariably these functions will be paid for by West Wimmera Shire Council and therefore not categorised as individual hospitality.

It is considered acceptable for Councillors to accept hospitality up to the value of \$50, on the condition that it can in no way advantage the provider of the hospitality. **The value of \$50 is not an accumulative amount and is to interpreted as \$50 per event.** When hospitality is paid for by Council for an individual Councillor, the expense will be recorded as a Councillor expense. Councillors may also wish to pay for the hospitality themselves, which would therefore not be recorded as a Councillor expense.

We recognise that gifts equal to or above the gift disclosure threshold (\$50), received in the twelve months prior to election from a person or body that has a direct interest in a matter may give rise to an indirect interest because of receipt of an applicable gift.

We will record all campaign donations in our "Campaign Donation Return".

#### 4(e) Communication

We recognise that as representatives of the local community, we have a primary responsibility to be responsive to community views and to adequately communicate the position and decisions of Council.

Councillors play a key role in communicating the decisions of Council as well as promoting services and projects that will be of interest to the broader community. Communication with the public can be undertaken in a variety of formats. These range from informal meetings with groups or individual residents, to sharing information via the Council web-site or social media platforms. Formal comments to the media are also included. When communicating Councils position on a specific topic or issue, Councillors will;

- Take all possible steps (such as seeking briefing information and updates from officers) to ensure that the most accurate and up to date information (not bound by confidentiality) is being presented;
- Recognise that in their Council role as community leaders, Councillors have a responsibility to communicate Council related issues with a view to minimising misinformation or content that could mislead or create confusion within the community;
- Communicate respectfully and clearly;
- Recognise the role of the Mayor as the principle spokesperson of the organisation;
- Where delegated by the Mayor to comment formally, consult with Council's communications department or the CEO, where practicable;
- Ensure that when expressing an opinion that may contradict the formal position of Council, that Councillors make it clear that the comment does not represent the position of Council.
- When expressing personal points of view, Councillors will ensure that their comments do not cause reputational damage or would likely cause embarrassment to Council, the organisation, staff members or another Councillor; and
- Recognise the reach of social media platforms and ensure that Councillors manage their individual profiles to avoid confusion between their public / private lives (e.g. Councillor's should not be commenting on Council issues via their personal profiles).

If Councillors choose not to adhere to the above mentioned protocols, they will be classified as being in breach of this Code of Conduct. The process for handling an alleged breach is included within section 8 – Dispute Resolution Procedures.

### **Accepting or Declining Invitations to Meetings and Events**

In addition to the above points regarding communication, Councillors agree to the following principles regarding the provision of a timely RSVP for meetings and events.

Councillors will respond to invitations and meeting requests in a timely manner and inform the Governance and Executive Support Officer of any invitations or requests that are received directly by the Councillor, to enable the Councillor Diary to be kept as accurate as possible.

This will ensure that invitations are managed in a professional manner, travel arrangements can be made (car bookings, car-pooling arrangements, flights or public transport), accommodation bookings completed and for catering purposes.

To enable the smooth management of Councillor invites and bookings, Councillors commit to the following;

- Check email invites received from West Wimmera Shire Council officers daily;
- Assess invitations listed within the Councillor Diary as it is circulated (twice weekly);
- Advise the Governance and Executive Support Officer of their availability in a timely manner, either via email to [eso@westwimmera.vic.gov.au](mailto:eso@westwimmera.vic.gov.au) or by phone to 5585 9900;

- Advise the Governance and Executive Support Officer of their intention to attend meetings for which they are the nominated Council representative;
- Liaise with the Governance and Executive Support Officer regarding travel arrangements, registrations for training or conferences, accommodation needs and dietary requirements for catering purposes.

## 5. COUNCILLOR CONDUCT PRINCIPLES

Councillor Conduct Principles are separated into two categories, firstly a set of (a) “Agreed Behavioural Values” and (b) a set of “Statutory Conduct Requirements” (which explain what constitutes unacceptable conduct).

### 5(a) Agreed Behavioural Principles

The following list of behavioural traits provides guidance in relation to ethical decision-making and expected Councillor standards.

#### i. Integrity

We must not place ourselves under any financial or other obligation to any individual or organization that might reasonably be thought to influence us in the performance of our duties

Integrity is the consistent commitment to apply ethical behaviour, encompassing honesty, openness and respect.

#### ii. Respect

We will treat others with courtesy and respect at all times. This will be achieved by:

- not using derogatory terms towards others,
- observing the rights of other people,
- treating people with courtesy and recognizing the different roles others play in local government decision-making.
- Treating fellow Councillors with respect, even when disagreeing with their views or decisions

Respect is being conscious and aware of others’ values, beliefs and opinions, appreciating that they could be different from our own and treating them accordingly.

#### iii. Selflessness

We have a duty to make decisions in the public interest. We must not act in order to gain financial or other benefits for ourselves, our family, friends or business interests. This means making decisions because they benefit the public, not because they benefit the decision maker.

#### **iv. Openness**

We have a duty to be as open as possible about our decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands.

Section 76BA of the Act sets out the general principles of councillor conduct as follows:

"In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must:

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether orally or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that it is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor."

Councillors are required to conduct themselves in observance of the primary principle and the general principles. We undertake to do this.

#### **v. Community Focus**

Councillors are committed to work in the best interests of the residents of the entire West Wimmera Shire.

In decision making, Councillors will consider the diversity of the community, the strategic direction of the Council, responsible resource allocation and provide consistent governance across the municipality.

#### **vi. Objectivity**

All decisions and actions made by Council are accountable to the public. Councillors will therefore make decisions solely on merit and in accordance with their statutory obligations. Councillors will pay particular attention to section 3D(a) of the Act that requires Councillors to take into consideration the diverse needs of the local community, when making decisions.

## **vii. Leadership**

Leadership is the creation of an environment that empowers individuals, the organisation and the community to achieve the vision of Council.

Councillors will promote and support the conduct principles through leading by example. Councillors will conduct themselves in a manner that best represents the values of West Wimmera Shire Council and instils community confidence in the office of Councillor.

## **viii. Teamwork**

Teamwork is best described as the ability of a group of individuals to work collaboratively to achieve outcomes that are agreed by the team.

Councillors will work together constructively to enable properly constituted Council meeting processes to be adhered to, which ultimately lead to thorough and optimal decision making.

Conduct that negatively impacts on the group's ability to receive information or prevent opinions being shared, is not in keeping with the values contained within this Code of Conduct.

## **5(b) Statutory Conduct Requirements**

The Local Government Act 1989 has specific provisions that prohibit Councillors from certain conduct. This conduct relates to:

- Misuse of position
- Improper direction and improper influence
- Confidential information
- Conflict of interest

These matters are set out below in order to provide a complete picture of the obligations on Councillors. While these matters are not of a nature to be addressed as a contravention of the Councillor Code of Conduct, Councillors will undertake to comply with the prohibitions on Councillor conduct set out below. These matters should more properly be the subject of an application to a Councillor Conduct Panel for a finding of serious misconduct or a complaint to the Local Government Inspectorate or the Independent Broad-based Anti-corruption Commission depending on the nature of the allegation.

*(Note: Serious misconduct by a Councillor(s) means:*

- (a) the failure of a Councillor to attend a Councillor Conduct Panel hearing formed to make a finding in respect of that Councillor; or*
- (b) the failure of a Councillor to give a Councillor Conduct Panel any information the Councillor Conduct Panel has requested the Councillor to give; or*



- (c) *the failure of a Councillor to comply with a direction of a Councillor Conduct Panel; or*
- (d) *continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by a Councillor Conduct Panel; or*
- (e) *bullying of another Councillor or member of Council staff by a Councillor; or*
- (f) *conduct by a Councillor in respect of a member of Council staff in contravention of section 76E; or*
- (g) *the release of confidential information by a Councillor.)*

The following provides detail on the various topics of Statutory Conduct Requirements (prohibited conduct).

#### **i. Misuse of Position**

Section 76 of the Act states that Councillors will not use their position, or knowledge gained in their role, to disadvantage Council or someone else, or advantage themselves or someone else. Therefore a Councillor must not misuse his or her position to;

- Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person;
- Cause or attempt to cause detriment to the Council or another person;
- Direct or improperly influence a Council officer;
- Exercise, perform or purport to, a power, duty or function that they are not authorised to perform;
- Use public funds or resources in a manner that is improper or unauthorised;
- Fail to disclose a conflict of interest;
- Make improper use of information acquired as a Councillor; or
- Disclose information that is confidential as designated by the CEO.

#### **ii. Improper Direction**

Under section 76E of the Act, a Councillor must not direct, or seek to direct Council officers;

- In the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
- In the exercise of a power or the performance of a duty or function exercise or performed by the member as an authorised officer under this Act or any other Act; or
- In the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
- In relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.

### **iii. Breach of Confidentiality**

A Councillor must not disclose information that the he or she knows, or should reasonably know, is confidential information.

Councillors must observe the confidentiality of the information that is provided to them in the course of performing their duties and must not convey (electronically, verbally, or in writing) information they know, or should reasonably know is confidential.

Under section 77 of the Act, information is considered confidential when;

- It was provided to Council in relation to a matter considered in a meeting closed to the public in accordance with s82(2) of the Act and Council has not resolved to classify the information as not confidential;
- Has been designated as confidential information by a resolution of Council, which specifies the relevant grounds under s89(2) of the Act and Council has resolved that the information is not confidential;
- Has been designated in writing as confidential information by the Chief Executive Officer, specifying the grounds applying under s89(2) of the Act and Council has not resolved that the information is not confidential.

A Councillor may disclose information that he or she knows is confidential information in the following circumstances:

- for the purposes of any legal proceedings arising out of this Act;
- to a court or tribunal in the course of legal proceedings;
- pursuant to an order of a court or tribunal;
- to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
- to a Councillor Conduct Panel in the course of a hearing and for the purposes of the hearing;
- to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
- to the extent reasonably required for any other law enforcement purposes.

### **iv Disclosure of Conflict of Interest.**

If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or special committee, an Assembly of Councillors, an Audit Committee or a Section 223 committee, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest in accordance with the provisions of the Act (unless any of the exemptions apply).

A Councillor has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the Councillor would be directly altered if the matter is decided in a particular way. This includes where there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms and where the Councillor, or together with a member or

members of the person's family have a controlling interest in a company or other body that has a direct interest in the matter.

It is important for Councillors to be aware of possible perceptions of conflicts of interest. For the purposes of this code, *conflict of interest*, has the meaning specified in the Act. The decision as to whether to declare a conflict of interest, or whether a conflict exists, rests entirely with the individual Councillor. It is therefore the responsibility of Councillors to ensure they familiarise themselves with the various issues within meeting agendas and determine whether a conflict exists.

Council as an organisation can provide basic advice on conflicts of interest, however, Councillors must make their own determination as to whether to exclude themselves from debate and decision due to conflict of interest.

Councillors are required to comply with all provisions contained within sections 77A-79B and 80A of the Act with respect to conflicts of interest, in particular;

- If a Councillor has a conflict of interest in a matter which is to be, or is likely to be, considered or discussed at a meeting of the Council or an Assembly of Councillors, the Councillor must **if he or she is intends to be present at the meeting**, disclose the conflict of interest in accordance with section 79(2) of the Act, by either;
  - Advising Council at the meeting of the details required under section 79(2)(b) and (c) of the Act before a matter is considered at the meeting; or
  - Advising the Chief Executive Officer in writing of the details required under section 79(2)(d) of the act in advance of the meeting.

**\* *Statement of disclosure of conflict of interest form is attached to this Code of Conduct.***

- A Councillor who has a conflict of interest in a matter which is to be, or is likely to be, considered or discussed at a meeting of the Council or an Assembly of Councillors and **intends on not being present for the consideration of the matter must**;
  - Classify the type of interest that has given rise to the conflict as either
    - i. Direct interest; or
    - ii. An indirect interest, specifying the particular type of indirect interest under section 78, 78A, 78B, 78C, or 78D; and describe the nature of the interest.

It is important to note that being absent from an Ordinary Meeting of Council or Assembly of Councillors, does not exempt a Councillor from disclosing a conflict of interest to a specific item.

The following provides a guide in relation to the determination of conflicts of interest.

TYPE OF INTEREST		DETAIL
		Reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered
<b>Direct Interest</b>		Reasonably likely to receive a direct benefit or loss measurable in financial terms
<b>(s77B)</b>		Person has, or the person together with a member(s) of their family have a controlling interest in a company or other body that has a direct interest
	Close Association (s.78)	A member of your family has a direct interest or an indirect interest
		A relative has a direct interest
		A member of your household has a direct interest
		Likely to receive a benefit or incur a loss, measurable in money, resulting from a change to another person's interests
	Indierect Financial Interest (s.78A)	Holding shares in a company or body that has a direct interest (subject to threshold - \$10,000 value of shares if company shares issued exceeds \$10 million)
		When a person with a direct interest owes you money
		Manager or member of the governing body of an organisation with a direct interest
<b>Indirect Interest</b>	Conflict of Duty (s78B)	Partner, consultant, contractor, agent or employee of person, company or body with a direct interest
		Trustee for a person with a direct interest
		Past dealings in relations to the matter as duty to another person or body
		Election donations valued at or above \$500 in previous 5 years
	Applicable Gift (s. 78C)	Other Gifts valued at or above \$500 over a 5 year period excluding reasonable hospitality received when attending in an official capacity and a gift received 12 months before becoming a Councillor
	Party to the Matter (s.78D)	Intiated or became party to civil proceedings in relation to the matter
	Impact on Residential Amenity (s. 78E)	Reasonably likely that your residential amenity will be directly altered
<b>Conflicting Personal Interest</b>	Conflicting with Public Duty (s.79B)	Personal interest is in conflict with Councillor's public duty in relation to the matter. Application needs to be made to the Council / Special Committee to be exempted from voting. Council / Special Committee cannot reasonable withhold its consent

## 6. COMMUNICATION PRINCIPLES

We recognise that as representatives of the local community, we have a primary responsibility to be responsive to community views and to adequately communicate the position and decisions of Council.

We undertake to comply with Council's media policy and respect the functions of the Mayor and Chief Executive Officer to be the spokespersons for Council in accordance with our policy.

We acknowledge that individual Councillors may have a personal view / opinion on certain matters that is contrary to Council's formal position and may wish to express this view / opinion via the local media. Where Councillors choose to do so, they will make it clear that such comment is a personal view / opinion and does not represent the position of Council. We undertake to ensure that any such comment is devoid of comments that could reasonably be construed as being derogatory, offensive or insulting to any person, or to Council as an organisation.

Councillors agree to abide by the principles on communication as set out in section 4(e) of this code of conduct.

### 6(a) Community Engagement

As representatives of the community, Councillors are required to listen to the community's views, be responsive to them and adequately communicate the positions and decisions of Council.

Council should also ensure that they participate in formal and informal community engagement initiatives across the entire municipality, to assist them in understanding the needs of the entire community.

There is a statutory obligation for Councillors to represent the diverse views of the community and understand the community sentiment beyond immediate networks and their own personal views.

There will be times when a Councillor has an individual view that is in disagreement with a majority decision of Council. When expressing their own views on a topic in a community engagement exercise, Councillors will acknowledge that;

- As a member of Council, they respect the decision making process of Council, which is based on the principle of majority vote; and
- The opinion expressed by the individual is a personal view and not an endorsed position of the Council. It is the responsibility of the individual Councillor to ensure that there is no level of confusion amongst the community and the community could not be considered to be misled due to their communication (the communication can take the form of social media, print media, direct dialogue or email to residents).

## 6(b) Communication Protocols

Councillors will be provided with relevant information to help them make informed decisions and fulfil their duties. This information may be publicly available, or in some instances, restricted or confidential. Councillors will act in accordance with the confidentiality requirements of s.77 of the Act and the guidance provided in s5(b)iii of this Code, when requesting a briefing from Council officers or requesting information from official Council records.

A Councillor will only request operational or confidential information in order to gain a broader understanding of an issue that falls under their role and responsibilities, or if it relates to matter before Council (or is expected to come before Council for decision).

All requested information will be provided to all Councillors, unless the Chief Executive Officer determines that providing the information is likely to be a breach of privacy, prejudice Council or any person, would undermine legal privilege or would otherwise be inappropriate.

The Chief Executive Officer will provide all Councillors with information on any declined requests for information, including the reason the information was not able to be provided.

## 6(c) Candidature of Councillors for State & Federal Elections

- A Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a state or federal election (a prospective candidate), will provide written advice to the CEO, as soon as practicable; the CEO will then advise all Councillors
- A Councillor who is a prospective candidate, will declare their candidacy at a meeting of Council as soon as practicable after notifying the CEO.
- A Councillor who nominates as a candidate for a state or federal election (a nominated candidate), will apply for leave of absence from the Council and this leave will commence upon the announcement of the election and the commencement of the formal campaign period. The leave of absence will conclude at the close of voting. During this period, a Councillor who is on leave of absence will not attend meetings of Council or otherwise act as a Councillor.
- The staff Councillor Contact Protocols that form part of this Code of Conduct will be observed by the nominated candidate. This will apply to the close of counting for the election.
- A Councillor who is a prospective candidate or a nominated candidate, will take care to differentiate between their role as a state or federal election candidate and their role as a Councillor when making any public comment.
- A Councillor who is a prospective candidate or a nominated candidate, will not use Council resources, including Council equipment and facilities in relation to their candidacy.

- A Councillor who is a prospective or nominated candidate, will not attend Council activities (Council meetings or Council sanctioned events) in relation to their candidacy.

## 7. INFORMATION AND RESOURCES

### 7(a) Use of Council Provided Resources

As Councillors, we commit to using Council resources effectively and economically. We will;

- maintain adequate security over Council property, facilities and resources provided to us to assist in performing our role and will comply with any Council policies applying to their use;
- ensure any expense claims that we submit are in compliance with the relevant legislative provisions and Council policy;
- not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate; and
- not use public funds or resources in a manner that is improper or unauthorised.

Councillors will also commit to reviewing and where necessary updating the Councillor Expenses and Entitlement Policy. This policy details the facilities and support that is provided to Councillors to assist them in the performance of their civic duties.

Councillors should understand the limitations required during election periods to ensure that there is not a reality or perception that Council resources are used for electoral purposes. This includes IT Equipment, Motor Vehicles and Office Equipment such as Printers and Copiers.

### 7(b) Access to information

Councillors will be provided with relevant information to help them make informed decisions and fulfil their duties. This information may be publicly available, or in some instances, restricted or confidential. Councillors will act in accordance with the confidentiality requirements of s.77 of the Act and the guidance provided in s5(b)iii of this code, when requesting a briefing from Council officers or requesting information from official Council records.

A Councillor will only request operational or confidential information in order to gain a broader understanding of an issue that falls under their role and responsibilities or if it relates to a matter before Council (or is expected to come before Council for decision).

All requested information will be provided to all Councillors, unless the Chief Executive Officer determines that providing the information is likely to be a breach of privacy, prejudice Council or any person, would undermine legal privilege or would otherwise be inappropriate.

The Chief Executive Officer will provide all Councillors with information on any declined requests for information, including the reason the information was not able to be provided.

### **7(c) Appraisal of Governance Performance**

The value of effective governance practices is acknowledged by Councillors as critical to the ongoing delivery of services to the community and achievement of Council Plan objectives.

It is also acknowledged that measuring the effectiveness of governance provides a clear indication of the quality of the performance of the Council. Measuring governance performance also provides an early warning on any emerging issues that may need to be discussed or resolved.

Councillors agree to reflect on and evaluate the collective performance of the organisation from a governance perspective. As part of this evaluation Councillors commit to;

- Hold periodic “debrief sessions” where applicable to work through issues or concerns;
- Conduct a mid–term review to assess whether Council and personal goals are being achieved; and
- Annually review governance performance through an annual “Governance Assessment” conducted by an external entity and commit to implementing recommendations from the review.

## **8. DISPUTE RESOLUTION PROCEDURES**

In order for any disputes to be managed and resolved in a respectful manner it is important for Councillors to commit to follow the procedures set out in this section of the Code of Conduct.

The various steps / phases of the dispute resolution listed in the Code of Conduct provide sufficient detail to ensure a thorough process is adhered to and all parties receive natural justice and a suitable hearing.

### **8(a) Internal Dispute Resolution Process**

Before commencing any formal dispute resolution process, the Councillors who are parties to a dispute are expected to use their best endeavours to resolve the matter in a courteous and respectful manner between themselves. Where, after these endeavours have been exhausted, the matter still remains unresolved the parties may resort to any or all of the Council’s multi-phase dispute resolution process.



This is not intended to resolve differences in policy or strategy development and direction, as this is appropriately resolved through discussion, debate and ultimately voting at meetings.

## 8(b) Hierarchy of Conduct Standards and who Manages Complaints / Disputes

The Victoria Parliament adopted a number of reforms in the *Local Government Amendment (Improved Governance) Act 2015*. These reforms provide a hierarchy to guide the management of Councillor conduct issues and allegations, by providing the following breakdown;

- Councils dealing with alleged breaches of Council Codes of Conduct
- Councillor Conduct Panels dealing with the majority of escalated cases, and
- The Victorian Civil and Administrative Tribunal (VCAT) dealing with exceptional cases.

The adopted reforms also provide the hierarchy and definitions of misconduct, serious misconduct and gross misconduct as included within this code and they are summarised in the table below, along with who is responsible for managing the various matters.

Degree of Seriousness	Definition	Responsible Authority
<b>Conduct inconsistent with standards Councils set and agreed to</b>	Breaches of Council Code of Conduct	West Wimmera Shire Council
<b>Misconduct</b>	Failing to comply with Council internal resolution procedure, including failure to abide by any decision of Council in relation to a breach of the Code and repeated breaches of Councillor Conduct Principles	Councillor Conduct Panel
<b>Serious Misconduct</b>	Failing to comply with panel processes, bullying, improperly directing staff, releasing confidential information and repeated misconduct	Councillor Conduct Panel
<b>Gross Misconduct</b>	Behaviour that demonstrates lack of character to be a Councillor	VCAT

## 8(c) Disputes Between Councillors

Councillors will be mindful that having a differing or opposing view on an issue is a normal function of the process of democratic Local Government. Providing the freedom to express different views leads to well informed and considered debate, which provides confidence in decision making. All Councillors have the right to have an influence over decisions through quality debate.

It is a natural part of functioning as a Local Government Authority that disputes and disagreements will occur. To ensure that Council is able to function professionally and provide leadership to the community, Councillors must ensure that disputes and disagreements do not become personal or affect the decision making process of Council.

Councillors who are parties to any disagreement will take responsibility to explore, every avenue possible to resolve the conflict or dispute, before entering into any formal process.

Councillors acknowledge that if a pattern of unsubstantiated or vexatious / frivolous complaints are experienced and continue to be lodged, the Principal Conduct Officer may refuse to allocate any resources to investigate the complaints. In these circumstances, the CEO will inform the full Council of the decisions and the reasons the items were not taken any further. Also if the complainant is not willing to have their identity disclosed, this will further limit any action that may be taken or progressing the matter further.

Where Councillors are unable to resolve a dispute between themselves, the Mayor may be requested to convene a meeting of the parties. To commence the process of resolving disputes between Councillors, the following steps will be taken to enable the Mayor to convene a meeting (Direct Negotiation) of the parties in dispute.

- The party requesting the direct negotiation will provide the Mayor – via the Principal Conduct Officer, with a written request.
- Where the request relates to an allegation of a breach of the Code of Conduct, the request must contain the following;
  - Specify the name of the Councillor alleged to have breached the Code;
  - Specify the provision(s) of the Code that is alleged to have been breached;
  - Include evidence in support of the allegation;
  - Where the allegation is provided by a group of Councillors, name the Councillor who will act as the appointed representative; and
  - Be signed and dated by the Councillor requesting the Direct Negotiation meeting or representative of group requesting the meeting.

The Mayor via the Principal Conduct Officer will notify the other party of the request for the meeting, provide them with a copy of the written request and arrange the meeting (venue and time). Provided all parties agree to meet, the meeting will be convened within 5 working days of all parties agreeing to meet.

If the other party is not prepared to attend a Direct Negotiation meeting, the Mayor, via the Principal Conduct Officer will notify the requestor and no further action is required of the Mayor at this time.

The Mayor may present the parties with guidelines, in advance of the meeting or at the meeting, to help facilitate the smooth management of the meeting.

The role of the Mayor at the meeting is to provide guidance to Councillors about what is expected of a Councillor in accordance with section 65 of the Act and to observe the conduct principles as included in this Code.

Any agreement that may be reached is to be documented and copies provided to both parties. If either party chooses not to comply with the agreement, the other party has recourse to seek external mediation. Failure to comply with the agreement struck at the meeting will constitute a contravention of the Code of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, either or both parties have recourse to external mediation or the internal resolution procedure where, the matter relates to an alleged contravention of the Councillor Code of Conduct.

### **External Mediation**

In the event that reconciliation of the dispute is not possible after internal mediation (Direct Negotiation), or the internal mediation is not conducted, a Councillor or group of Councillors may apply to the Principal Conduct Officer, for the dispute to be referred for external mediation.

This request must be provided in writing, indicating the reason for the dispute, the name(s) of those involved in the dispute, the provisions of this code that are alleged to have been breached and any evidence to support the allegation(s). The other party must also be notified of the request and a copy of the application for external mediation is to be provided to them.

The Principal Conduct Officer is required to ascertain the availability of or willingness of the other party to participate and if they decline, they must provide the reasons to the Principal Conduct Officer. These reasons may be taken into account if the matter is the subject of a Councillor Conduct Panel at a later date. Declining to attend external mediation does not constitute a breach of this code; however declining to participate does in anyway resolve the dispute.

If the other party does agree to participate in the external mediation process, the Principle Conduct Officer will advise the applicant, the Mayor and the Chief Executive Officer. The Principal Conduct Officer will then engage the services of a suitably credentialed independent mediator to conduct the mediation at the earliest possible opportunity.

The external mediator will document any agreed outcomes from the mediation and provide copies to all parties. In the event that one party does not comply with the agreed outcomes or mediation does not reach a satisfactory outcome, either party has the option for further action.

If the dispute remains unresolved, the mediator will be required to provide a written report to Councillors and the parties involved in the dispute as to why the process did not result in a resolution.

### **Internal Resolution Procedure by an Independent Arbiter**

If a conflict or dispute arises from an alleged contravention or breach of this Code and has not been resolved through any of the aforementioned internal resolution processes, then a Councillor or group of Councillors (the applicant(s)) may apply to the Principal Conduct Officer for internal resolution by independent arbiter, alleging that a Councillor (or Councillors) has contravened this Code of Conduct.

The application must be in writing, specify the name(s) of the Councillor(s) alleged to have contravened the Code, specify the provisions that have allegedly been contravened and any evidence to support the allegation.

An application for an internal resolution procedure cannot be submitted during a Council election period and any process underway will be suspended for the duration of the election period.

#### **On receiving an application, the Principal Conduct Officer will:**

- a) Advise the Mayor and Chief Executive Officer of the application without any undue delay;
- b) Provide a copy of the application to the Councillor who the allegations have been levelled at, no later than two working days from receipt of the application;
- c) Refer to the Legal Services Panel or contact the Law Institute of Victoria to appoint an arbiter;
- d) Obtain from the proposed arbiter written advice that they have no conflict of interest in relation to the Councillors involved in the matter;
- e) Notify the parties of the name of the proposed arbiter and provide them with the opportunity (two working days) to object to the person proposed to be the arbiter;
- f) Consider the grounds of any objection (2 working days) and either appoint the proposed arbiter, or appoint another arbiter;
- g) Provide a copy of the application to the arbiter as soon as practicable after the opportunity for the parties to object has expired (two working days);
- h) After consultation with the arbiter, advise the applicant and the respondent of the time and place for the hearing; and
- i) Attend any hearings and assist the arbiter in the administration of the process.

#### **The role of the arbiter is to:**

- a) Consider applications alleging a contravention of this Code by a Councillor;
- b) Make findings in relation to any application alleging a contravention of this Code which the arbiter must provide to Council;
- c) Give a written statement of reasons supporting their findings to Council; and
- d) Recommend an appropriate sanction or sanctions where the arbiter has found that a Councillor has contravened this Code.

**In considering an application alleging a contravention of this Code, an arbiter will:**

- a) In consultation with the Principal Conduct Officer, fix a time and place to hear the application;
- b) Authorise the Principal Conduct Officer to formally notify the applicant and the respondent of the time and place of the hearing;
- c) Hold as many meetings as deemed necessary to properly consider the application. The arbiter may also hold a directions hearing;
- d) Have discretion to conduct the hearing(s) as they deem fit while also ensuring that the hearing(s) are conducted with as little formality and technicality as due and proper consideration of the applications allows;
- e) Ensure that parties to and affected by an application are given an opportunity to be heard directly by the arbiter;
- f) Consider an application by a respondent to have legal representation at the hearing(s) to ensure that the hearing is conducted fairly and may, in the arbiters absolute discretion, grant the application or deny the application;
- g) Ensure that the rules of natural justice are observed and applied in the hearing of the application; and
- h) Ensure that hearings are closed to the public and outcomes are to remain confidential.

Where an application to have legal representation is granted by an arbiter, the costs associated with representation are to be borne entirely by the Councillor.

**An arbiter:**

- a) May find that a Councillor who is a respondent to an internal resolution procedure application has not contravened the Code; or
- b) May find that a Councillor who is a respondent to an internal resolution procedure has contravened the Code; and
- c) Will suspend consideration of an internal resolution procedure

The arbiter is to provide a copy of their findings and statement of reasons to Council, the applicant and the respondent. At the same time as the arbiter provides their findings and statement of reasons, where a Councillor has been found to have contravened this Code, they will recommend an appropriate sanction or sanctions for the consideration of Council.

A copy of the arbiters' report, including any recommended sanctions is to be provided to the next Ordinary Meeting of Council (in confidential) for the consideration of Council.

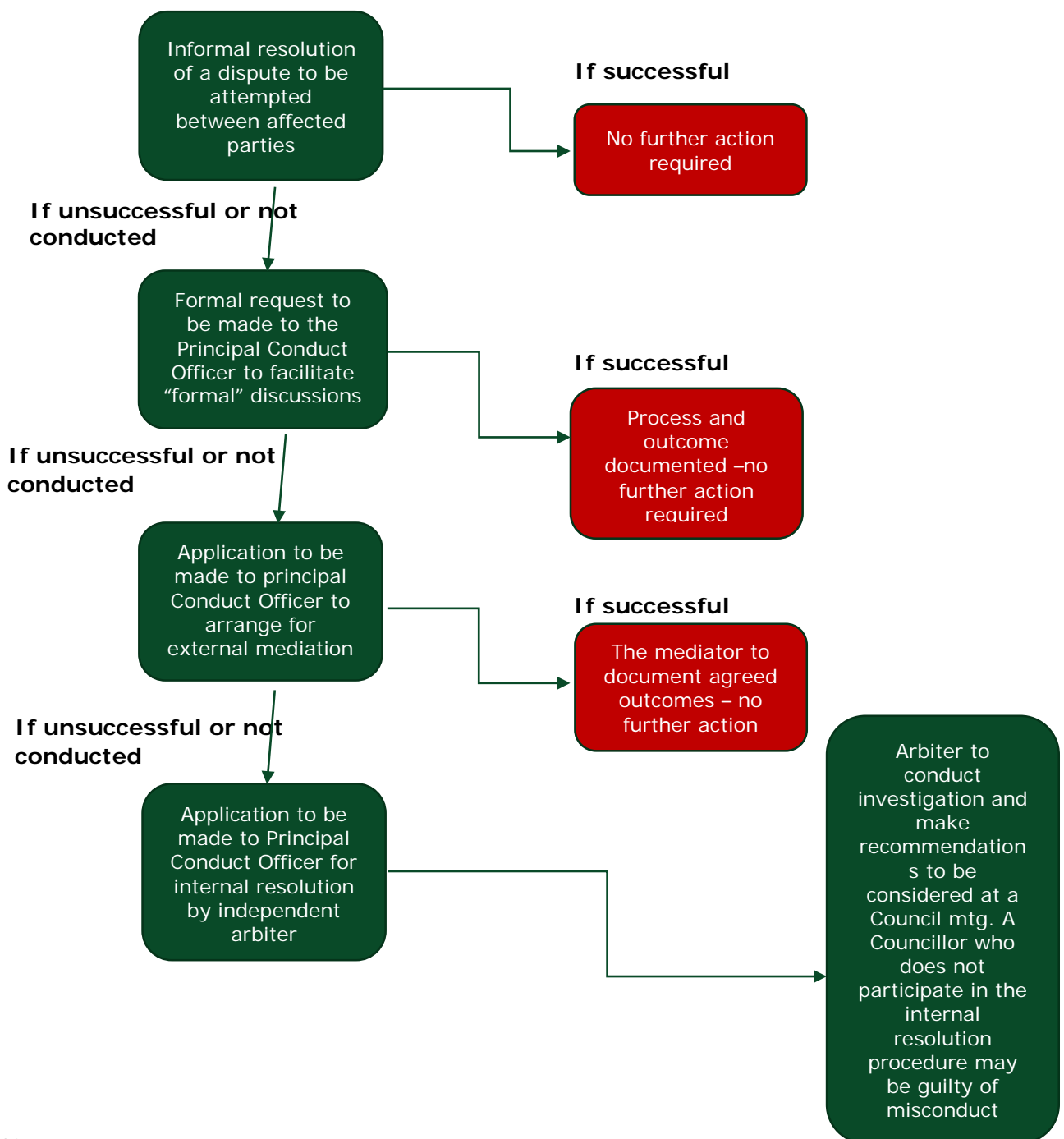
If an arbiter has found that a contravention of this Code has occurred, Council may, after considering the arbiters' findings, statement of reasons and recommendations for sanctions, give any of the following written directions to the Councillor;

- a) Direct the Councillor to make an apology in a form or manner specified by Council;
- b) Direct the Councillor not to attend up to, but not exceeding, two meetings of Council (as per the meeting schedule agreed at the Annual Statutory meeting)

- c) Direct that for a period of up to, but not exceeding, two months on a date specified by Council, the Councillor;
  - Be removed from any position where the Councillor represents Council; and
  - Not chair or attend any Committee Meetings or an Assembly of Councillors or any other meeting specified in the direction.

**A Councillor who does not participate in the internal resolution procedure may be guilty of misconduct.**

## West Wimmera Shire Council Internal Dispute Resolution Flowchart



## 8(d) Councillor Misconduct

Councillor misconduct is defined in section 3 of the Act (see misconduct, serious misconduct and gross misconduct). Allegations of misconduct are heard on application by a Councillor Conduct Panel as outlined in section 81B of the Act and Councillor Conduct Panels are established under and regulated by, Division 1D of the Act.

Applications for a Councillor Conduct Panel to make a finding of misconduct against a Councillor may be made by Council (following a resolution of Council), a Councillor or a group of Councillors.

Applications for a Councillor Conduct Panel to make a finding of serious misconduct against a Councillor may be made by Council (following resolution of Council), a Councillor, a group of Councillors or the Chief Municipal Inspector.

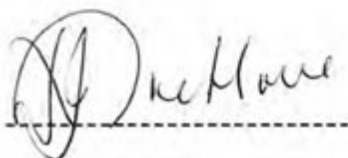
Applications for a Councillor Conduct Panel must be made directly to the state-appointed Principal Councillor Conduct Registrar. Depending on the allegation and outcome, a Councillor Conduct Panel may;

- a) Discipline a Councillor by reprimand, direct an apology or require the Councillor to take up to two months leave of absence;
- b) Direct that the Councillor is ineligible to take up the position of Mayor for a period specified by the Panel;
- c) Require remedial action, including mediation, training or counselling;
- d) Suspend the Councillor from office for a period not exceeding six months; or refer a matter to VCAT if the Panel considers gross misconduct has been conducted by a Councillor.

## 9. Councillor Declaration: Cr Jodie Pretlove

I hereby declare that I have read the Councillor Code of Conduct for West Wimmera Shire Council, as reviewed on 20 June 2019 and declare that I will abide by this code in compliance with sections 76C(6A) and 76C(6B) of the Local Government Act 1989.

Signed by:

A handwritten signature in black ink, appearing to read 'Jodie Pretlove', written over a horizontal dashed line.

Councillor Jodie Pretlove

Date:.....<sup>20</sup>.....June 2019

Witnessed by:

A handwritten signature in black ink, appearing to read 'David Leahy', written over a horizontal dashed line.

David Leahy, Chief Executive Officer  
West Wimmera Shire Council

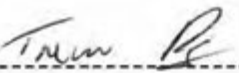
Date:.....<sup>20</sup>.....June 2019



**10. Councillor Declaration: Cr Trevor Domaschenz**

I hereby declare that I have read the Councillor Code of Conduct for West Wimmera Shire Council, as reviewed on 20 June 2019 and declare that I will abide by this code in compliance with sections 76C(6A) and 76C(6B) of the Local Government Act 1989.

Signed by:

  
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Councillor Trevor Domaschenz

Date: 20 June 2019

Witnessed by:

  
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David Leahy, Chief Executive Officer  
West Wimmera Shire Council

Date: 20 June 2019

### 11. Councillor Declaration: Cr Bruce Meyer

I hereby declare that I have read the Councillor Code of Conduct for West Wimmera Shire Council, as reviewed on 20 June 2019 and declare that I will abide by this code in compliance with sections 76C(6A) and 76C(6B) of the Local Government Act 1989.

Signed by:

  
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Councillor Bruce Meyer

Date: 28-6-2019

Witnessed by:

  
-----  
David Leahy, Chief Executive Officer  
West Wimmera Shire Council

Date: 28/6/2019

**12. Councillor Declaration: Cr Tom Houlihan**

I hereby declare that I have read the Councillor Code of Conduct for West Wimmera Shire Council, as reviewed on 20 June 2019 and declare that I will abide by this code in compliance with sections 76C(6A) and 76C(6B) of the Local Government Act 1989.

Signed by:

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Councillor Tom Houlihan

Date:.....June 2019

Witnessed by:

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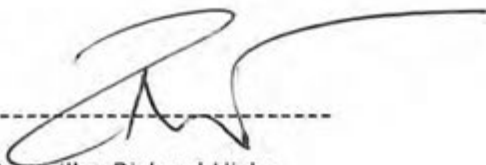
David Leahy, Chief Executive Officer  
West Wimmera Shire Council

Date:.....June 2019

### 13. Councillor Declaration: Cr Richard Hicks

I hereby declare that I have read the Councillor Code of Conduct for West Wimmera Shire Council, as reviewed on 20 June 2019 and declare that I will abide by this code in compliance with sections 76C(6A) and 76C(6B) of the Local Government Act 1989.

Signed by:

  
-----  
Councillor Richard Hicks

Date: 20 June 2019

Witnessed by:

  
-----  
David Leahy, Chief Executive Officer  
West Wimmera Shire Council

Date: 20 June 2019

These Governance Rules were adopted by West Wimmera Shire Council at a Council Meeting held at 2.00pm on Wednesday 19 August 2020

**THE COMMON SEAL of WEST WIMMERA  
SHIRE COUNCIL was hereunto affixed in the  
presence of:**

\_\_\_\_\_ Councillor

\_\_\_\_\_ Councillor

\_\_\_\_\_ Chief Executive Officer



## **LOCAL LAW NO.8 OF 2020**

### **Use of the Common Seal**

**To be adopted by Council: 19 August 2020**

**Date of commencement: 1 September 2020**

# West Wimmera Shire Council Local Law No.8 of 2020

## Use of the Common Seal

### Part 1 – Preliminary Provisions

#### 1. Title

This Local Law is the West Wimmera Shire Council Local Law No.8 of 2020 – Use of the Common Seal.

#### 2. Objectives

The objectives of this Local Law are to:

- a) Revoke the Meeting Procedure and Common Seal Local Law No.7 of 2017;
- b) Regulate the use of the Common Seal; and
- c) Prohibit unauthorised use of the Common Seal or any device resembling the Common Seal.

#### 3. Authorising Provisions

This Local Law is made under section 111 of the Local Government Act 1989 and section 14 of the Local Government Act 2020.

#### 4. Period of Operation

This Local Law:

- a) Commences on 1 September 2020; and
- b) Unless it is revoked sooner, ceases to operate on 31 August 2030.

#### 5. Revocation of other Local Laws

On the commencement of this Local Law, the Meeting Procedure and Common Seal Law No.7 of 2017 is revoked.

## **6. Application and Scope of the Local Law**

This Local Law applies to the whole of the municipal district of Council.

## **7. Definitions**

Unless the contrary intention appears in this Local Law, the following words are defined to mean:

**"the Act"** means the Local Government Act 2020.

**"Chief Executive Officer"** means the Chief Executive Officer of the Council and includes a person acting in that position.

**"Council"** means West Wimmera Shire Council.

**"Penalty Units"** has the same meaning as in section 110 of the Sentencing Act 1991.

## **Part 2 – The Common Seal**

### **8. Use of the Common Seal**

The Common Seal may only be used on the authority of the Council in accordance with this Local Law.

### **9. Custody of the Common Seal**

The Chief Executive Officer must keep the Common Seal in safe custody.

### **10. Signatures to accompany the Common Seal**

Every document to which the Common Seal is affixed must be signed as required by:

- a) Two Councillors and the Chief Executive Officer; or
- b) In the absence of the Chief Executive Officer, or where the document relates to a matter in which the Chief Executive Officer has an interest, by two Councillors and any other member of staff authorised by Council.



## **11. Unauthorised Use of the Common Seal**

- a) A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.
- b) Any person who fraudulently uses the Common Seal is guilty of an offence.

**Penalty: 10 Penalty Units.**

## **12. Delegation**

Council delegates to the Chief Executive Officer the power to authorize the use of the Common Seal on behalf of Council subject to the following:

- a) The Common Seal must not be used for matters for which the Chief Executive Officer is not delegated power, as detailed in the conditions and limitations of the Instrument of Delegation from Council to the Chief Executive Officer.
- b) The Chief Executive Officer must not authorise the use of the Common Seal if the document proposed to be sealed relates to a matter in which the Chief Executive Officer has an interest.
- c) The Chief Executive Officer must first be satisfied that any provisions of the Act or the Local Government Act 1989 required to be complied with in relation to the subject matter of the document have been complied with.

The resolution for making this Local Law was made by West Wimmera Shire Council on 19 August 2020.

The resolution to sign and seal this Local Law was made by West Wimmera Shire Council on 19 August 2020.

**THE COMMON SEAL of WEST WIMMERA**

**SHIRE COUNCIL was hereunto affixed in the**

**presence of:**

\_\_\_\_\_ Councillor

\_\_\_\_\_ Councillor

\_\_\_\_\_ Chief Executive Officer

Public Notices of the proposal to make and confirmation of the making of this Local Law were published in the:

1. West Wimmera Shire Council Website on 16/08/2020 and .....
2. West Wimmera Advocate on 22/08/2020 and .....
3. Kaniva Times/Nhill Free Press on 22/08/2020 and .....
4. Wimmera Mail Times on 22/08/2020 and .....

Notices of the proposal to make and confirmation of the making of this Local Law were published in the Victorian Government Gazette dated 23/08/2020 and .....

A copy of this Local Law was sent to the Victorian Minister for Local Government on

.....



WEST  
WIMMERA  
SHIRE COUNCIL

LOCAL LAW NO.7-2017

# MEETING PROCEDURE AND COMMON SEAL LOCAL LAW

Reviewed : 15 February 2017

## WEST WIMMERA SHIRE COUNCIL

### MEETING PROCEDURE AND COMMON SEAL LOCAL LAW NO. 7 2017

#### TABLE OF CONTENTS

<b><u>Part 1- PRELIMINARY PROVISIONS</u></b>	Page
1. Title .....	3
2. Objectives .....	3
3. Authorising Provision { sections 5, 91 and 111 of LG Act 1989).....	3
4. Period of Operation .....	3
5. Repeal of Other Local Laws .....	4
6. Application of the Local Law .....	4
7. Definitions .....	4
<b><u>Part 2 -THE COMMON SEAL</u></b>	
8. Use of the Common Seal .....	5
9. Custody of the Common Seal.....	5
10. Signatures to the Common Seal .....	5
11. Unauthorised use of the Common Seal .....	5
12. Delegation .....	5
<b><u>Part 3-THE COUNCIL</u></b>	
13. When the Mayor is to be Elected .....	6
14. Procedure for the Election of the Mayor .....	6
15. Determining the Election of Mayor by lot .....	7
<b><u>Part 4- PROCEDURES APPLYING TO MEETINGS</u></b>	
16. Conduct at Meetings .....	8
17. Public Notice of Dates and Times of Meetings .....	8
18. Special Council Meetings .....	8
19. Notice of Meetings to Councillors .....	9
20. Quorums Required for Meetings .....	9
21. Failure to Raise a Quorum .....	10
22. Inability to Achieve a Quorum due to Conflict of Interest .....	10
23. When Meeting Lapses.....	10
24. Business of a Lapsed Meeting .....	10
25. Order of Business .....	10
26. Minutes of Council Meetings .....	11
27. Meetings Open to the Public.....	12
28. Urgent Business .....	12
29. Notices of Motion .....	13

30. Form of Motions .....	13
31. Withdrawing Motions .....	14
32. Motion to be Moved and Seconded .....	14
33. Amendment of Motions .....	15
34. Time Limits .....	15
35. Rescission or Amendment of a Decision .....	15
36. Formal Motions.....	16
37. Points of Order and Procedures .....	16
38. Disagreeing with Chairpersons Ruling .....	17
39. Division .....	17
40. Public Participation at Meetings .....	18
41. Suspension of Standing Orders .....	18
42. Gallery to be Silent .....	19
43. Ejection of Disorderly Visitors .....	19
44. Chairperson May Adjourn Disorderly Meeting .....	19
45. Time Limit for Meetings .....	19
46. Recording Proceedings .....	19
47. Procedure not Provided in Local Law.....	19
48. Suspension of Procedure.....	20

**Part 5- OFFENCES**

49. Offences Against the Local Law .....	20
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## **PART 1- PRELIMINARY PROVISIONS**

### **1. Title**

This Local Law is the Meeting Procedure and Common Seal Local Law No.7 of 2017.

### **2. Objectives**

The objectives of this Local Law are to:

- (a) regulate the use of the Common Seal;
- (b) prohibit unauthorised use of the common seal or any device resembling the common seal;
- (c) regulate proceedings for the election of Mayor and Chairs of various committees;
- (d) regulate proceedings of Council meetings, special committee meetings and advisory committee meetings, and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of this Local Law will apply.

### **3. Authorising Provision**

This Local Law is made under sections 5, 91 and 111 of the **Local Government Act 1989**.

### **4. Period of Operation**

This Local Law:

- (a) commences on 15 February 2017; and
- (b) unless it is revoked sooner, ceases to operate on 15 February 2026

### **5. Repeal of other Local Laws**

From the date of operation of this Local Law the Meeting Procedure Local Law No.1 will cease to operate and is repealed.

### **6. Application and scope of the Local Law**

- (1) This local Law operates throughout the whole of the municipal district.
- (2) This Local Law applies to:
  - (a) special committee meetings, advisory committee meetings and other meetings where the Council has resolved that the provisions of this Local Law must apply, with any necessary modifications.

- (b) meetings of residents and other public meetings called by the Mayor or Council, with appropriate modifications.

## **7. Definitions**

Unless the contrary intention appears in this Local Law, the following words are defined to mean:

**"the Act"** means the Local Government Act 1989.

**"advisory committee"** means an advisory committee appointed by the Council.

**"agenda"** means the notice of the meeting setting out the business to be transacted at the meeting.

**"Chair"** means the Chair of the meeting.

**"Chief Executive Officer"** means the Chief Executive Officer of the Council.

**"committee meeting"** means a meeting of a special or advisory Committee.

**"Council meeting"** includes the meeting at which the Mayor is elected an ordinary or special meeting of the Council.

**"member"** means a Councillor or a member of a special committee or Advisory Committee.

**"municipal district"** means the municipal district of the West Wimmera Shire Council.

**"notice of motion"** means a notice setting out the text of a motion which it is

**"ordinary meeting"** means an Ordinary meeting of the Council.

**"Penalty Unit"** has the same meaning as the Sentencing Act 1991.

**"special committee"** means a special committee established by the Council under section 86 of the Act.

**"special meeting"** means a special meeting of the Council established under section 86 of the Act.

## **PART 2 -THE COMMON SEAL**

### **8. Use of the Common Seal**

The Common Seal may only be used on the authority of the Council.



**9. Custody of the Common Seal**

The Chief Executive Officer must keep the Common Seal in safe custody.

**10. Signatures to accompany the Common Seal**

Every document to which the Common Seal is affixed must be signed as required by:

- (a) two Councillors and the Chief Executive Officer or, in the absence of the Chief Executive Officer, by two Councillors and any other member of staff authorised by Council.
- (b) The Chief Executive Officer or an officer nominated by the Chief Executive Officer where the document is not required to be signed by Councillors.

Unauthorised use of the Common Seal will attract up to 10 penalty units

**11. Unauthorised Use of the Common Seal**

- a) A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.
- b) Any person who fraudulently uses the common seal is guilty of an offence.

**12. Delegation**

Council delegates to the Chief Executive Officer the power to authorize the use of the common seal on behalf of Council subject to the following:

- a) The seal must not be used for matters for which the Chief Executive Officer is not delegated power as detailed in the conditions and limitations of the Instrument of Delegation from Council to the Chief Executive Officer
- b) The Chief Executive Officer is first satisfied that any provisions of the Act required to be complied with in relation to the subject matter of the document have been complied with.

**PART 3-THE COUNCIL**

**13. When the Mayor Is to be elected**

- (1) The Councillors must elect a Councillor to be the Mayor.
- (2) The Mayor is to be elected at a Special Meeting held within the period prescribed by section 71 of the Act.

**14. Procedure for the election of the Mayor**

- (1) The Agenda for the meeting at which the Mayor is to be elected must include:

- (a) the election of the Mayor;
  - (b) fixing allowances for the Mayor and Councillors under section 74 of the Act;
  - (c) the appointment of Councillors to special committees, advisory committees and any external bodies that the Council considers necessary to best represent the interests of the Council.
- (2) Any Councillor is eligible for the election or re-election to the office of Mayor.
- (3) The Chief Executive Officer will be the first temporary Chair of the meeting at which the election of the Mayor is to be conducted.
- (4) The Chief Executive Officer must invite nominations for a second temporary Chair. If there is only one nomination, the candidate is deemed to have been elected.
- (5) If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates by a show of hands and the candidate receiving the majority of votes must be declared to have been duly elected.
- (6) The second temporary Chair must invite nominations for the election of Mayor. If there is only one nomination, which must be seconded, the candidate nominated will be declared elected as Mayor.
- (?) If there is more than one nomination, each of which must be seconded, the Councillors must vote by a show of hands and the candidate receiving the absolute majority of votes will be declared elected as Mayor.
- (8) If no candidate receives an absolute majority of votes, the candidate with the fewest number of votes is eliminated from the count and a further poll must be conducted between the remaining candidates until one of the candidates receives an absolute majority of votes.
- (9) If for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by simple majority vote.
- (10) If there is an equality of votes with respect to the candidate to be eliminated, the candidate to be eliminated must be determined by lot.

**15. Determining the election of Mayor by lot**

If a lot is required, the Chief Executive Officer will conduct the lot and the following provisions will apply:

- (a) each candidate will draw one (1) lot.
- (b) the order of drawing lots must be determined by the alphabetical order of the

surname of the Councillors who received an equal number of votes, except that if two (2) or more such Councillors' surnames are identical, the order must be determined by the alphabetical order of the Councillors' first names.

- (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a container by the Chief Executive Officer.
- (d) if the lot is being conducted to determine which candidate is a defeated candidate, the word "Defeated" must be written on 1 of the pieces of paper and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates); or
- (e) if the lot is being conducted to determine which candidate is to be elected, the word "Elected" must be written on 1 of the pieces of paper, and the Councillor who draws the paper with the word "Elected" written on it must be declared to have been duly elected.

## **PART 4- PROCEDURES APPLYING TO MEETINGS**

### **16. Conduct at Meetings**

Councillors will have regard to the Councillor Code of Conduct in their participation in any meeting and adhere to the principles of the code by treating fellow Councillors with respect and not making any defamatory, indecent, abusive, offensive or disorderly statements or comments

### **17. Public Notice of Dates and Times of Meetings**

- (1) At the statutory meeting the Council, the Council must fix the date, time and place of all Council and Special Committee meetings of the Council, which may be amended where the circumstances require.
- (2) The Council must provide at least 7 days notice of ordinary meetings and special meetings of the Council and meetings of any special committees comprised solely of Councillors unless urgent or extraordinary circumstances prevent the Council from doing so in which case, the Council must give public notice that is practicable for the circumstances which includes advice of the reasons why the 7 days notice of the meeting could not be given.
- (3) The Council may change the date, time and place of any Council meeting and Special Committee meetings which has been fixed and must provide reasonable notice of the changes to the public.
- (4) Where meeting dates are changed details should be published in the local paper, at each of the Council's Customer Service centres and on the website. However, if time does not allow for details to be published in the local newspapers then the posting of a notice setting out the details should be placed in as many public places as is practicable (Council's Customer Service Centres, website) to inform the public of the change.

**18. Special CouncilH meetings**

- (1) The notice necessary to call a meeting in accordance with section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to ensure that at least 2 clear business days notice is given to Councillors unless urgent or extraordinary circumstances have necessitated the Special Council meeting.
- (2) The notice must specify the date and time of the Special Meeting and the business to be transacted.
- (3) The Chief Executive Officer must convene the Special **Meeting** as specified in the notice.
- (4) Unless all Councillors are present and unanimously agree to deal with another matter, only the business specified in the notice is to be transacted.

**19. Notice of meeting to Councillors**

- (1) Unless urgent or extraordinary circumstances have necessitated the meeting, a notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be provided to every Councillor:
  - (a) for an ordinary meeting at least 48 hours before the meeting;
  - (b) for a special Council meeting at least 48 hours before the meeting; and
  - (c) for a special committee meeting at least two (2) clear days before the meeting.
- (2) The notice on agenda for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by post, messenger, facsimile or email to each Councillor's place of residence or usual place of business (if applicable) or as otherwise specified by the Councillor.
- (3) Despite anything contained in this Local Law, the Chief Executive Officer must, in respect, of an Ordinary Meeting, include in the agenda any matter which the Chief Executive Officer thinks should be the subject of consideration at the meeting.
- (4) No business may be transacted at an Ordinary Meeting unless it appears on the agenda except where:
  - (a) the business has been referred to Council by a special committee which has met since the agenda was prepared; or
  - (b) arisen since the preparation of the agenda and is of such importance that consideration by Council cannot be delayed -

Provided that

- (i) the business is the subject of a written supplementary report by a member of Council staff; or
- (ii) Council resolves to admit it as urgent business.

**20. Quorums required for meetings**

- (1) The quorum required for a Council meeting is a majority of Councillors.
- (2) The quorum required for meetings of special committees and advisory committees is a majority of the number of persons who comprise the committee and who are entitled to vote.

**21. Failure to Raise a Quorum**

If a quorum is not present within 30 minutes of the time appointed for the commencement of a Council meeting:

- (a) the meeting may be adjourned for not more than seven (7) days by:
  - (i) a majority of the Councillors present; or
  - (ii) the Chief Executive Officer; and
- (b) the Chief Executive Officer must give all Councillors notice of the adjourned meeting.

**22. Inability to Achieve or Maintain a Quorum due to Conflict of Interest of Councillors**

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the Chief Executive Officer, or in his or her absence, a senior officer, must adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.

**23. When Meeting Lapses**

If a quorum falls after a Council Meeting has begun, the meeting lapses.

**24. Business of a Lapsed Meeting**

If a Council meeting lapses, the undisposed of business must, unless it has already been disposed of at a special meeting, be included in the agenda for the next ordinary meeting.

**25. Order of Business**

- a) The order of business appearing on an agenda will be determined by the Chief Executive Officer to facilitate and maintain efficient and effective processes of government.
- b) The order of business appearing on agendas will be as consistent as possible from

meeting to meeting, but may be subject to minor alterations at the discretion of the Chief Executive Officer to assist in providing a fluent process of government. Alterations to the order will be made to meet the needs of the Council or to take advantage of opportunities that may arise from time to time.

**26. Minutes of Council meetings**

- (1) The Chief Executive Officer must ensure that:
  - (a) minutes are kept of all Council meetings and special committee meetings of the Council; and
  - (b) a written record is kept of any assembly of Councillors and submitted to the Council in accordance with section 80A of the Act.
  
- (2) The minutes of any Council meeting must contain the details of the proceedings including:
  - (a) the date, place, time, duration and nature of the meeting;
  - (b) the names of the Councillors and/or members present;
  - (c) arrivals and departures (including temporary departures) of Councillors and/or members during the course of the meeting;
  - (d) each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - (e) the vote cast by each Councillor or member upon a division;
  - (f) questions upon notice;
  - (g) the failure of a quorum;
  - (h) disclosure by a Councillor of a conflict of interest and the details associated with that disclosure required by section 79 of the Act and any disclosure of conflict of interest by the Chief Executive Officer required by section 80B of the Act; and
  - (i) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
  
- (3) If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:
  - (a) state the item or items with which he or she is dissatisfied; and

- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

**27. Meetings open to the public**

All meetings of the Council must be open to members of the public except where the Council resolves to close the meeting because it is discussing:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) any other matter which Council or the Special Committee considers would prejudice Council or any person; or
- (h) a resolution to close the meeting to members of the public.

**28. Urgent Business**

Business must not be admitted as urgent business unless it:

- (i) relates to or arises out of a matter which has arisen since distribution of the agenda; and
- (ii) cannot safely or conveniently be deferred until the next Ordinary Meeting.

**29. Notices of Motion**

- (1) A Councillor wanting to have a notice of motion included in the agenda must give written notice to the Chief Executive Officer in sufficient time for each Councillor to be given at least 7 days notice of the notice.
- (2) The Chief Executive Officer may reject any notice of motion that is too vague because the intention of the motion is not clear, but before rejecting it must give the Councillor delivering the notice an opportunity to amend it.
- {3} The full text of any such notice of motion must be included on the agenda.
- {4} The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion book in the order in which they were received.

- (5) Except by leave of the Council, notices of motion before any meeting must be considered in the order in which they were entered in the notice of motion book.
- (6) If a Councillor who has given a notice of motion:
  - (a) is absent from the meeting; or
  - (b) fails to move the motion when called upon by the Chairperson any other Councillor may himself or herself move the motion.

### **30. Form of Motions**

- (1) A motion or an amendment must:
  - (a) relate to the powers or functions of Council;
  - (b) be in writing; and
  - (c) except in the case of urgent business, be relevant to an item of business on the agenda.
- (2) A motion or amendment must not be defamatory or objectionable in language or nature.
- (3) The Chairperson may refuse to accept any motion or amendment which contravenes this clause.

### **31. Withdrawing Motions**

A motion or amendment cannot be withdrawn without the consent of the meeting.

### **32. Motion to be Moved and Seconded**

The procedure for any motion is-

- (a) the mover must state the motion without speaking to it;
- (b) the Chairperson must call for a seconder unless the motion is a call to enforce a point of order;
- (c) unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;
- (d) if a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (e) if the motion is seconded, the Chairperson must ask: "Is the motion opposed<sup>11</sup>;



- (f) if no Councillor indicates opposition, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously. After declaring the motion carried the Chairperson must ask the mover if they wish to speak on the motion;
- (g) if a Councillor indicates opposition to the motion, then the Chairperson must call the mover to address the meeting;
- (h) after the mover has addressed the meeting the seconder may address the meeting;
- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting) the Chairperson may call upon any Councillor who wishes to speak against the motion;
- (j) after a Councillor has spoken against the motion the Chairperson may call upon any other Councillor to speak for or against the motion;
- (k) a Councillor may speak once on the motion except for the mover of the motion who has a right of reply after which the motion must be put to the meeting for decision;
- (l) a Councillor may be permitted by the Chairperson or by resolution to speak more than once to explain that the Councillor has been misrepresented or misunderstood;
- (m) a Councillor calling the attention of the Chairperson to a Point of Order is not regarded as speaking to the motion or the amendment; and
- (n) motions must be clear and unambiguous and not be defamatory or objectionable in language or in nature.

### **33. Amendment of motions**

- (1) If a Councillor proposes an amendment to a motion, the procedure is:
  - (a) the mover and seconder of a motion cannot move or second an amendment to it;
  - (b) the mover of an amendment has no right of reply;
  - (c) a second or subsequent amendment cannot be moved until the immediately preceding amendment is disposed of;
  - (d) if any Councillor intends to move a second or subsequent amendment he or she must give notice of that intention prior to the right of reply being exercised;
  - (e) if an amendment is adopted it becomes the substantive motion and, as such, must be put to the vote by the Chairperson.

- (2) A Councillor cannot move more than two (2) amendments in succession.

**34. Time Limits**

A Councillor must not speak for longer than the time set out below, unless granted an extension of time by the meeting:

- (a) the mover of a motion or an amendment: 5 minutes;  
and any other member: 3 minutes
- (b) the mover of a motion exercising a right of reply: 2 minutes.

**35. Rescission or Amendment of a decision**

- (1) A Councillor may propose a motion to rescind or amend a decision of the Council provided the motion to be rescinded or amended has not been acted upon.
- (2) The motion must be given to the Chief Executive Officer in sufficient time to enable the Chief Executive Officer to give 7 days notice to all Councillors;
- (3) The motion will be deemed to have been withdrawn if it is not moved at the next meeting at which such business may be transacted; and
- (4) If the motion is a second or subsequent motion to rescind or alter an earlier resolution, it must not be accepted by the Chief Executive Officer until a period of 1 month has elapsed since the date of the meeting at which the first or last motion of rescission or alteration was dealt with.

**36. Formal Motions**

- (1) A formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Formal motions are not required to be seconded.
- (3) A formal motion cannot be moved by the Chairperson.
- (4) A formal motion and the effect of such a motion is in Appendix A to this Local Law.

**37. Points of Order and Procedures**

- (1) A point of order is an objection that the motion, amendment or a statement made is:
- (a) contrary to this Local Law or the provisions of the Act;
- (b) defamatory or disloyal;
- (c) irrelevant;
- (d) improper;

*West Wimmera Shire Council*  
**MEETING PROCEDURE AND COMMON SEAL LOCAL LAW 2017**

- (e) obscene;
  - (f) outside Council's legal powers.
- {2} A Councillor may make a point of order by stating, "Point of Order", at which time the Chairperson must suspend the debate and request the Councillor to state the point of order.
- (3) A Councillor raising a point of order must:
- (a) state the point of order; and
  - (b) the reason for bringing it to the attention of the Chairperson.
- (4) If called to order, a Councillor must remain silent until the point of order is decided unless he or she is requested by the Chairperson to provide an explanation.
- (5) The Chairperson may adjourn the meeting to consider a point of order otherwise he or she must rule on it as soon as it is raised.
- (6) The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.
- (7) All matters before the Council are to be suspended until the point of order is decided.
- (8) Expressing a difference of opinion or contradicting a speaker is not to be treated as making a point of order.
- (9) The Chairperson's ruling on a point of order is final.

**38. Disagreeing with Chairperson's Ruling**

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present move a motion of dissent.
- (2) A motion of dissent on a point of order must contain a provision, rule, practice or precedent in substitution for the Chairperson's ruling.
- (3) A motion of dissent in relation to a point of order is not a motion of dissent in the Chair and the Chairperson must at all times remain in the Chair and he or she will maintain his or her right to a second vote.
- (4) A motion of dissent on a point of order will take precedence over all other business and if carried will be acted on instead of the ruling given by the Chairperson.

**39. Division**

- (1) Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

- (2) When a division is called for, the vote already taken must be treated as a nullity and the division will decide the question, motion or amendment.
- (3) When a division is called for, the Chairperson must call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.
- (4) The Chairperson will name those Councillors voting for the motion and those Councillors voting against the motion and the names must be recorded in the Minutes of the Meeting.
- (5) Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is-
  - (a) for a Councillor to request that his or her opposition to the motion be recorded in the minutes; or
  - (b) where a subsequent notice of motion follows a rescission motion.

**40. Public participation at meetings**

- (1) At every ordinary meeting of the Council, time may be allocated to enable any member of the community to ask a question of the Council.
- (2) Sub-clause (1) does not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 89(2) of the Act.
- (3) The Council may allocate reasonable time to each person who wishes to ask a question of the Council having regard to-
  - (a) the nature of the matter to be discussed;
  - (b) priorities in relation to other Council business;
  - (c) other members of the community present who also wish to ask a question of the Council;
  - (d) whether such an opportunity has already been provided to the person.
- (4) The Council may decide to defer a response to a later date and the views of the person asking the question of Council should be sought concerning that other date.
- (5) Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

**41. Suspension of Standing Orders**

- (1) Subject to clause 39, the provisions of this Local Law may be suspended for a particular purpose by resolution of the Council.
- (2) The suspension of such provisions (suspension of standing orders) should be used to enable full discussion of any issue without the constraints of formal meeting procedure.
- (3) The purpose of suspending standing orders is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.
- (4) The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of the Council.
- (5) Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary.

**42. Gallery to be Silent**

- (1) Any member of the public asking a question of the Council or in attendance in the gallery must extend due courtesy and respect to the Council and the processes under which it operates
- (2) Visitors must not interject or take part in the debate and must take direction from the Chairperson whenever called upon to do so.

**43. Ejection of Disorderly Visitors**

If any visitor is called to order by the Chairperson and thereafter again acts in breach of this Local Law, the Chairperson may order him or her to be removed from the gallery.

**44. Chairperson May Adjourn Disorderly Meeting**

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper.

**45. Time Limit for Meetings**

A Council meeting must not continue four hours unless a majority of Councillors present vote in favour of the meeting continuing.

**46. Recording Proceedings**

- (1) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may record all the proceedings of a Council or special committee meeting. Recordings must be retained for a period of three months from the date of the meeting.
- (2) Any other person, including those representing the media may, with the prior written consent of Council or the special committee be permitted to record any part of the proceedings of a Council or special committee meetings.

- {3) The consent of Council may be revoked at any time during the meeting.
- (4) If a person records a meeting of the Council or special committee without first obtaining the consent of the Council he or she will be guilty of an offence against this Local Law.

**47. Procedure Not Provided in Local Law**

If a procedural matter is not specifically provided for by this Local Law, consideration may be given to the rules, forms and usages of the Victorian Parliament.

**48. Suspension of Procedure**

Any provisions of this Local Law applicable to a Council meeting, special committee meeting or an advisory committee meeting may be suspended by a resolution of the Council or the committee and the application of the Local Law may be resumed by a resolution of the Council.

**PART 5 - OFFENCES**

**49. Offences against the Local Law**

It is an offence:

- (a) for a Councillor to not withdraw an expression which is considered by the Chairperson to be defamatory, indecent, abusive, offensive, disorderly or objectionable, and to not satisfactorily apologise when called upon twice by the Chairperson to do so.

**Penalty: 20 Penalty Units**

- (b) for any person, not being a Councillor, who is guilty of any improper or disorderly conduct to not leave the meeting when requested by the Chairperson to do so.

**Penalty: 20 Penalty Units**

- (c) for any person to fail to obey a direction of the Chairperson relating to the conduct of the meeting and the maintenance of order.

**Penalty: 20 Penalty Units**

- (d) for a Councillor to refuse to leave the chamber or suspension.

**Penalty: 20 Penalty Units.**

- (e) for a person to record the proceedings of the Council or a Special Committee without first obtaining the prior written consent of the Council or Special Committee.

**Penalty: 20 Penalty Units**

West Wimmera Shire Council  
**MEETING PROCEDURE AND COMMON SEAL LOCAL LAW 2017**

The resolution for making this Local Law was agreed to by the Council of the West Wimmera Shire on 15 February 2017.

The resolution to sign and seal this Local Law was agreed to by the Council of West Wimmera Shire on 16 June 2017

THE **COMMON SEAL** of THE WEST **WIMMERA** SHIRE COUNCIL was hereunto affixed in the presence of:



7 ..... Councillor

*[Signature]* ..... Councillor

*[Signature]* ..... Chief Executive Officer

Notice of the proposal to make and of the making of this Local Law were included in the Victorian Government Gazette dated 4 May 2017 and ..... .t...:f ..... .!1.....

Public Notice of the proposal to make and confirmation of the making of the Local Law were inserted in the:

1. West Wimmera Advocate on 1 March 2017 and ..... !":f:-..... .n .....
2. Kaniva Times on 1 March 2017 and ..... } : ..... - ..... : ..... ? .....

A copy of this Local Law was sent to the Minister for Local Government on.....: ..... .!1

**APPENDIX A - FORMAL MOTIONS**

Formal Motion	Form	Mover & Seconder	Matter in Respect of Which Motion May be Moved	When Motion <b>Prohibited</b>	Effect if Carried	Effect if Lost
1.	Adjournment of debate to later hour and/or date	Any Councillor.	Any matter.	(a) During the election of a Chairperson;  (b) When another Councillor is speaking.	Motion and amendments postponed to the stated time and/or date.	Debate continues unaffected.
2.	Adjournment of debate indefinitely.	<b>Any</b> Councillor.	Any matter <b>except:</b>  (a) Election of a Chairperson;  (b) A matter in respect of which a call of the Council has been made for that meeting.	(a) During the election of a Chairperson;  (b) When another Councillor is speaking;  (c) When the matter is one in respect of which a call of the Council has been made.	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected.
3.	Adjournment of meeting to later hour or date.	<b>Any</b> Councillor	Any meeting.	(a) During the election of a Chairperson.  (b) When another Councillor is speaking .	<b>Meeting</b> adjourns immediately until the stated time and/or date.	Debate continues unaffected.



*West Wimmera Shire Council*  
**MEETING PROCEDURE AND COMMON SEAL LOCAL LAW 2017**

4.	Adjournment of meeting indefinitely.	That this meeting be adjourned until further notice.	Any Councillor	(a) Any matter except election of a Chairperson;  (b) During a meeting which is a call of the Council;  (c) When another Councillor is speaking.	(a) During the election of a Chairperson;  (b) During a meeting which is a call of the Council;  (c) When another Councillor is speaking.	Meeting adjourns until an agenda is delivered under clause 19.	Debate continues unaffected.
5.	The closure.	That the motion be now put.	A Councillor who has not spoken to the motion or any amendment of it.	Any matter.	During nominations for Chairperson.	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion	Debate continues unaffected.
6.	Laying question on the table.	That the question lie on the table.	A Councillor who has not spoken to the motion or amendment of it.	Any matter.	(a) During the election of a Chairperson;  (b) During a meeting which is a call of the Council.	Motion and amendments not further discussed or voted on until: (a) Council resolves to take the question from the table at the same meeting;  (b) The matter is placed on an agenda and Council resolves to take the question from the table.	Debate continues unaffected.

*West Wimmera Shire Council*  
**MEETING PROCEDURE AND COMMON SEAL LOCAL LAW 2017**

7.	Previous Question	That the question be not now put.	A Councillor who has spoken to the motion or any amendment of it.	Any matter <b>except:</b>  (a) Election of a Chairperson;  (b) A matter in respect of which a call of the Council has been made for that meeting.	(a) During the election of a Chairperson;  (b) <b>When</b> another Councillor is speaking;  (c) When the matter is one in respect of which a call of the Council has been made;  (d) When an amendment is before Council.	(a) No vote or further discussion on the motion until it is placed on an agenda for a later meeting;  (b) Proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate.
8.	Proceeding to next business	<b>That the meeting proceed to the next business.</b>  Note: This Motion:  (a) May not be amended;  (b) May not be debated;  (c) Must be put to the vote as soon as seconded.	A Councillor who has spoken to the motion or any amendment of it.	Any matter <b>except:</b>  (a) Election of a Chairperson;  (b) A matter in respect of which a call of the Council has been made for that meeting.	(a) During the election of a Chairperson;  (b) <b>When</b> another Councillor is speaking;  (c) When the matter is one in respect of which a call of the Council has been made.	If carried in respect of:  (a) An amendment - Council considers the motion without reference to the amendment;  (b) A motion - no vote or further discussion on the motion until it is placed on an agenda for a later meeting.	Debate continues unaffected



Maddocks

Maddocks Delegations and Authorisations

***S5 Instrument of Delegation to Chief Executive Officer***

**West Wimmera Shire Council**

**Instrument of Delegation**

**to**

**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
4. Approve payment of progress claims pertaining contracts, previously approved by Council.

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.



Maddocks

Maddocks Delegations and Authorisations

***S6 Instrument of Delegation – Members of Staff***

**West Wimmera Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

Reviewed and Adopted by Council, 19 August 2020

# Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power 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 described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:
  - AC: Asset Coordinator
  - BPC: Business Performance Coordinator
  - CEO: Chief Executive Officer
  - 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
  - MBPD: Manager Business Performance & Development
  - MBS: Municipal Building Surveyor
  - ME; Manager Engineering
  - MERO: Municipal Emergency Resource Coordinator
  - MPE: Manager Planning and Environment
  - MRM: Municipal Recovery Manager
  - ND: Not Delegated –
  - NRO: Natural Resources Officer
  - RC: Rates Coordinator
  - RLLC: Ranger - Local Laws Coordinator
  - WM: Works Manager
3. declares that:
  - 3.1 this Instrument of Delegation is authorised by **resolution** of Council passed on 19 August 2020; and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2 remains in force until varied or revoked;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 3.3.1 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;
    - 3.3.2 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) strategy

adopted by Council;

3.3.3 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; or

3.3.4 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 or delegated committee.

**##Council seal**



# SCHEDULE



INDEX

<b>CEMETERIES AND CREMATORIA ACT 2003 .....</b>	<b>1</b>
<b>DOMESTIC ANIMALS ACT 1994.....</b>	<b>15</b>
<b>ENVIRONMENT PROTECTION ACT 1970.....</b>	<b>16</b>
<b>FOOD ACT 1984.....</b>	<b>17</b>
<b>HERITAGE ACT 2017.....</b>	<b>22</b>
<b>LOCAL GOVERNMENT ACT 1989.....</b>	<b>23</b>
<b>PLANNING AND ENVIRONMENT ACT 1987.....</b>	<b>24</b>
<b>RESIDENTIAL TENANCIES ACT 1997 .....</b>	<b>60</b>
<b>ROAD MANAGEMENT ACT 2004 .....</b>	<b>63</b>
<b>CEMETERIES AND CREMATORIA REGULATIONS 2015.....</b>	<b>74</b>
<b>PLANNING AND ENVIRONMENT REGULATIONS 2015.....</b>	<b>79</b>
<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016.....</b>	<b>80</b>
<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 .....</b>	<b>81</b>
<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 .....</b>	<b>84</b>
<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015.....</b>	<b>86</b>



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
##The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	DCCS FC	
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	DCCS FC	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) – (c) in exercising its functions	DCCS FC	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) – (n)	ND	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions	ND	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DCCS FC	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	DCCS FC	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	DCCS FC	
s 15(4)	Duty to keep records of delegations	DCCS, FC	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 17(1)	Power to employ any persons necessary	DCCS, FC	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	DCCS, FC	
s 17(3)	Power to determine the terms and conditions of employment or engagement	DCCS, FC	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	ND	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	ND	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	ND	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	ND	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	ND	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	ND	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	ND	Where Council is a Class A cemetery trust



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	ND	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	ND	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	ND	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	ND	Where Council is a Class A cemetery trust
s 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	ND	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	ND	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	ND	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	ND	Where Council is a Class A cemetery trust



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	ND	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	ND	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	ND	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	ND	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	ND	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year	ND	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	DCCS, FC	
s 20(1)	Duty to set aside areas for the interment of human remains	DCCS, FC	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	DCCS, FC	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	DCCS, FC	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	ND	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	ND	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	ND	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	DCCS, FC	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	ND	Provided the street was constructed pursuant to the <i>Local Government Act 2020</i>
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DCCS, FC	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	DCCS, FC	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DCCS, FC	
s 60(2)	Power to charge fees for providing information	DCCS, FC	





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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DCCS, FC	
s 64B(d)	Power to permit interments at a reopened cemetery	DCCS, FC	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DCCS, FC	The application must include the requirements listed in s 66(2)(a)–(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	ND	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DCCS, FC	
s 70(2)	Duty to make plans of existing place of interment available to the public	DCCS, FC	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	DCCS, FC	
s 71(2)	Power to dispose of any memorial or other structure removed	ND	
s 72(2)	Duty to comply with request received under s 72	DCCS, FC	
s 73(1)	Power to grant a right of interment	DCCS, FC	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 73(2)	Power to impose conditions on the right of interment	DCCS, FC	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	DCCS, FC	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DCCS, FC	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DCCS, FC	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DCCS, FC	
s 80(2)	Function of recording transfer of right of interment	DCCS, FC	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DCCS, FC	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DCCS, FC	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	DCCS, FC	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DCCS, FC	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
##The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DCCS, FC	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	ND	Does not apply where right of internment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or;  Remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	ND	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	ND	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of internment to a perpetual right of interment	ND	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	ND	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
##The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	ND	
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	ND	
s 86(5)	Duty to provide notification before taking action under s 86(4)	ND	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	ND	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	ND	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DDCS, FC	
s 91(1)	Power to cancel a right of interment in accordance with s 91	DDCS, FC	
s 91(3)	Duty to publish notice of intention to cancel right of interment	DDCS, FC	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	DDCS, FC	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
##The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DDCS, FC	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	DDCS, FC	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DDCS, FC	
s 100(1)	Power to require a person to remove memorials or places of interment	DDCS, FC	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	ND	
s 100(3)	Power to recover costs of taking action under s 100(2)	ND	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	ND	
s 102(1)	Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c)	ND	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	ND	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 103(1)	Power to require a person to remove a building for ceremonies	ND	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	ND	
s 103(3)	Power to recover costs of taking action under s 103(2)	DDCS, FC	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	DDCS, FC	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	DDCS, FC	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	DDCS, FC	
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	DDCS, FC	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DDCS, FC	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	DDCS, FC	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 108	Power to recover costs and expenses	DDCS, FC	
s 109(1)(a)	Power to open, examine and repair a place of interment	DDCS, FC	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DDCS, FC	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	DDCS, FC	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary	DDCS, FC	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DDCS, FC	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	ND	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DDCS, FC	
s 112	Power to sell and supply memorials	DDCS, FC	



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DDCS, FC	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	DDCS, FC	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DDCS, FC	
s 119	Power to set terms and conditions for interment authorisations	DDCS, FC	
s 131	Function of receiving an application for cremation authorisation	DDCS, FC	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	DDCS, FC	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DDCS, FC	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	DDCS, FC	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DDCS, FC	





<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	DDCS, FC	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	DDCS, FC	
s 151	Function of receiving applications to inter or cremate body parts	DDCS, FC	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	DDCS, FC	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DDCS, FC	
sch 1 cl 8(8)	Power to regulate own proceedings	DDCS, FC	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	ND	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	ND	Where Council is a Class A cemetery trust Subject to cl 8

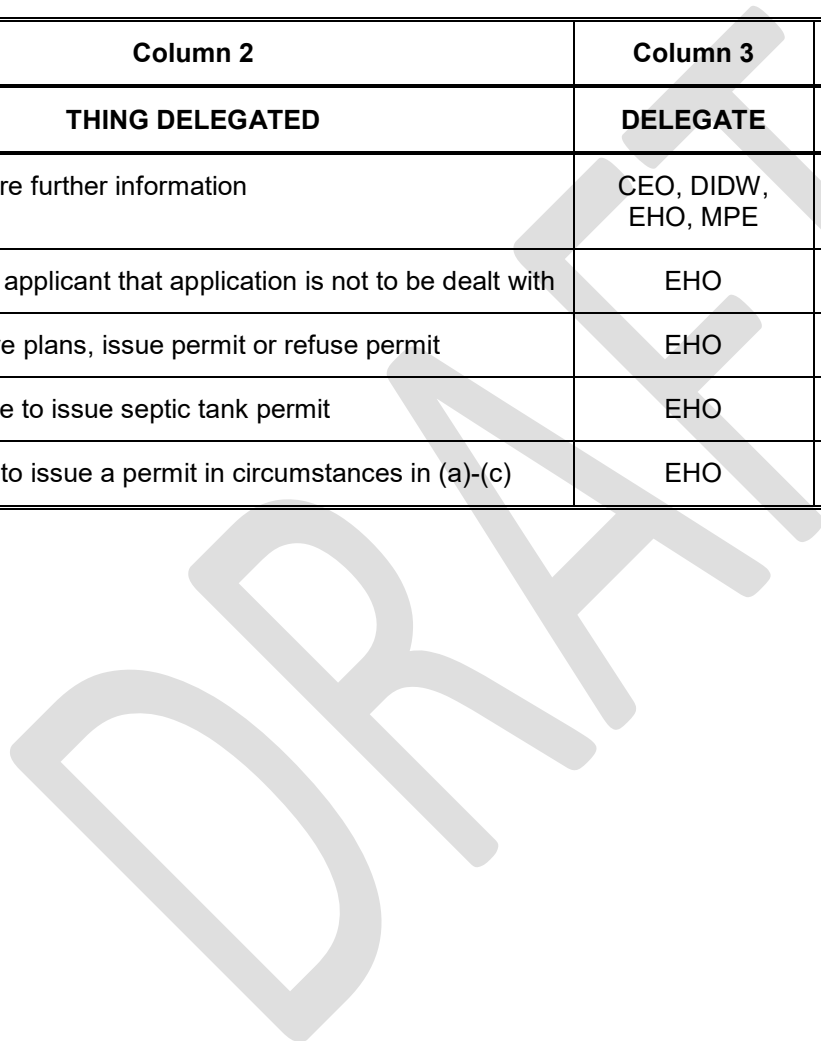


<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, DIDW, RLLC	Council may delegate this power to a Council authorised officer

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<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 53M(3)	Power to require further information	CEO, DIDW, EHO, MPE	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	EHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	EHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	EHO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	EHO	Refusal must be ratified by Council or it is of no effect





<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, DIDW, EHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEO, DIDW, EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO, DIDW, EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	CEO, DIDW, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	CEO, DIDW, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	EHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHO	Where Council is the registration authority



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHO	Where Council is the registration authority
---	Power to register, renew or transfer registration	EHO	Where Council is the registration authority Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO	Where Council is the registration authority



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38D(3)	Power to request copies of any audit reports	EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	EHO	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	EHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHO	Where Council is the registration authority



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHO	Where Council is the registration authority

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<b>HERITAGE ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, DIDW, MPE	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

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<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO <sup>1</sup>	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO <sup>2</sup>	

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<sup>1</sup> The only member of staff who can be a delegate in Column 3 is the CEO.

<sup>2</sup> The only member of staff who can be a delegate in Column 3 is the CEO.



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	DIDW, MPE	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DIDW, MPE	
s 4H	Duty to make amendment to Victorian Planning Provisions available	DIDW, MPE	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	DIDW, MPE	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DIDW, MPE	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	DIDW, MPE	
s 8A(5)	Function of receiving notice of the Minister's decision	MPE	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	DIDW, MPE	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DIDW, MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DIDW, MPE	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	DIDW, MPE	
s 12B(1)	Duty to review planning scheme	CEO, DIDW, MPE	
s 12B(2)	Duty to review planning scheme at direction of Minister	MPE	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	MPE	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	MPE	
s 17(1)	Duty of giving copy amendment to the planning scheme	MPE	
s 17(2)	Duty of giving copy s 173 agreement	MPE	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MPE	
s 18	Duty to make amendment etc. available	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	MPE	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, DIDW, MPE	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	MPE	
s 21(2)	Duty to make submissions available	MPE	
s 21A(4)	Duty to publish notice	MPE	
s 22	Duty to consider all submissions	MPE	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DIDW, MPE	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	MPE	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, DIDW, MPE	
s 26(1)	Power to make report available for inspection	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 26(2)	Duty to keep report of panel available for inspection	MPE	
s 27(2)	Power to apply for exemption if panel's report not received	MPE	
s 28	Duty to notify the Minister if abandoning an amendment	MPE	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	MPE	
s 30(4)(b)	Duty to provide information in writing upon request	MPE	
s 32(2)	Duty to give more notice if required	MPE	
s 33(1)	Duty to give more notice of changes to an amendment	MPE	
s 36(2)	Duty to give notice of approval of amendment	MPE	
s 38(5)	Duty to give notice of revocation of an amendment	MPE	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DIDW, MPE	
s 40(1)	Function of lodging copy of approved amendment	MPE	
s 41	Duty to make approved amendment available	MPE	
s 42	Duty to make copy of planning scheme available	MPE	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	ND	Where Council is a responsible public entity and is a planning authority <b>Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils</b>
s 46AW	Function of being consulted by the Minister	MPE	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  Power to endorse the draft Statement of Planning Policy	DIDW, MPE	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DIDW, MPE	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	MPE	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DIDW, MPE	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DIDW, MPE	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	MPE	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MPE	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	MPE	
s 46GP	Function of receiving a notice under s 46GO	MPE	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DCCS, RC,	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	DIDW, MPE	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DIDW, MPE	





<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	DCCS, RC, NRO	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO, DCCS	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DCCS	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CEO, DCCS	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	DCCS	
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	DIDW, MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	DCCS	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	DCCS	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DIDW	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DCCS, DIDW	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DIDW, MPE	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DIDW, MPE	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DIDW, MPE	Where Council is the collecting agency



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DIDW, MPE	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	DIDW, MPE	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DIDW, MPE	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DIDW, MPE	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	DIDW, MPE	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	DCCS, DIDW, MPE	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZ(2)(b)	Function of receiving the monetary component	DCCS,	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	DIDW, MPE	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DCCS, DIDW, MPE	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DCCS, DIDW, MPE	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	DCCS, DIDW	Where Council is the collecting agency under an approved infrastructure contributions plan



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DIDW, MPE	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DIDW, MPE	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	DCCS, DIDW	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DIDW, MPE	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	DIDW, MPE	Where Council is a development agency under an approved infrastructure contributions plan



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DIDW, MPE	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	DIDW, MPE	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	MPE	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DCCS, DIDW	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DCCS, DIDW	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DIDW, MPE	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DIDW, MPE	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	MPE	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	MPE	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	DCCS	Where Council is the collection agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	DIDW, MPE	Where Council is the collecting agency under an approved infrastructure contributions plan

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	DIDW, MPE	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DCCS, DIDW, MPE	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DIDW, MPE	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DIDW, MPE	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	DCCS, RC	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	MPE	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	MPE	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DIDW, MPE	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46Q(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	DIDW, MPE	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	DIDW, MPE	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, MPE	
s 46Q(1)	Duty to keep proper accounts of levies paid	FC, MPE	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	FC, MPE	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	MPE	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	FC, MPE	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	DIDW, FC, MPE	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	MPE	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	MPE	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	MPE	
s 46QD	Duty to prepare report and give a report to the Minister		Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	ND	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	MPE	
s 47	Power to decide that an application for a planning permit does not comply with that Act	MPE	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	MPE	
s 49(2)	Duty to make register available for inspection	MPE	
s 50(4)	Duty to amend application	MPE	
s 50(5)	Power to refuse to amend application	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 50(6)	Duty to make note of amendment to application in register	MPE	
s 50A(1)	Power to make amendment to application	MPE	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	MPE	
s 50A(4)	Duty to note amendment to application in register	MPE	
s 51	Duty to make copy of application available for inspection	MPE	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	MPE	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	MPE	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	MPE	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	MPE	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	MPE	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	MPE	
s 52(3)	Power to give any further notice of an application where appropriate	MPE	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	MPE	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	MPE	
s 54(1)	Power to require the applicant to provide more information	MPE	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	MPE	
s 54(1B)	Duty to specify the lapse date for an application	MPE	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	MPE	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MPE	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	MPE	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	MPE	
s 57(5)	Duty to make available for inspection copy of all objections	MPE	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	MPE	
s 57A(5)	Power to refuse to amend application	DIDW, MPE	
s 57A(6)	Duty to note amendments to application in register	MPE	
s 57B(1)	Duty to determine whether and to whom notice should be given	MPE	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	MPE	
s 57C(1)	Duty to give copy of amended application to referral authority	MPE	
s 58	Duty to consider every application for a permit	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 58A	Power to request advice from the Planning Application Committee	MPE	
s 60	Duty to consider certain matters	MPE	
s 60(1A)	Duty to consider certain matters	MPE	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DIDW, MPE	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DIDW, MPE	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MPE	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	ND	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	ND	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	MPE	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MPE	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 62(2)	Power to include other conditions	MPE	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MPE	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	MPE	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	MPE	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	MPE	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	MPE	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	MPE	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DIDW, MPE	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	MPE	This provision applies also to a decision to grant an amendment to a permit – see s 75

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 64(3)	Duty not to issue a permit until after the specified period	MPE	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	MPE	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	MPE	This provision applies also to a decision to grant an amendment to a permit – see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	MPE	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	MPE	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	MPE	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	MPE	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	MPE	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	MPE	
s 69(1A)	Function of receiving application for extension of time to complete development	MPE	
s 69(2)	Power to extend time	MPE	
s 70	Duty to make copy permit available for inspection	MPE	
s 71(1)	Power to correct certain mistakes	MPE	
s 71(2)	Duty to note corrections in register	MPE	
s 73	Power to decide to grant amendment subject to conditions	MPE	
s 74	Duty to issue amended permit to applicant if no objectors	MPE	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MPE	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	MPE	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MPE	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	MPE	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	MPE	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	MPE	
s 83	Function of being respondent to an appeal	MPE	
s 83B	Duty to give or publish notice of application for review	MPE	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DIDW, MPE	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	MPE	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	MPE	
s 84AB	Power to agree to confining a review by the Tribunal	DIDW	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	MPE	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	MPE	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	MPE	
s 91(2)	Duty to comply with the directions of VCAT	MPE	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	MPE	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	MPE	
s 93(2)	Duty to give notice of VCAT order to stop development	MPE	
s 95(3)	Function of referring certain applications to the Minister	MPE	
s 95(4)	Duty to comply with an order or direction	MPE	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	MPE	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	MPE	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	MPE	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	MPE	
s 96F	Duty to consider the panel's report under s 96E	MPE	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	MPE	
s 96H(3)	Power to give notice in compliance with Minister's direction	MPE	
s 96J	Power to issue permit as directed by the Minister	MPE	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	MPE	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	MPE	
s 97C	Power to request Minister to decide the application	CEO, DIDW, MPE	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	MPE	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	MPE	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	MPE	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	MPE	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MPE	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	MPE	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	MPE	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MPE	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MPE	
s 97Q(4)	Duty to comply with directions of VCAT	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	MPE	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	MPE	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	MPE	
s 101	Function of receiving claim for expenses in conjunction with claim	MPE	
s 103	Power to reject a claim for compensation in certain circumstances	DIDW, MPE	
s 107(1)	Function of receiving claim for compensation	DIDW, MPE	
s 107(3)	Power to agree to extend time for making claim	DIDW, MPE	
s 114(1)	Power to apply to the VCAT for an enforcement order	DIDW, MPE	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	MPE	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DIDW, MPE	
s 123(1)	Power to carry out work required by enforcement order and recover costs	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DIDW	Except Crown Land
s 129	Function of recovering penalties	MPE	
s 130(5)	Power to allow person served with an infringement notice further time	DIDW, MPE	
s 149A(1)	Power to refer a matter to the VCAT for determination	DIDW, MPE	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CEO, DIDW, MPE	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	DIDW, MPE	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	MPE	
s 171(2)(g)	Power to grant and reserve easements	MPE	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DIDW, MPE	Where Council is a development agency specified in an approved infrastructure contributions plan



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DIDW, MPE	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	DIDW, MPE	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	MPE	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO, DIDW, MPE	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	MPE	In consultation with DIDW
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	MPE	In consultation with DIDW
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DIDW, MPE	





<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DIDW, MPE	
s 178A(1)	Function of receiving application to amend or end an agreement	MPE	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	MPE	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MPE	
s 178A(5)	Power to propose to amend or end an agreement	DIDW, MPE	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	MPE	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DIDW, MPE	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	MPE	
s 178C(4)	Function of determining how to give notice under s 178C(2)	MPE	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DIDW, MPE	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DIDW, MPE	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DIDW, MPE	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DIDW, MPE	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DIDW, MPE	After considering objections, submissions and matters in s 178B



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DIDW, MPE	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DIDW, MPE	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	MPE	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	MPE	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	MPE	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	MPE	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	MPE	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MPE	
s 179(2)	Duty to make available for inspection copy agreement	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MPE	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	MPE	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	MPE	
s 182	Power to enforce an agreement	MPE	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	MPE	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DIDW, MPE	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	MPE	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	MPE	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	MPE	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 184G(2)	Duty to comply with a direction of the Tribunal	MPE	
s 184G(3)	Duty to give notice as directed by the Tribunal	MPE	
s 198(1)	Function to receive application for planning certificate	MPE	
s 199(1)	Duty to give planning certificate to applicant	MPE	
s 201(1)	Function of receiving application for declaration of underlying zoning	MPE	
s 201(3)	Duty to make declaration	MPE	
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	MPE	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	MPE	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	MPE	
-	Power to give written authorisation in accordance with a provision of a planning scheme	MPE	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	ND	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	ND	

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<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	EHO, MBS	Where Council is a public statutory authority engaged in the provision of housing <b>Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier</b>
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	EHO, MPE, DIDW	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes <b>Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier</b>
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	EHO, MPE, DIDW	Where Council is a public statutory authority engaged in the provision of housing <b>Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier</b>
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	DIDW	Where Council is a public statutory authority engaged in the provision of housing <b>Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier</b>
s 142D	Function of receiving notice regarding an unregistered rooming house	EHO	

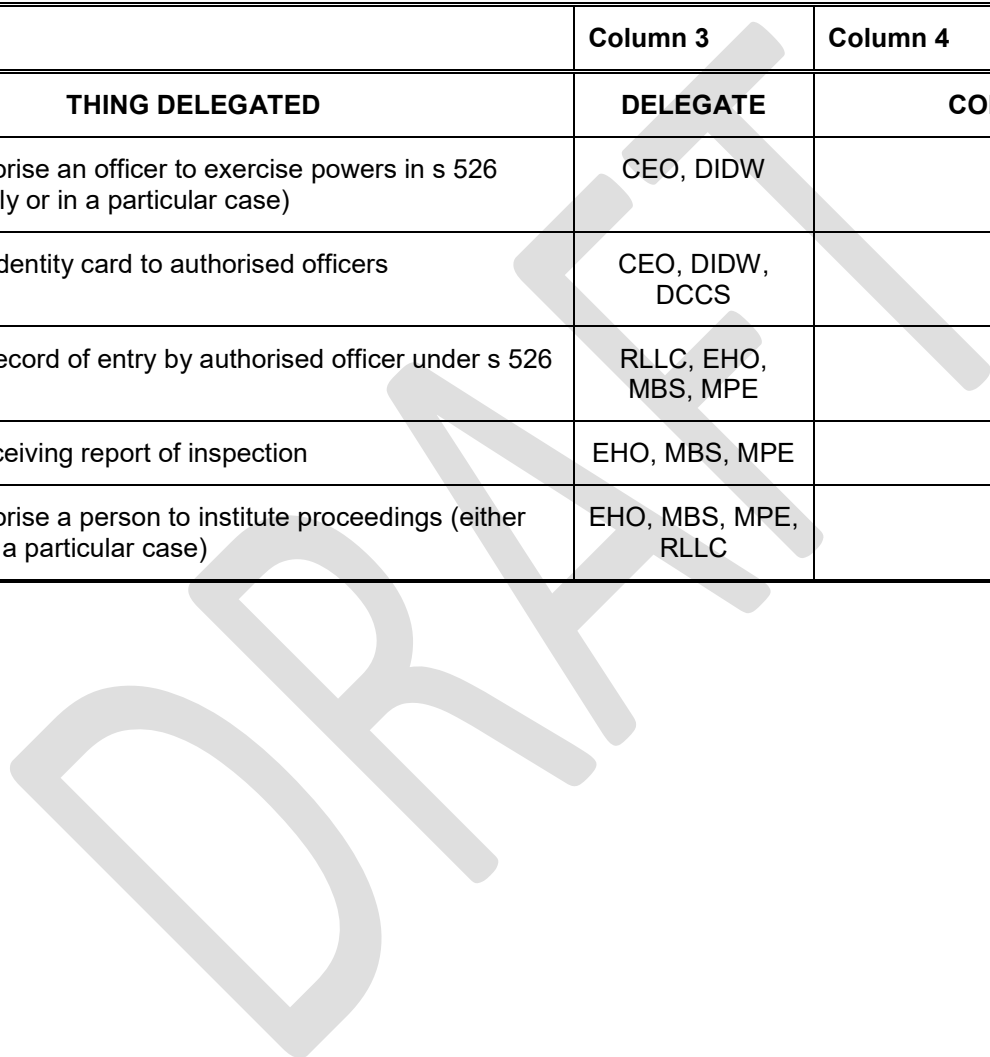


<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	EHO, MBS	
s 142G(2)	Power to enter certain information in the Rooming House Register	EHO, MBS	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHO, MBS, MPE	
s 206AZA(2)	Function of receiving written notification	EHO, MPE, MBS	Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 207ZE(2)	Function of receiving written notification	EHO, MPE, MBS	Note: this power is not yet in force and will commence on 1 January 2021, unless proclaimed earlier
s 311A(2)	Function of receiving written notification	EHO, MPE, MBS, DIDW	
s 317ZDA(2)	Function of receiving written notification	EHO, MPE, MBS, DIDW	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DIDW, EHO, MPE	
s 522(1)	Power to give a compliance notice to a person	MPE, MBS, EHO	





<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DIDW	
s 525(4)	Duty to issue identity card to authorised officers	CEO, DIDW, DCCS	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	RLLC, EHO, MBS, MPE	
s 526A(3)	Function of receiving report of inspection	EHO, MBS, MPE	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	EHO, MBS, MPE, RLLC	





<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	AC, ME, DIDW	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	AC, ME, RC	
s 11(9)(b)	Duty to advise Registrar	DIDW, AC, RC	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DIDW, AC, RC	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DIDW, AC	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	DIDW, AC	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	DIDW, AC, GM	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	DIDW, ME, AC	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	DIDW, ME, AC	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DIDW	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DIDW, ME	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	DIDW, GM	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DIDW, ME	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, DIDW	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	DIDW, ME	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DIDW, ME	
s 15(2)	Duty to include details of arrangement in public roads register	ME, AC	
s 16(7)	Power to enter into an arrangement under s 15	ME, AC	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 16(8)	Duty to enter details of determination in public roads register	AC, DIDW	
s 17(2)	Duty to register public road in public roads register	AC, ME, DIDW	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	DIDW, AC, ME	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	AC, ME	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	ME, AC	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	AC	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	DIDW, AC, ME	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	AC	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	AC	
s 19(4)	Duty to specify details of discontinuance in public roads register	AC	
s 19(5)	Duty to ensure public roads register is available for public inspection	AC, ME	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 21	Function of replying to request for information or advice	DIDW, ME, AC	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	DIDW, ME, AC, WM	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	DIDW	
s 22(5)	Duty to give effect to a direction under s 22	DIDW	
s 40(1)	Duty to inspect, maintain and repair a public road.	ME, WM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	ME, WM	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	ME, WM	
s 42(1)	Power to declare a public road as a controlled access road	DIDW, AC, ME	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	DIDW, AC, ME	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	DIDW, AC, WM, ME	Where Council is the coordinating road authority If road is a municipal road or part thereof



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	ME, AC	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	ME, AC	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DIDW, ME, AC, WM	
s 49	Power to develop and publish a road management plan	AC, DIDW	
s 51	Power to determine standards by incorporating the standards in a road management plan	AC, ME, DIDW, WM	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	AC, ME	
s 54(2)	Duty to give notice of proposal to make a road management plan	DIDW	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	AC, ME, DIDW, WM	
s 54(6)	Power to amend road management plan	AC, ME	
s 54(7)	Duty to incorporate the amendments into the road management plan	AC	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	AC, ME, DIDW	
s 63(1)	Power to consent to conduct of works on road	ME, WM, DIDW	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	DIDW, ME, WM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DIDW, AC	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DIDW, ME	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	AC, ME	Where Council is the coordinating road authority
s 67(3)	Power to request information	ME, DIDW, WM	Where Council is the coordinating road authority
s 68(2)	Power to request information	ME, DIDW, WM	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, DIDW	
s 72	Duty to issue an identity card to each authorised officer	CEO, DIDW	
s 85	Function of receiving report from authorised officer	DIDW	
s 86	Duty to keep register re s 85 matters	DIDW	
s 87(1)	Function of receiving complaints	WM, AC, ME, DIDW	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 87(2)	Duty to investigate complaint and provide report	DIDW, ME	
s 112(2)	Power to recover damages in court	DIDW	
s 116	Power to cause or carry out inspection	ME, DIDW	
s 119(2)	Function of consulting with the Head, Transport for Victoria	DIDW	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DIDW, WM, ME	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DIDW, WM, ME	
s 121(1)	Power to enter into an agreement in respect of works	DIDW	
s 122(1)	Power to charge and recover fees	DIDW, ME, WM	
s 123(1)	Power to charge for any service	DIDW, ME, WM	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DIDW, AC, ME	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DIDW	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DIDW	





<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	DIDW, ME	
sch 2 cl 5	Duty to publish notice of declaration	DIDW, AC	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DIDW, WM, ME	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DIDW, ME, WM	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	ME, WM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DIDW, WM, ME	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DIDW, ME, WM	Where Council is the infrastructure manager or works manager



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DIDW, ME	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DIDW, ME, WM	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	ME, WM	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DIDW, ME	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	ME, WM, DIDW	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	ME, WM, DIDW	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	ME, DIDW	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DIDW, ME	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	DIDW, ME, WM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DIDW, ME, WM	Where Council is the coordinating road authority



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 16(6)	Power to set reasonable conditions on consent	ME, DIDW, WM	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	ME, DIDW, WM	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	ME, DIDW, WM	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	CEO, ME, DIDW, WM	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	ME, DIDW, WM	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	ME, DIDW, WM	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	ME, DIDW, WM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	DIDW, ME	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DIDW, ME	Where Council is the responsible road authority



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	ME, DIDW, WM	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	ME, DIDW, WM	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

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<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 24	Duty to ensure that cemetery complies with depth of burial requirements	DCCS, FC	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DCCS, FC	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DCCS, FC	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	ND	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	ND	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	ND	
r 30(2)	Power to release cremated human remains to certain persons	ND	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	ND	



<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	ND	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	ND	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	ND	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	ND	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	ND	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	ND	
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	ND	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	DCCS, FC	



<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 40	Power to approve a person to play sport within a public cemetery	ND	
r 41(1)	Power to approve fishing and bathing within a public cemetery	ND	
r 42(1)	Power to approve hunting within a public cemetery	ND	
r 43	Power to approve camping within a public cemetery	ND	
r 45(1)	Power to approve the removal of plants within a public cemetery	DCCS, FC	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DCCS	
r 47(3)	Power to approve the use of fire in a public cemetery	DCCS	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	DCCS	
Note: sch 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules			
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	DCCS, FC	See note above regarding model rules



<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DCCS, FC	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DCCS, FC	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	ND	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	ND	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	ND	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	ND	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	ND	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	ND	See note above regarding model rules





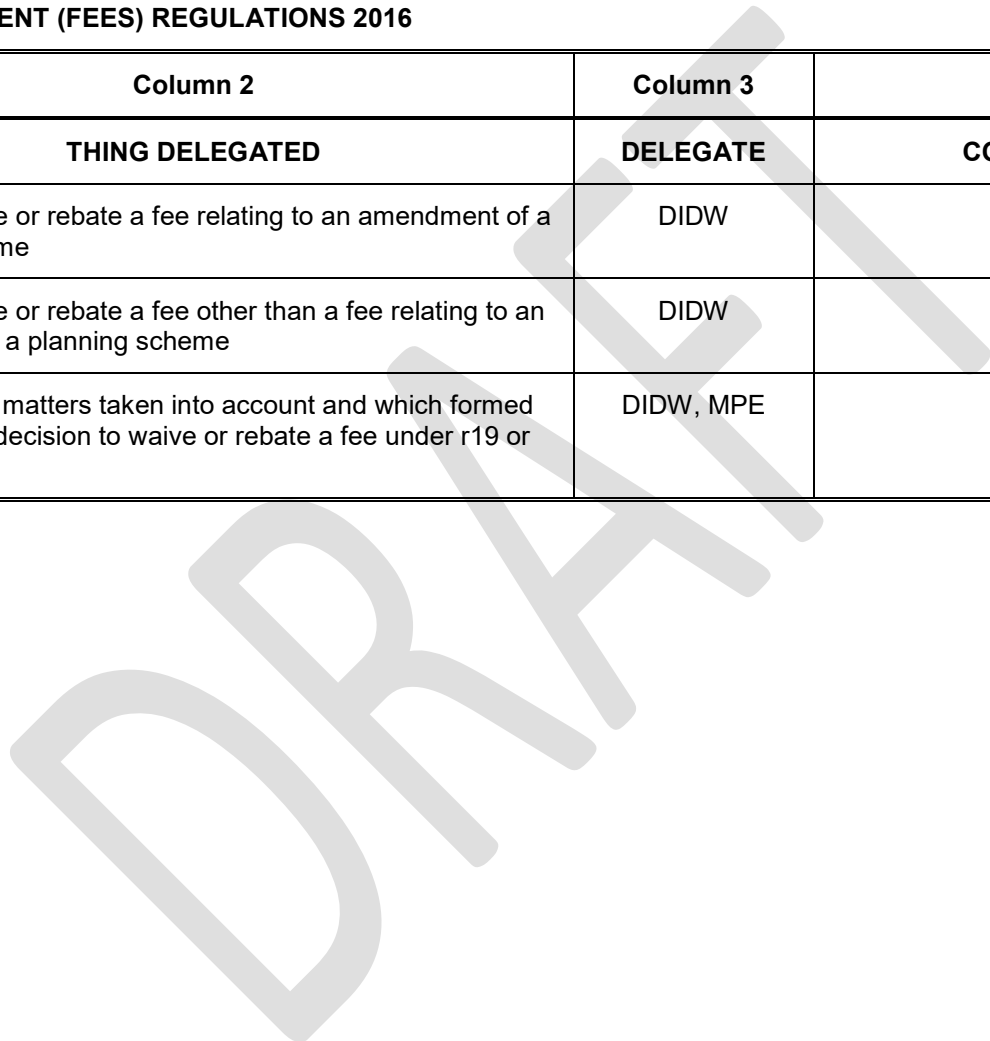
<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	ND	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	ND	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	ND	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	ND	See note above regarding model rules



<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DIDW, MPE	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	DIDW, MPE	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	MPE	Where Council is the responsible authority
r 25(b))	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	DIDW, MPE	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	DIDW, MPE	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.



<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DIDW	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DIDW	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	DIDW, MPE	





<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 7	Power to enter into a written agreement with a caravan park owner	CEO, BPC	
r 10	Function of receiving application for registration	EHO	
r 11	Function of receiving application for renewal of registration	EHO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	DIDW, MPE, EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DIDW, EHO, MPE	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	DIDW, EHO, MPE	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DIDW, EHO, MPE	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	DIDW, EHO, MPE	
r 12(4) & (5)	Duty to issue certificate of registration	EHO	
r 14(1)	Function of receiving notice of transfer of ownership	EHO, BPC	
r 14(3)	Power to determine where notice of transfer is displayed	EHO, BPC	



<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 15(1)	Duty to transfer registration to new caravan park owner	EHO	
r 15(2)	Duty to issue a certificate of transfer of registration	DIDW, EHO, BPC	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	EHO, BPC	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEO, DIDW, BPC	
r 17	Duty to keep register of caravan parks	EHO, BPC	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHO, MERO, MRM	
r 18(6)	Power to determine where certain information is displayed	BCP	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MERO, MRM, BCP	
r 22(2)	Duty to consult with relevant emergency services agencies	MERO, MRM	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MERO, BCP	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MERO, BCP, EHO	



<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 25(3)	Duty to consult with relevant floodplain management authority	DIDW, MPE	
r 26	Duty to have regard to any report of the relevant fire authority	MERO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	DIDW, EHO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	DIDW, MPE, MBS	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	DIDW, MPE, MBS	
r 41(4)	Function of receiving installation certificate	MBS	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBS	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MPE, DIDW, MBS	



<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 8(1)	Duty to conduct reviews of road management plan	AC, ME, DIDW	
r 9(2)	Duty to produce written report of review of road management plan and make report available	AC, ME, DIDW	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DIDW	Where Council is the coordinating road authority
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	DIDW, ME, AC	
r 13(1)	Duty to publish notice of amendments to road management plan	AC, ME	Where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	AC, ME	
r 16(3)	Power to issue permit	ME, DIDW, AC	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	DIDW, ME, WM	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	DIDW, ME	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	DIDW, ME	Where Council is the coordinating road authority



<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	WM, ME, RLLC	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DIDW	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DIDW, RLLC	

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<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	DIDW	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	DIDW	Where Council is the coordinating road authority

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Maddocks

Maddocks Delegations and Authorisations

***S7 Instrument of Sub-Delegation by CEO***

**West Wimmera Shire Council**

**Instrument of Sub-Delegation**

**by**

**The Chief Executive Officer**

Reviewed and adopted 19 August 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
  - BPC: Business Performance Coordinator
  - CEO: Chief Executive Officer
  - 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
  - MBPD: Manager Business Performance & Development
  - MBS: Municipal Building Surveyor
  - MCHC: Maternal Child Health Coordinator
  - MCSW: Manager Community Support & Wellbeing
  - ME; Manager Engineering
  - MERO: Municipal Emergency Resource Officer
  - MPE: Manager Planning and Environment
  - MRM: Municipal Recovery Manager
  - ND: Not Delegated –
  - NRO: Natural Resource Officer
  - RAC: Rural Access Coordinator
  - RLLC: Ranger - Local Laws Coordinator
  - WM: Works Manager
3. record that on the coming into force of this Instrument of Sub-Delegation each delegation under the Instrument of Sub-Delegation dated 18 March 2020 and executed by David Leahy is revoked;
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) strategy
- adopted 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 ss 11(2)(a) – (n) and 47(2) (inclusive) of the Act or otherwise.

**This Instrument of Sub-Delegation** is dated 19 August 2020 and is made by the Chief Executive Officer under authority of an instrument of delegation authorised by Resolution of Council made on 19 August 2020.

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

.....  
Witness

Date: .....

# SCHEDULE

## INDEX

ABORIGINAL HERITAGE ACT 2006.....	1
ASSOCIATIONS INCORPORATION REFORM ACT 2012 .....	2
AUDIT ACT 1994 .....	3
BUILDING ACT 1993.....	5
CATCHMENT AND LAND PROTECTION ACT 1994.....	13
CHILD WELLBEING AND SAFETY ACT 2005 .....	16
CHILDREN YOUTH AND FAMILIES ACT 2005 .....	20
CHILDREN'S SERVICES ACT 1996.....	21
CLIMATE CHANGE ACT 2017.....	22
CONSERVATION, FORESTS AND LAND ACT 1987 .....	23
COUNTRY FIRE AUTHORITY ACT 1958.....	24
CULTURAL AND RECREATIONAL LANDS ACT 1963 .....	26
DANGEROUS GOODS ACT 1985 .....	27
DEVELOPMENT VICTORIA ACT 2003 .....	28
DISABILITY ACT 2006 .....	30
DOMESTIC ANIMALS ACT 1994.....	31
DOMESTIC BUILDING CONTRACTS ACT 1995.....	51
EDUCATION AND CARE SERVICES NATIONAL LAW ACT 2010 .....	52
EDUCATION AND TRAINING REFORM ACT 2006.....	53
ELECTRICITY SAFETY ACT 1998 .....	54
ELECTORAL ACT 2002 .....	55
EMERGENCY MANAGEMENT ACT 1986.....	56
EMERGENCY MANAGEMENT ACT 2013.....	57
ENVIRONMENT PROTECTION ACT 1970.....	59
ESTATE AGENTS ACT 1980 .....	63
FAMILY VIOLENCE PROTECTION ACT 2008.....	64
FENCES ACT 1968.....	68
FILMING APPROVAL ACT 2014 .....	69
FINES REFORM ACT 2014 .....	71
FIRE SERVICES PROPERTY LEVY ACT 2012 .....	75
FLORA AND FAUNA GUARANTEE ACT 1988 .....	83
FOOD ACT 1984.....	84
FREEDOM OF INFORMATION ACT 1982.....	91
GAMBLING REGULATION ACT 2003.....	96
GENDER EQUALITY ACT 2020.....	98
GRAFFITI PREVENTION ACT 2007 .....	104
GREAT OCEAN ROAD AND ENVIRONS PROTECTION ACT 2020 .....	105
HEALTH RECORDS ACT 2001.....	107

<b>HEAVY VEHICLE NATIONAL LAW 2012</b> .....	<b>109</b>
<b>HEAVY VEHICLE NATIONAL LAW APPLICATION ACT 2013</b> .....	<b>114</b>
<b>HERITAGE ACT 2017</b> .....	<b>115</b>
<b>HOUSING ACT 1983</b> .....	<b>118</b>
<b>IMPOUNDING OF LIVESTOCK ACT 1994</b> .....	<b>120</b>
<b>INFRINGEMENTS ACT 2006</b> .....	<b>124</b>
<b>LAND ACT 1958</b> .....	<b>131</b>
<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b> .....	<b>133</b>
<b>LIVESTOCK DISEASE CONTROL ACT 1994</b> .....	<b>142</b>
<b>LIQUOR CONTROL REFORM ACT 1998</b> .....	<b>143</b>
<b>LOCAL GOVERNMENT ACT 2020</b> .....	<b>144</b>
<b>LOCAL GOVERNMENT ACT 1989</b> .....	<b>149</b>
<b>MAGISTRATES' COURT ACT 1989</b> .....	<b>168</b>
<b>MARINE AND COASTAL ACT 2018</b> .....	<b>169</b>
<b>MAJOR TRANSPORT PROJECTS FACILITATION ACT 2009</b> .....	<b>171</b>
<b>METROPOLITAN FIRE BRIGADES ACT 1958</b> .....	<b>172</b>
<b>MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990</b> .....	<b>173</b>
<b>NATIONAL PARKS ACT 1975</b> .....	<b>174</b>
<b>PIPELINES ACT 2005</b> .....	<b>175</b>
<b>PRIVACY AND DATA PROTECTION ACT 2014</b> .....	<b>176</b>
<b>PROFESSIONAL ENGINEERS REGISTRATION ACT 2019</b> .....	<b>181</b>
<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b> .....	<b>182</b>
<b>PUBLIC INTEREST DISCLOSURES ACT 2012</b> .....	<b>189</b>
<b>PUBLIC RECORDS ACT 1973</b> .....	<b>192</b>
<b>ROAD MANAGEMENT ACT 2004</b> .....	<b>193</b>
<b>ROAD SAFETY ACT 1986</b> .....	<b>195</b>
<b>ROOMING HOUSE OPERATORS ACT 2016</b> .....	<b>197</b>
<b>SECOND HAND DEALERS AND PAWNBROKERS ACT 1989</b> .....	<b>198</b>
<b>SERVICE VICTORIA ACT 2018</b> .....	<b>199</b>
<b>SEX WORK ACT 1994</b> .....	<b>200</b>
<b>SHERIFF ACT 2009</b> .....	<b>202</b>
<b>SPORT AND RECREATION ACT 1972</b> .....	<b>203</b>
<b>SUBDIVISION ACT 1988</b> .....	<b>204</b>
<b>SUMMARY OFFENCES ACT 1966</b> .....	<b>212</b>
<b>TAXATION ADMINISTRATION ACT 1997</b> .....	<b>213</b>
<b>TRANSFER OF LAND ACT 1958</b> .....	<b>214</b>
<b>TRANSPORT INTEGRATION ACT 2010</b> .....	<b>216</b>
<b>VALUATION OF LAND ACT 1960</b> .....	<b>218</b>
<b>VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACT 2001</b> .....	<b>223</b>



<b>VICTORIA GRANTS COMMISSION ACT 1976 .....</b>	<b>224</b>
<b>VICTORIA STATE EMERGENCY SERVICE ACT 2005 .....</b>	<b>225</b>
<b>VICTORIAN DATA SHARING ACT 2017 .....</b>	<b>226</b>
<b>VICTORIAN INSPECTORATE ACT 2011 .....</b>	<b>227</b>
<b>VICTORIAN PLANNING AUTHORITY ACT 2017 .....</b>	<b>228</b>
<b>WATER ACT 1989 .....</b>	<b>229</b>
<b>YARRA RIVER PROTECTION (WILIP-GIN BIRRARUNG MURRON) ACT 2017 .....</b>	<b>234</b>
<b>BUILDING REGULATIONS 2018 .....</b>	<b>235</b>
<b>COUNTRY FIRE AUTHORITY REGULATIONS 2014 .....</b>	<b>243</b>
<b>DANGEROUS GOODS (EXPLOSIVES) REGULATIONS 2011 .....</b>	<b>244</b>
<b>DRUGS, POISONS AND CONTROLLED SUBSTANCES REGULATIONS 2017 .....</b>	<b>245</b>
<b>ELECTRICITY SAFETY (ELECTRIC LINE CLEARANCE) REGULATIONS 2020 .....</b>	<b>246</b>
<b>INFRINGEMENTS REGULATIONS 2016 .....</b>	<b>247</b>
<b>LAND ACQUISITION AND COMPENSATION REGULATIONS 2010 .....</b>	<b>248</b>
<b>LOCAL GOVERNMENT (LONG SERVICE LEAVE) REGULATIONS 2012 .....</b>	<b>249</b>
<b>LOCAL GOVERNMENT (PLANNING AND REPORTING) REGULATIONS 2014 .....</b>	<b>252</b>
<b>OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017 .....</b>	<b>255</b>
<b>PUBLIC HEALTH AND WELLBEING REGULATIONS 2019 .....</b>	<b>256</b>
<b>PUBLIC HEALTH AND WELLBEING (PRESCRIBED ACCOMMODATION) REGULATIONS 2009 .....</b>	<b>257</b>
<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020 .....</b>	<b>257</b>
<b>ROAD SAFETY ROAD RULES 2017 .....</b>	<b>259</b>
<b>ROAD SAFETY (GENERAL) REGULATIONS 2019 .....</b>	<b>260</b>
<b>ROAD SAFETY (TRAFFIC MANAGEMENT) REGULATIONS 2019 .....</b>	<b>261</b>
<b>ROAD SAFETY (VEHICLES) REGULATIONS 2009 .....</b>	<b>264</b>
<b>SUBDIVISION (FEES) REGULATIONS 2016 .....</b>	<b>265</b>
<b>SUBDIVISION (PROCEDURES) REGULATIONS 2011 .....</b>	<b>266</b>
<b>SUBDIVISION (REGISTRAR'S REQUIREMENTS) REGULATIONS 2011 .....</b>	<b>268</b>
<b>VICTORIAN ENERGY EFFICIENCY TARGET (PROJECT-BASED ACTIVITIES) REGULATIONS 2017 .....</b>	<b>269</b>
<b>MISCELLANEOUS AND ADMINISTRATIVE POWERS .....</b>	<b>270</b>

<b>ABORIGINAL HERITAGE ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Parts 4, 6 and 8	Powers, functions and duties of a sponsor of a cultural heritage management plan under Parts 4, 6 and 8 of the <i>Aboriginal Heritage Act 2006</i>	MPE, DIDW	
s 74A(1)	Power to enter into an Aboriginal cultural heritage land management agreement with a registered Aboriginal party	DIDW	
s 74E(1)	Duty to give copy of Aboriginal cultural heritage land management agreement to Secretary of the Department of Premier and Cabinet	DIDW, MPE	

<b>ASSOCIATIONS INCORPORATION REFORM ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 132	Power to nominate a body to which assets should be returned	DCCS, FC	Where a wound up incorporated association has assets consisting of property supplied by Council (which includes the unexpended portion of a grant)

<b>AUDIT ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 13(1)	Duty to pay, to the Consolidated Fund, an amount determined by the Auditor-General to defray the reasonable costs and expenses incurred by or on behalf of the Auditor-General in conducting an audit of the financial statements of the public body and expressing an audit opinion on Council under s 11	DCCS, FC	
s 13(4)	Power to dispute the reasonableness of an amount to be paid	DCCS	
s 17(1)	Function of being consulted by the Auditor-General	CEO, DCCS	
s 18(1)	Function of receiving a final specification of a performance audit	DCCS, CEO, FC	
s 18(4)(a)	Function of receiving an amended specification	DCCS, FC	
s 18(4)(b)	Function of being consulted by the Auditor-General	DCCS	
s 23(1)	Power to enter into an agreement with the Auditor-General for the provision of other auditing services	DCCS, FC	
s 44	Function of receiving a written notice and power to give consent to entry	DCCS, FC	
s 45	Power to consent to earlier entry	DCCS	
s 46(1)	Power to request that the Auditor-General, or authorised person, produce proof of identity	DCCS, FC	

<b>AUDIT ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 47	Duty to provide all reasonable assistance necessary to each of the people listed in s 47(a) – (c) who attends for the purposes of the Auditor-General, or authorised person, exercising the power to enter and inspect Council's premises	DCCS, FC	
s 48	Power to request that the Auditor-General or authorised person serve an information gathering notice	DCCS	
s 58(2)(a)(i) & (ii)	Function of receiving a copy of the report or part of the proposed report and the power to make comment	DCCS	
s 65(2)	Duty to give Council's officer or employee a reasonable opportunity to respond in relation to the adverse material	DCCS	
s 68(1)	Function of receiving information acquired by the Auditor-General	DCCS	Where Council is a specified entity

<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 3(1)	Power to appoint municipal building surveyor	CEO, DIDW	The person must be a registered building surveyor (unlimited) as required by s 213
s 11(2)	Duty to publish notice in a newspaper if regulation under Part 2 ceases to have effect	DIDW, MPE	
s 25AD(1)	Function of receiving written notice of the occurrence of each prescribed event and the prescribed information relating to that event	MBS, MPE	
s 25BE	Function of receiving the building permit number and the information given to the Victorian Building Authority ( <b>Authority</b> ) by the relevant building surveyor under s 18AA in relation to the application for the building permit number	MBS	
s 29A	Function of giving consent to building permit for demolition in its capacity as responsible authority under the <i>Planning and Environment Act 1987</i>	MBS	
s 29B(1)	Duty to give notice where amendment of planning scheme sought in its capacity as responsible authority under the <i>Planning and Environment Act 1987</i>	MPE	
s 29B(3)	Duty to give notice where request for amendment withdrawn, refused etc. in its capacity as responsible authority under the <i>Planning and Environment Act 1987</i>	DIDW, MPE	
s 30	Function of receiving copy permit, plans and other documents	MBS, MPE	

<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 30B	Function of receiving checklist confirming all relevant documents to be provided by building surveyor	MBS, MPE	
s 31(1)	Duty to keep register of building permits	MBS	
s 31(2)	Duty to make register available for inspection	MBS	
s 32	Duty to keep documents	MBS	
s 32A(2)	Duty to provide Development Victoria notice setting out information in s 32A(3) and a copy of any relevant planning permit within 14 days after being given a copy of building permit under s 30(1), in certain circumstances where s 32A(1) applies		Not Applicable
s 66(b)(i)	Function of determining fees	ND	Not delegated – Council Decision
s 73	Function of receiving copy permit, plans and other documents	MBS	
s 74(1)	Duty to keep register of occupancy permits, temporary approvals and amendments	MBS	
s 74(2)	Duty to make register available	MBS	
s 75	Duty to keep documents	MBS	
s 80	Function of receiving notification of appointment		N/A – Private Surveyors Only

<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 80A(3)(a)	Function of receiving written notice of designated building surveyor referred to in s 80A(2)	DIDW	
s 80A(4)(a)	Function of receiving notice of the new designated building surveyor	DIDW	
s 80C(4)(c)	Function of receiving a copy of the transfer form	DIDW	
s 80D(6)(b)	Function of receiving notification of functions being transferred from an employee building surveyor or a designated building surveyor in accordance with a direction under s 80D(1) or (2)	DIDW	
s 81(2)	Function of receiving notification for work terminated	MBS	
s 83F	Function of receiving notice of appointment of manager for private building surveyor's business from the Authority	MBS	
s 101(2)	Function of receiving copy documents	MBS	
s 120(2)(a)	Function of receiving notification that an order is complied with	MBS	
s 123(1)	Power to determine whether to recover from the owner the costs of work carried out or action taken under Part 8 Division 3 of the Act by the municipal building surveyor as a debt due to Council pursuant to s 123(1) of the Act	DIDW, MBS	



<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 123(2)	Power to determine whether to apply any sum or part of any sum for which a bond or undertaking is deposited with Council under a condition imposed on a permit under s 22 of the Act towards the costs of carrying out work or taking action pursuant to s 123(2) of the Act	DIDW, MBS	
s 125(1)	Function of receiving copy notice or order	MBS	
s 125(2)	Function of receiving written notice of the compliance, amendment or cancellation	MBS	
s 126(1)	Duty to keep register of emergency orders, building notices and building orders	MBS	
s 126(2)	Duty to make register available for inspection	MBS	
s 138(5)	Power to appeal to the Building Appeals Board	ND	Where Council is a prescribed reporting authority
s 160(3)(d)	Power to make application to the Building Appeals Board	DIDW	
s 162(1)(a)(i)	Function of being consulted by the Building Appeals Board	DIDW	
s 162(4)(b)	Function of entering into an agreement when directed by Building Appeals Board	DIDW	
s 164(1)	Power to agree to terminate or vary agreement	DIDW	
s 164(2)	Power to terminate or vary agreement	DIDW	

<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 164(4)	Power to apply for approval	MBS	
s 165(1)(a)	Duty to lodge copy or give notice	MBS	
s 165(1)(b)	Duty to apply to agreement made in the Register	MBS	
s 192(1)	Function of consulting with Minister regarding Alpine resorts	ND	
s 192A(7)	Function of receiving a copy of the map prepared by the Minister	DIDW, MPE, AC	
s 192A(8)	Duty to make a copy of the most recent map available for inspection by members of the public without charge, during business hours, at Council's offices	MPE, MBS, AC	
s 214(1)	Power to enter into agreement	DIDW	
s 215(1)	Power to enter into agreements with a private building surveyor	DIDW	
s 216A	Power to apply to the Minister for exemption	DIDW	
s 216C	Power to appoint a municipal building surveyor to carry out certain functions outside of the municipal district	DIDW	
s 216D(2)	Duty to establish and maintain a register of swimming pools located in Council's municipal district	MBS	Note: the amendment to this provision will commence on 1 December 2020, unless proclaimed earlier

<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 216D(5)(a)	Duty to submit, on request, all or any part of the information, record and document recorded in the register to the Authority	DIDW, MBS	Note: the amendment to this provision will commence on 1 December 2020, unless proclaimed earlier
s 216D(5)(b)	Duty to submit, on request, all or any part of the information, record and document recorded in the register to any other prescribed person, agency or body	DIDW, MBS	Note: the amendment to this provision will commence on 1 December 2020, unless proclaimed earlier
s 222	Function of receiving order from Minister	DIDW	
s 230(2)	Duty to keep a register containing the prescribed information relating to the exercise of a power of entry under Subdivision 5 by any of the authorised persons referred to in s 230(2)(a) and (b)	MBS	
s 230(7)(a)	Duty to keep the prescribed information relating to each exercise of a power of entry under Subdivision 5 for 10 years after the date of the entry	MBS	
s 230(7)(b)	Duty to make the register required under s 230(2) available for inspection by the Authority on request, and at a time agreed to between Council and the Authority	MBS, DIDW	
s 230(7)(c)	Duty to provide an extract under s 230(6), if requested	MBS, DIDW	
s 232	Power to receive complaints about the exercise of a power under Part 13 Division 2 by Council's municipal building surveyor, or a person authorised by Council's municipal building surveyor to act on behalf of the municipal building surveyor	DIDW	

<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 234A	Duty to consider the complaint and give a written report to the complainant of the person's consideration of the complaint	DIDW	If the complaint is brought under Part 12 Division 2 of the Act
s 236(7)	Power to consent to remove or deface an order or notice put up under s 236(4) or 236(4A)	DIDW	
s 241(1)&(4)	Power to authorise a person or persons to bring proceedings for a summary offence against Part 3, 4, 5, 7 or 8 of the Act or the building regulations within Council's municipal district pursuant to s 241(1) and 241(4)	DIDW	
s 242	Function of receiving funds recovered through prosecution	DIDW	
s 252(1)	Power to determine whether to apply to the Magistrates' Court for a warrant under s 252 of the Act if a person refuses to vacate a building or land when required to do so by order under the Act pursuant to s 252(1) of the Act	DIDW, MBS, MPE, RLLC	
s 259AB(1)	Function of entering an information sharing arrangement with the Authority	DIDW, MBS	Subject to s 259AB(2) Where Council is a relevant agency
s 259AB(3)	Power to request and receive information held by the Authority, and power to disclose information to the Authority	DIDW	Only to the extent that the information is reasonably necessary to assist in the exercise of functions under this Act, or the functions of Council Where Council is a relevant agency

<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 259AB(4)(a)	Function of being referred, by the Authority, any matter (including any complaint) with respect to building work, plumbing work or architectural services	MBS	Where Council is a building regulator
s 259AB(4)(b)	Function of receiving from the Authority any matter of a type described in s 259AB(4)(a)	MBS	Where Council is a building regulator
s 259AB(4)(c)	Function of conducting a joint investigation with the Authority into any matter of a type described in s 259AB(4)(a)	DIDW, MBS	Where Council is a building regulator
s 259AB(5)	Power to, despite any other Act or law of the State, refer a matter referred to in s 259AB(4) to the Authority, or to conduct an investigation into the matter jointly with the Authority	DIDW, MBS	Where Council is a building regulator
sch 2 cl 1(c)(i)	Function of determining fees	ND	Fees determined by Council
sch 2 cl 4(2)	Function of receiving copy application	MBS	
sch 2 cl 4(3)	Function of receiving fees	MBS	
sch 2 cl 4(4)	Power to fix fees in accordance with cl 4(5)	ND	Fees determined by Council
sch 2 cl 4A(2)(b)	Duty to give the owner of the allotment an opportunity to make a submission in respect of the possible detriment	MBS	Where Council is the reporting authority

<b>CATCHMENT AND LAND PROTECTION ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 22A(4)	Function of receiving a copy of the Minister's declaration	DIDW	
s 22B	Duty to prepare a roadside weed and pest animal management plan	RLLC, NRO	Where a declaration has been made in respect of Council's municipal district, under s 22A See also s 22C for the contents of the plan
s 22C(3)	Function of determining which additional information to include in a roadside weed and pest animal management plan	RLLC, NRO	
s 22D	Duty to have regard to matters in s 22D(a) – (c) when preparing a roadside weed and pest animal management plan	RLLC, NRO	
s 22E(1)	Duty to submit proposed roadside weed and pest animal management plan within 120 days of Minister's declaration	RLLC, NRO, DIDW	
s 22E(2)	Power to apply in writing to the Minister to request an extension of time to submit the proposed roadside weed and pest animal management plan	RLLC, DIDW	
s 22F	Duty to comply with procedure described in s 22F before preparing roadside weed and pest animal management plan	RLLC	
s 22G	Duty to comply with request of Minister to provide a revised roadside weed and pest animal management plan	MPE, RLLC	

<b>CATCHMENT AND LAND PROTECTION ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 22H	Function of receiving notice from the Minister of approval of roadside weed and pest animal management plan	RLLC, DIDW	
s 22I(1)	Duty to publish the approved roadside weed and pest animal management plan on Council's website as soon as practicable after plan is approved	RLLC, DIDW	
s 22I(2)	Duty to ensure that copies of the approved roadside weed and pest animal management plan are available for inspection during normal office hours	RLLC	
s 22J	Duty to implement measures set out in approved roadside weed and pest animal management plan	RLLC, NRO	
s 22K(1),(2)&(3)	Power to request, in writing, that the Minister approve a variation of its approved roadside weed and pest animal management plan	DIDW, MPE, RLLC	
s 22K(4)	Function of receiving notice of Minister's decision to approve or refuse to approve the request for a variation of roadside weed and pest animal management plan	DIDW, MPE, RLLC	
s 22L	Function of receiving Minister's request to vary approved roadside weed and pest animal management plan	DIDW, RLLC	
s 22M(1)	Duty to publish a consolidated version of its approved roadside weed and pest animal management plan on its website as soon as practicable after variation under ss 22K or 22L	RLLC	

<b>CATCHMENT AND LAND PROTECTION ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 22M(2)	Duty to ensure that a consolidated version of its approved roadside weed and pest animal management plan is available for inspection	RLLC	
s 22N(2)	Function of receiving notice of Minister's intention to suspend the approval of a roadside weed and pest animal management plan	RLLC	
s 22N(2)	Function of submitting to the Minister reasons why the approval of the roadside weed and pest animal management plan should not be suspended	MPE, RLLC	
s 22N(3)	Function of receiving notice of Minister's decision	MPE, RLLC	
s 22O(2)	Function of receiving notice of Minister's intention to revoke his or her approval of a roadside weed and pest animal management plan	MPE, RLLC	
s 22O(2)(b)	Function of submitting to the Minister reasons why the approval of the roadside weed and pest animal management plan should not be revoked	MPE, DIDW	
s 22O(3)	Function of receiving notice of Minister's decision to revoke his or her approval of a roadside weed and pest animal management plan	MPE, RLLC	
s 22P(1)	Function of receiving request to provide the Minister with specified information or documentation	RLLC	
s 22P(2)	Duty to provide Minister with requested information or documentation	MPE, RLLC	



<b>CATCHMENT AND LAND PROTECTION ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 22Q	Duty to provide Minister with a written report setting out the outcomes of the measures set out in the plan within 30 days after the plan ceases to operate	MPE, RLLC	

<b>CHILD WELLBEING AND SAFETY ACT 2005</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19	Duty to comply with the Child Safe Standards	MCSW	
s 25	Function of receiving education and advice from the Commission for Children and Young People regarding the Child Safe Standards	MCSW	
s 26	Function of receiving request from the Commission for Children and Young People for any information or document	DCCS, MCSW	
s 27(1)	Function of receiving request from a relevant authority to provide any information or document	DCCS, MCSW	
s 29(2)	Function of receiving written notice and consenting to inspection of relevant premises by the Commission for Children and Young People	MCSW	
s 29(3)	Power to consent to inspection of relevant premises without written notice by the Commission for Children and Young	MCSW	

<b>CHILD WELLBEING AND SAFETY ACT 2005</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	People		
s 30	Duty to comply with notice to provide documents given under s 30(1)	MCSW	
s 31	Duty to comply with notice to comply given under s 31(1)	MCSW	
s 36	Duty to ensure that the Commission for Children and Young People is given any assistance reasonably required to perform functions	DCCS, MCSW	
s 41I	Power to seek review by the Commission for Children and Young People of decision by the Commission to issue a notice to produce or a notice to comply	DCCS, MCSW	
s 41J	Power to apply to VCAT for a review of the Commission for Children and Young People to issue a notice to comply	DCCS, MCSW	Must have first exhausted all available avenues for review under s 41I
s 41M	Function of being given opportunity to comment on adverse comment or opinion to be included in annual report or further report	DCCS, MCSW	
s 41V	Power to, on Council's own initiative, disclose confidential information, other than excluded information, to another information sharing entity	DCCS, MCSW	Where Council is an information sharing entity and a disclosing entity
s 41V	Function of receiving confidential information, other than excluded information	DCCS, MCSW	Where Council is an information sharing entity and a receiving entity

s 41W(1)	Power to request another information sharing entity to disclose confidential information, other than excluded information	DCCS, MCSW	Where Council is an information sharing entity and a requesting entity
s 41W(1)	Function of receiving confidential information, other than excluded information	DCCS, MCSW	Where Council is an information sharing entity and a requesting entity
s 41W(1)	Function of receiving a request for confidential information, other than excluded information	DCCS, MCSW	Where Council is an information sharing entity and a responding entity
s 41W(2)	Power to disclose to the responding entity any confidential information that may assist the responding entity	DCCS, MCSW	Where Council is an information sharing entity and a requesting entity
s 41W(2)	Function of receiving confidential information from an information sharing entity	DCCS, MCSW	Where Council is an information sharing entity and a responding entity
s 41W(3)	Duty to comply with a request made under s 41W(1)	DCCS, MCSW	Where Council is an information sharing entity and a responding entity
s 41W(4)	Duty to provide reasons, in writing, as to why Council cannot comply with a request made under s 41W(1)	DCCS, MCSW	Where Council is an information sharing entity and a responding entity
s 41W(4)	Function of receiving reasons from a responding entity as to why it cannot comply with a request made under s 41W(1)	DCCS, MCSW	Where Council is an information sharing entity and a requesting entity
s 41Y	Power to disclose confidential information, other than excluded information, to any person set out in s 41Y(1)(a) – (c)	DCCS, MCSW	Where Council is an information sharing entity
s 41Z	Power to collect and use any confidential information disclosed to Council under Part 6A	DCCS, MCSW	Where Council is an information sharing entity
s 41ZC	Duty to record prescribed information in respect of its collection, use and disclosure of confidential information	DCCS, MCSW	Where Council is an information sharing entity

s 41ZD(2)	Power to collect, use or disclose confidential information	DCCS, MCSW	Where Council is an information sharing entity within the meaning of Part 5A of the <i>Family Violence Protection Act 2008</i>
s 41ZF	Power to refuse to give an individual access to their confidential information under a relevant privacy law	DCCS, MCSW	Where Council is an information sharing entity
s 43(1)(a)	Function of receiving notice of the birth of a child	MCHC, MCSW	Where the mother of the child usually resides in Council's municipal district
s 43(1)(b)	Function of receiving notice of the birth of a child	MCHC, MCSW	When the municipal district in which the mother usually resides is unknown and the birth occurs in Council's municipal district

<b>CHILDREN YOUTH AND FAMILIES ACT 2005</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 23(1)	Function of being allocated money by the Secretary for the purposes of Part 3.1	DCCS, MCSW	
s 25	Power to use land or property for any purpose relating to the provision of services for children and families	DCCS	Where authorised by the Secretary
s 26	Function of entering into an agreement with the Secretary	DCCS, MCSW	
s 30	Function of having matters referred to it by the Secretary to provide advice, services and support to the child, family of the child or mother of the unborn child	MCHC, MCSW	Where Council is not registered as a community service but is established to provide services to meet the needs of children requiring care, support, protection or accommodation and of families requiring support
s 35	Function of consulting with the Secretary	MCHC, MCSW	
s 36	Function of consulting with the community-based child and family service	MCHC	
s 192	Power to provide information to the Secretary	MCHC, MCSW	
s 196	Function of receiving written direction from an authorised officer in relation to disclosure of information	DCCS, MCSW	
s 197	Duty to comply with written direction from authorised officer	MCSW	

<b>CHILDREN'S SERVICES ACT 1996</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 166(1)	Function of receiving, from the Regulatory Authority, information in respect of a children's service for a purpose listed in s 166(2)	MCSW	

<b>CLIMATE CHANGE ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46	Power to make statement (a Council pledge) in respect of greenhouse gas emissions reductions	CEO	Council must consider factors, and include details prescribed, in s 47
s 48	Duty to give copy of Council pledge to Minister as soon as practicable following preparation	CEO	
s 49(3)	Duty to have regard to any directions of Minister regarding preparation of an emissions reduction pledge	DIDW	
s 82(1)	Function of receiving notice of proposed Carbon Sequestration Agreement	CEO	Where Council is the public land manager

<b>CONSERVATION, FORESTS AND LAND ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 66(1)	Duty to submit plans to the Secretary to the Department of Environment, Land, Water and Planning of specified works prior to their commencement	DIDW	Specified works are listed in sch 3 of the Act
s 67	Power to take action contrary to a Code of Practice if paragraphs (a) and (b) apply	DIDW, MPE	



<b>COUNTRY FIRE AUTHORITY ACT 1958</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 36	Function of providing fire hydrants when so requested by the Authority	DIDW, ME	
s 41A	Power to recover costs of serving notice by fire prevention officer	DIDW, RLLC	
s 42(1)	Power to request officers and members of any CFA brigade to carry out work (including burning) for the removal or abatement of any fire danger or for the prevention of fire	RLLC	
s 42(2)	Duty to pay for work undertaken	RLLC	
s 43(1)	Duty to take all practicable steps to prevent occurrence of fires and minimise the danger of spread of fires	RLLC	
s 43(2)	Power to acquire equipment, etc. for purposes of s 43(1) and pay for it out of municipal fund	MERO, RLLC	
s 50F(1)	Power to prepare Neighbourhood Safer Places Plan	MERO, DIDW	
s 50F(4)	Duty to publish and make available Neighbourhood Safer Places Plan	MERO, DIDW	
s 50G(1)	Duty to identify and designate places as neighbourhood safer places	MERO, DIDW, RLLC	
s 50G(4)	Duty to ask the CFA to assess the neighbourhood safer place	MERO, RLLC	

<b>COUNTRY FIRE AUTHORITY ACT 1958</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 50H(1)	Duty to ensure that appropriate signage is provided at neighbourhood safer places	RLLC, MERO	
s 50I	Duty to maintain all designated neighbourhood safer places	RLLC	
s 50J(1)	Duty to conduct an annual review of designated neighbourhood safer places by 31 August of each year	RLLC	
s 50J(2)	Duty to ask the CFA to assess each neighbourhood safer place	RLLC	
s 50J(5)	Power to decommission a neighbourhood safer place if paragraphs (a) or (b) apply	RLLC	
s 55(c)	Function of receiving recommendations of the municipal fire prevention committee	MERO, RLLC	
s 55A(1)	Duty to prepare and maintain a municipal fire prevention plan in accordance with advice and recommendation of municipal fire prevention committee	RLLC	
s 96A(1)(a)	Duty to appoint fire prevention officer	DIDW	
s96A(1)(b)	Power to appoint assistant fire prevention officers	DIDW	
s 109C	Function of receiving funds for penalties recovered under s 41E	DIDW	

<b>CULTURAL AND RECREATIONAL LANDS ACT 1963</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4	Function of receiving rates	DCCS, FC	

<b>DANGEROUS GOODS ACT 1985</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 29	Function of receiving statement from the Victorian WorkCover Authority about details of dangerous goods on licensed premises	DIDW, WM	

<b>DEVELOPMENT VICTORIA ACT 2003</b>			
<b>Column 1</b>	<b>Column 2</b>		<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 13(1)	Function of entering into agreement with Development Victoria concerning particular issues	DIDW, MPE	Function of 'public statutory body'
s 39(2)	Duty to comply with order from Governor in Council issued under s 39(1) to surrender land in a project area	DIDW, MPE	Duty of 'public statutory body'
s 51I(3)(b)	Function of receiving notice of resolution levying a general charge from Development Victoria	DIDW, MPE	
s 51Q(3)(b)	Function of receiving notice of resolution levying an infrastructure recovery charge from Development Victoria	DIDW, MPE	
s 51ZA	Function of receiving written notice of charge from Development Victoria, where Council has submitted notice to Authority pursuant to s 21(2A) of the <i>Subdivision Act 1988</i>	DIDW	
s 56D(1)	Duty to give relevant Ministers and Treasurer statement allocating the property, rights and liabilities of Council in relation to designated project to Development Victoria	DIDW, MPE	Duty of 'nominated agency'
s 56D(4)	Function of complying with request from Treasurer and relevant Minister to amend statement under s 56D(1)	DIDW, MPE	Function of 'nominated agency'
s 56E(1)	Function of issuing certificate certifying that property, rights or liabilities of Council have been allocated to Development Victoria	DIDW, MPE	Function of 'nominated agency'

<b>DEVELOPMENT VICTORIA ACT 2003</b>			
<b>Column 1</b>	<b>Column 2</b>		<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 56E(2)	Duty to revoke certificate given under s 56E(1) and replacing with a new certificate, if directed by Treasurer and relevant Minister	DIDW, MPE	Duty of 'nominated agency'
s 56E(3)	Duty to keep register of certificates issues under s 56E, and make reasonably available for inspection	MPE	Duty of nominated agency

<b>DISABILITY ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38(4)	Power to prepare a Disability Action Plan, in accordance with s 38	RAC, DCCS, MCSW	
s 38(5)	Duty to report on the implementation of the Disability Action plan in Council's annual report	DCCS, MCSW	If a plan is prepared under s 38(4) or is taken to be prepared under s 38(2)
s 38(5A)	Duty to ensure certain disability matters are addressed in the Council Plan	ME, MCSW	If Council has not determined to prepare a plan under s 38(4) or are not taken to have prepared a plan under s 38(2)

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 10	Function of receiving applications for registration of dogs or cats	RLLC	
s 10A(4)	Duty to not register or renew the registration of a dangerous dog or a restricted breed dog unless the dog is (a) desexed or (b) a dangerous dog that is not a restricted breed dog and is exempt under s 10B(1)(c), 10B(1)(d) or 10B(1)(e) from the requirement to be desexed or (c) a restricted breed dog that is not a dangerous dog and is exempt under s 10B(1)(e) from the requirement to be desexed	RLLC	
s 10C(1)	Duty to not register a dog or cat unless the dog or cat (a) has been implanted with prescribed permanent identification device or (b) is of a class of dogs exempt under a resolution made under s 10D(3), from the requirement to be implanted with such a device or (c) is otherwise exempted under the Act from the requirement to be implanted with such a device or (d) subject to s 10C(2), has previously been registered with Council at any time in the 12 month period immediately before the application for registration was lodged	RLLC	
s 10C(5)	Duty to cause to be published a copy of the resolution	RLLC, MPE	
s 10C(6)	Duty to not register or renew registration of dangerous dog, menacing dog or restricted breed dog unless the dog has been implanted with permanent identification device	RLLC, MPE	
s 10D(6)	Duty to cause to be published a copy of the resolution	RLLC, MPE	



<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(1)	Power to appoint an agent for Council in the registration of cats and dogs	DIDW	
s 13	Function of receiving notification of sale by domestic animal business or foster carer (including where the animal was not registered)	RLLC	
s 14(b)	Power to approve form of registration or renewal of registration of dogs and cats	RLLC, MPE	
s 15(2)	Power to permit pro-rata fees for dogs or cats registered for part of a year	RLLC, MPE	
s 15(6)	Duty to waive 50% of a registration fee of dogs or cats if paragraphs (a) or (b) apply	RLLC, DIDW	
s 16	Duty to register or renew the registration of a dog or cat (other than a dangerous or restricted breed dog) in certain circumstances	RLLC	
s 17(1)	Power to register or renew the registration of a dangerous dog and impose conditions upon the registration	RLLC, MPE	
s 17(1A)(a)	Power to register or renew the registration of a restricted breed dog	RLLC, MPE	Under ss 10A(4) and 10C(6), a Council cannot register a restricted breed dog unless the dog is desexed (subject to the exception under s 10B(1)(e)) and the dog has been implanted with a prescribed permanent identification device

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 17(1A)(b)	Power to impose conditions on the registration or the renewal of the registration of a restricted breed dog	RLLC, MPE, DIDW	Under ss 10A(4) and 10C(6), a Council cannot register a restricted breed dog unless the dog is desexed (subject to the exception under s 10B(1)(e)) and the dog has been implanted with a prescribed permanent identification device
s 17(2)	Duty to notify owner and allow owner opportunity to make submissions, if Council proposes not to register or renew the registration of a dangerous dog or restricted breed dog	RLLC	
s 17(3)	Duty to consider submissions in relation to the registration or renewal of registrations of a dangerous dog before making decision	DIDW, MPE, RLLC	
s 17(4)	Duty to serve written notice of decision not to register or renew registration of dangerous dog or restricted breed dog	RLLC, MPE	
s 18(1)	Duty to keep register and allow inspection of register of all registered dogs and cats	RLLC	
s 18(2)(b)	Power to fix fee for inspection of registrations of dogs and cats in the municipality	MPE, RLLC	
s 18(3)	Power to fix fees for making of records or obtaining certificates	MPE, RLLC	
s 19(1)(a)	Duty to allocate a registration number to every dog and cat which is registered	RLLC	
s 19(1)(b)	Duty to give or send the owner a registration certificate	RLLC	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(1)(c)	Duty to issue to the owner an identification marker	RLLC	
s 23(6)	Duty to give owner or occupier of the private property a copy of a notice served under s 23(3)	RLLC, MPE, DIDW	
s 25(3)	Duty to cause to be published any orders made by Council under s 25	RLLC	
s 26(2A)	Duty to obtain agreement of owner or occupier of private property, where Council proposes to make, by resolution, an order under s 26(2)	RLLC, DIDW, MPE	
s 26(3)	Duty to cause to be published any orders made by Council under s 26	RLLC, MPE	
s 33A(1)	Duty to accept any dog or cat kept surrendered to Council by the owner of the animal	RLLC	
s 33A(3)	Duty to give Secretary certain information about a dog under its control if dog exhibits aggressive behaviour, may have been involved in a dog attack or may be a restricted breed dog	RLLC, MPE	This information must be given to the Secretary in the time specified in s 33A(4)
s 33A(2)(b)	Duty to deal with surrendered dog or cat in accordance with the Act, the regulations and relevant Codes of Practice	RLLC	
s 34(1)	Power to declare a dog dangerous	DIDW, MPE, RLLC	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 34(2)	Duty not to declare a dog dangerous in certain circumstances	RLLC, MPE	
s 35(2)	Duty to notify the owner and receive written and oral submissions from the owner if proposing a dog be declared dangerous	RLLC, MPE	
s 35(3)	Duty to consider materials submitted before making a declaration	RLLC, MPE	
s 36	Duty to give written notice of a declaration to owner	RLLC	
s 37	Function of receiving notification from owners of certain dogs	RLLC	
s 41B(1)	Duty to notify the owner and allow it the opportunity to make submissions to the Council	RLLC	
s 41C	Duty to give notice of a menacing dog declaration to owner	RLLC	
s 41D	Function of receiving notification in relation to menacing dog	RLLC	
s 41F	Function of receiving notification from owners of restricted breed dogs	RLLC	
s 41J(2)(a)	Power to issue a permit to own more than 2 restricted breed dogs to any person who has applied to the Council for such a permit	RLLC, DIDW, MPE	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 41J(2)(b)	Power to issue a permit to keep more than 2 restricted breed dogs at a premises to any person who has applied to the Council for such a permit	DIDW, MPE, RLLC	
s 41J(3)	Power to fix fee for application for permit	DIDW	
s 44(1)	Power to require restraint of animals	DIDW, RLLC	If Council has made a relevant local law prohibiting the keeping of animals in a specified area
s 44(2)	Duty to give written notice of requirement in s 44(1)	RLLC	
s 44AC(1)(c)	Power to inspect information kept on register of dangerous, menacing and restricted breed dogs, in accordance with the regulations	RLLC, MPE	
s 44AE	Duty to provide details of dangerous, menacing or restricted breed dogs to Secretary	RLLC	
s 44AEA	Duty to provide to the Secretary information relating to a dog destroyed under s 84TA, 84TB, 84TC	RLLC	
s 44AF	Duty to provide to the Secretary information relating to dangerous, menacing or restricted breed dogs	RLLC	
s 44AG	Duty to provide to the Secretary information about owners of dangerous, menacing or restricted breed dogs	DIDW, RLLC, MPE	
s 44AH	Duty to provide, when requested under s 44AH(1) a statement to Secretary confirming that information previously provided by Council is accurate	DIDW	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46(1)	Function of receiving applications to register a premises	RLLC, MPE	
s 46(2)	Power to approve form of registration of domestic animal businesses and information required	RLLC, MPE	
s 46(3)	Function of requiring and receiving any further information relating to an application	RLLC, MPE	
s 47(1) & (2)	Power to register and impose any terms, conditions, limitations or restrictions on the registration of premises for the purposes of a domestic animal business	RLLC, MPE	
s 48(2)	Power to approve form of renewal of registration	RLLC, MPE	
s 48(3)	Power to approve form of renewal of registration and information required	RLLC, MPE	
s 48(4)	Function of requiring and receiving any further information relating to the application Council	RLLC, MPE	
s 49(1)	Power to fix fees for registration or renewal of registration of domestic animal premises	DIDW	
s 49(2)	Power to refund all or part of application fee	DIDW	
s 52(1)	Function of receiving an application for transfer of registration to a new premises	RLLC, MPE	
s 52(2)(a)	Power to approve form of application to transfer registration	DIDW, RLLC, MPE	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 52(2)(c)	Power to fix fee for transfer of registration and information required	DIDW	
s 52(3)	Function of requiring and receiving any further information relating to the transfer of registration	RLLC, MPE	
s 52(4)	Power to register new (transferred) premises as a domestic animal business and impose any terms, conditions, limitations or restrictions on that registration	RLLC, MPE	
s 54(1)	Power to refuse to register or renew the registration, refuse to transfer registration, suspend registration and revoke registration of premises	RLLC, MPE	Subject to s 54E
s 54(2)	Power to act in accordance with s 54(1) if satisfied that the circumstances of s 54(2)(a) or (b) are in existence	RLLC, MPE	
s 54(3)	Duty to refuse to register or renew the registration of a premises in relation to a breeding domestic animal business in certain circumstances	RLLC, MPE, DIDW	
s 54(3A)	Duty to refuse to register, renew the registration of, or transfer the registration of a premises on which a domestic animal business is, or is proposed to be conducted, that is an animal shelter, a pet shop or a pound in certain circumstances	RLLC, MPE, DIDW	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54(3B)	Duty to refuse to register, renew the registration of, or transfer the registration of a premises on which a domestic animal business is, or is proposed to be conducted, that is a breeding domestic animal business in certain circumstances	RLLC, MPE, DIDW	
s 54A(1)	Duty to refuse to register the premises in respect of which the application is made if s 54A(a), (b) or (c) applies	RLLC, MPE, DIDW	
s 54A(2)	Duty to refuse to register the premises in respect of which the application is made if a breeding domestic animal business or a pet shop is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located	RLLC, MPE, DIDW	
s 54A(3)	Duty to refuse to register the premises in respect of which the application is made if a breeding domestic animal business or an animal shelter is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located	RLLC, MPE, DIDW	
s 54B	Duty to refuse to register the premises on which a breeding domestic animal business is proposed to be conducted	RLLC, MPE, DIDW	
s 54C	Duty to refuse to transfer the registration of premises on which a breeding domestic animal business is being conducted to another premises	RLLC, MPE, DIDW	



<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54D	Duty to refuse to renew the registration of a premises on which a breeding domestic animal business is being conducted	RLLC, MPE, DIDW	
s 54E	Duty to refuse to renew the registration of a premises on which a breeding domestic animal business is being conducted <sup>1</sup>	RLLC, MPE, DIDW	
s 55	Duty to give notice if it is proposed that the powers under ss 54, 54A, 54B, 54C, 54D or 54E will be exercised	RLLC, MPE	
s 56	Duty to receive both oral and written submissions and take into account any submissions	RLLC, MPE	
s 57(1) & (2)	Duty to serve notice of decision and give reasons for decision	RLLC, MPE	
s 58AD(1)(a)	Function of receiving a request from the chief veterinary officer for a report on the premises on which the domestic animal business is conducted	RLLC, MPE	
s 58AD(2)	Duty to include a copy of any report from an entry and search of the premises under Part 7 carried out in the 5 years preceding the application for grant or renewal of approval	RLLC, MPE	
s 58AI(1)(a)	Power to cancel or not renew a commercial dog breeder approval	RLLC, MPE	Where Council is the relevant Council

<sup>1</sup> This provision is repealed on 10 April 2020.

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 58AI(1)(b)	Power to suspend a commercial dog breeder approval	DIDW, RLLC, MPE	Where Council is the relevant Council
s 58AI(2)	Duty to give the Minister notice of any suspension, cancellation or refusal to renew	RLLC, MPE	
s 58AL	Function of receiving notice of the Minister's grant, renewal, revocation or cancellation of a commercial dog breeder approval as soon as possible after it occurs	RLLC, MPE	Where Council is the relevant Council
s 58B	Power to apply to Minister to register premises as premises on which domestic animal business conducted	RLLC, MPE, DIDW	
s 58C(3)	Duty to comply with the terms, conditions, limitations and restrictions on registration of premises under s 58C	RLLC, MPE	
s 58D(2)	Power to apply to Minister for renewal of registration of premises	RLLC, MPE	
s 58E	Duty to pay fee with application for registration or renewal of registration of premises	RLLC, MPE	
s 58F	Power to surrender registration of premises on which domestic animal business conducted by notice to Minister	RLLC, MPE, DIDW	
s 58G	Duty to notify the Minister of transfer of registration	RLLC, MPE, DIDW	
s 58J	Power to make submissions to the Minister regarding Minister's exercise of power under s 58H	DIDW, RLLC, MPE	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 58K	Function of receiving notice of Minister's decision	RLLC, MPE	
s 58P	Function of receiving, from the Minister, a copy of the permit (including any conditions imposed on the permit)	RLLC, MPE	Where Council is the relevant Council
s 58Q(3)	Function of receiving, from an authorised officer who has given a direction under s 58Q(1), notification of the closure of the sale	RLLC, MPE	Where Council is the relevant Council
s 58R(3)	Function of receiving, from the Minister, a copy of a report under s 58R as soon as practicable after receiving the report.	RLLC, MPE	
s 68A(1)	Duty to, in consultation with Secretary, prepare a domestic animal management plan	RLLC, MPE	Subject to s 68A(1A) Note: the first plan does not need to be prepared until 4 December 2021
s 68A(1A)	Power to apply to the Secretary for an extension of time within which to prepare a domestic animal management plan	DIDW, RLLC, MPE	
s 68A(3)(a)	Duty to review domestic animal management plan annually and, if appropriate, amend the plan	RLLC, MPE	
s 68A(3)(b)	Duty to provide the Secretary with a copy of the plan and any amendments to the plan	RLLC, MPE	
s 68A(3)(c)	Duty to prepare an evaluation of its implementation of the plan for publication in Council's annual report	RLLC, MPE	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 68B	Power , on application under s 68C, to register a person to provide foster care on a premises in the municipal district of the Council, if the person provides or intends to provide foster care on that premises	RLLC, MPE	
s 68C	Function of receiving an application for foster carer registration	RLLC, MPE	
s 68D(1)	Power to renew registration	RLLC, MPE	
s 68D(2)	Function of receiving an application for foster carer registration renewal	RLLC, MPE	
s 68E	Duty to have regard to the matters set out in s 68E(a) – (e) when deciding whether or not to grant or renew a foster carer registration	RLLC, MPE	
s 68G(a)	Power to approve form of applications under s 68C or 68D(2)	DIDW, RLLC, MPE	
s 68G(b)	Power to require information in applications under s 68C or 68D(2)	RLLC, MPE	
s 68G(c)	Power to fix fee for applications under s 68C or 68D(2)	DIDW	
s 68H(2)	Power to permit a pro rata fee to be paid where a foster carer registration only applies for part of a year	DIDW	
s 68I(1)(b)	Power to impose conditions on a foster carer registration	DIDW, RLLC, MPE	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 68J(1)	Power to suspend or cancel a foster carer registration where the criteria in s 68J(1)(a) or (b) apply	DIDW, RLLC, MPE	
s 68J(2)	Duty to notify the registered foster carer of a suspension or cancellation under s 68J(1)	RLLC, MPE	
s 68K(1)	Duty to notify the holder of a foster carer, in writing, if the Council proposes to suspend, cancel or not renew a foster carer registration	RLLC, MPE	
s 68K(2)	Function of receiving written submissions from the holder of the registration	RLLC, MPE	
s 68K(3)	Duty to consider any submission may under s 68K(2) before deciding to suspend, cancel or not renew the registration	RLLC, MPE	
s 68N(1)	Duty to give to the Secretary the information set out in s 68Q(1) and (2) relating to each registration of a premises by the Council under Part 4	RLLC, MPE	
s 68O(1)	Duty to give to the Secretary the information set out in s 68Q(1)(a), (c)(ii) and (iii), (d)(ii), (h), (i) and (j), relating to each registration of a foster carer by the Council under Part 5B	RLLC, MPE	
s 68R(1)(a)(i)	Duty to give the information set out in s 68R(2) to the Secretary within 7 days after making a decision under Part 4 to refuse to grant, renew or transfer a registration under that Part	RLLC, MPE	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 68R(1)(a)(ii)	Duty to give the information set out in s 68R(2) to the Secretary within 7 days after making a decision under Part 4 to suspend or revoke a registration under that Part	RLLC, MPE	
s 68R(1)(b)(i)	Duty to give the information set out in s 68R(3) to the Secretary within 7 days of making a decision under Part 5B not to grant or renew a registration under that Part	RLLC, MPE	
s 68R(1)(b)(ii)	Duty to give the information set out in s 68R(3) to the Secretary within 7 days of making a decision under Part 5B to suspend or cancel a registration under that Part	RLLC, MPE	
s 68Y(3)	Function of receiving, from the Secretary, the source number issued under s 68Y	RLLC, MPE	
s 68Z(3)	Function of receiving, from the Secretary, the source number issued under s 68Z	RLLC, MPE	
s 69(1)	Duty to make payment to the Treasurer of specified amounts in respect of registration of cats, dogs or registered animal business	RLLC, MPE	
s 69(1A)	Duty to make payment to the Treasurer in respect of each registration fee collected by the Council for the registration or renewal of registration of a dog or cat in each financial year	RLLC, MPE, FC	
s 72	Power to appoint, by instrument, employees to be authorised officers	CEO	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 72A(1)	Power to appoint person who is not employee of Council as authorised officer	CEO	Person appointed must have qualifications and experience prescribed by Secretary
s 73(1)	Duty to issue identity card to authorised officers	CEO	
s 84J	Power to retain custody of dog or cat until animal recovered under Division 5 or disposed of under Division 6	RLLC, MPE	
s 84L(1)	Power to retain custody of dog the subject of a declaration under s 98A until review of the declaration is determined under Part 7E or the dog is recovered under Division 5 or destroyed under Division 6	RLLC, MPE	
s 84L(2)	Power to retain custody of dog before destruction under division 6 where dog is seized under s 80 and officer cannot serve declaration because owner cannot be identified	RLLC, MPE	
s 84M(1)	Power to decide not to retain custody of dog or cat seized under ss 23(1), 82, 82B, 83, 84, 84A, 84B or 84C	DIDW, RLLC, MPE	
s 84N(1)(c)	Power to require custody of restricted breed dog until the outcome of prosecution under the Act or Regulations in relation to the dog	RLLC, MPE	
s 84N(1)(d)	Power to fix an amount payable for the reasonable costs and expenses incurred by the Council in seizing the dog and retaining custody of it until its recover	DIDW	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 84O(1)	Power to destroy a cat seized under Part 7A if cat does not bear an identification marker or device or cat is wild, uncontrollable or diseased	RLLC	
s 84O(2)	Duty to destroy dangerous dog or restricted breed dog as soon as possible where owner is entitled to recover dog under Division 5 but does not recover dog in accordance with the time period in that division	DIDW, RLLC, MPE	
s 84O(3)	Duty to sell or destroy cat or dog (other than dangerous or restricted breed dog) as soon as possible where owner is entitled to recover dog under division 5 but does not recover dog in accordance with the time period in that division	RLLC, MPE	In accordance with any relevant business code of practice or greyhound code of practice
s 84P	Power to destroy dog seized under Part 7A in certain circumstances listed in paragraphs (a), (c), (d), (e) and (f)	RLLC, MPE	
s 84Q(1)	Duty to commence prosecution of a person as soon as possible after seizure under Part 7A, if authorised officer reasonably suspects that the person has committed an offence listed in s 84Q(2) with respect to a dog or a cat seized under that part, and power to retain custody of animal seized under s 84B and in any other case, Duty to retain custody until the outcome of the prosecution in s 84Q is known	DIDW, RLLC, MPE	
s 84Q(2A)(a)	Duty to commence prosecution of the owner of the dog or cat as soon as possible after the seizure and after sufficient information is available to enable the commencement of the prosecution	DIDW, RLLC, MPE	



<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 84Q(2A)(b)	Duty to retain custody of the dog or cat and any offspring of the dog or cat until the outcome of the prosecution is known	RLLC, MPE	
s 84Q(3)(a)	Duty to serve declaration on owner	RLLC, MPE	
s 84R	Power to require owner to provide his or her current address to Council in certain circumstances	RLLC, MPE	
s 84S	Power to destroy dog seized under Part 7A, in the time periods listed, if owner is suspected of committing an offence set out in paragraph (a), (b) or (c) of s 84Q(2) and cannot be identified,	RLLC, MPE	
s 84T(1)	Duty to destroy dog seized under s 80 within 8 days after seizure if owner cannot be identified and authorised officer reasonably believes dog is restricted breed dog	RLLC, MPE	
s84T(2)	Duty to notify the Secretary of certain information after destroying a dog under s 84T(1)	RLLC, MPE	Notice must comply with requirements of s 84T(3)
s 84TA(1)	Power to destroy a dog seized under Part 7A in circumstances listed (a) – (c)	RLLC, MPE	84TA (4) & (5) Council must make decision within 48 hours and record the time and date of decision
s 84TC(1)	Power to destroy a dangerous dog if the dog was declared a dangerous dog and it is believed that the owner of the dog is guilty of an offence under s 24 or 26	RLLC, MPE	84TC (4) & (5) Council must make decision within 48 hours and record the time and date of decision
s 84U	Duty to ensure seized animal is desexed before selling it	RLLC	

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 84V(2)	Power to give animal to an approved person or body	RLLC	Where Council is authorised under this Act to destroy the animal
s 84VA(1)	Power to recover any reasonable cost incurred by the Council for the care, transport, maintenance and disposal of the dog or cat for the whole or any part of the time from when the dog or cat is seized under Division 2 until the time when the dog or cat is disposed of under s 84TD	DIDW, RLLC, MPE	
s 84VA(2)	Power to recover costs under s 84VA(1) from the owner, or person in charge of the dog or cat when the dog or cat was seized	RLLC, MPE	
s 84Y	Power to enter written agreement to seize, retain, sell and/or destroy dogs or cats, as well as the power to give a seized dog or cat to a community foster care network, give a seized dog or cat to an animal shelter and/or charge fees for doing any of the things under the written agreement	DIDW, RLLC, MPE	
s 95	Function of receiving payment of fines	RLLC, FC	
s 98(1A)	Power to apply to VCAT for review of a decision by Minister in relation to registration of domestic animal business	DIDW	
s 100A	Duty to notify Secretary where VCAT or Supreme Court sets aside a decision to declare a dog to be a dangerous dog, menacing dog or restricted breed dog	DIDW	Notice must comply with requirements of s 100A(2) & (3)

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 100C	Function of receiving disclosed information from a person who is or was engaged in the administration of Part 5B or 5C	RLLC, MPE	
s 100D	Power to disclose information held by Council to another Council, a restricted authorised officer or a Departmental authorised officer for the purpose of the performance of Functions under Part 4 or Part 4AA or regulations under those Parts by that person	DIDW, RLLC, MPE	

<b>DOMESTIC BUILDING CONTRACTS ACT 1995</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 48R	Function of receiving details of alleged contraventions of building legislation	DIDW, MPE, MBS	

<b>EDUCATION AND CARE SERVICES NATIONAL LAW ACT 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 271(1)	Function of receiving information from National Authority in respect of education and care services	MCSW	
s 271(2)	Function of receiving information from Regulatory Authority in respect of education and care services	MCSW	
s 271(3)	Power to disclose information to authorities or government departments in respect of education and care services	DCCS, MCSW	

<b>EDUCATION AND TRAINING REFORM ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 2.3.13	Power to enter into and carry out a contract with the school Council	CEO, DCCS, MCSW	
s 4.9.4(1AAA)	Function of responding to requests by Victorian Registration and Qualifications Authority for information under s 4.9.4	DCCS, MCSW	

<b>ELECTRICITY SAFETY ACT 1998</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 84C	Duty to keep trees clear of electrical lines on public land managed by Council	DIDW, ME, WM	Applies to public land, managed by Council, which has been declared under s 81 of the <i>Electricity Safety Act 1998</i> for the purposes of Part 8 of the Act
s 86B	Duty to specify certain matters in municipal fire prevention plan	RLLC, DIDW	Note: this provision will no longer apply on 1 December 2020, unless proclaimed earlier

<b>ELECTORAL ACT 2002</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 108(1)(d)(ii)	Power to enable identification of a person	CEO, GM	



<b>EMERGENCY MANAGEMENT ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18	Power to arrange to co-operate with other councils in relation to emergency management	DIDW (MERO)	
s 19(1)	If co-operating with other councils, power to appoint one of the municipal councils to be the principal municipal Council in relation to emergency management	DIDW (MERO)	
s 20(1)	Duty to prepare and maintain municipal emergency management plan	MERO, MRM,	Duty of the principal Council if a principal Council is appointed under s 19
s 21(1)	Duty to appoint municipal emergency resource officer(s)	CEO	Duty of the principal Council if a principal Council is appointed under s 19
s 21(3)	Duty to appoint a municipal emergency planning committee	CEO	Details of appointments to be reported to Council Duty of the principal Council if a principal Council is appointed under s 19
s 21A(3)	Duty to forward a copy of Council's written response to the audit report to the Chief Officer, Operations of the Victorian SES within 3 months of receiving an audit report	DIDW (MERO)	Duty of the principal Council if a principal Council is appointed under s 19

<b>EMERGENCY MANAGEMENT ACT 2013</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 59	Duty to establish a Municipal Emergency Management Planning Committee	CEO, DIDW	Note: this provision commences on 1 December 2020, unless proclaimed earlier
s 59B(1)	Duty to nominate a chairperson of the Municipal Emergency Management Planning Committee	CEO	Note: this provision commences on 1 December 2020, unless proclaimed earlier Delegates cannot nominate themselves
s 59B(1)(a)	Power to nominate a member of Council staff to be the chairperson of the Municipal Emergency Management Planning Committee	CEO	Note: this provision commences on 1 December 2020, unless proclaimed earlier
s 59F(b)	Function of, in collaboration with other agencies and by the establishment of a Municipal Emergency Management Planning Committee, enabling community participation in emergency preparedness, including mitigation, response and recovery activities	MERO, MRM	Note: this provision commences on 1 December 2020, unless proclaimed earlier
s 59G(1)	Duty to appoint one or more municipal emergency management officers	CEO	Note: this provision commences on 1 December 2020, unless proclaimed earlier
s 59H(1)	Duty to appoint one or more municipal recovery managers	CEO	Note: this provision commences on 1 December 2020, unless proclaimed earlier
s 60AI(1)(ab)	Function of receiving a copy of the plan in a form suitable for publication on the municipal council's Internet site on behalf of the relevant Municipal Emergency Management Planning Committee	MERO, MRM	Note: this provision commences on 1 December 2020, unless proclaimed earlier

<b>EMERGENCY MANAGEMENT ACT 2013</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 69	Duty to comply with an information gathering notice issued by the Inspector-General for Emergency Management	DIDW (MERO)	
s 70	Function of receiving draft review or report and providing comment or response to Inspector-General for Emergency Management	DIDW	
s 70A(2)	Power to consent to entry of vessel, premises or vehicle	DIDW	
s 70A(3)	Duty to provide the Inspector-General with a written response to a request for consent under s 70A(2)	DIDW	
s 70B	Function of giving reasonable assistance to the Inspector-General for Emergency Management	DIDW	

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4	Power to appoint a litter enforcement officer	DIDW	In relation to any land or waters in a Council's municipal district
s 19B(3A)	Duty to make a copy of documentation pertaining to an application available for inspection	DIDW, MPE, RLLC	Where Council is the responsible authority
s 19B(4A)(a)	Duty to tell Authority information in respect to subparagraphs (i)- (v)	DIDW, MPE	Where Council is the responsible authority
s 19B(4A)(b)	Power to tell Authority its position on application	MPE	Where Council is the responsible authority
s 19B(4A)(c)	Power to ask Authority to include specified conditions in a works approval	MPE	Where Council is the responsible authority
s 19B(4B)	Duty to give Authority a copy of permit issued under the <i>Planning and Environment Act 1987</i>	MPE	Where Council is the responsible authority
s 20(8)(ba)	Duty to make copy of application and all accompanying documents submitted under paragraph (a) available for inspection	MPE	Where Council is the responsible authority
s 20(8)(ca)	Duty to advise Authority of items set out in paragraph (ca)	MPE	Where Council is the responsible authority
s 20(8)(cb)(i)	Power to tell Authority of its position on an application	MPE	Where Council is the responsible authority
s 20(8)(cb)(ii)	Power to ask Authority to include conditions in licence	MPE	Where Council is the responsible authority
s 20(8)(cc)	Duty to provide a copy of any permit issued under the <i>Planning and Environment Act 1987</i> to the Authority.	MPE	Where Council is the responsible authority

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 20A(6)(ba)	Duty to make copy of an application referred to under paragraph (a) available	MPE	Where Council is the responsible authority
s 20A(6)(ca)	Duty to advise the Authority of items set out in subparagraphs (i)-(v)	MPE	Where Council is the responsible authority
s 20A(6)(cb)(i)	Power to tell Authority of its position on an application	MPE	Where Council is the responsible authority
s 20A(6)(cb)(ii)	Power to ask Authority to include conditions in licence	MPE	Where Council is the responsible authority
s 20A(6)(cc)	Duty to give Authority a copy of permit issued under the <i>Planning and Environment Act 1987</i>	MPE	Where Council is the responsible authority
s 28	Duty to comply with order of Authority	MPE	
s 45X(2)	Power to direct, by written notice, any person who deposited litter to do certain things	MPE, RLLC	Where Council is a litter authority s 45X(1) must apply
s 45X(4)	Power to direct, by written notice, the occupier to remove or dispose of litter	RLLC, MPE	Where Council is a litter authority
s 45Y(2)	Power to direct, by written notice, any person who deposited an object or thing to do certain things	DIDW, MPE, RLLC	Where Council is a litter authority s 45Y(1) must apply
s 45Y(4)	Power to direct, by written notice, the occupier to remove or dispose of object or thing	DIDW, MPE, RLLC	Where Council is a litter authority
s 45Z(1)	Power to remove or dispose of litter upon failure to comply with direction given under s 45X(2) or (4)	RLLC	Where Council is a litter authority

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 45Z(2)	Power to remove or dispose of object or thing upon failure to comply with direction given under s 45Y(2) or (4)	RLLC	Where Council is a litter authority
s 45Z(3)	Power to recover reasonable costs incurred in taking action under s 45Z	RLLC, MPE	Where Council is a litter authority Subject to s 45Z(4)
s 45ZK(1)	Function of receiving reports of offences under Part VIIA	RLLC	
s 45ZK(2)	Power to take proceedings upon receiving a report	RLLC	
s 48A	Power to authorise a person to enforce s 48A(3) and (8)	MPE	
s 49B(2)	Power to nominate a representative to be part of the Local Government Waste Forum	DIDW	Where Council is in a waste recovery region
s 49G(2)	Function of collaborating with Waste and Resource Recovery Group	DIDW	
s 50BH	Duty to perform waste management functions consistently with Regional Waste and Resource Recovery Implementation Plan	DIDW, WM	
s 53A(2)	Duty to obtain a permit for the transport of prescribed waste	WM	
s 53K	Power (and duty) to declare an area requiring septic tank systems to be of a type that treats all sewage	EHO	

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 53MB	Power to inspect septic tank system and issue certificate approving its use	EHO	
s 53O	Duty to lodge an annual return with the Authority	EHO	
s 53ZA(3)	Function of receiving notice from the environmental auditor if the auditor withdraws a certificate or statement of environmental audit	EHO, MPE	Where Council is the relevant responsible authority
s 53ZA(4)	Function of receiving a new or amended certificate or statement of environmental audit	EHO, MPE	Where Council is the relevant responsible authority
s 53ZA(6)	Function of receiving notice from the Authority that an incorrect certificate or statement of environmental audit has been withdrawn	MPE	Where Council is the relevant responsible authority
s 53ZB(2)	Function of receiving environmental audit report, and a copy of the certificate of environmental audit or statement of environmental audit	MPE	Where Council is the relevant responsible authority
s 59(3)	Power to authorise a person to take proceedings for an offence against Part IXB	DIDW	

<b>ESTATE AGENTS ACT 1980</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 70E(3)	Duty to comply with request of Director or Inspector under s 70E(1) to provide answers or supply information	DIDW, MPE	



<b>FAMILY VIOLENCE PROTECTION ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 144D(3)	Duty to only share confidential information to the extent permitted by Part 5A, or the Regulations	DCCS, MCSW	Where Council is an information sharing entity
s 144KA	Power to disclose confidential information to a risk assessment entity for a family violence assessment purpose	DCCS, MCSW	Where Council is an information sharing entity
s 144KB(1)	Function of receiving a request from a risk assessment entity for confidential information for a family violence assessment purpose	DCCS, MCSW	Where Council is an information sharing entity
s 144KB(2)	Function of receiving confidential information from a risk assessment entity to assist with identifying the confidential information that is relevant to the request and determining whether to disclose confidential information	DCCS, MCSW	Where Council is an information sharing entity and a responding entity
s 144KB(3)	Duty to provide to the risk assessment entity written reasons for its failure to comply with the request	DCCS, MCSW	Where Council is an information sharing entity and a responding entity
s 144KC(1)	Duty to disclose confidential information to a risk assessment entity that has requested the information for a family violence assessment purpose	DCCS, MCSW	Where Council is an information sharing entity
s 144LA	Power to disclose confidential information to another information sharing entity for a family violence protection purpose	DCCS, MCSW	Where Council is an information sharing entity

<b>FAMILY VIOLENCE PROTECTION ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 144LB(1)	Power to request confidential information from another information sharing entity for a family violence protection purpose	DCCS, MCSW	Where Council is an information sharing entity and a requesting entity
s 144LB(1)	Function of receiving a request for confidential information from another information sharing entity for a family violence protection purpose	DCCS, MCSW	Where Council is an information sharing entity and a responding entity
s 144LB(2)	Power to provide the responding entity with any confidential information that may assist the responding entity to identify the confidential information relevant to the request or determine whether to disclose the confidential information	DCCS, MCSW	Where Council is an information sharing entity and a requesting entity
s 144LB(2)	Function of receiving confidential information from the requesting entity to assist with identifying the confidential information relevant to the request or determining whether to disclose the confidential information	DCCS, MCSW	Where Council is an information sharing entity and a responding entity
s 144LB(3)	Duty to provide to the requesting entity written reasons for Council's failure to comply with the request	DCCS, MCSW	Where Council is an information sharing entity and a responding entity
s 144LB(3)	Function of receiving from the responding entity written reasons for failure to comply with the request	DCCS, MCSW	Where Council is an information sharing entity and a requesting entity
s 144LC(1)	Duty to disclose confidential information to another information sharing entity that has requested the confidential information for a family violence protection purpose	DCCS, MCSW	Where Council is an information sharing entity and a responding entity

<b>FAMILY VIOLENCE PROTECTION ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 144LC(1)	Function of receiving a request for confidential information from another information sharing entity where the information is for a family violence protection purpose	DCCS, MCSW	Where Council is an information sharing entity and a responding entity
s 144LD	Power to collect or use any confidential information disclosed to it for a family violence protection purpose	DCCS, MCSW	Where Council is an information sharing entity
s 144M(1)	Power to disclose confidential information about a person of concern to a primary person for a family violence protection purpose if the confidential information is not excluded information	DCCS, MCSW	Where Council is an information sharing entity
s 144M(2)	Power to disclose confidential information about a person of concern to the persons set out in s 144M(2)(a) and (b) if the primary person is a child and the confidential information is not excluded information	DCCS, MCSW	Where Council is an information sharing entity
s 144N	Power to collect, use and disclose confidential information about a relevant person without consent	DCCS, MCSW	Where Council is an information sharing entity
s 144NA	Duty not to collect, use or disclose confidential information about a primary person who is an adult unless s 144NA(a) or (b) applies	DCCS, MCSW	Where Council is an information sharing entity
s 144NB	Duty not to collect, use or disclose confidential information about a linked person unless s 144NB(a) or (b) applies	DCCS, MCSW	Where Council is an information sharing entity
s 144NC(1)	Power to collect, use and disclose confidential information about a primary person who is a child without the consent of any person if s 144NC(1)(a) or (b) applies	MCSW	Where Council is an information sharing entity

<b>FAMILY VIOLENCE PROTECTION ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 144NC(2)	Power to collect, use and disclose confidential information about a primary person who is an adult or a linked person without the consent of the linked person if the information relates to confidential information set out in s 144NC(1)(a) and (b)	DCCS, MCSW	Where Council is an information sharing entity
s 144ND(1)	Power to obtain consent from the primary or linked person's authorised representatives, unless the authorised representative is a person of concern or is alleged to pose a risk of family violence	DCCS, MCSW	Where Council is an information sharing entity
s 144P(5)	Duty to comply with any guidelines issued under s 144P when handling confidential information in accordance with Part 5A	DCCS, MCSW	Where Council is an information sharing entity
s 144PB	Duty to record the prescribed information in respect of the information sharing entity's collection, use and disclosure of confidential information in accordance with Part 5A, and the Regulations	DCCS, MCSW	Where Council is an information sharing entity
s 144QA	Power to refuse to give an individual access to their confidential information under a relevant privacy law if s 144QA(1)(a) and (b) apply	DCCS, MCSW, GM	Where Council is an information sharing entity
s 190	Duty to ensure that Council's relevant policies, procedures, practice guidance and tools align with the Framework	DCCS, MCSW	Where Council is a framework organisation that provides services relevant to family violence risk assessment and family violence risk management

<b>FENCES ACT 1968</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 14(2)	Function of providing certain information to assist an owner of land to give a fencing notice	MPE, DIDW	
s 16(1)	Power to agree with adjoining owner of land on a fence line other than common boundary	DIDW	With respect to land owned by or under the control of Council

<b>FILMING APPROVAL ACT 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 1 Principle 1	Duty to not unreasonably withhold the approval of an application for a film permit, subject to this Act and any other Act	MPE, DIDW	
	Power to consider operational requirements such as commercial agreements and the maintenance of any land or facilities or to consider public amenity, safety and security, and environmental and heritage impacts when approving a permit application	DIDW, MPE, ME, WM	
sch 1 Principle 2	Duty to approve or refuse an application for a film permit in a timely manner and to take reasonable steps to respond to an applicant within 5 business days	DIDW, MPE, MBPD	
sch 1 Principle 3	Duty to give reasons for refusal of a film permit application.	DIDW	
sch 1 Principle 4	Duty to take reasonable steps to provide a single point of contact to deal with commercial filming on public land	MBPD	
sch 1 Principle 5	Duty to ensure that any application forms and other documents required to consider an application for a film permit are consistent with any standard forms or documents issued by Film Victoria	MBPD, MPE	
sch 1 Principle 6	Duty for fees charged for applications for film permits and issuing film permits not exceed cost recovery	DIDW, MPE, MBPD	

<b>FILMING APPROVAL ACT 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 1 Principle 7	Duty to publish information about how a person may apply for a film permit on its website or on a website approved by Film Victoria	MBPD	
sch 1 Principle 8	Duty to take reasonable steps to ensure that staff responsible for considering and issuing film permits are given appropriate information regarding the film industry	MBPD	

<b>FINES REFORM ACT 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 10D(3)	Power to take action where work and development permit cancelled or partially completed	DIDW, MPE	
s 10F(4)	Function of receiving notice from Secretary regarding where infringement notice waived	DIDW	
s 10S(1)	Function of receiving a direction to suspend any enforcement action	DIDW, MPE	
s 10S(4)	Function of receiving notice of family violence scheme ( <b>FVS</b> ) applications	CEO, DCCS, MCSW	
s 10U(1)(c)	Function of receiving a direction to withdraw an infringement notice and take no further action in relation to the relevant offence	CEO, DIDW	
s 10U(2)(a)	Duty to withdraw an infringement notice	DIDW	If directed by the Director of Fines Victoria and within 28 days of the direction  By issuing a withdrawal notice that complies with s 19(a) and (b)(iii) of the <i>Infringements Act 2006</i>
s 10U(2)(b)	Duty to notify the Director and the FVS eligible person of the withdrawal of the infringement notice	DIDW	
s 10V(4)	Function of receiving a direction to, and a duty to, take no enforcement action during the enforcement suspension period	DIDW	



<b>FINES REFORM ACT 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 10V(6)	Power to take any action referred to in s 38(1)(a) with respect to the FVS eligible offence	DIDW, MPE, RLLC	if an effective known user statement is cancelled under s 84BF of the <i>Road Safety Act 1986</i> , and the FVS eligible offence is referred to Council
s 10V(7)(c)	Function of receiving a direction to withdraw an infringement notice and take no further action in relation to the relevant offence	DIDW, MPE	
s 10V(9)(a)	Duty to withdraw an infringement notice	DIDW, RLLC	If directed by the Director of Fines Victoria and within 28 days of the direction  By issuing a withdrawal notice that complies with s 19(a) and (b)(iii) of the <i>Infringements Act 2006</i>
s 10V(9)(b)	Duty to notify the Director and the FVS eligible person of the withdrawal of the infringement notice	DIDW, RLLC	
s 10W(1)	Function of receiving a written notice of the Director of Fines Victoria's determination	DIDW	If the Director of Fines Victoria determines that an FVS applicant is not an FVS eligible person in respect of an FVS eligible offence
s 10W(4)	Power to immediately resume enforcement action	DIDW, RLLC	If the Director of Fines Victoria determines that an FVS applicant is not an FVS eligible person in respect of the relevant FVS eligible offence under s 10T
s 10X(2)	Function of receiving referred matters from the Director of Fines Victoria	DIDW	

s 10Y(1)(a)	Power to withdraw an infringement notice and take no further action or issue an official warning		Where the Director of Fines Victoria refers an infringement offence under s 10X(2) by issuing a withdrawal notice under s 19 of the <i>Infringements Act 2006</i>
s 10Y(1)(b)	Power to file a charge-sheet charging the offence	RLLC	
s 16	Function of registering infringement fines with Director of Fines Victoria and paying the prescribed fee	MPE, RLLC	
s 20(4)	Function of being advised by Director of Fines Victoria of determination	DIDW	
s 21(1)	Power to withdraw infringement notice, issue official warning or file a charge-sheet upon receipt of notice under s 20	DIDW, MPE	
s 21A	Duty to notify Director of Fines Victoria of commencement of proceeding by filing a charge-sheet under s 21(1)(c) in writing	RLLC, DIDW, MPE	
s 22	Power to request Director of Fines Victoria not to issue or serve notice of final demand	DIDW	
s 37(2)	Function of receiving written notice of enforcement cancellation from Director of Fines Victoria	DIDW	
s 38	Duty, once served notice of an enforcement cancellation notice, to withdraw notice, withdraw notice and issue a written warning or withdraw notice and commence proceeding	DIDW, MPE	
s 38A	Duty to notify Director of Fines of commencement of proceeding by filing a charge-sheet under s 38(1)(a)(iii) in writing	MPE, RLLC	

s 43	Power to refer infringement fine to Director of Fines Victoria for management by payment arrangement upon request		
s 44	Function of receiving notice of notification of refusal of application under s 43	DIDW, RLLC	
s 48(2)	Duty to request Director of Fines Victoria to remove infringement fine if infringement notice withdrawn	DIDW	
s 54(1)	Duty to provide Director of Fines Victoria with most up-to-date contact details of persons where referring infringement fine	DIDW	
s 54(5)	Function of receiving notice from Director of Fines Victoria where fine recipient makes certain requests	DIDW	
s 174	Function of receiving request from the Director of Fines Victoria or the sheriff	DIDW	Where Council is a 'specified body'
s 175	Duty to comply with a request from the Director of Fines Victoria or the Sheriff for the supply of information for the purpose of enforcing registered fines	DIDW, RLLC	Where Council is a 'specified body' Unless the CEO of the Council certifies in writing that exceptional circumstances apply

<b>FIRE SERVICES PROPERTY LEVY ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 9(9)	Power to apportion any levy amount	DCCS, FC	for 2 or more parcels of land which have a combined valuation and are owned separately
s 9A(1)	Function of receiving application for single farm enterprise exemption	FC	
s 9A(2)(b)	Power to specify form and timeframe for making applications under s 9A(1)	DCCS, FC	
s 9A(3)	Power to require further particulars or for applicant to verify particulars regarding application	FC, RC	
s 9A(4)	Function of receiving notice of changes in circumstances	FC, RC	
s 19 and 20	Duty to pay levy amount in respect of leviable land owned by Council	DCCS, FC	Note: Council is only liable to pay the relevant fixed charge in respect of land described in s 20(1)
s 21(3)(a)	Function of assessing the amount of levy payable	DCCS, FC	
s 21(3)(b)	Function of collecting the levy payable	DCCS, FC	
s 21(4)(a)	Function of assessing the amount of levy payable	DCCS, FC	If Council has been directed to be a collection agency in respect of non-rateable leviable land not located within its municipal district boundaries

<b>FIRE SERVICES PROPERTY LEVY ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 21(4)(b)	Function of collecting the levy payable	DCCS, FC	If Council has been directed to be a collection agency in respect of non-rateable leviable land not located within its municipal district boundaries
s 22	Power to exercise powers and functions under s 229 of the <i>Local Government Act 1989</i> (land information certificates) and s 232 (institute proceedings)	DCCS, FC	
s 24	Duty to keep levy records in accordance with s 24	DCCS, FC	
s 25(1)	Duty to give a written notice to the owner of leviable land or to another specified person if requested by owner	FC, RC	
s 25(6)	Duty to transfer the amount of levy collected to the Commissioner	FC	
s 27(1)	Power to defer payment of levy in respect of rateable leviable land where applicant shows hardship	DCCS, FC	s 170 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 27. Note: may only defer levy if have deferred rates or charges under s 170 of the <i>Local Government Act 1989</i> for that land
s 27(1)	Power to require payment of levy in respect of rateable leviable land where applicant no longer in hardship or no longer occupies land	DCCS, FC	s 170 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 27

<b>FIRE SERVICES PROPERTY LEVY ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 27(1)	Power to waive levy in respect of rateable leviable land	DCCS, FC	s 171 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 27(4)  Note: may only waive levy if have waived rates or charges under s 171 of the <i>Local Government Act 1989</i> for that land
s 27(1)	Duty to waive levy upon receipt of an application which complies with s 171(4) of the <i>Local Government Act 1989</i> , in respect of rateable leviable land	DCCS, FC	s 171 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 27(4)  Note: may only waive levy if have waived rates or charges under s 171 of the <i>Local Government Act 1989</i> for that land
s 27(1)	Power to decide to treat a person to whom a waiver is granted as having made a continuing application or waiver in respect of rateable leviable land, in accordance with s 171(4)(f) of the <i>Local Government Act 1989</i>	DCCS, FC	s 171 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 27(4)  Note: may only waive levy if have waived rates or charges under s 171 of the <i>Local Government Act 1989</i> for that land
s 27(1)	Function of receiving application for waiver of levy in respect of rateable leviable land	DCCS, FC	s 171A of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 27(4)  Note: may only waive levy if have waived rates or charges under s 171A of the <i>Local Government Act 1989</i> for that land

<b>FIRE SERVICES PROPERTY LEVY ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 27(1)	Power to require information or verification in respect of rateable leviable land	DCCS, FC	s 171A of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 27(4)  Note: may only waive levy if have waived rates or charges under s 171A of the <i>Local Government Act 1989</i> for that land
s 27(1)	Power to waive levy or levy interest in respect of rateable leviable land	CEO, DCCS, FC	s 171A of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 27(4)  Note: may only waive levy if have waived rates or charges under s 171A of the <i>Local Government Act 1989</i> for that land
s 28(1)	Power to defer payment of levy in respect of non-rateable leviable land where applicant shows hardship	DCCS, FC	s 170 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 28
s 28(1)	Power to require payment of levy in respect of non-rateable leviable land where applicant no longer in hardship or no longer occupies land	DCCS, FC	s 170 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 28
s 28(1)	Power to waive levy in respect of non-rateable leviable land	DCCS, FC	s 171 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 28(4)
s 28(1)	Duty to waive levy upon receipt of an application which complies with s 171(4) of the <i>Local Government Act 1989</i> , in respect of non-rateable leviable land	DCCS, FC	s 171 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 28(4)

<b>FIRE SERVICES PROPERTY LEVY ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 28(1)	Power to decide to treat a person to whom a waiver is granted as having made a continuing application or waiver in respect of non-rateable leviable land, in accordance with s 171(4)(f) of the <i>Local Government Act 1989</i>	DCCS, FC	s 171 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 28(4)
s 28(1)	Function of receiving application for waiver of levy in respect of non- rateable leviable land	FC, RC	s 171A of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 28(4)
s 28(1)	Power to require information or verification in respect of non-rateable leviable land	FC, RC	s 171A of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 28(4)
s 28(1)	Power to waive levy or levy interest in respect of non-rateable leviable land	DCCS, FC	s 171A of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s 28(4)
s 29(1)	Duty to give concession	FC	
s 30(1)	Duty to require a person to pay levy interest	FC	
s 30(3)	Power to obtain court order requiring payment of levy	FC	
s 30(4)	Power to waive levy interest where court order obtained under s 30(3)	DCCS	
s 30(5)	Power to exempt any person from paying the whole or part of levy interest, in accordance with s 30(5)(a) or (b)	DCCS, FC	



<b>FIRE SERVICES PROPERTY LEVY ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 30(6)	Power to recover levy interest due in the same way as Council recovers the levy amount	FC	
s 31(1)	Power to recover the whole of the levy from either all, any or one persons jointly liable to pay levy	FC	Where 2 or more persons jointly liable to pay levy
s 31A(2)(a)	Duty to refund amount of levy proportionate to the part of levy year remaining where land ceases to be leviable land and levy payment has already been made	FC	
s 31A(2)(b)	Duty to only require proportionate amount of levy to be paid where land ceases to be leviable land and levy payment has not already been made	FC	
s 32(7)	Power to recover amount in arrears, in accordance with s 32(7)	FC	
s 33(1)	Power to send notice where levy due and unpaid	FC	
s 33(5)	Power to recover unpaid amount due	FC	
s 34	Duty to make adjustment and apply or refund overpayment in accordance with s 34 and give a revised assessment notice to the owner or specified person	FC	Where an objection, review or appeal results in the alteration of a valuation or a decision to attribute a different AVPCC
s 35(1)	Power to recover unpaid levy amount	FC	

<b>FIRE SERVICES PROPERTY LEVY ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 35(4)(b)	Power to request occupier to disclose the amount of rent and name and address of person to whom rent is payable	DCCS, FC	
s 36(1)	Function of receiving application for refund of amounts overpaid	FC	
s 36(4)	Duty to refund overpayment, if determined that the payment was in excess of amount owed	FC	
s 36(5)	Power to refund overpayment, if determined that the payment was in excess of amount owed	FC	
s 37(1)	Duty to separately account for levy amounts and levy interest collected	FC	
s 37(3)	Power to retain any interest earned on levy amounts and levy interest	FC	
s 37(5)	Duty to refund over payment	FC	
s 38(1)	Power to cancel assessment of person's liability to pay levy if satisfied that an assessment has been made in error	DIDW, FC	
s 38(2)	Duty to comply with requirements in s 38(2) where Council has made an assessment in error	FC	
s 39(2)	Duty to conduct another assessment of the levy amount and, if applicable, give the owner or specified person a revised assessment notice, in accordance with s 39(2)	DCCS, FC	

<b>FIRE SERVICES PROPERTY LEVY ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 39(3)	Duty to refund payment in excess of amount owed and any interest accrued	FC	
s 40	Duty to submit a return to the Commissioner	FC	In a form approved by the Commissioner and in accordance with any directions issued by the Minister
s 41(1)	Duty to pay all levy amounts and levy interest received to the Commissioner in 4 instalments	FC	
s 41(4)	Power to decide to forward late payments of levy amounts and levy interest to the Commissioner at the same time as the next instalment is payable	DIDW, FC	
s 71(1)	Function of receiving application for alteration of levy records	FC, RC	
s 71(2)	Power to specify the manner and form of applications under s 71(1)	FC, RC	
s 72	Duty to comply with any Ministerial directions issued under s 72	FC	

<b>FLORA AND FAUNA GUARANTEE ACT 1988</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4C(1)	Function of receiving a request for information from the Minister	DIDW, MPE	Where Council is a public authority
s 4C(2)	Duty to comply with a Minister's request for information under s 4C(1)	DIDW, MPE	Where Council is a public authority
s 7(2)	Function of consulting with the Secretary either before the action starts or, if the action has already started, within 15 days of the request being made	DIDW, MPE	Where Council is a public authority If the Secretary is of the opinion that an action taken or to be taken by Council is likely to threaten the survival of a listed taxon or community of flora or fauna or a critical habitat
s 20B(1)(a)	Function of receiving written notice from the Secretary	DIDW, MPE	Where Council is a landholder of any land that is within the area of the proposed determination
s 20B(1)(b)	Function of receiving written notice from the Secretary	DIDW, MPE	Where Council is a public authority that performs a function or exercises a power in the area of the proposed determination
s 20B(5)	Power to request that the information set out in s 20B(3) be withheld	DIDW, MPE	Where Council is a landholder
s 25(1)	Function of being party to an agreement for management of flora and fauna	DIDW, MPE	
s 29(1)(a)	Function of receiving notice of the making of a habitat conservation order from the Minister in relation to land within the critical habitat	DIDW, MPE	Where Council is a landholder

<b>FLORA AND FAUNA GUARANTEE ACT 1988</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 29(1)(b)	Function of receiving notice of the making of a habitat conservation order from the Minister	DIDW, MPE	Where Council is a public authority that performs a function or exercises a power in the critical habitat
s 37(d)	Function of responsible/planning authority to receive notice of conservation orders	DIDW, MPE	Where Council is a public authority
s 57(2)(h)	Function of giving, to an authorised officer, samples of any thing in respect of which the authorised officer suspects that there has been a contravention of the <i>Flora and Fauna Guarantee Act 1988</i> (Vic) or an instrument referred to in s 57(1) that is found at the land, building or vehicle	DIDW, MPE, NRO	Where Council is the landholder of the land or is apparently in charge of the building or vehicle (as the case requires)
s 57(2)(k)	Function of receiving notice from an authorised officer	DIDW, MPE	Where Council is the landholder of the land

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 7D(3)	Duty to comply with a declaration made by the Secretary under s 7D(1)	EHO	
s 7E(6)	Duty to publish a copy of a direction given by the Minister under s 7E(1) in the annual report	EHO	
s 19(4)(b)	Duty to notify the Department of the making of the order	EHO	If s 19(1) applies
s 19(4)(c)	Duty to notify the registration authority of the making of the order and any appeal and the outcome of the appeal	EHO	If s 19(1) applies and if Council is not the registration authority
s 19A(4)(b)	Function of receiving notice from authorised officer	EHO	Where Council is the registration authority
s 19BA(3)	Duty to give notice of the variation or revocation of the order to the general public in the same manner as the original notice	EHO	Must be done by the same person as gave the original notice
s 19EA(3)	Function of receiving a copy of any significant revision made to the food safety program	EHO	Where Council is the registration authority
s 19H(5)(a) & (5)(b)	Duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the Secretary in determining the frequency and intervals of the assessments and audits	EHO	Where Council is the registration authority
s 19I	Duty to conduct a food safety assessment as required under s 19H	EHO	Subject to s 19J Where Council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19IA(2)	Duty to give written notice to proprietor if food safety requirements or s 19DC(2) have not been complied with unless s 19IA(3) applies	EHO	Where Council is the registration authority
s 19N	Function of receiving information from a food safety auditor	EHO	Where Council is the registration authority
s 19U(4)	Duty to ensure that information relating to costs of a food safety audit are available for inspection by the public	EHO	
s 19UA(4)	Duty to consider proprietor's history of compliance in deciding whether to charge the fee	DIDW, MPE, EHO	
s 19UA(5)	Duty to ensure that the method of determining a fee under s 19UA(3)(a) and the considerations that apply under s 19UA(4) are available for inspection by the public	DIDW, MPE, EHO	
s 20(1C)	Duty to ensure authorised officers are suitably qualified or trained	DIDW	
s 20(2)	Power to limit or impose conditions on the authority granted to an authorised officer	DIDW	
s 26(5)	Duty to destroy or dispose of article	EHO	
s 32(1)	Duty to submit samples of food for analysis	EHO	
s 32(3)	Function of receiving report by analyst	EHO	

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 35A(2)	Function of receiving notice of operation from the proprietor of a food premises	EHO	Where Council is the registration authority
s 37	Function of receiving application, information and documents required under s 36 from the proprietor of a food business	EHO	
s 38(3)	Duty to consult with the Secretary about the proposed exemption under s 38(2)	EHO	
s 38AA(2)	Function of being notified of operation	EHO	Where Council is the registration authority
s 38AA(4)	Duty to determine whether the food premises are exempt from the requirement of registration	EHO	Where Council is the registration authority
s 38A(5) & (6)	Function of receiving a food safety audit certificate from a proprietor	EHO	Where Council is the registration authority
s 38B(1)(c)	Duty to inspect premises	EHO	Where Council is the registration authority
s 38E(1)(c)	Function of assessing the requirement for a food safety program	EHO	Where Council is the registration authority
s 38E(3)(a)	Function of receiving certificates	EHO	Where Council is the registration authority
s 38F(3)(a)	Duty to note the change to the classification of the food premises on the certificate of registration	EHO	Where Council is the registration authority
s 39(2)	Duty to inspect within 12 months before renewal of registration	EHO	Where Council is the registration authority



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 39(3)	Duty to inspect within 3 months before renewal of registration if circumstances in s 39(3)(a)-(d) apply	EHO	Where Council is the registration authority
s 39A(6)	Duty to comply with direction of Secretary.	EHO	
s 40(1)	Duty to issue a certificate of registration in the prescribed form	EHO	Where Council is the registration authority
s 40D(2)	Duty to specify how long a suspension is to last under s 40D(1)	EHO	Where Council is the registration authority
s 40E(4)	Duty to comply with direction of Secretary	EHO	
s 43(1) and (2)	Duty to maintain records of the prescribed particulars and orders in force under Part III	EHO	Where Council is the registration authority
s 43(3)	Duty to make available information held in records, free of charge, on request	EHO	Where Council is the registration authority
s 43I	Function of receiving a statement of trade of a proprietor of a food business	EHO	
s45AA	Power to act in proceedings against the Crown	DIDW, EHO	Power of the responsible agency
s 45AC	Power to bring proceedings for an offence under the Act	DIDW, EHO	
s 53G(1)	Duty to provide information in s 53G(1) to the Secretary as soon as practicable after a person is convicted by a court for an offence under this Act	EHO	Where Council is the 'relevant Council' under s 53G(6)

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 53G(2)	Duty to advise the Secretary that a person has not appealed a conviction within the time allowed	EHO	Where Council is the relevant Council under s 53G(6)
s 53G(3)	Duty to advise the Secretary of the fact that an appeal or application for leave is lodged against the conviction and of other matters in this subs	EHO	Where Council is the relevant Council under s 53G(6)
s 53G(4)	Duty to inform the Secretary of the outcome of the appeal or application	EHO	Where Council is the relevant Council under s 53G(6)
s 58(1)	Duty to notify the Director of Liquor Licensing where an order is made under s 19 of the Act and a licence/permit under the <i>Liquor Control Reform Act 1998</i> is in force	ND	Where Council is the registration authority
s 58(2)	Duty to notify the Director of Liquor Licensing when a holder of a permit/licence under the <i>Liquor Control Reform Act 1998</i> is found guilty or pleads guilty and in respect of which no conviction is recorded	ND	Where Council is the registration authority
s 58B(1)	Power to take action in relation to a thing done or omitted at the food premises	EHO	Where Council is the registration authority for the temporary or mobile food premises
s 58B(2)	Power to take into account results of inspection, assessment, audit or other action taken by another registration authority in relation to temporary or mobile food premises	EHO	Where Council is the registration authority for the temporary or mobile food premises
s 59C(2)	Power to take actions necessary to ensure compliance with direction under s 19, s 19B or Part VII	EHO	

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 59C(7)(b)	Power to recover costs incurred under s 59C(2) or (3)	DIDW, EHO	
s 71(a)	Power to revoke or suspend the registration of the food premises under Part IIIB or s 40D in certain circumstances	DIDW, EHO	

<b>FREEDOM OF INFORMATION ACT 1982</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 7	Duty to publish information	GM	
s 49D(3)	Power to request a copy of the application from the Information Commissioner	GM	
s 49G(3)	Function of receiving notice from the Information Commissioner	GM	
s 49I	Duty to assist the Information Commissioner to undertake a review	GM	
s 49K	Function of consulting with the Information Commissioner	GM	
s 49KA(2)(a)	Function of processing or identifying a reasonable sample of the documents upon notice from the Information Commissioner	GM	If the Information Commissioner reasonably believes that an agency or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of a review under Division 1
s 49KA(2)(b)	Function to undertake a further search, or to cause a further search to be undertaken, for documents in the possession, custody or control of the agency or Minister, upon notice from the Information Commissioner	GM	If the Information Commissioner reasonably believes that an agency or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of a review under Division 1

<b>FREEDOM OF INFORMATION ACT 1982</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 49KA(3)	Duty to comply with requests under s 49KA(2) within the reasonable time stated in the Information Commissioner's notice, being not less than 10 business days	GM	If the Information Commissioner reasonably believes that an agency or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of a review under Division 1
s 49KA(4)	Power to apply for extension	GM	
s 49KA(7)	Duty to notify the Information Commissioner within 3 business days after the end of the period referred to in s 49KA(2) or (3) of the information contained in s 49KA(7)(a)-(b)	GM	If the Information Commissioner reasonably believes that an agency or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of a review under Division 1
s 49KA(8)	Function to have the matter referred from the Information Commissioner in accordance with s 49L	GM	If the Information Commissioner reasonably believes that an agency or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of a review under Division 1
s 49L(1A)	Duty to make a fresh decision where a matter is referred back to Council by the Information Commissioner	GM	Decision must be made within 28 days of referral, unless other time period agreed under s 49L(2)
s 49L(2)	Power to agree with the Information Commissioner to another time period for making the fresh decision under s 49L(1)	GM	
s 49L(4)	Duty to notify the Information Commissioner that a fresh decision has been made or has not been made	GM	

<b>FREEDOM OF INFORMATION ACT 1982</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 49L(5)	Duty to revoke the earlier decision where a fresh decision has been made and to inform the applicant of the requirements of s 49L(6) and the effect of s 49(7)	GM	
s 49M(1)	Power to exercise a choice to reconsider the subject matter of an application for review and make a fresh decision	GM	Must advise the Information Commissioner and the applicant in writing  Decision must be made within 28 days of referral, unless other time period agreed under s 49M(2)  May make a fresh decision only once during a review under this part s 49M(8)
s 49M(2)	Power to agree with Information Commissioner to another time period for making a fresh decision	GM	
s 49M(4)	Duty to notify the Information Commissioner in writing of a whether a fresh decision has or has not been made	GM	
s 49M(5)	Duty to revoke the earlier decision where a fresh decision has been made and to inform the applicant of the requirements of s 49M(6) and the effect of s 49M(7)	GM	
s 49N	Function of entering into an agreement in relation to a decision that is the subject of a review	GM	
s 50(3D)	Power to apply to the Tribunal for review of a decision of the Information Commissioner under s 49P	GM	
s 50(3F)	Duty to notify the Information Commissioner of an application for review under s 50(3D)	GM	

<b>FREEDOM OF INFORMATION ACT 1982</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 50(3FA)	Duty to notify the Information Commissioner of an application for review under s 50(1)(a), (b), (c), (d) or (g)	GM	
s 53(6)	Power to make an application to the Tribunal for an extension of time	GM	
s 53A(1)	Duty to, if practicable, give written notice in accordance with s 53A(2)	GM	
s 61E	Duty to co-operate with Information Commissioner where a complaint relates to the agency	GM	
s 61G	Function of consulting with the Information Commissioner	GM	
s 61GA(1)(a)	Function of processing or identifying a reasonable sample of the documents upon notice from the Information Commissioner	GM	Where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of the complaint under s 25A(1) or s 25A(5)
s 61GA(1)(b)	Function to undertake a further search, or to cause a further search to be undertaken, for documents in the possession, custody or control of the agency or Minister, upon notice from the Information Commissioner	GM	Where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision

<b>FREEDOM OF INFORMATION ACT 1982</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 61GA(2)	Duty to comply with requests under s 61GA(1) within the reasonable time stated in Information Commissioner's notice, being not less than 10 business days	GM	
s 61GA(3)	Power to apply for extension	GM	
s 61H	Power to reach an agreement with a complainant	GM	
s 61I(2)	Power to make submissions to the Information Commissioner in relation to a complaint	GM	
s 61L(5)	Power to comment on, and respond to, a draft recommendation	GM	
s 63BA(1)	Power to apply to the Supreme Court to determine whether the Information Commissioner, or the Public Access Deputy Commissioner, has jurisdiction to serve a notice to produce or attend	GM	
s 64B	Duty to provide the Information Commissioner any information referred to in s 64(2)	GM	
s 65AB	Duty to notify the responsible Minister if Council seeks leave to appeal	GM	



<b>GAMBLING REGULATION ACT 2003</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 3.3.5	Function of receiving a copy of proposed applications	MPE	
s 3.3.5AA	Function of receiving notification from the Commission	MPE	
s 3.3.5AB(2)	Function of receiving a copy of the amended application	MPE	
s 3.3.5B	Duty to notify the Commission in writing as to whether it intends to make a submission under s 3.3.6	MPE	
s 3.3.6	Power to make submission to Commission on application for approval of premises	DIDW, MPE	
s 3.3.8(4)	Function of receiving notification from the Commission of its decision	MPE	
s 3.3.14	Power to apply to Tribunal for review of Commission's decision granting approval of premises	DIDW, MPE	
s 3.4.18(2)	Function of receiving a copy of proposed request	MPE	
s 3.4.18A	Function of receiving notification from the Commission that it has received a request	MPE	
s 3.4.18B(2)	Function of receiving amended copies of proposed request	MPE	
s 3.4.18C	Duty to notify Commission as to whether it intends to make a submission under s 3.4.19	MPE	

<b>GAMBLING REGULATION ACT 2003</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 3.4.19	Power to make submission to the Commission addressing the economic and social impact of a proposed licence amendment on the wellbeing of the community of the municipal district in which the approved venue (or venue whose approval under Part 3 is suspended) is located; and taking into account the impact of the proposed amendment on surrounding municipal districts	DIDW, MPE	
s 3.4.21(2)	Power to apply to Tribunal for review of Commission's decision relating to amendment increasing number of gaming machines	DIDW, MPE	
s 8.5.3(2)	Function of receiving a copy of application for bingo centre	MPE	
s 8.5.5	Power to submit report to Commission on application received under s 8.5.3(3)(a)	MPE	

<b>GENDER EQUALITY ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 7(a)	Duty to consider and promote gender equality	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 7(b)	Duty to take necessary and proportionate action towards achieving gender equality	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 9(1)	Duty to undertake a gender impact assessment	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 10(1)	Duty to prepare a Gender Equality Action Plan	HRM, CEO	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 10(2)(a)	Duty to take into account the gender equality principles in preparing a Gender Equality Action Plan	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 10(2)(b)	Duty to consult in preparing a Gender Equality Action Plan	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier

<b>GENDER EQUALITY ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 10(3)	Duty to ensure adequate resources are allocated to developing and implementing the Gender Equality Action Plan	CEO	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 11(1)	Duty to undertake a workplace gender audit before developing a Gender Equality Action Plan	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 11(2)(d)	Power to determine any other matters that are relevant	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 12(1)	Duty to submit a Gender Equality Action Plan to the Commissioner	CEO, HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 12(2)	Power to request an extension of time to submit the Gender Equality Action Plan	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 12(3)(a)	Duty to, within a reasonable time after submitting the Gender Equality Action Plan to the Commissioner, publish the completed Gender Equality Action Plan on Council's website	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier

<b>GENDER EQUALITY ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(3)(b)	Duty to, within a reasonable time after submitting the Gender Equality Action Plan to the Commissioner, notify the councillors, employees and employee representatives of the publication	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 13(1)	Power to submit to the Commissioner a report or document prepared by Council for another purpose and request that it be taken to be a Gender Equality Action Plan	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 13(3)	Duty to, if a report or other document is taken to be a Gender Equality Action Plan, publish it on Council's website, and notify the councillors, employees and employee representatives of the publication	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 15(1)	Power to amend its Gender Equality Action Plan at any time if considers the amendment is considered necessary	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 15(2)(a)	Duty to submit the amended Gender Equality Action Plan to the Commissioner	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 15(2)(b)	Duty to, within a reasonable time after submitting the amended Gender Equality Action Plan to the Commissioner, publish the amended plan on Council's website, and notify the councillors, employees and employee representatives of the publication	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier

<b>GENDER EQUALITY ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 16(1)	Duty to make reasonable and material progress in relation to the workplace gender equality indicators	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 18(1)	Duty to make reasonable and material progress towards meeting gender equality targets prescribed	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 18(2)	Duty to make reasonable and material progress towards meeting gender equality quotas prescribed	CEO, HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 19(1)	Duty to submit a progress report to the Commissioner	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 19(2)	Power to request an extension of time to submit a progress report	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 19(4)	Duty not to identify or report on a policy, program or service if it would disclose any of the information set out in s 19(4)(a) – (c)	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 20	Duty to publish Council's progress report on its website as soon as reasonably practicable after it is submitted under s 19(1)	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier

<b>GENDER EQUALITY ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 22(1)	Function of being issued with a compliance notice from the Commissioner	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 22(2)	Duty to comply with the compliance notice	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 24(1)	Power to, 14 days after receiving a compliance notice, give a written response to the Commissioner outlining Council's reasons for disagreeing with the compliance notice	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 25(1)	Power to apply to the Tribunal for review of the Commissioner's decision to confirm a compliance notice under s 24(2)(c)	CEO, HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 26(a)	Power to provide the Commissioner with a written undertaking	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 27(2)	Power to, with the consent of the Commissioner, withdraw or vary the undertaking	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 47(2)	Duty to have regard to any guidelines issued under s 47(1)	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier

<b>GENDER EQUALITY ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 48(2)	Duty to have regard to the guidelines	HRM	Where Council is a 'defined entity' and subject to guidelines issued under s 48(1) Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 49(2)	Duty to have regard to the guidelines	HRM	Where Council is a 'defined entity' and subject to guidelines issued under s 49(1) Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 51(1)	Duty to, before publication, remove any personal information from a Gender Equality Action Plan and progress report	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier
s 51(2)	Duty to, when submitting to the Commissioner material that is likely to be published, advise the Commissioner whether the material contains any personal information	HRM	Where Council is a 'defined entity' Note: this provision does not commence until 31 March 2021, unless proclaimed earlier



<b>GRAFFITI PREVENTION ACT 2007</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18(1)	Power to take action necessary to remove or obliterate graffiti from private premises where graffiti is visible from a public place, in accordance with s 18	DIDW, WM	
s 18(2)	Power to enter private property for the purpose of s 18(1) if notice provided and owner has given written consent to removal of graffiti and entry	DIDW, WM	
s 18(2)(a)	Power to serve notice regarding proposal to remove or obliterate graffiti at least 28 days before action proposed to be taken	RLLC	
s 18(3)(a)	Duty to serve notice regarding proposal to remove or obliterate graffiti at least 10 days before it is proposed to take action to remove or obliterate graffiti (where entry to private premises not necessary)	RLLC	
s 18(3)(b)	Power to remove or obliterate graffiti (where entry not necessary), Where written notice of proposed action given and owner gives consent or does not object in accordance with notice	DIDW, WM, RLLC	
s 18(3A)	Power to take further action to remove or obliterate graffiti	WM	
s 18(8)(a)	Duty to take reasonable steps to consult with owner or occupier in relation to manner of taking action to remove or obliterate graffiti	DIDW, WM	

<b>GRAFFITI PREVENTION ACT 2007</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18(8)(b)	Duty to ensure that work is done by an authorised person, where entry to the property is necessary under s 18(1)	WM	
s 18(8)(c)	Duty to ensure that work is carried out expeditiously and to avoid unnecessary inconvenience and disruption and with reasonable care and to reasonable standards	WM	
s 19(1)	Power to authorise a person to carry out Council's functions under s 18.	DIDW, WM	
s 19(2)(c)	Power to determine performance criteria for authorised persons	DIDW	
s 20(1)	Duty to issue an identity card to an authorised person	DIDW	

<b>GREAT OCEAN ROAD AND ENVIRONS PROTECTION ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>

s 12	Duty to apply the principles set out in ss 13, 14, 15 and 16 in Part 3 when performing a function or duty or exercising a power in relation to the Great Ocean Road coast and parks		This provision applies to responsible entities including Colac Otway Shire Council, Corangamite Shire Council, Moyne Shire Council, Surf Coast Shire Council and Warrnambool City Council  Note: this provision will commence on 1 December 2020 unless proclaimed earlier
s 22(1)(f)	Duty to comply with parts of the Great Ocean Road strategic framework plan that are binding on Council and duty to have regard to the other parts as required by the plan		This provision applies to responsible entities including Colac Otway Shire Council, Corangamite Shire Council, Moyne Shire Council, Surf Coast Shire Council and Warrnambool City Council  Note: this provision will commence on 1 December 2020 unless proclaimed earlier
s 41	Duty to make an approved Great Ocean Road strategic framework plan available for public inspection at the Council office and internet site		This provision applies to responsible entities including Colac Otway Shire Council, Corangamite Shire Council, Moyne Shire Council, Surf Coast Shire Council and Warrnambool City Council  Note: this provision will commence on 1 December 2020 unless proclaimed earlier
s 63	Duty to prepare an annual report on the implementation of the approved Great Ocean Road strategic framework plan during the previous year		This provision applies to responsible entities including Colac Otway Shire Council, Corangamite Shire Council, Moyne Shire Council, Surf Coast Shire Council and Warrnambool City Council  Note: this provision will commence on 1 December 2020 unless proclaimed earlier

<b>HEALTH RECORDS ACT 2001</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 48	Function of receiving notice of complaint from the Health Complaints Commissioner	EHO	
s 51(1)	Function of receiving notice that Health Complaints Commissioner has declined to entertain a complaint	EHO	
s 51(3)	Function of receiving notice that Health Complaints Commissioner referred complaint	EHO	
s 52(2)	Function of receiving notice that Health Complaints Commissioner referred complaint to registration board	EHO	
s 53(2)	Function of receiving notice that Health Complaints Commissioner has dismissed a stale complaint	EHO	
s 56(3)	Power to indicate wishes with respect to whether conciliation appropriate	DIDW, EHO	
s 56(4)	Function of receiving notice of Health Complaints Commissioner's decision under s 56(1)	EHO	
s 57(4)	Function of receiving notice that Health Complaints Commissioner has dismissed the complaint after deciding conciliation is inappropriate	EHO	
s 61(1)(b)	Power to sign the record of a conciliation agreement	EHO	
s 61(2)	Power to lodge a copy of the record with the Tribunal	EHO	

<b>HEALTH RECORDS ACT 2001</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 63(1)	Function of receiving notice that conciliation has failed	EHO	
s 63(8)	Function of receiving notice that Health Complaints Commissioner has dismissed the complaint following a failed conciliation	EHO	
s 63(10)	Function of receiving notice that Health Complaints Commissioner is to conduct an investigation of the complaint	EHO	
s 64(2)	Function of receiving notice of Health Complaints Commissioner's ruling	EHO	
s 64(7)	Duty to report on action taken following notice of a ruling requiring specified action	EHO	
s 65(1)	Power to require the Health Complaints Commissioner to refer the complaint to the Tribunal	DIDW, EHO	
s 72	Power to apply to the Tribunal for review of a decision to serve a compliance notice	EHO	
s 73(1)	Power to apply to the Tribunal for an interim order	EHO	

<b>HEAVY VEHICLE NATIONAL LAW 2012 (applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 118(1)(b)	Duty to give or not give consent to the grant of a mass or dimension exemption notice for a category of heavy vehicles	ME	Where Council is the relevant road manager Must comply with requirements of s 156
s 124(1)(b)	Duty to give or not give consent to the grant of a mass or dimension exemption permit for a heavy vehicle	ME	Where Council is the relevant road manager Must comply with requirements of s 156
s 139(1)(b)	Duty to give or not give consent to the grant of a class 2 heavy vehicle authorisation notice	ME	Where Council is the relevant road manager
s 145(1)(b)	Duty to give or not give consent to the grant of a class 2 heavy vehicle permit	ME	Where Council is the relevant road manager
s 156(1)	Duty to give or not give consent	ME	Where Council is the relevant road manager
s 156(2)	Power to request a longer period to decide to give or not give consent under s 156(1)	ME	Where Council is the relevant road manager
s 156(6)	Function of giving Regulator a written statement explaining its decision not to give consent	ME	Where Council is the relevant road manager Statement must comply with s 172
s 157(2)	Function of receiving notice from the Regulator that an applicant has been notified of the third party consultation requirement	ME	Where Council is the relevant road manager

<b>HEAVY VEHICLE NATIONAL LAW 2012 (applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 158(2)	Duty to, as far as practicable, deal with the request for consent, where consultation with other entity is not yet completed	ME	Where Council is the relevant road manager
s 158(4)	Power to decide to give or not give the consent in the circumstances	ME	Where Council is the relevant road manager
s 159	Power to notify the Regulator that a route assessment is required and the fee payable for the route assessment	ME	Where Council is the relevant road manager
s 159(4)	Power to stop considering whether to give or not to give consent until route assessment fee is paid	ME	Where Council is the relevant road manager
s 160(1)	Power to consent to the grant of a mass or dimension authority subject to a road condition listed in (a) or (b)	ME	Where Council is the relevant road manager
s 160(2)	Duty to give the Regulator a written statement explaining the decision to consent subject to conditions	ME	Where Council is the relevant road manager Statement must comply with s 172
s 161(1)	Power to consent to the grant of a mass or dimension authority subject to a travel condition	ME	Where Council is the relevant road manager
s 161(2)	Duty to give the Regulator a written statement explaining the decision to consent subject to travel conditions	ME	Where Council is the relevant road manager Statement must comply with s 172
s 162(1)	Power to request the Regulator to impose a stated vehicle condition on the authority	ME	Where Council is the relevant road manager

<b>HEAVY VEHICLE NATIONAL LAW 2012 (applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 162(2)(b)	Function of being notified of the decision under s 162(2)(a)	ME	Where Council is the relevant road manager
s 163(3)	Duty to give or not give consent within 3 months or longer as agreed with Regulator	ME	Where Council is the relevant road manager
s 167(2)(b)	Power to give the Regulator a notice of objection to the application of s 167 to the proposed replacement authority	DIDW, ME	Where Council is the relevant road manager
s 167(2)(c)	Function of receiving notice that the Regulator withdraws the proposed replacement authority from the expedited procedure	ME	Where Council is the relevant road manager
s 167(3)	Power to give written notice of consent or refusal	ME	Where Council is the relevant road manager
s 169	Power to give consent to the grant of a mass or dimension authority for a trial period	ME	Where Council is the relevant road manager
s 170(1)	Function of being notified by the Regulator of renewal of mass or dimension authority for trial period	ME	Where Council is the relevant road manager
s 170(3)	Power to give written objection	ME	Where Council is the relevant road manager
s 174(2)(a)	Power to request the Regulator to amend the mass or dimension authority, where satisfied of matters in s 174(1)	ME	Where Council is the relevant road manager



<b>HEAVY VEHICLE NATIONAL LAW 2012 (applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 174(2)(b)	Power to request the Regulator to cancel the mass or dimension authority, where satisfied of matters in s 174(1)	ME	Where Council is the relevant road manager
s 174(4)(c)	Function of receiving notice from the Regulator that the road authority must not comply with the request	ME	Where Council is the relevant road manager
s 176	Duty to give or not give consent to an amendment of a mass or dimension authority	ME	Where Council is the relevant road manager The provisions relating to a request for consent under Division 2 of the Act apply to the request for consent under s 176
s 178(2)(a)	Power to request the Regulator to amend the mass or dimension authority, where satisfied of matters in s 178(1)	ME	Where Council is the relevant road manager
s 178(2)(b)	Power to request the Regulator to cancel the mass or dimension authority, where satisfied of matters in s 178(1)	ME	Where Council is the relevant road manager
s 178(4)(c)	Function of receiving notice from the Regulator that the road authority must not comply with the request	ME	Where Council is the relevant road manager
s 180(2)	Function of receiving notice from the Regulator	ME	Where Council is the relevant road manager
s 611(2)	Power to apply for a compensation order	DIDW, ME	
s 612	Function of preparing certificate	ME	

<b>HEAVY VEHICLE NATIONAL LAW 2012 (applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 613(1)	Duty to give a copy of a certificate referred to in s 612 to the defendant at least 28 days before hearing	ME	
s 613(3)	Function of receiving notice that defendant intends to challenge the matter	DIDW, ME	
s 643(2)	Function of receiving referral of review application	ME	
s 644	Duty to conduct internal review of reviewable decision and give applicant a reasonable opportunity to make written or oral representations	DIDW, ME	Where Council is the relevant road manager
s 645(1)	Duty to either confirm or amend decision or substitute another decision for the reviewable decision	ME	Where Council is the relevant road manager
s 645(5)	Duty to, as soon as practicable, give the Regulator notice of the review	ME	Where Council is the relevant road manager

<b>HEAVY VEHICLE NATIONAL LAW APPLICATION ACT 2013</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18(2)	Power to enter into an arrangement to transfer a function	DIDW	In respect of roads where Council is the relevant road manager

<b>HERITAGE ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 29(4)	Function of receiving statement refusing a nomination from Executive-Director	DIDW, MPE	
s 30(9)	Function of receiving written notice from Heritage Council of outcome of application for review	DIDW, MPE	
s 34(1)	Function of receiving notice of acceptance of nomination from Executive Director	DIDW, MPE	
s 40(1)	Function of receiving statement from Executive Director of recommendation not to include place or object in Heritage Register	DIDW, MPE	
s 53(6)	Function of receiving notice of amendment to heritage register from Executive Director	DIDW, MPE	
s 63(2)	Function of receiving notice of expedited amendment of Heritage Register	DIDW, MPE	
s 96(5)	Function of receiving copy of amended permit application	DIDW, MPE	
s 100(1)	Function of receiving copy of permit application from Executive Director	DIDW, MPE	
s 100(2)	Power to make written submission to Executive Director in relation to application received under s 100(1)	DIDW, MPE	

<b>HERITAGE ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 105(4)	Function of receiving notice of receipt of application to amend a permit from Executive Director	DIDW, MPE	
s 106(5)	Function of receiving notice of application for review for permit to carry out works from Heritage Council	DIDW, MPE	
s 108(4)	Power to request a hearing be held by the Heritage Council in relation to an application for review under s 107 of Executive Director's determination	DIDW, MPE	
s 108(5)	Power to appear and be heard or represented at a hearing into review of Executive Director's determination	DIDW, MPE	
s 108(9)	Function of receiving written notice from Executive Director of Heritage Council's determination of review	DIDW, MPE	
s 110	Function of receiving notice from Minister of referral of a matter to VCAT under s 109(2)(b)	DIDW, MPE	
s 112	Function of receiving notice from Executive Director of decision by VCAT under s 111	DIDW, MPE	
s 114(2)	Function of receiving notice from Executive Director of decision by Minister in relation to application for review	DIDW, MPE	
s 120	Function of receiving written notice of removal of site from Heritage Inventory	DIDW, MPE	
s 131(1)	Function of receiving notice of recommendations made under s 130 by Executive Director	DIDW, MPE	

<b>HERITAGE ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 133(3)	Function of receiving written notice from Heritage Council of approval of recommendation for a site of archaeological value	DIDW, MPE	
s 179	Function of receiving notice of approval of World Heritage Strategy Plan	DIDW, MPE	

<b>HOUSING ACT 1983</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 15(1)(d)	Function of consenting to any development, control, etc. of any land	DIDW, MPE	
s 34(1)	Function of entering into arrangements with the Director whereby Council carries out works	DIDW, MPE	
s 34(3)	Power to enter into arrangements with the Director for the purposes of this Act	DIDW, MPE	
s 67(1)(a)	Power to do all things to make house comply with regulations or to give effect to direction	ND	
s 67(1)(b)	Power to demolish house (where case so requires)	ND	
s 67(2)	Power to recover expenses	DIDW, MPE	
s 67(3)	Power to sell or dispose of material	ND	
s 68(1)	Power to order that house (a) be and remain unoccupied; or (b) be vacated by the occupier	ND	
s 68A	Power to revoke declaration	ND	
s 71(1)	Power to authorise person for purposes of s 71	CEO, DIDW, MPE	
s ch 2 cl 3(1)	Power to sell or give to the Director any land vested in it, other than Crown land	ND	Council Resolution

<b>HOUSING ACT 1983</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 3(2)	Power to lease land, enter into agreements with the Director concerning land, or apply funds for carrying out such agreement	BPC, DIDW, MPE	
sch 6 cl 1	Duty to lodge signed certificate	DIDW, MPE	
sch 6 cl 1	Power to authorise staff member to sign certificate	CEO	
sch 6 cl 2	Power to request recording in Register	DIDW, MPE	
sch 6 cl 6	Duty to lodge notice with the Registrar of Titles that the declaration has ceased to operate	DIDW, MPE, BPC	
sch 6 cl 7(1)	Power to require occupier to pay to Council any money owing	DCCS, FC	
sch 6 cl 7(2)	Duty to forward a copy of any notice under cl 7(1) to the owner of the house concerned	DCCS, FC	
sch 6 cl 7(5)	Duty to notify occupier if Council receives any payment	DCCS, FC	



<b>IMPOUNDING OF LIVESTOCK ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 9(3)	Function of receiving notice from owner or occupier of whereabouts of livestock	RLLC	
s 10	Power to give written permission to owner or occupier of land to impound livestock on their land for longer than 4 days	RLLC	
s 14	Duty to keep record of impounded livestock	RLLC	
s 15	Duty to ascertain owner of livestock and serve a notice of seizure on the owner as soon as possible	RLLC	
s 16	Duty to release livestock	RLLC	
s 16A(3)	Power to approve form of notice to be served under s 16A(1)	RLLC	
s 16B(3)	Power to approve form of notice to be served under s 16B(1)	DIDW, MPE, RLLC	
s 17	Duty to hold livestock for seven days, or 3 days after time within which measures must be taken under notice served , prior to disposal	RLLC	
s 17A	Duty to hold livestock for 14 days prior to disposal in accordance with Part 2	RLLC	Where authorised officer of Council has impounded livestock under s 5A of the Act
s 18	Power to offer uncollected livestock for sale	RLLC	

<b>IMPOUNDING OF LIVESTOCK ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19	Duty to give public notice of intention to sell livestock	RLLC	
s 20	Duty to apply the proceeds of the sale of livestock in the order set out in s 20(1)	RLLC	
s 21	Power to dispose of livestock including destroying or re-housing	RLLC	

<b>IMPOUNDING OF LIVESTOCK ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 22	Function of posting written notice of the impounding of livestock at the pound where they are held	RLLC	
s 27	Function of receiving notice of proceedings	RLLC	
s 28(1)	Duty to not sell or dispose of impounded livestock until (a) the time limit in s 27(2) has expired or (b) the proceedings have been determined or withdrawn, where Council receives notification of proceeding under s 27(1)	RLLC	
s 28(3)	Power to release impounded livestock pending determination of proceedings	RLLC	
s 29(2)	Duty to release impounded livestock and convey it to the owner at Council's expense where Magistrates' Court determines impounding was in contravention of this Act	RLLC	
s 30	Power to recover outstanding amount as a debt	DIDW, RLLC	

<b>INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 15(6)	Function of consulting with and receiving information from the Independent Broad-based Anti-Corruption Commission (IBAC)	CEO, GM	
s 35(2)	Power to enter into agreements or arrangements for use of services with the Independent Broad-based Anti-Corruption Commission (IBAC)	CEO, GM	
s 56	Function of providing information to the Independent Broad-based Anti-Corruption Commission (IBAC)	CEO, GM	

<b>INFRINGEMENTS ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 6	Duty to provide Attorney-General with prescribed information	DIDW, MPE, RLLC	
s 9	Power to make and publish guidelines and policies in respect of the use of official warnings for infringement offences	DIDW, MPE, RLLC	
s 11	Duty to withdraw an official warning in certain circumstances	DIDW, MPE, RLLC	
s 15	Power to accept late payment of infringement penalty	DIDW, MPE, RLLC	
s 17(1)	Power to refer certain matters to the Court	DIDW, MPE, RLLC	
s 17(3)	Power to withdraw infringement notice and file a charge and summons in the Children's Court in some circumstances	DCCS, MCSW	
s 18(1) & (2)	Power to withdraw an infringement notice in some circumstances	DCCS, DIDW, GM	
s 22	Function of receiving application for review of decision to serve infringement notice	DCCS, DIDW, GM	
s 23(1)	Power to request additional information required to conduct review	DCCS, DIDW, GM	

<b>INFRINGEMENTS ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 23(2)	Duty to suspend review where request made under s 23(1)	DCCS, DIDW, GM	
s 23(4)	Power to refuse or grant request for extension of time made under s 23(3)(b)	DCCS, DIDW, GM	
s 23(5)	Duty, if extension of time granted under s 23(4)(b), to inform applicant in writing of the period of the extension	DCCS, DIDW, GM	
s 23(6)(a)	Power, if applicant fails to provide information requested under s 23(1) within time under s 23(3) or, within the period of extension if an extension is granted under s 23(4)(b), to review the decision under s 24 without additional information	DCCS, DIDW, GM	
s 23(6)(b)(i) & (ii)	Power, if applicant fails to provide information requested under s 23(1) within time under s 23(3) or, within the period of extension if an extension is granted under s 23(4)(b), to accept information provided by the applicant out of time and to review the decision under s 24 with that late information	DCCS, DIDW, GM	
s 24(1)(a) & (b)	Duty, if application for review under s 22(1)(a), (b) or (c) is received, to review decision to serve infringement notice and suspend procedures used for enforcement of infringement penalty until review complete and applicant is sent advice of outcome	DCCS, DIDW, GM	

<b>INFRINGEMENTS ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 24(1A)	Duty to review whether person unlikely to have been aware of infringement notice, and suspend procedures until review complete and applicant is sent advice of outcome	DCCS, DIDW, GM	
s 24(2)	Duty to ensure that a review is conducted by a person who was not involved in making the decision to serve the infringement notice	DCCS, DIDW, GM	
s 24(3)(a)	Duty to review decision within prescribed time or, if additional information is requested under s 23, within prescribed period plus 35 days	DCCS, DIDW,	
s 24(3)(b)	Duty to serve on the applicant written notice of outcome of review within 21 days of decision	DCCS, DIDW, GM	

<b>INFRINGEMENTS ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 25(1)	Power, after reviewing a decision, to take the following actions (or any combination of those actions): confirm the decision to serve an infringement notice; withdraw the infringement notice and serve an official warning; withdraw the infringement notice; withdraw the infringement notice and refer the matter to the Court in accordance with Part 2 or, where infringement notice served on a child, withdraw the infringement notice and file a charge and summons in the Children's Court; in the case of an infringement offence involving additional steps, alter or vary those steps; waive all or any penalty reminder notice fees; or approve a payment plan.	DCCS, DIDW, GM, MPE, RLLC	
s 25(2)	Power, in the case of application made under s 22(1)(b), to: (a) confirm the decision; (b) withdraw the notice and serve an official warning; or (c) withdraw the notice.	DCCS, DIDW, GM, MPE, RLLC	
s 25(2A)	Power made under s 22(1)(d), to grant or refuse application	DCCS, DIDW, MPE, RLLC	
s 25(3)	Function of receiving application for payment plan for infringement notices confirmed under s 25(2)(a)	DCCS, FC	



<b>INFRINGEMENTS ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 25(4)	Duty to serve application with written notice of decision made under s 25(2A)(a)	DIDW, DCCS, RLLC	
s 25(6)	Duty to serve application with written notice of outcome of review under s 25(2A)(b), and advise that payment is required within 14 days	MPE, RLLC	
s 29(1) & (2)	Power to serve a penalty reminder notice	DCCS, FC, RLLC	
s 40(1)(a)	Duty to lodge prescribed information with the Court, if person elects an infringement offence matter to be heard by the Court or if matter referred to Court	MPE, RLLC	
s 40(1)(d)	Duty to serve details on person who was served with infringement notice, at least 14 days prior to hearing date	MPE, RLLC	
s 46(1)	Function of receiving application for payment plan	FC	
s 46(1A)	Function of receiving application for payment plan from body corporate	DCCS, FC	
s 46(3)	Duty to offer payment plan in certain circumstances	DCCS, FC	
s 46(4)	Power to offer payment plan in certain circumstances	DCCS, FC	
s 46(5)(a)	Power to offer a payment plan by arrangement and management of a payment plan for the person to whom it applies by that agency	DCCS, FC	

<b>INFRINGEMENTS ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46(5)(b)	Power to offer a payment plan by referring the infringement penalty and penalty reminder notice fee to the Secretary for management by payment arrangement under the <i>Fines Reform Act 2014</i>	DCCS, FC, DIDW, RLLC	
s 46(6)	Duty, if Council determines not to offer payment plan to a person who has applied, to serve written notice on person with relevant details	DIDW, DCCS	
s 46(7)	Duty to cease action taken to collect infringement penalty upon receipt of application under s 46(1) or (1A)	DCCS, FC	
s 47(1)	Power to arrange a payment plan	DCCS, FC	
s 49(3)	Duty, if infringement notice withdrawn, to withdraw infringement penalty and penalty reminder notice fee from payment plan	DCCS, FC	
s 49A(2)	Power to vary terms of a payment arrangement	FC	
s 49A(4)	Duty to give written notification to applicant of decision regarding payment plan variation	FC	
s 50(1)	Duty to allocate money received under payment plan in order of priority	DCCS, FC	
s 50(3)	Duty to advise person to whom payment plan applies of overpayment	FC	

<b>INFRINGEMENTS ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 50(3)(a)	Power to offer to apply amount of overpayment to outstanding infringement penalties, prescribed costs or enforcement orders, if person consents and directs Council to do so	DCCS, FC	
s 50(3)(b)	Power to refund amount of overpayment by appropriating Consolidated Fund or refunding from another fund or account	FC	
s 52(2)	Duty to send written notice advising of default on payment plan	FC	
s 53A(2)	Function of consulting with Secretary	GM, DCCS, DIDW	
s 53B(2)	Duty to comply with request by Secretary under s 53B(1)	DCCS, DIDW	
s 53C(2)	Duty to respond give report to Secretary in response to any recommendations made under s 53C(1)	DCCS, DIDW	

<b>LAND ACT 1958</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 22D(1)	Duty to execute an instrument of transfer and surrender	CEO, MBPD	Where the Attorney-General has authorised Council to surrender land
s 103(1)(d)	Power to consent to closure of road which is impassable or useless within municipality	DIDW, WM	
s 134A(2)(a)	Power to be consulted before Minister grants lease for stratum of Crown land	MBPD, BPC, MPE	
s 138A(3)(a)	Power to be consulted before person grants licence for strata of Crown land	MBPD, BPC, MPE, DIDW	
s 140A(3)(c)	Duty to provide report to Minister for grant of licences for jetty landing stages on Crown land	MPE	
s 172(1)	Power to approve excise of land from certain streets by Governor in Council	MPE, DIDW	
s 183A(1)	Power to raise funds by allowing use of common for the purposes of agriculture	MPE	Consent of Minister required
s 190	Power to authorise persons to enter onto Crown land and remove materials for the purposes of forming/maintaining public road	DIDW, WM	Consent of Minister required
s 349	Power to agree to closure of road on land vested in the Crown	DIDW	

<b>LAND ACT 1958</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 400	Power to give notice to Secretary that road is an unused road	AC, ME, DIDW	Land Regulations 2016, r 10  For the purposes of s 400(2) of the Act, the prescribed form and particulars for a notice that a road or part of a road that a municipal Council considers is not required for public traffic is an unused road is the form and particulars in sch 4
s 407(1)	Power to inform Minister it is desirable to re-open licensed closed road or water frontage	AC, ME, DIDW	
s 407(3)(b)	Power to cause any building/hedge/ditch etc to be taken down/filled up/removed etc	DIDW, ME, WM	Where a licence under Division 8 of Part I has been cancelled under s 407(1)
s 411	Function of receiving particulars of licence from the land manager	AC, MPE, BPC	Where the licence is granted in relation to an unused road or water frontage in Council's municipal district

<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			Certain provisions in this Act apply only to councils in their capacity as acquiring authorities or to councils in their capacity as responsible authority
s 6	Duty of the authority to serve notice of intention to acquire on persons with an interest in the land	DIDW, ME, MPE	
s 7(1)(b)	Power to serve statement on person interested in the land in accordance with s 7(1)(b)	DIDW, MPE, ME	
s 9(1)	Duty of the authority to serve copy of notice on certain responsible authorities	DIDW, MPE, MBPD	
s 9(2)	Duty of the responsible authority to provide information in writing when required to do so by an authority	DIDW, MBPD	
s 9(3)	Duty of the responsible authority to forward a copy of application for planning permit/building approval to an authority	DIDW, MPE, MBS	
s 10(1)	Duty of the authority to lodge notice and prescribed fee with the Registrar of Titles or Registrar-General	DIDW, MBPD, MPE	
s 10(4)	Duty of the authority to give notice of cancellation/lapse in writing	DIDW, MPE	
s 10(7)	Duty of the authority to pay fees where an owner applies for a new s 32(2) certificate	DIDW, MPE	

<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 14(1)	Power of an authority to amend notice upon agreement with persons on whom it was served	DIDW, MPE	
s 15(1)	Power of an authority not to proceed with the acquisition	DIDW	
s 15(2)	Duty of the authority to serve a statement cancelling the notice of intention to acquire	DIDW	
s 17	Power of the authority to agree with owner to extend operation of notice	DIDW	
s 18(1)	Power of the authority to acquire interest in land by agreement	DIDW, DCCS	
s 19	Function of the authority publishing a notice declaring the interest to be acquired	DIDW, DCCS, MPE	
s 22	Duty of the authority to serve copy notice of acquisition and a statement to persons interested in that land	DIDW, DCCS, MPE	
s 23	Duty of the authority to publish copy notice of acquisition in local newspaper	DIDW, DCCS, MPE	
s 26(1)	Duty of the authority to endeavour to obtain agreement with the owner / occupier	DIDW, DCCS, MPE, MBPD	
s 26(5)	Power of the authority to enter into possession of the land	DIDW, DCCS, MPE	

<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 26(11)	Duty of the authority to serve copy certificate under s 26(4)(a) on occupier	DIDW, MPE, MBPD	
s 27	Power of the authority to recover any rent due	DCCS, FC	
s 28(1)	Power of the authority to issue a warrant where refusal to give up possession	DIDW, DCCS	
s 31(1) and supporting provisions	Power of the authority to make an offer, including the Power to determine amount of the offer	DCCS, DIDW	
s 31(5)	Duty of the authority to have regard to a valuation of the land in making an offer under s 31	DCCS, DIDW	
s 31(7)	Power of the authority to reduce the offer by an amount equal to outstanding interest, rates, taxes, etc.	DCCS, DIDW	
s 32(1)	Duty of the authority to set out total amount of compensation where Minister directs information required to be set out by s 31 is inappropriate	DCCS, DIDW	
s 32(2)	Duty of the authority to pay the total amount of compensation offered in court	DCCS	
s 32(4)	Duty of the authority to apply to the court for determination of the amount payable	DCCS, DIDW	
s 33(1)	Function of the authority of receiving notice of acceptance or notice of claim	DCCS, DIDW	



<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 36(1)	Duty of the authority to serve a reply to the notice of claim	DCCS, DIDW	
s 36(2)	Power of the authority to admit/vary/reject the claim under s 36	DCCS, DIDW	
s 36(3)	Duty of the authority to provide claimant with method and basis of its valuation	DCCS, DIDW	
s 37(4)	Duty of the authority to serve reply to notice of claim on claimant, where no offer was made	DCCS, DIDW	
s 43(2)	Power of the authority to give notice of intention	DCCS, DIDW	
s 43(3)	Duty of the authority to do action specified in notice under s 43(2)	DCCS, DIDW	
s 45(1)	Power of the authority to grant a loan to claimant	DCCS	
s 48(2)	Duty of the authority to serve reply to notice of claim within 3 months on claimant	DCCS, DIDW	
s 51(8)	Power of the authority to advance compensation to assist a person purchasing another interest in land	DCCS, DIDW	
s 63(1)	Duty of the authority to prepare all instruments of conveyance	DCCS, DIDW, MBPD, BPC	
s 65(a)	Function of the authority to receive interest in land despite any restrictions under other laws	DCCS, DIDW	

<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 65(b)	Function of the authority to recover compensation where authority acquires an interest under s 65(a)	DCCS, DIDW, CEO	
s 67(1)	Function of the authority to negotiate with agents	CEO, DCCS, DIDW	
s 68(1)	Power of the authority to purchase or redeem interest in mortgage	CEO, DCCS, DIDW	
s 68(4)	Power of the authority to direct where to convey release of mortgagee's interest upon payment under s 68(3)	CEO, DCCS, DIDW	
s 68(5)	Power of the authority to give notice to the mortgagee that it will pay principal and interest upon 6 months of the notice	CEO, DCCS, DIDW	
s 68(6)	Power of the authority to direct where to convey release of mortgagee interest upon payment under s 68(5)	CEO, DCCS, DIDW	
s 69(1)	Power of the authority to pay amounts required under s 69(1) (c)-(e) to the credit of the Trust Fund where mortgagee fails to release interest or adduce good title	CEO, DCCS, DIDW	
s 69(2)	Power of the authority to execute a deed poll	CEO, DCCS, DIDW	
s 69(3)	Duty to register the deed poll in the office of the Registrar-General	CEO, DCCS, DIDW	
s 70(1)	Function of the authority to negotiate with the mortgagee/person entitled to redemption of the value of interest and compensation where sum payable exceeds value of land	CEO, DCCS, DIDW	

<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 70(4)	Power of the authority to direct where to convey release of mortgagee interest upon payment under s 70(3)	CEO, DCCS, DIDW	
s 71(1)	Power of the authority to pay amount required by s 70(3) to the credit of the Trust Fund where mortgagee fails to convey interest or adduce good title	CEO, DCCS, DIDW	
s 71(3)	Power of the authority to execute and register a deed poll	CEO, DCCS, DIDW	
s 72(1)	Function of the authority to settle an agreement with mortgagee/person entitled to redemption of interest payable where part of the land is taken	CEO, DCCS, DIDW	
s 72(4)	Power of the authority to direct where to convey release of mortgagee's interest	CEO, DCCS, DIDW	
s 72(6)	Function of the authority to furnish copy memorandum under s 72(5)	CEO, DCCS, DIDW	
s 73(1)	Power of the authority to pay compensation to the credit of the Trust Fund where mortgagee fails to release/adduce good title	CEO, DCCS, DIDW	
s 73(3)	Power of the authority to execute and register a deed poll	CEO, DCCS, DIDW	
s 74(1)	Power of the authority to enter land	CEO, DCCS, DIDW	
s 74(2)	Duty of the authority to serve notice of intention to enter and a statement on occupier and owner	CEO, DCCS, DIDW	

<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 75(1)	Power of the authority occupy land as long as is necessary for the purposes of the <i>Local Government Act 1989</i>	CEO, DCCS, DIDW	
s 75(2)(a)	Power of the authority or authorised person to dig and take from land any clay, soil, etc.	DIDW, ME, WM	
s 75(2)(b)	Power of the authority to deposit any material on land	DIDW, ME, WM	
s 75(2)(c)	Power of the authority to make cuttings or excavations on land	DIDW, ME, WM	
s 75(2)(d)	Power of the authority to take timber from the land	DIDW, ME, WM	
s 75(2)(e)	Power of the authority to make and use roads on land	DIDW, ME, WM	
s 75(2)(f)	Power of the authority to manufacture on the land any materials required	DIDW, ME, WM	
s 75(2)(g)	Power of the authority to erect workshops, sheds, etc on land	DIDW, ME, WM, MPE	
s 75(3)	Duty of the authority to serve notice in writing on owner/occupier and Soil Conservation Authority if intends to enter land	DIDW, ME, WM	
s 75(5)	Duty of the authority to give notice in writing of nature and quantity of material taken	DIDW, ME, WM	

<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 76	Duty of the authority to comply with obligations under s 76(a)-(e)	DIDW, ME, WM	
s 79(1)	Duty of the authority to fence land when so required by the owner	DIDW, ME, WM	
s 80	Power of the authority to refer a claim to the Court/Tribunal for determination	DIDW, ME, WM	
s 83	Duty of the authority to serve a copy of the referral notice on other parties	DIDW, CEO	
s 87	Power of the authority in a compulsory conference to increase the amount of an offer	DIDW, CEO	
s 91(4)	Power of the authority to set-off costs of determinations against any compensation award/costs payable to claimant	DIDW, CEO	
s 96(1)	Function of the authority to make application to the court for a valuer	DIDW, DCCS, MBPD, BPC	
s 103(1)	Power of the authority to inspect documents by notice in writing	DIDW, DCCS, MBPD, BPC	
s 104(3)	Power of the authority/authorise a person to accept service on its behalf	DIDW, DCCS, MBPD, BPC	
s 106(1)(c)	Power of the authority to extend/abridge time limits under the Act by agreement with concerned party	DIDW, CEO, DCCS	

<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 109(1)	Power of the authority to sell, lease or deal with an interest in land	DIDW, DCCS, MBPD, BPC	
s 109(2)	Duty of the authority to offer the land for sale to the former owner if within 18 months of acquisition under the Act	DIDW, DCCS, MBPD, BPC	

<b>LIVESTOCK DISEASE CONTROL ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 107B(4)(a)	Function of receiving records maintained by the Secretary under ss 107B(1)(c), (d), (e) or (g)	ND	Only applies to a member of Council staff responsible for the conduct or facilitation of livestock sales at a saleyard operated or managed by the Council
s 121A	Function of receiving a request from the Secretary for information relating to land in the municipal district	RLLC	In connection with the administration of, or in carrying out of the Secretary's functions under, the Act or the regulations

<b>LIQUOR CONTROL REFORM ACT 1998</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 27(1)	Power to apply to Director for a licence or BYO permit	MPE, EHO	
s 33	Function of receiving copy of application	MPE, EHO	
s 40(1)	Power to object to grant, variation or relocation of a licence	MPE, DIDW	
s 40(1A)	Power to object to grant, variation or relocation of packaged liquor licence or late night (packaged liquor) licence	MPE, DIDW	
s 91	Power to request the Commission to conduct an inquiry into whether there are grounds to take disciplinary action	DIDW	
s 94	Power to request the Commission to conduct an inquiry into amenity or disuse	DIDW	
sch 3 cl 18(3)	Duty to notify Minister of result of poll under cl 18(1)	DIDW, MPE	



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 11(8)	Duty to keep a public register of delegations under section 11 of this Act	CEO	
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	DCCS, CEO	
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	
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	DCCS, CEO, FC	
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, CEO, FC	
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	
s 50	Duty to implement appropriate long service leave arrangements for members of Council staff in accordance with the regulations	CEO, DCCS	
s 73(4)	Duty to publish a notice regarding a proposed local law in accordance with subsection 73(3)(a) to (d)	GM	



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 73(5)	Duty to ensure that a copy of the proposed local law is available for inspection	GM	Note: this provision commences on 1 July 2021
s 74(1)	Duty to obtain a certificate from a qualified person	GM	Note: this provision commences on 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)	GM	Note: this provision commences on 1 July 2021
s 75	Duty to ensure that a copy of a local law made under section 74 is available for inspection	GM	Note: this provision commences on 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	Note: this provision commences on 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	GM	Note: this provision commences on 1 July 2021
s 82	Function of receiving any penalty recovered for an offence against a local law	DCCS, FC	Note: this provision commences on 1 July 2021
s 98	Duty to prepare an annual report in respect of each financial year	DCCS	Subject to section 99 Note: this provision commences on 24 October 2020 unless proclaimed earlier

<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 103	Power to invest any money in accordance with subsections (a) to (f)	DCCS, FC	Note: this provision commences on 1 July 2021
s 106	Duty to plan and deliver services to the municipal community in accordance with the service performance principles	CEO, DCCS, DIDW	
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, ME, WM, MBPD	Note: this provision commences on 1 July 2021
s 114(2)(a)	Duty to give notice before selling or exchanging land	BPC, MBPD	Note: this provision commences on 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	BPC, MBPD	Note: this provision commences on 1 July 2021
s 114(2)(c)	Duty to obtain valuation before selling or exchanging land not more than 6 months prior to the sale or exchange	BPC, MBPD	Note: this provision commences on 1 July 2021
s 115(1)	Power to lease land	BPC, MBPD	Note: this provision commences on 1 July 2021
s 115(3)	Duty to include proposal to lease in the budget	MBPD, FC	Note: this provision commences on 1 July 2021
s 115(4)	Duty to undertake a community engagement process in accordance with Council's Community Engagement Policy	BPC, MBPD	Note: this provision commences on 1 July 2021



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	before leasing land		
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, DIDW, MBPD	Note: this provision commences on 1 July 2021
s 117(1)(a)	Power to approve another person to carry out the work required under s 117(1)	CEO, DCCS, DIDW, MBPD	Delegation extends only to area of functional responsibility of delegate Note: this provision commences on 1 July 2021
s 117(1)(b)	Power to carry out the work required under s 117(1)	CEO, DCCS, DIDW, MBPD	Delegation extends only to area of functional responsibility of delegate Note: this provision commences on 1 July 2021
s 117(3)	Power to recover costs of carrying out work	DCCS, FC	Note: this provision commences on 1 July 2021
s 119	Power to require payment of all or part of money from present owner or occupier	DCCS, FC	Subject to section 121 Note: this provision commences on 1 July 2021
s 120(1)	Power to charge interest on unpaid money (other than rates and charges) in accordance with s 120	DCCS, FC	Note: this provision commences on 1 July 2021
s 121	Function of receiving application for land information certificate	MPE, DIDW, MBPD	Note: this provision commences on 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	MPE, DIDW, MBPD	Note: this provision commences on 1 July 2021

<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 152	Duty to pay the fees for a Councillor Conduct Panel to the Principal Council Conduct Registrar	DCCS	Note: this provision commences on 24 October 2020 unless proclaimed earlier
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	Note: this provision commences on 24 October 2020 unless proclaimed earlier
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	Note: this provision commences on 24 October 2020 unless proclaimed earlier
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, DCCS	Subject to subsection (2) Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 179(3)	Duty to pay a Municipal Monitor the amounts entitled to be paid and the terms of the appointment	DCCS	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 268(2)	Duty to pay for reasonable expenses of the Victorian Electoral Commission as specified in an account sent to the Council under subsection (1)	CEO, GM	
s 313(1)	Power to institute proceedings in the corporate name of the Council	CEO	Subject to subsection (a) – (d)
s 313(1)	Power to authorise a person to institute proceedings in the corporate name of the Council	CEO	Subject to subsection (a) – (d)



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 80(1)	Power to apply to the Minister in writing for exemption of Councillors from s 79	CEO, GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier

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

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 120(1)	Duty to print copies of local laws	GM	Note: this provision will be repealed on 1 July 2021
s 120(2)(a)	Duty to make local laws available for inspection	GM	Note: this provision will be repealed on 1 July 2021
s 120(2)(b)	Duty to make local laws available for purchase	GM	Note: this provision will be repealed on 1 July 2021
s 120(3)	Duty to make available for inspection all documents incorporated by local laws	GM	Note: this provision will be repealed on 1 July 2021
s 125(3A)	Duty to publish the proposed Council Plan on Council's website and make it available for public inspection	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 125(5)	Duty to submit a copy of the Council Plan to the Minister	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 125(10)	Duty to advise the Minister of details of adjustment to the Council Plan	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 125(11)	Duty to make Council Plan available for inspection	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 126(4)	Duty to make copy of Strategic Resource Plan available for inspection	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 129(1)	Duty to provide public notice after preparing a budget or revised budget	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 129(4)	Duty to display copy of budget and revised budget	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 130(2)	Duty to give notice of its decision to adopt budget or revised budget	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 130(4)	Duty to submit a copy of the budget or revised budget to the Minister	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 130(7)	Duty to give the Minister any details concerning its budget or revised budget that the Minister requires	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 130(9)	Duty to make copies of the budget or revised budget available for inspection by the public	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 131(1)	Duty to prepare an annual report	DCCS	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 132(2)	Duty to submit the performance statement and financial statements to the auditor for reporting on the audit	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier 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	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 133(1)	Duty to submit annual report to the Minister	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DCCS	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 133(3)	Duty to make annual report available for public inspection	DCCS	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 136(1)	Duty to implement the principles of sound financial management	DCCS, FC	Note: this provision will be repealed on 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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 140(1)	Duty to keep records and accounts	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 140(2)(a)	Duty to ensure moneys due are collected	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 140(2)(b)	Duty to implement arrangement for security of money received	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 140(2)(c)	Duty to expend moneys received	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 140(2)(d)	Duty to ensure control over assets	AC, ME	Note: this provision will be repealed on 1 July 2021
s 140(2)(e)	Duty to ensure liabilities are authorised	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 140(2)(f)	Duty to ensure efficiency of operations	DIDW, WM, ME, DCCS, FC, MPE	Note: this provision will be repealed on 1 July 2021



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 140(2)(g)	Duty to develop and maintain adequate internal control system	DCCS	Note: this provision will be repealed on 1 July 2021
s 140(3)	Duty to keep accounts and records up to date and ready for inspection	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 141	Power to apply money to: <ul style="list-style-type: none"> <li>• perform functions and powers under this or any other Act</li> <li>• repay an overpayment</li> <li>• make a refund</li> </ul>	DCCS, FC	Note: this provision will be repealed on 1 July 2021  Schedules of accounts paid to be submitted to next possible Council meeting for Council approval of reimbursements to Advance Account
s 142(1)	Power to waive payments	ND	Note: this provision will be repealed on 1 July 2021  Subject to limits as determined by CEO
s 142(3)(a)	Power to defer payments	ND	Note: this provision will be repealed on 1 July 2021  Subject to limits as determined by CEO
s 142(3)(b)	Power to waive payment and interest	ND	Note: this provision will be repealed on 1 July 2021  Subject to limits as determined by CEO



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 142(3)(c)	Power to waive interest	ND	Note: this provision will be repealed on 1 July 2021  Subject to limits as determined by CEO
s 143(a)	Power to invest money in government securities (Commonwealth)	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 143(b)	Power to invest money in government securities (Victoria)	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 143(c)	Power to invest money with an authorised deposit-taking institution	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 143(d)	Power to invest money with a financial institution	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 143(e)	Power to invest money with eligible money market dealers	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 154	Power to determine that land is not rateable land in accordance with s 154	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	DCCS, RC	
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, RC	
s 159(6)	Power to require applicant to give further particulars or verify particulars	DCCS, RC	



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 161(3)	Duty to make available for inspection certain information	GM	
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	DCCS, FC, RC	
s 163(4)	Power to levy special rate/charge by sending notice to person liable	DCCS, FC, RC	
s 164(2)	Duty to notify of decision under s 164(1) to persons liable to pay special rate/charge	DCCS, FC, 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	DCCS, FC	
s 169(2)	Duty to send notice to person who was granted a rebate or concession and not complied with terms	DCCS, FC	
s 170(1)	Power to defer payment where applicant shows hardship	DCCS, FC	
s 170(3)(a)	Power to require payment where no longer hardship/in occupation	DCCS, FC	
s 171(1)	Power to waive rate/charge to eligible recipient or in accordance with Council determination	DCCS, FC	
s 171(4)(e)	Duty to waive amount which is in accordance with concession order upon receipt of application	DCCS, FC	



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 171(4)(f)	Power to decide to treat person to whom waiver granted as having made continuing application or waiver	DCCS, FC	Requires the approval of the Minister administering the <i>State Concessions Act 2004</i>
s 171(5A)	Power to waive rate/charge where person has right to recover it from another (upon application of the eligible recipient)	DCCS, FC	
s 171A(1)	Function of receiving application for waiver	DCCS, FC	
s 171A(2)	Power to require information or verification	DCCS, FC	
s 171A(3)	Power to waive rate/charge/interest	DCCS, FC	
s 172(1)	Power to raise interest and require payment from person liable	DCCS, FC	
s 172(3)	Power to exempt a person from paying interest	DCCS, FC	
s 172(4)	Power to recover interest due	DCCS, FC	
s 173(2)(a)	Duty to refund rates/charges where land ceases to be rateable and payment was made	DCCS, FC	
s 173(2)(b)	Duty to require pro rata payment where land ceases to be rateable	DCCS, FC	
s 175(2)	Power to require current rates, arrears from person acquiring land	DCCS, FC, RC	
s 177(1)	Power to require occupier to pay rent upon notice	DCCS, FC, MBPD	

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 177(4)	Power to recover unpaid rent as a debt due	DCCS, FC, BPC	
s 180(1)	Power to recover unpaid rate/charge as a debt due	DCCS, FC, BPC	
s 181(2)	Power to dispose of land where rate/charge unpaid	DCCS, FC, RC	
s 181(5)	Power to serve and to give notices before Council sells the land	DCCS, RC	
s 181(7)	Power to deduct expenses incurred in connection with sale	DCCS, RC, FC	
s 181C(2)	Power to send notice to person liable to pay environmental upgrade charge	DCCS, FC	
s 181E(1)	Duty to use best endeavours to recover environmental upgrade charge	DCCS, FC	
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	DCCS, FC	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	DCCS, FC	
s 185I	Power to enter into a cladding rectification agreement in respect of rateable land with an existing building on it	DIDW, MPE, MBS	Subject to ss 185I(4), 185J(4) and 185J(5)

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 185J(1)	Function of receiving details in writing of the information set out in s 185J(1)(a)	DIDW, MPE, MBS	
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	DIDW, MPE, MBS	
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	DIDW, MPE, MBS	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	DIDW, MPE, MBS	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	MPE, MBS	
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	DCCS, FC,	Subject to s 185N(2) and (3)
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	CM, DIDW, DCCS, MBPD	Note: this provision will be repealed on 1 July 2021
s 186(3)	Duty to ensure the public notice for tenders and expression of interest are in the prescribed form	CM	Note: this provision will be repealed on 1 July 2021



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 186A(8)	Duty to make procurement policy available for public inspection on website and at Council offices	BPC, MBPD	Note: this provision will be repealed on 1 July 2021
s 188(a)	Power to accept devise of real property, gift, etc	MBPD, BPC, DCCS	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 188(b)	Power to carry out condition of devise, gift, etc	DCCS, MBPD	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 189(2)(a)	Duty to give notice before sell/exchanging land	BPC	Note: this provision will be repealed on 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	BPC	Note: this provision will be repealed on 1 July 2021
s 190	Power to lease land where there is no requirement to give public notice under s 223	BPC, MBPD	Note: this provision will be repealed on 1 July 2021
s 190(3)	Duty to give notice before making certain leases	BPC, MBPD	Note: this provision will be repealed on 1 July 2021  s 190(1) applies
s 199	Duty to give notice of proposed drainage works to persons affected	ME, WM, DIDW	
s 200(1)	Power to give persons notice that must carry out drainage works	MPE, ME, WM, DIDW	
s 200(2)	Power to carry out works itself where non-compliance with notice	ME, DIDW, WM	

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 201(1)	Duty to construct, manage, etc works under schemes approved under <i>Water Act 1989</i>	MPE, ME, WM, DIDW	
s 201(2)	Power to carry out any power under the Act for purpose of 201(1)	MPE, ME, WM, DIDW	
s 203(1)	Power to develop and implement a transport plan	AC, ME, DIDW	
s 203(2)	Power to prepare a transport plan jointly with one or more other councils	ME, DIDW	
s 203A	Power to procure, provide or enable transport services within the municipal district	ME, DIDW, WM	
s 204(1)	Power to publish notice in Government Gazette of road to be declared a public highway	AC, ME, DIDW	
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)	DIDW, MPE, AC, ME	Delegation only extends to matters within the functional responsibility of delegate
s 208A	Duty to comply with the Best Value Principles	DCCS, CM, DIDW, MBPD	Note: this provision will be repealed on 1 July 2021
s 208D	Duty to develop quality and cost standards for the provision of services to the community	DCCS, FC	Note: this provision will be repealed on 1 July 2021
s 208E(1)	Duty to develop a program for the application of the Best Value Principles	DCCS, FC, DIDW	Note: this provision will be repealed on 1 July 2021



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 208E(2)	Duty to ensure that the program required by s 208E(1) is available to the public	DCCS	Note: this provision will be repealed on 1 July 2021
s 208E(3)	Duty to apply the Best Value Principles to services	DCCS, DIDW, CEO	Note: this provision will be repealed on 1 July 2021
s 208F	Duty to ensure that any quality or cost standards adopted are available for inspection by the public	DCCS, DIDW, CEO	Note: this provision will be repealed on 1 July 2021
s 208G	Duty to report on what has been done to ensure that effect has been given to the Best Value Principles	DCCS, DIDW, CEO	Note: this provision will be repealed on 1 July 2021
s 208H(3)	Duty to comply with Code	DCCS, DIDW, CEO	Note: this provision will be repealed on 1 July 2021
s 223(1)(a)	Duty to publish a public notice	DCCS, DIDW, CEO	
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	DCCS, DIDW, CEO, GM	
s 223(1)(d)(ii)	Duty to notify submitters after made decision	DCCS, DIDW, CEO, GM, FC	
s 223(3)	Power to authorise members of Council staff to carry out administrative procedures	DCCS, DIDW, CEO	



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 223BF(1)(a)	Function of receiving a report of the findings of the investigation from the Chief Municipal Inspector	CEO, GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 223BF(1)(b)	Function of receiving recommendations from the Chief Municipal Inspector	CEO, GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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, DIDW, DCCS	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, DIDW, DCCS	
s 224A(2)	Power to publish a notice in the Government Gazette which authorises police officers to enforce provisions of local law	GM	
s 225(1)(a)	Power to approve another person to carry out the work required under s 225(1)	CEO	Note: this provision will be repealed on 1 July 2021



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 225(1)(b)	Power to carry out required work where person fails to do so	CEO, DCCS, DIDW,	Note: this provision will be repealed on 1 July 2021  Delegation extends only to area of functional responsibility of delegate
s 225(3)	Power to recover costs of carrying out work	DCCS, DIDW, CEO	Note: this provision will be repealed on 1 July 2021
s 227	Power to require payment of all or part of money from present owner or occupier	DCCS, DIDW, CEO, FC	Note: this provision will be repealed on 1 July 2021
s 227AA	Power to recover costs, fees and expenses from owner of house subject to declaration	DCCS, DIDW, CEO	Note: this provision will be repealed on 1 July 2021
s 227A(1)	Power to require payment of interest	DCCS, DIDW, CEO, FC	Note: this provision will be repealed on 1 July 2021
s 229(1)	Function of receiving application for land information certificates	MPE, DIDW, RC	Note: this provision will be repealed on 1 July 2021
s 229(3)	Power to provide prescribed information or any other information relevant to land	MPE, DIDW, RC, DCCS	Note: this provision will be repealed on 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>	RLLC, MPE	

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 10 cl 1(a)	Power to make, maintain and repair roads	ME, WM, DIDW	
cl 2	Administrative functions necessary to give effect to power to deviate roads	ME, WM, DIDW	
cl 3	Administrative functions necessary to give effect to power to discontinue roads	ME, WM, DIDW, AC	
cl 4	Power to enter and take any materials necessary from certain land	ME, WM, DIDW	
cl 5(1)(a)	Power to approve, assign or change the name of a road	ME, WM, DIDW, AC	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	ME, WM, DIDW	
cl 5(1)(c)	Power to approve, assign and change the number of a road and any premises next to a road	ME, WM, DIDW, AC	
cl 5(1)(d)	Power to require people to number their premises and to renew those numbers	ME, WM, DIDW, AC, MPE	
cl 6	Power to cause standard survey marks to be established in roads	ME, WM, DIDW, AC	
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	ME, WM, DIDW	



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
cl 8(3)	Duty to publish notice in Government Gazette before starting work	ME, WM, DIDW	
cl 9	Power to provide for temporary roads	ME, WM, DIDW	
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	ME, WM, DIDW	
cl 11(a)	Power to require/cause the filling up of holes or excavations	ME, WM, DIDW	
cl 11(b)	Power to require/cause the removal of a cause of danger/damage	ME, WM, DIDW	
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	ME, WM, DIDW	
cl 12	Power to make, maintain, repair or reconstruct a bridge or crossing	ME, WM, DIDW	
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	ME, WM, DIDW, RLLC, MPE	
cl 2	Power to issue special parking permits to disabled persons	RLLC, MPE, DIDW	

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	ME, WM, DIDW, RLLC	
cl 7	Power to close a road, or part of a road for a particular period	ME, WM, DIDW	
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, DIDW	
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	ME, WM, DIDW	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	ME, WM, DIDW	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	ME, WM, DIDW	





<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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, WM, DIDW	
cl 12(2)	Power to make decision to prohibit the use of a road by a vehicle over a certain size or weight	ME, WM, DIDW	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	ME, WM, DIDW	Application to VicRoads for approval
cl 14	Power to prohibit or restrict traffic on a road if unsafe	ME, WM, DIDW	

<b>MAGISTRATES' COURT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 99A(4)	Power to give persons or bodies making a written request under s 99A(3) access to any information that may be of use in the enforcement of court orders and fines	GM	(as FOI Officer)



<b>MARINE AND COASTAL ACT 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 25(3)	Function of being consulted by the Minister when preparing a Marine and Coastal Policy if Council's interests may be affected by the policy	ND	
s 32(3)	Function of being consulted by the Minister when preparing a Marine and Coastal Strategy if Council's interests may be affected by the strategy	ND	



## Maddocks

s 46(3)	Function of being consulted by the parties of a regional and strategic partnership when preparing a product if Council's interests may be affected by the product	ND	
s 51(3)	Function of being consulted by the Minister when preparing an environmental management plan if Council's interests may be affected by the plan	ND	
s 59(3)	Function of being consulted by the Crown land manager when preparing a costal and marine management plan where Council's interests may be affected by the plan	ND	



<b>MAJOR TRANSPORT PROJECTS FACILITATION ACT 2009</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 134(4)	Duty to comply with requirement to surrender public land under subs(1)(a)	CEO	
s 134(5)	Duty to notify Project Minister of interest in land	CEO	
s 146(2)	Power to claim compensation for pecuniary loss or expense incurred	CEO	
s 147	Function of agreeing to transfer of building or structure	CEO	



<b>METROPOLITAN FIRE BRIGADES ACT 1958</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 5	Duty to take all practicable steps to prevent fire and minimise spread of fires	RLLC	
s 5(2)	Power to acquire equipment and do anything necessary to fulfil duty under s 5(1) and pay for it from municipal fund	MERO	
s 5A(1)(a)	Duty to appoint fire prevention officer	CEO	
s 5A(1)(b)	Power to appoint assistant fire prevention officer	MERO	
s 72(1)	Power to request the Board to carry out fire prevention works	RLLC	



<b>MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 46(1)	Function of consulting with Minister	ME, WM, DIDW, MPE	
s 77HB(2)	Function of consulting with Department Head before Department Head approves variation of work plan	ME, WM, DIDW, MPE	
s 77M(3)	Power to consult with Minister regarding variation, suspension or revocation	ME, WM, DIDW, MPE	
s 77R(1)(c)	Power to act, if specified by the Minister, as a referral authority	ME, WM, DIDW, MPE	
s 80(2)(a)	Power to consult with Minister regarding amount of rehabilitation bond or further rehabilitation bond if the land is private land	ME, WM, DIDW, MPE	
s 80(2A)	Power to consult with Minister regarding amount of rehabilitation bond in respect to an extractive industry work authority if the land is private land	ME, WM, DIDW	
s 82(2)	Power to consult with Minister before Minister returns bond if rehabilitation is satisfactory and if the land is private land	ME, WM, DIDW	



<b>NATIONAL PARKS ACT 1975</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19C(1)	Power to enter into agreement with Minister for management of land vested in or controlled or managed by Council	DIDW, MPE	
s 27(1)	Power to exercise powers in relation to a park with Parks Victoria's consent subject to any conditions it directs	DIDW, MPE	



<b>PIPELINES ACT 2005</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 21(1)	Power to consent to entry onto Crown Land for purpose of conducting survey	ME, WM, DIDW, MPE	Where Crown Land is vested in Council
s 102	Power to decide construction of the pipeline in relation to roads, bridges and tramways is satisfactory	ME, WM, DIDW	Where Council is the 'relevant authority'
s 103	Power to decide construction of the pipeline in relation to electrical apparatus or other pipelines is satisfactory	ME, WM, DIDW	Where Council is the 'relevant authority'
s 104	Function of being reimbursed by licensee for expense incurred due to the existence of a pipeline	ME, WM, DIDW	
s 105(1)	Power to refer a dispute under Division 2 Part 7 of the Act to the Governor in Council for determination	ME, WM, DIDW	
s 105(2)	Duty to comply with Governor in Council's determination under s 105(1)	ME, WM, DIDW	
s 116	Function of receiving notice from licensee of incident	ME, WM, DIDW	Where Council is the 'relevant authority'





<b>PRIVACY AND DATA PROTECTION ACT 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 20(1)	Duty to comply with Information Privacy Principles	GM, DCCS	
s 20(2)	Duty to comply with Information Privacy Principles when administering a public register	GM, DCCS	
s 22(1)	Power to seek approval of a code of practice or an amendment to a code of practice	GM, DCCS	
s 22(4)	Function of being consulted by the Information Commissioner in relation to a code of practice	GM, DCCS	
s 23(1)(b)	Function of giving written notice to the Information Commissioner that Council intends to be bound by the approved code of practice	GM, DCCS	
s 23(6)	Function of giving written notice to the Information Commissioner that Council no longer intends to be bound by the approved code of practice	GM, DCCS	
s 26(4)	Function of being consulted by the Information Commissioner in relation to a code of practice	GM, DCCS	
s 28(5)	Power to refuse a request by an authorised representative of an individual for access to personal information where it is reasonably believed that access may endanger the individual	GM, DCCS	
s 29(1)	Power to apply to the Information Commissioner for a public interest determination	GM, DCCS	



<b>PRIVACY AND DATA PROTECTION ACT 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 29(5)	Function of receiving draft determination	GM, DCCS	
s 29(6)	Function of attending a conference with the Information Commissioner	GM, DCCS	
s 30(1)	Power to request that application be for a temporary public interest determination	GM, DCCS	
s 34(1)	Power to apply to the Information Commissioner for approval of an amendment to a public interest determination	GM, DCCS	
s 34(2)	Function of receiving draft determination and attending a conference with the Information Commissioner and Power to make a submission	GM, DCCS	
s 35(2)	Function of receiving written notice from the Information Commissioner regarding revocation of a public interest determination	GM, DCCS	
s 36(1)	Duty to report to the Information Commissioner on an annual basis, or at any other agreed time	GM, DCCS	
s 38(1)	Power to apply to the Information Commissioner for a temporary public interest determination and power to make a submission	GM, DCCS	
s 41(2)	Function of receiving written notice from the Information Commissioner regarding revocation of temporary public interest determination	GM, DCCS	



<b>PRIVACY AND DATA PROTECTION ACT 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 47(1)	Power to apply for approval of an information usage arrangement	GM, DCCS	Where Council is a lead party to an information usage arrangement
s 47(2)	Duty to consult where required	GM, DCCS	Where Council is a party to an information usage arrangement
s 49(6)	Function of receiving notice of a refusal under s 49(4) or (5) from the Information Commissioner	GM, DCCS	Where Council is a lead party to an information usage arrangement
s 52(1)	Power to apply for approval of an amendment to an information usage arrangement	GM, DCCS	Where Council is a lead party to an information usage arrangement
s 52(2)	Duty to consult where required	GM, DCCS	Where Council is a party to an information usage arrangement
s 53(2)	Power to request revocation of an approval of an information usage arrangement	GM, DCCS	Where Council is a party to an information usage arrangement
s 53(4)	Function of receiving notice from the Information Commissioner regarding ground for revocation of an information usage arrangement	GM, DCCS	Where Council is a party to an information usage arrangement
s 53(5)	Function of receiving notice from the Minister regarding revocation of an information usage arrangement	GM, DCCS	Where Council is a party to an information usage arrangement
s 54(1)	Duty to report to the Information Commissioner about the information usage arrangement	GM, DCCS	Where Council is a lead party to an information usage arrangement
s 56	Power to apply to VCAT for review of a decision to issue a certificate under s 55	GM, DCCS	Where Council's interests are affected by the decision



<b>PRIVACY AND DATA PROTECTION ACT 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 61	Function of receiving notice of complaint lodged with the Information Commissioner	GM, DCCS	
s 62(1)	Function of receiving notice that complaint is to be declined	GM, DCCS	
s 62(3)	Power to attend before the Information Commissioner and produce documents	GM, DCCS	
s 62(7)	Function of receiving notice of dismissal	GM, DCCS	
s 63(2)	Function of receiving notice of complaint being referred by the Information Commissioner	GM, DCCS	
s 64(2)	Function of receiving notice of complaint being dismissed by the Information Commissioner	GM, DCCS	
s 66(1)	Function of receiving notice that conciliation is inappropriate	GM, DCCS	
s 66(6)	Function of receiving notice of complaint being dismissed by the Information Commissioner	GM, DCCS	
s 67(3)	Power to attend conciliation and settle the matter	GM, DCCS	
s 68(1)	Power to give information or produce a document	GM, DCCS	
s 69(1)	Power to prepare and sign conciliation agreement	GM, DCCS	
s 69(2)	Power to lodge certified conciliation agreement	GM, DCCS	



<b>PRIVACY AND DATA PROTECTION ACT 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 69(3)	Function of receiving copy of registered record	GM, DCCS	
s 71(1)	Function of receiving notice of unsuccessful conciliation	GM, DCCS	
s 71(6)	Function of receiving notice of complaint being dismissed by the Information Commissioner	GM, DCCS	
s 72	Power to apply to VCAT for an interim order	GM, DCCS	
s 77(1)	Power to administer/ implement order of VCAT	GM, DCCS	
s 77(3)	Function of receiving VCAT order relating to a public register administered by Council	GM, DCCS	
s 78(1)	Duty to comply with compliance notice served by the Information Commissioner	GM, DCCS	
s 78(3)	Power to apply for extension in relation to compliance notice	GM, DCCS	
s 79(1)	Power to give information or produce a document	GM, DCCS	
s 83(1)	Power to apply to VCAT for review of a decision of the Information Commission under s 78(1)	GM, DCCS	



<b>PROFESSIONAL ENGINEERS REGISTRATION ACT 2019</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 75(3)	Duty to comply with a request under s 75(1)	ME, DIDW	Note: this duty is not yet in force and will commence on 1 July 2021, unless proclaimed earlier Where Council is a specified body



<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 25	Duty to report to the Secretary when required by notice	EHO	
s 26(1)	Duty to prepare municipal health and wellbeing plan within 12 months after each general election in accordance with s 26(2) & (3)	DIDW, MPE, EHO	
s 26(4)	Duty to review municipal public health and wellbeing plan annually and amend as appropriate	MPE, EHO	Unless s 27 applies
s 26(4A)	Duty to include a review of the measures referred to in s 26(2)(ba) when annually reviewing the municipal public health and wellbeing plan	MPE, EHO	Unless s 27 applies
s 26(6)	Duty to give a copy of the current municipal public health and wellbeing plan to the Secretary	MPE, EHO	Unless s 27 applies
s 26(6A)	Duty to report, to the Secretary, the measures referred to in s 26(2)(ba) at the intervals specified	MPE, EHO	Unless s 27 applies
s 26(7)	Duty to make copy of current municipal public health and wellbeing plan available for public inspection	MPE, EHO, GM	Unless s 27 applies
s 27(3)	Power to apply to the Secretary for an exemption from complying with s 26	MPE, EHO	
s 27(6)	Duty to give a copy of the current Council Plan or Strategic Plan to the Secretary	GM, MPE, EHO	If Council has been granted an exception from complying with s 26 and if change relates to matters in s 26(2)
s 28(a)	Duty, in a state of emergency, to comply with an order of the Secretary	MPE, EHO, MERO, MRM	

<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 29(1)	Duty to appoint environmental health officer	CEO	Council must appoint at least one environmental health officer Council can only appoint person with the qualifications and experience specified in s 29(2)
s 31(4)	Power to give directions to authorised officers	DIDW, DCCS	
s 57(2)	Power to disclose certain information to the Secretary, Chief Health Officer or another Council	MPE, EHO	
s 57(4)	Power to disclose certain information to a Government Department, statutory body or other person responsible for administering another Act or regulations	MPE, EHO	
s 60	Duty to remedy all nuisances in municipal district	MPE, EHO, RLLC	
s 62(2)	Duty to investigate any notice of a nuisance	MPE, EHO, RLLC	
s 62(3)	Duty to take action in s 62(3)(a) or (b) where nuisance is found to exist after investigation	MPE, EHO, RLLC	
s 62(3)(a)	Function of taking action specified in s 62(4) where appropriate	MPE, EHO, RLLC	
s 62(3)(b)	Function of determining whether matter is better settled privately and, if so, advising of methods for settling matter privately	DIDW, MPE, EHO	



<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 62(4)(a)	Power to exercise the powers in s 66 where that s applies, for the purposes of s 62(3)(a)	MPE, EHO	
s 62(4)(b)	Power to issue an improvement notice or a prohibition notice for the purposes of s 62(3)(a)	MPE, EHO	
s 62(4)(c)	Power to bring proceedings under s 219(2) for an offence against this Act for the purposes of s 62(3)(a)	MPE, EHO, DIDW	
s 64	Power to institute proceedings for an offence under s 61	MPE, EHO, DIDW	
s 65	Power to investigate nuisance occurring outside municipal district	ND	
s 66(2)(a)	Power to enter and take steps to abate nuisance and do all things necessary for abatement	MPE, EHO, RLLC, DIDW	Where nuisance comes from land for which the occupier and owner are unknown or cannot be found  Unless another Council is abating the nuisance under s 66(2)
s 66(2)(b)	Power to do all things necessary for abatement of nuisance	MPE, EHO, RLLC, DIDW	Where nuisance comes from land for which the occupier and owner are unknown or cannot be found  Unless another Council is abating the nuisance under s 66(2)
s 66(4)	Power to recover costs incurred under s 66(2)	MPE, EHO, DIDW	
s 71	Function to receive applications for the issue, renewal or transfer of a registration	MPE, EHO	



<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 73(1)(a)	Power to give the applicant notice requiring specified information before considering the application under s 71	MPE, EHO	
s 73(1)(b)	Power to inspect prescribed accommodation or premises before considering the application under s 71	MPE, EHO, MBS	
s 73(1)(c)	Power to require alterations or improvements to prescribed accommodation or premises before considering the application under s 71	MPE, EHO, MBS	
s 73(2)	Power to issue, transfer or renew a registration subject to s 73(1)(c)	MPE, EHO	
s 73A	Duty and power to enter information in the Rooming House Register	MPE, EHO, MBS	
s 74	Power to decide issue, transfer or renew registration	MPE, EHO	
s 76(1)(a)	Power to refuse to issue a registration	MPE, EHO, DIDW	Decision of delegate only valid where Council later ratifies the refusal
s 76(1)(b)	Power to issue a registration subject to a condition imposed on the registration by the Council under s 73(2)	MPE, EHO, DIDW	Subject to s 74
s 76(1)(c)	Power to vary a registration	MPE, EHO, DIDW	
s 76(1)(d)	Power to cancel a registration	MPE, EHO, DIDW	

<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 76(1)(e)	Power to suspend a registration	MPE, EHO, DIDW	
s 76(1)(f)	Power to refuse to transfer a registration	MPE, EHO, DIDW	Decision of delegate only valid where Council later ratifies the refusal
s 76(1)(g)	Power to transfer a registration subject to a condition imposed on the registration by the Council under s 73(2)	MPE, EHO, DIDW	Subject to s 74
s 76(1)(h)	Power to refuse to renew a registration	MPE, EHO, DIDW	Decision of delegate only valid where Council later ratifies the refusal
s 76(1)(i)	Power to renew a registration subject to a condition imposed on the registration by the Council under s 73(2)	MPE, EHO, DIDW	Subject to s 74
s 76(3)	Duty to notify applicant or registration holder of decision under s 76 and ground(s) on which it was based	MPE, EHO,	
s 78	Power to issue a replacement certificate of registration	MPE, EHO,	
s 181(1)	Power to take any step in paragraphs (a)-(d) with respect to items seized by an authorised officer appointed by Council	MPE, EHO, DIDW, RLLC	
s 181(2)	Duty to notify owner of item forfeited under s 181(1)(c), setting out how to seek review of the decision	MPE, EHO, DIDW, RLLC	
s 182	Power to destroy or otherwise dispose of forfeited item	MPE, EHO, DIDW, RLLC	
s 185(1)	Function of receiving complaints about authorised officers appointed by the Council	DIDW, DCCS, CEO	Complaint must be in writing or other form approved by Council

<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 185(2)	Power to approve form in which complaint is made	DIDW, DCCS, CEO	
s 185(4)(a)	Duty to investigate any written complaint provided under s 185(2)	CEO	
s 185(4)(b)	Duty to provide written report to the complainant on the results of the investigation under s 185(4)(a)	CEO	
s 194(2)(a)	Power to issue an improvement notice	MPE, EHO, DIDW	In accordance with s 194(3)
s 194(2)(b)	Power to issue a prohibition notice	MPE, EHO, DIDW	In accordance with s 194(3)
s 196(1)	Power to apply to Magistrates' Court for an injunction (compelling a person to comply or restraining a person from contravening an improvement notice or prohibition notice)	MPE, EHO, DIDW	
s 197(2)	Power to cause a complaint to be made to the Magistrates' Court (where prohibition notice or improvement notice issued and person does not comply or nuisance likely to recur)	MPE, EHO, DIDW	
s 197(5)(a)	Power, where order issued under s 197(4), to enter land and abate nuisance and do whatever is necessary to execute the order	MPE, EHO, DIDW, RLLC	
s 197(5)(b)	Power to recover costs and expenses incurred	DIDW, DCCS, MPE	



<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 197(6)	Power to recover costs and expenses in court	DIDW, DCCS, MPE	
s 205(2)	Function of receiving applications for review of Council decisions	MPE, EHO, DIDW	
s 205(3)	Duty to review decision where application received under s 205(2)	MPE, EHO, DIDW	
s 205(5)	Power to agree a period greater than 28 days for review of a decision with the applicant	MPE, EHO, DIDW	
s 205(6)(a)	Power to make a decision affirming, varying or revoking a decision	MPE, EHO, DIDW	
s 205(6)(b)	Power to make any other decision where original decision is revoked	MPE, EHO, DIDW	Where decision is to refuse an application, decision of delegate only valid where Council later ratifies the refusal
s 205(7)	Duty to give applicant for review a written statement of the decision and reasons	MPE, EHO, DIDW	
s 205(8)	Duty to inform applicant for review of right to apply to VCAT for a review under s 207	MPE, EHO, DIDW	
s 209(2)	Power to serve infringement notice	MPE, EHO, DIDW	
s 219(2)(a)	Power to bring proceedings for offence against Part 6, 9 or 10 (or any regulations under Part 6, 9 or 10)	MPE, EHO, DIDW	

<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 219(2)(b)	Power to bring proceedings for offence relating to an improvement notice or a prohibition notice	MPE, EHO, DIDW	
s 228(1)	Power to seek reimbursement of costs incurred where person is found guilty of an offence	MPE, EHO, DIDW	
s 228(2)	Power to seek payment for cost of work conducted by Council where awarded legal costs	MPE, EHO, DIDW	'work' is defined in s 228(3)
s 229(3)	Power to take the actions necessary to ensure compliance with the direction, requirement, improvement notice or prohibition notice	MPE, EHO, DIDW	Where Council is so authorised by Chief Health Officer under s 229(2)
s 230(2)(b)	Power to recover, in court, costs incurred under s 229	MPE, EHO, DIDW	

<b>PUBLIC INTEREST DISCLOSURES ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 16(1)	Function of receiving a public interest disclosure that relates to the conduct of Council or of a member, officer or employee of Council	DCCS,GM, CEO	Subject to s 16(2)
s 21(2)	Duty to, no later than 28 days after the disclosure is made, notify the disclosure to the appropriate entity for assessment under Part 3	DCCS,GM, CEO	Where Council is a receiving entity



<b>PUBLIC INTEREST DISCLOSURES ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 23	Power to provide information in respect of the disclosure	GM, DCCS	
s 24(2)	Duty to advise the person who made the disclosure that the disclosure has been notified to the IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee (as the case may be) for assessment	DCCS,GM, CEO	Where Council is a receiving entity
s 24(3)	Duty to advise the person who made the disclosure of the matters in s 24(3)(a) – (c)	DCCS,GM, CEO	Where Council is a receiving entity
s 26(6)	Function of being consulted by IBAC	DCCS,GM, CEO	Where Council is a notifying entity
s 27	Function of receiving notification of IBAC's determination	DCCS,GM, CEO	Where Council is a notifying entity
s 54(1)	Power to disclose information regarding an assessable disclosure or identity of person who has made an assessable disclosure, only in the circumstances listed in s 54(2)	DCCS,GM, CEO	
s 58(1)	Duty to establish procedures to facilitate the making of disclosures and the handling of those disclosures	DCCS,GM, CEO	
s 58(5)	Duty to establish procedures for the protection of persons from detrimental action by the Council, Council officers or Councillors	DCCS,GM, CEO	
s 59(4)	Duty to make procedures established under s 58 available to the public and to staff and Councillors	DCCS,GM, CEO	



<b>PUBLIC INTEREST DISCLOSURES ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 61(1)	Function of receiving recommendations from IBAC	DCCS,GM, CEO	
s 70(1)	Duty to include certain items in annual report	DCCS,GM, CEO	
sch 1 cl 25(2)	Duty to complete the investigation of the disclosure under the <i>Whistleblowers Protection Act 2001</i> and take action listed in sch 1 cl 25(2)(b)	DCCS,GM, CEO	Note: applies Where an investigation has been started but not completed under the <i>Whistleblowers Protection Act 2001</i>
sch 1 cl 29(2)	Duty to notify IBAC within 28 days of a disclosure made after commencement of this Act	DCCS,GM, CEO	





<b>PUBLIC RECORDS ACT 1973</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 8A	Duty to cause records to be transferred to custody of Public Records Office	GM	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 14(7)	Power to appeal to the Minister regarding decision of the Head, Transport for Victoria	DIDW, ME	
s 48M	Function of consulting with the relevant authority in relation to the development of guidelines for bus stopping points and bus stop infrastructure	DIDW, ME	
s 48N	Duty to notify relevant authority within 28 days of installation, removal or relocation of a bus shelter, seat or hardstand located at, or in the immediate vicinity of, a bus stopping point	DIDW, ME	
s 72(1)	Duty to issue an identity card to each authorised officer the entity appoints	DIDW, ME	Where Council is an appointing entity
s 86	Duty to keep a register containing the particulars of all matters reported to Council under s 85	DIDW, ME	Where Council is the appointing entity
s 87(1)	Function of receiving complaints about the exercise of a power by an authorised officer under the <i>Road Management Act 2004</i> (Vic)	DIDW, ME, CEO	Where Council is the appointing entity
s 87(2)(a)	Power to investigate complaint	DIDW, ME, CEO	Where Council is the appointing entity
s 87(2)(b)	Power to provide written report	DIDW, ME	Where Council is the appointing entity
s 88(2)	Function of receiving a document or information from a person who provides a document or information in response to a requirement of an authorised officer under the <i>Road Management Act 2004</i> (Vic)	DIDW, ME	Where Council is the appointing entity



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 89(2)	Power to provide written authority to an authorised officer to give any information acquired by the authorised officer in carrying out those functions to any other person, whether directly or indirectly	DIDW, CEO, ME	Where Council is the appointing entity
sch 2 cl 4	Power to make submissions on the Head, Transport for Victoria's proposal to act under s 42 and cl 3	DIDW	
sch 5A cl 15(3)	Duty to provide a certificate under cl 15(2)(b)(ii) of sch 5A on the written request of the Head, Transport for Victoria	DIDW	
sch 5A cl 26	Duty to surrender land to the Crown following an order of the Governor in Council	DIDW, ME, MPE	
sch 5A cl 27	Duty to surrender Council's interest in any Crown land to the Crown following an order of the Governor in Council	DIDW, ME, MPE	
sch 5A cl 51	Power to claim from the Head, Transport for Victoria an amount for loss or expense incurred as a result of an order under Division 2 Part 5 of the Act	DIDW, ME, MPE, DCCS	Council must have sustained pecuniary loss or incurred an expense



<b>ROAD SAFETY ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 59(1)(a) and (d)	Power to authorise officer or other person to request or signal driver or person in charge of motor vehicle to do certain things, such as stop the motor vehicle	ME, WM, DIDW	
s 77(2)(b)	Power to prosecute and authorise staff member to prosecute	DIDW	
s 84BE(1)	Function of receiving a statement under this s	ND	Where Council is the enforcement official
s 84BE(4), (5) and (5A)	Power to decide to accept statements as effective statements for the purposes of this Part	ND	Where Council is the enforcement official
s 84BE(6)	Duty to cause notice to be served on the statement-giver stating whether the enforcement official accepted the statement as an effective statement	ND	Where Council is the enforcement official
s 84BF	Power to cancel acceptance of a statement	ND	Where Council is the enforcement official
s 87(1)	Power to serve, or cause to be served, a parking infringement notice	DIDW, MPE, RLLC	
s 87(1D)	Duty to issue an identity card to authorised person Council appoints	DIDW, CEO	
s 87(1E)	Power to authorise a member of staff to sign identity card	CEO	
s 87(8)	Power to authorise person for purpose of serving parking infringement notices in accordance with s 87(1C)	DIDW, CEO	



<b>ROAD SAFETY ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 90D(1)	Power to enter into an agreement with the owner or occupier or land for the provision of parking services	MPE, DIDW	
s 90I	Power to issue parking permits to enable vehicles displaying a parking permit for people with disabilities to be parked in accordance with the <i>Road Safety Road Rules 2017</i> (Vic)	RLLC, MPE	
s 98(1)	Power to request Minister to extend application of Act	DIDW	
s 99A(4)	Power to establish requirements for traffic management plan	ME, DIDW, WM, AC	Where Council is the coordinating road authority under the <i>Road Management Act 2004</i>
s 99B(1)	Power to issue permit to conduct non-road activity (including on conditions specified in s 99B(3))	ME, WM	Where Council is the coordinating road authority under the <i>Road Management Act 2004</i>
s 99B(2)	Power to authorise closure of highway to traffic	DIDW, ME, WM	Where Council is the coordinating road authority under the <i>Road Management Act 2004</i>



<b>ROOMING HOUSE OPERATORS ACT 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 49(3)	Duty to comply with request under s 49(1) to answer any questions	EHO, MBS, MPE	



<b>SECOND HAND DEALERS AND PAWNBROKERS ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 26F	Duty to comply with Director's or inspector's request to answer questions or provide information regarding endorsed pawnbroker's business as pawnbroker	MBPD, MPE	



<b>SERVICE VICTORIA ACT 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 7(1)	Function of receiving a previously transferred customer service function	DCCS, BPC	
s 7(5)	Power to perform a customer service function in accordance with the enactment that confers the function on the service agency	DCCS, BPC	
s 9(2)	Power to disclose regulated information that it holds to the Service Victoria CEO, or a delegate of the Service Victoria CEO, for the purpose of enabling transferred customer service functions and a function that is ancillary to a function described in paragraph (a)	DCCS, BPC	
s 12	Function of receiving a previously transferred identity verification function	DCCS, BPC	
s 12(5)	Power to perform an identity verification function in accordance with the enactment that confers the function on the service agency	DCCS, BPC	
s 14(2)	Power to disclose regulated information that it holds to the Service Victoria CEO, or a delegate of the Service Victoria CEO, for the purpose of enabling transferred identity verification functions and a function that is ancillary to a function described in paragraph (a)	DCCS, BPC	
s 35(3)	Function of receiving a notification from the Service Victoria CEO if the electronic identity credential, which has been issued to an individual, is cancelled under s 38	DCCS, BPC	





<b>SERVICE VICTORIA ACT 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 58(3)	Power to provide agreement to Minister	DCCS, BPC	

<b>SEX WORK ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 35	Function of receiving notice of application for a licence	MPE, DIDW	
s 73	Duty to consider various factors before deciding on an application for a permit for use or development as a brothel	MPE, DIDW	
s 74	Duty to refuse to grant a permit for a brothel in certain circumstances	MPE, DIDW	
s 75A	Duty to determine an application or request for an amendment in relation to a permit issued for the use or development of land for the purposes of the operation of a brothel	MPE, DIDW	
s 76(1)	Duty to determine an application for a permit made but not determined before commencement of Division 2 Part 4, in accordance with <i>Planning and Environment Act 1987</i> as affected by Division 2 Part 4	MPE, DIDW	



<b>SEX WORK ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 76(2)	Duty to determine an application for extension of temporary use permit granted before commencement of Division 2 Part 4 in accordance with <i>Planning and Environment Act 1987</i> as if this Act had not been enacted	MPE, DIDW	
s 81(1)(a)	Duty to publish notice of making of declaration	MPE, DIDW	
s 81(1)(b)	Duty to serve notice of making of declaration personally on owner/occupier/mortgagee of premises	MPE, DIDW	
s 81(1)(c)	Duty to post up at or near entrance to premises copy of declaration	MPE, DIDW	Must be visible and legible to persons entering
s 89(4)	Function of issuing certificate that an officer is authorised	MPE, DIDW	



<b>SHERIFF ACT 2009</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54(1)	Duty to comply with request for information made under s 53(1)	CEO	Unless s 54(1)(a) and (b) apply



<b>SPORT AND RECREATION ACT 1972</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 6(3)	Power to enter into agreement with Minister and to agree to conditions for Minister to carry out works or undertakings or provide services	CEO, DIDW, DCCS	
s 14(3)	Function of receiving funds for works for provision of sport and recreation	CEO, DCCS, DIDW	

<b>SUBDIVISION ACT 1988</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 3(5)	Power to require variation of easement or restriction in compliance with planning scheme or permit	MPE, DIDW	
s 5(3)(c)	Function of receiving application for certification	MPE, DIDW	
s 5(3)(d)	Power to provide statement of compliance	MPE, DIDW	
s 5(4)	Power to accept and consider plans	MPE, DIDW	
s 5(4A)	Power to consider and certify plans before <i>Transfer of Land Act 1958</i> application determined	MPE, DIDW	
s 6(1)	Duty to certify plan within prescribed time in specified circumstances	MPE, DIDW	
s 6(2)	Duty to refuse to certify plan where conditions in s 6(1) not met and give reasons in writing	MPE, DIDW	
s 7A(2)	Duty to, within 7 days after certifying the plan, give the Secretary to the Department of Environment, Land, Water and Planning written notice of that certification, a copy of the application for certification and the certified plan	MPE, DIDW	
s 8(1)	Duty to refer plans to referral authority in certain circumstances	MPE, DIDW	Unless s 8(2)-(5) apply Form of referral per r 13 and 14 of the <i>Subdivision (Procedures) Regulations 2011</i>



<b>SUBDIVISION ACT 1988</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 8(6)	Duty to give referral authority copy of certified plan where not referred to referral authority	MPE, DIDW	
s 10(1)	Power to require applicant to alter plan	MPE, DIDW	
s 10(2)	Power to agree to an alteration at request of applicant	MPE, DIDW	
s 10(5)	Duty to send altered plan to referral authority	MPE, DIDW	Must send notice in prescribed Form 4 outlining revised times, r 29 of the <i>Subdivision (Procedures) Regulations 2011</i>
s 10(7)	Duty to notify surveyor of alteration required by Council	MPE, DIDW	
s 11(1)	Function of receiving application to amend certified plan	MPE, DIDW	
s 11(2)	Duty to refer application under s 11(1) to referral authority	MPE, DIDW	
s 11(2A)	Power to amend without referral if minor amendment	MPE, DIDW	
s 11(7)	Duty to re-certify plan or advise of refusal in writing with reasons	MPE, DIDW	
s 11(10)	Duty to notify surveyor of an amendment by acquiring authority where plan prepared by surveyor	MPE, DIDW	
s 11(11)	Duty to give copy of re-certified plans to referral authority	MPE, DIDW	
s 11A(1)	Power to require more information	MPE, DIDW	

<b>SUBDIVISION ACT 1988</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 15(1)	Power to require engineering plan	MPE, DIDW	Does not apply where s 14 applies
s 15(2)	Duty to approve/refuse approval/require alterations of engineering plan	MPE, DIDW	Does not apply where s 14 applies
s 15(6)	Power to charge for engineering plans prepared by it	MPE, DIDW	Does not apply where s 14 applies
s 17(2)(a)	Power to appoint supervisor of works	MPE, DIDW	Does not apply where s 14 applies
s 17(2)(b)	Power to charge for supervision	MPE, DIDW	Does not apply where s 14 applies
s 17(2)(c)	Power to enter into agreement with owner or applicant in anticipation of applicant becoming owner	MPE, DIDW	Does not apply where s 14 applies
s 17(2A)	Power to request Minister to nominate authority to consider what works are required	MPE, DIDW	Does not apply where s 14 applies
s 17(2D)	Power to transfer works/interest in land relating to the works by agreement from Council to a relevant authority	MPE, DIDW	Does not apply where s 14 applies
s 18(1)	Power to require applicant to set aside land for public open space and/or pay a percentage	MPE, DIDW	Does not apply where ss 14, 18(5) and 18(8) apply Must have regard to matters in s 18(1A)-2
s 18(1B)	Power to vary time of payment by agreement with applicant	MPE, DIDW	
s 18(4)	Power to agree with applicant to set aside/pay different percentage	MPE, DIDW	Does not apply where s 14 applies



<b>SUBDIVISION ACT 1988</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18(7)	Power to refund amount paid under s 18(1) where no longer intend to subdivide	MPE, DIDW	Does not apply where s 14 applies
s 18(8)	Power to consider it unlikely that each lot will be further subdivided.	MPE, DIDW	
s 18A(6)	Power to decide to refund the amount paid to it, if satisfied that it is no longer intended to subdivide the land	MPE, DIDW	
s 19(1)	Power to obtain valuation where value is not agreed	MPE, DIDW	Does not apply where s 14 applies
s 19(3)	Duty to give applicant copy of valuation	MPE, DIDW	Does not apply where s 14 applies
s 19(5)	Power to obtain revaluation on each anniversary of the making of the public open space requirement and vary the requirement accordingly, where the public open space requirement has not been complied with	MPE, DIDW	Does not apply where s 14 applies
s 21(1)	Duty to issue statement of compliance, subject to s 21(2C) and (2CA)	MPE, DIDW	Does not apply where s 14 applies Time limits apply (s 21(1)-(2))
s 21(2A)(a)&(b)	Duty to, in writing, notify Development Victoria of request within 7 days of receiving a request for issue of statement of compliance, and to provide Authority with a copy of planning permit	MPE, DIDW	



<b>SUBDIVISION ACT 1988</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 21(2CA)	Duty not to issue a statement of compliance in relation to a plan relating to land, in respect of which an infrastructure contribution is imposed under an approved infrastructure contributions plan, unless the applicant has satisfied the Council of the criteria set out in s 21(2CA)(a) and (2CA)(b)	MPE, DIDW	
s 21(4)	Power to provide in the statement of compliance that agreement pursuant to <i>Planning and Environment Act 1987</i> no longer applies in certain circumstances	MPE, DIDW	Does not apply where s 14 applies
s 21(9)	Duty to give a notice to the Commissioner of State Revenue that a statement of compliance has been issued	MPE, DIDW	
s 21(10)(a)	Duty to, within 7 days after issuing a statement of compliance for a plan of subdivision relating to land in respect of which there is a levy recording (within the meaning of the <i>Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 (Vic)</i> ), give the Secretary to the Department of Environment, Land, Water and Planning written notice that the statement has been issued	MPE, DIDW	
s 21(10)(b)	Duty to, within 7 days after issuing a statement of compliance for a plan of subdivision relating to land in respect of which there is a levy recording (within the meaning of the <i>Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 (Vic)</i> ), give the Secretary to the Department of Environment, Land, Water and Planning a copy of the statement	MPE, DIDW	

<b>SUBDIVISION ACT 1988</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 21(10)(c)	Duty to, within 7 days after issuing a statement of compliance for a plan of subdivision relating to land in respect of which there is a levy recording (within the meaning of the <i>Melbourne Strategic Assessment (Environment Mitigation Levy) Act 2020 (Vic)</i> ), give the Secretary to the Department of Environment, Land, Water and Planning a copy of the plan of subdivision	ND	
s 24A(1)	Duty to do any of the things listed in the table in this s 24A where so required by planning scheme with respect to reserves, etc	MPE, DIDW	
s 24A(2)	Power to certify a plan prepared under s 24A(1) where applicant certifies land no longer reserved	MPE, DIDW	
s 25(1)	Function of being notified by Registrar of registration of plan and duty to notify any public authority for which easement has been created/reserve has vested.	MPE, DIDW	
s 25(2)	Function of being notified by Registrar if plan is withdrawn or refused registration	MPE, DIDW	
s 25(3)	Duty to notify referral authority affected by withdrawal/refusal	MPE, DIDW	
s 34E	Power to apply to VCAT for order compelling an owners corporation to carry out a requirement or perform a duty	MPE, DIDW	
s 34H(5)	Function of receiving notice from Registrar of amendment or cancellation of plan on winding up	MPE, DIDW	



<b>SUBDIVISION ACT 1988</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 35(1)	Duty of acquiring authority to submit plan for certification and registration where land subdivided	MPE, DIDW	
s 35(2)	Power to require acquiring authority to submit certification new/amended plan	MPE, DIDW	s 35(3)-(5) apply
s 35(6)	Duty of an acquiring authority to advise Registrar of vesting date	MPE, DIDW	
s 35(8)	Power of acquiring authority to submit for certification and registration of any land vested/registered in its own name	MPE, DIDW	s 35(9) applies
s 36(1)	Function of stating in writing that it considers that subdivision requires removal/acquisition of easement	MPE, DIDW	s 35(1AA) applies
s 38	Power to provide written consent	MPE, DIDW	
s 38A(1)	Power to provide written consent	MPE, DIDW	
s 38B	Power to provide written consent	MPE, DIDW	
s 38C	Power to provide written consent	MPE, DIDW	
s 39(1)	Power to refer disputes to VCAT	MPE, DIDW	Unless s 39(2) applies
s 39(3)	Power to apply to the County Court to order registration of plan be stopped in certain circumstances	MPE, DIDW	
sch 2 cl 11(1)	Power to apply to a court for an order regarding scheme of development	MPE, DIDW	



Maddocks



<b>SUMMARY OFFENCES ACT 1966</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4	Power to give permission or consent to certain things	RLLC, DIDW, MPE	
s 6A(1)	Duty to consult with Victoria Police before granting an application for a permit for the use of Council land, a road closure or anything else that the Council believes will facilitate a public protest being held by the applicant	DIDW, RLLC, MPE, WM, ME	Subject to s 6A(2)(b)
s 50A(3)(a)	Power to apply to Governor in Council for declaration that municipal district be a 'district' for purposes of s 50A offences	DIDW, RLLC	
s 50A(3)(b)	Power to apply to Governor in Council for revocation/variation of declaration under s 50A(3)(a)	DIDW	



<b>TAXATION ADMINISTRATION ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 92(1)(vfa)	Function of receiving information from a tax officer under or in relation to the administration of a taxation law	DCCS, FC	



<b>TRANSFER OF LAND ACT 1958</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 26X(1)	Function of receiving enquiries, from the Registrar, for personal information that identifies ratepayers and mortgagors of land, for the purpose of comparing that information with information retained by the Registrar or the Registrar-General in relation to land that is to be brought under the Act	DCCS, RC	
s 26X(2)	Function of disclosing personal information that identifies who is a ratepayer or mortgagor of the land	DCCS, RC	
s 45(1)	Power to consent to the creation of an easement or the transfer of land	DIDW, MPE	Where Council is the landowner
s 54	Power to make application to be registered proprietor	DIDW, MPE	Applies only where the Council is an acquiring authority as defined in s 53
s 55(3)	Duty to take possession of any certificate of title, or other document produced to Council on any claim for compensation and to lodge them immediately with the registrar	DIDW, MPE	Applies only where the Council is an acquiring authority as defined in s 53
s 57(1)	Duty to lodge notification with the Registrar upon service of notice of intention	DIDW, MPE	Applies only where the Council is an acquiring authority as defined in s 53
s 57(2)	Power to withdraw notice of intention to acquire	DIDW, MPE	Applies only where the Council is an acquiring authority as defined in s 53
s 62(4)	Function of receiving notice from Registrar of where land is located	DIDW, MPE, BPC, MBPD	



<b>TRANSFER OF LAND ACT 1958</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 73B	Power to consent to the creation or surrender of the right of carriageway	DIDW, MPE, AC, ME	Where land is located in Council's municipal district
s 88(1B)	Power to consent to the varying or releasing of a restrictive covenant	DIDW, MPE	Where land is located in Council's municipal district
s 88(2)	Power to lodge with the Registrar a notification of the acquisition of an easement or any other right over or affecting land	DIDW, MPE	Applies only where the Council is an acquiring authority as defined in s 53
s 106(1)(b)	Power to consent to the registration of a dealing or plan	DIDW, MPE	



<b>TRANSPORT INTEGRATION ACT 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 25(1)	Duty to have regard to the transport system objectives when exercising powers and performing functions under interface legislation <sup>2</sup> which are likely to have a significant impact on the transport system	DIDW, ME	
s 25(2)	Duty to have regard to the decision making principles in making decisions under interface legislation* which are likely to have a significant impact on the transport system.	DIDW, ME	
s 25(3)	Duty to have regard to applicable specified policy principles	DIDW, ME	
s 25(4)	Duty to have regard to applicable specified policy principles	DIDW, ME	
s 26	Power to determine the weight to give to each transport system objective under ss 24 and 25	DIDW, ME	
s 27	Power to determine the weight to give to each decision making principle under ss 24 and 25	DIDW, ME	
s 115F(3)	Function of collaborating with the Taxi Services Commissioner	ND	
s 197B(2)	Function of receiving notice from regulated bodies	DIDW, ME	Where Council is the responsible authority and s 197 applies

<sup>2</sup> Interface legislation includes the *Local Government Act 1989, Land Act 1958, Planning and Environment Act 1987* etc (see s 3 of the *Transport and Integration Act 2010*)



<b>TRANSPORT INTEGRATION ACT 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 197B(3)	Duty to meet with representatives from Director of Transport Safety	DIDW, ME	Where Council is the responsible authority and s 197 applies
s 197D	Duty to comply with guidelines issued under Act and directions of Secretary or Minister	DIDW, ME	



<b>VALUATION OF LAND ACT 1960</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 6(1)	Duty to give notice of the valuation to each rating authority interested in the valuation of land in the area for which the valuation is being made	DCCS, RC	Where Council is the valuation authority
s 6(2)	Power to require the general valuation prepared by the valuation authority to show items in paragraphs (a) – (c)	DCCS, RC	Where Council is a rating authority
s 6(3)	Duty to give notice to valuer-general	DCCS, RC	Where Council is the rating authority
s 6(4)	Duty to ensure the valuer-general's request is given effect to	DCCS, RC	Where the Council is the valuation authority
s 7AB(2)	Power to adjust the rate or fire services property levy payable retrospectively for any period it considers just	DCCS, FC	
s 7A(1)	Power to pay valuer subject to the requirements of this s7A(1)	DCCS, RC	
s 7AE(2)	Duty to comply with an Order in Council requiring the making of a new valuation	DCCS, RC	
s 7A(2)	Power to make a payment, irrespective of s 7A(1), if Council satisfies paragraphs (a) and (b)	DCCS, RC, FC	
s 7B(1)	Duty to provide valuation to valuer-general within 2 months of date on which the valuation was returned to Council	DCCS, RC, FC	



<b>VALUATION OF LAND ACT 1960</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 8AA(1B)	Duty to pay the valuer-general in accordance with s where Council has requested a supplementary valuation	DCCS, RC, FC	
s 8AA(2)(a)	Power to agree the fees in respect of servicing of a valuation	DCCS, RC, FC	
s 10(1)	Power to make a nomination to have the power to cause a valuation of all land in its municipal district for a specified year	DCCS,	
s 10(6)	Power to revoke nomination made under s 10(1)	DCCS	
s 11	Duty to cause a general valuation	DCCS, RC	Where Council is the valuation authority
s 12	Function of causing a valuation of rateable land at the direction of the Minister	DCCS, RC	Where Council is the valuation authority
s 13DA(1)	Power to appoint people to carry out valuations	DCCS, RC	Where Council is the valuation authority The person(s) to be appointed must hold the qualifications or experience specified by Minister
s 13DC(2)	Power to use in force valuations in certain circumstances	DCCS, RC, BPC	
s 13DF(3A)	Power to use supplementary valuation before it is certified to levy or adjust municipal rate or fire services property levy	DCCS, RC, FC	



<b>VALUATION OF LAND ACT 1960</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 13DF(5)	Power to adjust rate or fire services property levy payable retrospectively where supplementary valuation made in circumstance referred to in s 13DF(2)(o)	DCCS, RC, FC	
s 13DFA(2)	Function of receiving written certification of supplementary valuation from valuer-general	DCCS, RC, FC	
s 13DFB(1)	Power to request valuer-general to carry out a supplementary valuation	DCCS, RC, FC	
s 13DFB(3)	Function of receiving the supplementary valuation within 10 business days after the supplementary valuation is returned to the valuer-general	DCCS, RC, FC	
s 13DG(3)	Duty to make a valuation of all rateable land where Council has had annexed to its municipal district any area which is not part of a former municipal district.	DCCS, RC, FC	Where Council is the valuation authority
s 13G(1)	Power to make a nomination to have the Power to cause a valuation of land specified in s 13G(2) for a specified year	DCCS, RC, FC	Where Council is the collection agency
s 13G(7)	Power to revoke nomination made under s 13G(1)	DCCS, RC, FC	Where Council is the collection agency
s 13H	Duty to cause a general valuation of non-rateable leviable land to be made, returned to it and provided to the relevant collection agency	DCCS, RC, FC	Where Council is the valuation authority
s 13I	Duty to comply with a Ministerial Direction given under s 13I	DCCS, RC, FC	Where Council is the collection agency and also the valuation authority



<b>VALUATION OF LAND ACT 1960</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 13J	Power to appoint people to carry out valuation	DCCS, RC, FC, BPC	The person(s) to be appointed must hold the qualifications or experience specified by Minister  Applies when Council is making a valuation for the purposes of the <i>Fire Services Property Levy Act 2012</i>
s 13L(4)	Power to use a supplementary valuation before it is certified by the valuer-general	DCCS, RC, FC	Where Council is the collection agency
s 13L(6)	Power to adjust the fire services property levy payable retrospectively for any period considered just	DCCS, RC, FC	Where Council is the collection agency
s 13M(2)	Function of receiving certification in writing that the valuer-general is satisfied that the supplementary valuation is correct	DCCS, RC, FC	Where Council is the collection agency
s 13N(1)	Power to request the Valuer-General to make a supplementary valuation	DCCS, RC, FC	Where Council is the collection agency
s 13N(3)	Function of receiving the supplementary valuation within 10 business days after the supplementary valuation is returned to the valuer-general	DCCS, RC, FC	Where Council is the collection agency
s 15(3)	Duty to give notices in paragraphs (a) and (b) if information is received from a valuation authority under s 15(1)(b) as to a general valuation	DCCS, RC, FC	Where Council is the rating authority
s 20(3)	Function of receiving objection and written submission where objection is because the value is too low or too high, and the value is not less than the prescribed amount	DCCS, RC, FC	Where Council is the valuation authority



<b>VALUATION OF LAND ACT 1960</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 21(2)	Duty to refer an objection received to the valuation authority	DCCS, RC, FC	Where Council is not the valuation authority which made the valuation
s 21(2A)	Duty to refer objection to valuer	DCCS, RC, FC	Where Council is the valuation authority
s 21(5)	Function of receiving written notice from the valuer-general of recommendation	DCCS, RC, FC	Where Council is the rating authority
s 21(6)	Duty to give effect to the decision of the valuer-general	DCCS, RC, FC	Where Council is the rating authority
s 22(5)	Function of receiving copy of application to VCAT for review of valuation decision	DCCS, RC, FC	Where Council is the valuation authority
s 22(6)	Duty to forward to principal registrar of VCAT notice of objection and copies of any notices given under s 21 and any information given or submissions lodged under s 20, in relation to objection, within 1 month after being served with copy of objector's application for review under s 22(5)	DCCS, RC, FC	Where Council is the valuation authority
s 35	Power to make a valuation for the 2018 calendar year	ND	Where Council is a municipal Council, or where Council is a collection agency



<b>VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACT 2001</b>			
<b>Column 1</b>	<b>Column 2</b>		<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 26D(1)	Function of conferring with the Victorian Environmental Assessment Council	MPE, NRO, DIDW	If affected by the provision of an assessment or advice requested under s 26B
s 26D(2)	Duty to give practicable assistance to the Victorian Environmental Assessment Council in preparing an assessment or advice	MPE, NRO, DIDW	





<b>VICTORIA GRANTS COMMISSION ACT 1976</b>			
<b>Column 1</b>	<b>Column 2</b>		<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 10	Duty to supply prescribed information to the commission by certain time	CEO, DCCS, FC	
s 12(4)	Function of receiving determination of allocation of funds by the commission	CEO, DCCS, FC	
s 15	Function of representing Council at commission hearing	CEO, DCCS, FC	



<b>VICTORIA STATE EMERGENCY SERVICE ACT 2005</b>			
<b>Column 1</b>	<b>Column 2</b>		<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 34(1)	Power to apply for registration of a group of persons as a unit of the Service	DIDW	
s 35(2)	Power to consult with Director of Operations regarding removal of controller of a registered unit from office	DIDW	



<b>VICTORIAN DATA SHARING ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 10(a)	Power to provide some, or all, of the specified data to the Chief Data Officer	DCCS	If the Chief Data Officer gives a notice under s 8
s 10(b)	Power not to respond to the request	CEO	If the Chief Data Officer gives a notice under s 8
s 13(a)	Power to provide some, or all, of the specified data to the Chief Data Officer	DCCS	If the Chief Data Officer gives a notice under s 11
s 13(b)	Power not to respond to the request	CEO	If the Chief Data Officer gives a notice under s 11
s 24(3)(c)	Function of being informed by the Chief Data Officer, or data analytics body, if the <i>Victorian Data Sharing Act 2017</i> , <i>Privacy and Data Protection Act 2014</i> or <i>Health Records Act 2001</i> has been, or is likely to have been, breached in relation to data handled under the <i>Victorian Data Sharing Act</i> while in the control of the Chief Data Officer, or of the data analytics body	CEO, DCCS	
s 33(4)	Duty to have regard to policies or guidelines issued under s 33(1)	DCCS	



<b>VICTORIAN INSPECTORATE ACT 2011</b>			
<b>Column 1</b>	<b>Column 2</b>		<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 28(2)	Power to enter into agreements or arrangements for use of services with the Victorian Inspectorate	CEO	



<b>VICTORIAN PLANNING AUTHORITY ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>		<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 33(2)	Duty to comply with request by Authority under s 33(1) for information or assistance	DIDW, MPE	
s 34(1)	Function of consulting with Authority where exercising its Powers likely to affect Council's functions	DIDW, MPE	



<b>WATER ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(1)(a)	Duty to make any authorisation or permission that may affect the drainage system subject to any conditions required to ensure the conservation of waterways, wetlands and aquifers	DIDW, MPE, ME	
s 12(1)(b)	Power to withhold authorisation or permission until such works are carried out that are required to avoid or lessen any possible adverse effect	DIDW, MPE, ME	
s 27(4)(a)(ii)	Function of receiving notice of a proposed declaration by the Minister that an area will be a water supply protection area	DIDW, MPE, ME	
s 32H	Duty to keep copy of approved management plan available for inspection	DIDW, MPE,	
s36(3)(c)	Function of receiving a copy of an application for the grant of a bulk entitlement if Minister considers the Council is directly affected	CEO, DIDW	
s67A	Function of receiving a copy of an application under s 67 in respect of a dam	DIDW, MPE, ME	
s 67B	Duty to advise the Minister of response to application	DIDW, MPE, ME	
s 122P(1)(a)(i)	Function of receiving notice of Authority's proposal to the Minister under s 122M, where Council is affected by the proposal	DIDW, MPE,	
s 122ZA(2)	Function of consenting to Minister's determination under s 122ZA(1)(b)	DIDW, MPE,	



<b>WATER ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 122ZC	Power to contribute money to environmental or recreational area for improving or maintaining the area	CEO, DIDW	
s 144(2)(c)	Function of receiving a declaration by an Authority that land will be a serviced property for the purposes of the Act, if likely to be affected	DIDW, MPE, ME	
s 152	Function of receiving notice of intention to affect works	DIDW, MPE, ME	
s 153	Function of receiving notice to alter or remove works	DIDW, MPE, ME	
s 165(1)	Power to require an Authority to fix fire plugs to works	DIDW, MPE, ME, WM	
s 165(2)	Duty to meet costs of providing, installing, marking and maintaining all fire plugs that the Council requires	DIDW, ME, WM	
s 171D(1)	Power to require Melbourne Water Corporation to fix fire plugs to works	ND	
s 171D(2)	Duty to meet costs of providing, installing, marking and maintaining fire plug, where plug is in Council's municipal district	DIDW, ME, WM	
s 180(1)	Duty to forward copy application for septic tank permit to Authority	DIDW, MPE, EHO	
s 180(3)	Function of receiving any notification of the location of the nearest sewer, the availability of works to service the land and any requirements	DIDW, MPE, ME, EHO	



<b>WATER ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 180(4)	Duty to comply with any requirement of the Authority in regard to the application	EHO	
s 180(5)	Duty to not make a decision within 21 days after the copy is forwarded to the Authority	DIDW, EHO	
s 188(3)	Function of receiving notice of proposed declaration of a waterway if the Council may have an interest in the waterway	DIDW, MPE, ME	
s 205(3)	Function of receiving notice of proposed declaration that an area of land will be liable to flooding or be a floodway area	DIDW, MPE, ME	
s 206(1)(b)	Function of receiving notice that an Order has been published in the Government Gazette	DIDW, MPE, ME	
s 206(3)	Duty to prevent land uses that are inconsistent with any identified flood hazards	DIDW, MPE, ME	
s 208(2)	Duty to notify Authority of intention to undertake or erect any regulated works or structure before undertaking or erecting the works or structure	DIDW, MPE, ME	
s 214(2)(b)	Duty to be represented on a committee to carry out investigations in relation to water management if the Council is affected	DIDW, MPE, ME	
s 217	Power to apply for an order for removal or modification of works	DIDW, MPE, ME	





<b>WATER ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 218(2)(b)(ii)	Function of receiving notice of proposed declaration that an area of land will be a drainage course	DIDW, MPE, ME	
s 218(7)	Duty to act in accordance with a management plan approved by the Minister, if the Council has management and control of a drainage course	DIDW, MPE, ME	
s 218(8)	Power to require an owner, occupier or other public statutory body to remove any interferences, carry out any works and maintain any structures, if the Council has the management and control of a drainage course	DIDW, MPE, ME	Subject to the limitations set out in s 218
s 218(10)	Duty to comply with any request by another public statutory body within 1 month	DIDW, MPE, ME	
s 218(14)	Power to enter into and remain on the drainage course for the purpose of doing anything that an owner or occupier failed to do	DIDW, MPE, ME	
s 244(7)	Function of receiving a copy of a community agreement, if land in the area is affected	DIDW, MPE, ME	
s 245(8)(b)	Power to consent to community agreement where it involves the construction of a drain across a road reserve	DIDW, MPE, ME	



<b>WATER ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 246	Power to exercise the powers and perform the Functions of the committee if requested by the committee, where land is affected by a community drainage or salinity mitigation or community water supply scheme	DIDW, MPE, ME	
s 263(2)	Function of receiving a request to arrange for a supplementary valuation to be made	DCCS, RC, BPC	
s 281A(1)	Power to enter into agreement with Melbourne Water Corporation to collect money owing to Melbourne Water Corporation under the Act	ND	
s 281A(3)	Duty to collect money owing to Melbourne Water Corporation under the Act, that relates to Council's municipal district	ND	On the terms and conditions agreed with Melbourne Water Corporation or, in default of agreement, determined by the Essential Services Commission
s 286(1)(a)	Duty to contribute to the revenue of the Authority if requested	DCCS, DIDW	Conditions set out in s 285 and s 286
s 287(1)(a)	Duty to make a special contribution to the revenue of the Authority if requested	DCCS, DIDW	Conditions set out in s 285 and s 287



<b>YARRA RIVER PROTECTION (WILIP-GIN BIRRARUNG MURRON) ACT 2017</b>			
##The provisions of this Act apply to councils appointed as a 'responsible public entity'. These councils are Banyule City Council, Boroondara City Council, Manningham City Council, Melbourne City Council, Nillumbik Shire Council, Stonnington City Council, Yarra City Council and Yarra Ranges Shire Council.			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 32(2)	Function of being given a reasonable opportunity to be heard by the panel	ND	
s 40	Duty to make Yarra Strategic Plan available to the public	ND	
s 43(1)(a)	Duty to prepare a report on the implementation of a Yarra Strategic Plan	ND	
s 43(1)(b)	Duty to provide the report on the implementation of a Yarra Strategic Plan to the lead agency	ND	



<b>BUILDING REGULATIONS 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 5(2)	Power to designate an area liable to flooding	MPE	Where Council is the relevant council
r 44	Function of receiving documents	MBS	Where Council is the relevant council
r 49	Duty to keep documents in any manner specified by the Keeper of Public Records until the building is demolished or removed from the allotment	MBS	Where Council is the relevant council
r 50	Duty to make documents available on request	MBS, MPE	Where Council is the relevant council
r 51	Function of providing information	MBS, MPE	Where Council is the relevant council
r 73(2)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 74(4)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 75(4)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 76(4)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 77(3)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 78(6)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 79(6)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 80(6)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 81(6)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council



<b>BUILDING REGULATIONS 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 82(5)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 83(3)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 84(9)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 85(3)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 86(3)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 87(2)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 89(3)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 90(2)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 91(5)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 92(2)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 94(6)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 95(3)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 96(3)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 97(2)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 109(1)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 109(2)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council



<b>BUILDING REGULATIONS 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 109(3)	Power to give consent under rr 109(1) or 109(2)	MBS	Where Council is the relevant council if it considers that the projection of the part of the building beyond the street alignment will not be detrimental to the safety of the public
r 116(4)	Power of providing report and consent	MBS	Where Council is the relevant council
r 130(1)	Power of providing report and consent	MBS	Where Council is the relevant service authority
r 132(1)	Power of providing report and consent	MBS	Where Council is the relevant council
r 133(2)	Power of providing report	MBS	Where Council is the relevant council
r 134(2)	Power of providing report and consent	MBS	Where Council is the relevant council
r 147L(2)	Function of receiving an application for registration	MBS	Where Council is the relevant council
r 147M(2)	Function of receiving an application for registration	MBS	Where Council is the relevant council
r 147N(2)	Function of receiving an application for registration	MBS	Where Council is the relevant council
r 147O(2)	Power to give notice	MBS	Where Council is the relevant council
r 147Q	Duty to enter information relating to a swimming pool or spa into Council's register	MBS	Where Council is the relevant council
r 147R(1)	Duty to give notice of the matters in r 147R(1)(a) – (g)	MBS	Where Council is the relevant council
r 147R(4)	Duty to specify a date for the purposes of r 147R(1)(g)	MBS	Where Council is the relevant council



<b>BUILDING REGULATIONS 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 147R(5)	Power to specify date	MBS	Where Council is the relevant council
r 147S(1)	Duty to remove from the register the information about the swimming pool or spa set out in r 147J, as soon as practicable, where satisfied that a registered swimming pool or registered spa no longer exists or is no longer capable of containing water to a depth of greater than 300 mm	MBS	Where Council is the relevant council
r 147S(2)	Duty to give a notice in writing after removing the information about the swimming pool or spa from the register	MBS	Where Council is the relevant council
r 147T(1)	Duty to determine the date of construction	MBS	Where Council is the relevant council
r 147U(1)	Duty to determine the date of construction	MBS	Where Council is the relevant council
r 147V(1)	Duty of receiving a certificate of compliance	MBS	Where Council is the relevant council
r 147V(4)	Duty to give notice in writing following lodgement of a certificate of pool and spa barrier compliance by the owner	MBS	Where Council is the relevant council
r 147W(1)	Power to exempt an owner from the requirement under r 147V(1) to lodge a certificate of pool and spa barrier compliance	MBS	Where Council is the relevant council
r 147W(2)	Duty to give a notice in writing if an owner is exempted under r 147V(1)	MBS	Where Council is the relevant council



<b>BUILDING REGULATIONS 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 147Z(1)	Power to extend the period for lodgement of a certificate of pool and spa barrier compliance if satisfied of the criteria in r 147Z(1)(a) – (e)	MBS	Where Council is the relevant council
r 147Z(3)	Duty to give a notice, in writing, to the owner of the land specifying a new due date for the lodgement of a certificate of pool and spa barrier compliance as soon as practicable after that decision is made	MBS	Where Council is the relevant council
r 147ZD	Duty to update the applicable barrier standard on the register to include the applicable barrier standard referred to in the certificate	MBS	Where Council is the relevant council
r 147ZE	Duty to give a notice, in writing, to the owner as soon as practicable following lodgement of a certificate of pool and spa barrier compliance under r 147ZC	MBS	Where Council is the relevant council
r 147ZJ(3)	Duty to give a notice, in writing, to the owner of the land on which the swimming pool or spa relating to the barrier is located	MBS	Where Council is the relevant council
r 147ZL(1)	Duty to update the register with details of the name of the new owner of the land as soon as practicable	MBS	Where Council is the relevant council
r 147ZL(2)	Duty to give a notice, in writing, to the new owner of the land	MBS	Where Council is the relevant council
r 147ZM	Duty to submit the requested information to the Authority in the form approved by the Authority	MBS	Where Council is the relevant council





<b>BUILDING REGULATIONS 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 148	Duty to prepare maps	AC, MBS, ME, MPE	
r 149(1)	Duty to amend or prepare map for the existing or new designated special area	MBS	Where Council is the relevant council
r 149(2)	Duty to advise the Authority if a designated special area is altered or created	MBS, MPE	
r 149(3)	Duty to lodge copies of designated special area maps with the Authority	MBS, MPE	Where Council is the relevant council
r 149(4)	Duty to make an up-to-date copy of each designated special area map, applicable to Council's municipal district, available to the public for inspection	MBS, MPE	
r 150	Power to designate areas within Council's municipal district in which buildings are likely to be subject to attack by termites	MBS, MPE	
r 152(1)	Power to designate areas in Council's municipal district that are likely to be subject to significant snowfalls	ND	For the purposes of the BCA
r 153(2)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 153(4)	Duty not to give consent under r 153(2) if there is likely to be a danger to the life, health or safety of the occupants of the building due to flooding of the site	MBS, MPE	Where Council is the relevant council
r 153(5)	Power to specify, Council's report, a level for the surface of the lowest floor of a building on the site	MBS, MPE	Where Council is the relevant council



<b>BUILDING REGULATIONS 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 153(6)	Duty to consult with the floodplain management authority for the site and specify a level in line with r 153(6)(b) requirements	MBS, MPE	Where Council is the relevant council
r 153(7)	Duty to, without delay, advise the floodplain management authority and sewerage authority for the site of the floor level (if any) specified under r 153(5)	MBS, MPE	Where Council is the relevant council
r 154(1)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council
r 154(2)	Power to include, in the report and consent Council provides, recommendations controlling the location and construction of retaining walls and fences in relation to designated land or designated work	MBS, MPE	Where Council is the relevant council
r 154(3)	Duty to consult with the waterway management authority for the designated land or designated works before giving consent under r 154(1)	MBS, MPE	
r 187(2)	Power of providing report and consent	MBS, MPE	Where Council is the relevant council Subject to r 187(3)
r 202(1)	Duty to keep the documents relating to occupancy permits in any manner specified by the Keeper of Public Records	MBS, MPE	For the purposes of s 75 of the <i>Building Act 1993</i>
r 202(2)	Duty to keep documents relating to a temporary approval for 3 years after the earlier of the two periods set out in rr 202(2)(a) and 202(2)(b)	MBS, MPE	For the purposes of s 75 of the <i>Building Act 1993</i>
r 203	Function of receiving documents	MBS, MPE	



<b>BUILDING REGULATIONS 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 205	Function of receiving information	MBS, MPE	Where Council is the relevant council
r 215(3)(c)	Function of receiving a determination and report under s 120(2)(a) of the <i>Building Act 1993</i>	MBS, MPE	Where Council is the relevant council If the essential safety measure is required under an emergency order or a building order under Part 8 of the <i>Building Act 1993</i>
r 280(1)	Power to exempt a Class 10 building, that is to be constructed on farm land and used for farming purposes, from all or any of the requirements of these Regulations	MBS	Where Council is the relevant council



<b>COUNTRY FIRE AUTHORITY REGULATIONS 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 105(3)	Duty to notify the executive officer of the regional fire prevention committee of the name of the nominee nominated in accordance with r 105(2)	DIDW, MERO	
r 105(8)	Duty to give written notice to Authority of names and addresses of persons elected as representatives of Council	DIDW, MERO	



<b>DANGEROUS GOODS (EXPLOSIVES) REGULATIONS 2011</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 146(3)	Function of receiving written notice of intention to discharge fireworks or firecrackers	RLLC	
r 146(6)	Function of receiving written notice of intention to discharge fireworks or firecrackers in or near port waters	ND	Where Council administers the relevant area of water



<b>DRUGS, POISONS AND CONTROLLED SUBSTANCES REGULATIONS 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 7(1)	Power to have possession of 'Schedule 4 poisons' that are necessary for immunisation programs coordinated by Council in accordance with the <i>Public Health and Wellbeing Act 2008</i>	EHO, MCHC	



<b>ELECTRICITY SAFETY (ELECTRIC LINE CLEARANCE) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 1 cl 16	Function of receiving notice before cutting or removing certain trees	WM, NRO, ME, DIDW	This regulation replaces the Electricity Safety (Electric Line Clearance) Regulations 2015
sch 1 cl 19	Function of receiving notice after completion of cutting or removal of the trees	WM, NRO, ME, DIDW	This regulation replaces the Electricity Safety (Electric Line Clearance) Regulations 2015
sch 1 cl 20	Power to consult relating to safety of cutting or removal of trees close to an electric line	WM, NRO, ME, DIDW	This regulation replaces the Electricity Safety (Electric Line Clearance) Regulations 2015
sch 1 cl 21(1)	Power to consult relating to assisting to determine an additional distance that allows for conductor sag and sway	WM, NRO, ME, DIDW	This regulation replaces the Electricity Safety (Electric Line Clearance) Regulations 2015
sch 1 cl 21(3)	Duty to keep record of the additional distance for at least 5 years	WM, NRO, ME, DIDW	



<b>INFRINGEMENTS REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 8	Duty to report listed information to Attorney-General	RLLC	





<b>LAND ACQUISITION AND COMPENSATION REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 11	Function of providing certain information as set out in (a)-(g) as requested by an Authority	GM, MPE	
r 12	Function of providing certain information as set out in (a) –(d) as requested by an Authority	GM, MPE	Where Council is responsible authority



<b>LOCAL GOVERNMENT (LONG SERVICE LEAVE) REGULATIONS 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 9 (3)	Duty to pay prescribed entitlement upon request made under r 9(2).	DCCS, FC	
r 9(5)(a)	Duty to transfer long service leave entitlement where a staff member intends to commence work with another Council	DCCS, FC	
r 9(5)(b)	Power to pay the prescribed entitlement where a staff member intends to commence work with another public service body or special body	DCCS, FC	
r 9(6)	Duty to pay the prescribed entitlement if the member has not taken the whole of their long service leave accrued	DCCS, FC	
r 10(2)	Duty to pay long service entitlement upon death of staff member	DCCS, FC	
r 11(3)	Duty to pay the prescribed entitlement to a staff member who makes an election under r 11(2)	DCCS, FC	
r 11(4)	Duty to pay the prescribed entitlement to a member ceases employment due to any of the reasons set out in r 11(1) and had not taken the whole of their long service leave accrued	DCCS, FC	
r 11(6)	Duty to pay the prescribed entitlement to a member who has completed 7 years and has been terminated for serious or wilful misconduct or poor performance.	DCCS, FC	



<b>LOCAL GOVERNMENT (LONG SERVICE LEAVE) REGULATIONS 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 11(7)(b)(i)	Duty to approve a medical practitioner for the purpose of r 11	DCCS, FC	
r 15(6)	Power to include a period of service when the member was absent from duty as 'recognised service'	DCCS, FC	
r 16(1)	Duty to grant a day off if public holiday falls during any period taken as long service leave	DCCS, FC, HRM, CEO	
r 17	Power to agree with a staff member as to when long service leave may be taken	DCCS, FC, HRM, CEO	
r 18	Power to approve the request of a staff member to take long service leave entitlement at half the salary for twice the period	DCCS, FC, HRM, CEO	
r 19	Power to approve the request of a staff member to engage in other employment during long service leave	CEO	
r 20	Duty to provide other councils with information upon request	DCCS, FC, HRM, CEO	
r 21(1)(a)	Duty to inform other councils of commencement of employment of member of staff where that person previously worked at that Council	DCCS, FC, HRM, CEO	
r 21(1)(b)	Duty to pay other Council the prescribed entitlement within 2 months of being informed of employment	DCCS, FC, HRM, CEO	
r 21(3)(a)	Duty to refund a payment under r 21(1) if the circumstances in (a)-(d) exist	DCCS, FC, HRM, CEO	



<b>LOCAL GOVERNMENT (LONG SERVICE LEAVE) REGULATIONS 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 22(1)	Power to enter into an agreement with a body referred in r 15 (4) regarding transfer of entitlements	DCCS, FC, HRM, CEO	

<b>LOCAL GOVERNMENT (GENERAL) REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 10	Duty to include in the notice of rates and charges the information prescribed	DCCS, FC	
r 12	Duty to make available for inspection documents containing certain prescribed matters	GM, DCCS, DIDW, CEO	
r 13(1)	Duty to include certain prescribed statements in a land information certificate	GM, MPE	
r 13(2)	Power to sign a land information certificate	DIDW, MPE, CEO	



<b>LOCAL GOVERNMENT (PLANNING AND REPORTING) REGULATIONS 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 6	Duty to include a statement of capital works in the Strategic Resource Plan and ensure that the Plan is in the prescribed form	DCCS, FC, CEO	
r 7	Duty to include prescribed information in the financial statements included in the Strategic Resource Plan	DCCS, FC, CEO	
r 8	Duty to include prescribed information in the statements describing the required non-financial resources to be included in the Strategic Resource Plan	DCCS, FC, CEO	
r 9	Duty to include a statement of capital works in the financial statements included in a budget or revised budget and ensure that the financial statements are in the prescribed form	DCCS, FC, CEO	
r 10	Duty to include prescribed information in the budget or revised budget	DCCS, FC, CEO	
r 11	Duty to include in a public notice the date on which Council will meet to adopt its budget or revised budget and, for revised budgets – a summary of reasons for the preparation of the revised budget.	DCCS, FC, CEO	
r 12	Duty to comply with the governance and management checklist	GM, CEO	
r 13(2)	Duty to include prescribed information in the report of operations	DCCS, FC, CEO	

<b>LOCAL GOVERNMENT (PLANNING AND REPORTING) REGULATIONS 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 14	Duty to include in the report of operations a description of the operations of Council during the financial year and prescribed information	DCCS, FC, CEO	
r 16	Duty to include prescribed information relating to performance results in the performance statement	DCCS, FC, CEO	
r 17	Duty to include prescribed information in the performance statement	DCCS, FC, CEO	
r 19 & r 20	Duty to include prescribed information in financial statements contained in an annual report	DCCS, FC, CEO	
r 21	Duty to ensure that the financial statements included in a Council's annual report are certified by the CEO and Principal Accounting Officer of Council	DCCS, FC, CEO	
r 25(2B)	Duty to include the items in r 25(2B)(a)-(b) in the report of operations for the financial year commencing on 1 July 2016	DCCS, FC, CEO	
r 26(2)	Duty to include the items in r 26(2)(a)-(b) in the report of operations for the financial year commencing on 1 July 2017	DCCS, FC, CEO	
r 27	Duty to include the items in r 27(a)-(b) in the report of operations for the financial year commencing on 1 July 2018	DCCS, FC, CEO	



<b>LOCAL GOVERNMENT (PLANNING AND REPORTING) REGULATIONS 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 28(1)	Duty to include the items in r 28(1)(a) and (b) in the report of operations for the financial year commencing on 1 July 2019	DCCS, FC, CEO	
r 28(2)	Duty to include the items in r 28(2)(a) and (b) in the performance statement for the financial year commencing on 1 July 2019	DCCS, FC, CEO	
r 29(1)	Duty to include the items in r 29(1)(a) and (b) in the report of operations for the financial year commencing on 1 July 2020	DCCS, FC, CEO	
r 29(2)	Duty to include the items in r 29(2)(a) and (b) in the performance statement for the financial year commencing on 1 July 2020	DCCS, FC, CEO	
r 30(1)	Duty to include the items in r 30(1)(a) and (b) in the report of operations for the financial year commencing on 1 July 2021	DCCS, FC, CEO	
r 30(2)	Duty to include the items in r 30(2)(a) and (b) in the performance statement for the financial year commencing on 1 July 2021	DCCS, FC, CEO	



<b>OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 375(3)(c)(ii)	Function to assist in the preparation of an emergency management plan for a major hazard facility	MERO, OHSC	
r 376(c)	Function to receive a copy of the parts of the emergency plan relating to the off-site consequences of a major incident occurring	MERO	
r 379(4)(b)	Function to review and, if necessary, revise the emergency management plan in relation to the off-site consequences of a major incident occurring	MERO, OHSC	
r 394(1)	Function to receive information about the safety of a major hazard facility	MERO, OHSC	
r 396	Function to be consulted on all matters that could affect the health and safety of members of the local community in the event of a major incident occurring	MERO, OHSC	
r 433(2)(b)(ii)	Function of assisting in the preparation of an emergency management plan for a prescribed mine	ND	
r 434(b)(ii)	Function to receive a copy of the emergency plan relating to the off-site consequences of a major incident occurring	MERO, OHSC	





<b>PUBLIC HEALTH AND WELLBEING REGULATIONS 2019</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 19(6)	Function of receiving a copy of a disease vector control notice	EHO	
r 59(4)	Function of being notified of test results	EHO	
r 59(7)	Function of receiving written notice	EHO	
r 98	Function of being notified by the Secretary	EHO	
r 112(1)	Power to request information	EHO	

<b>PUBLIC HEALTH AND WELLBEING (PRESCRIBED ACCOMMODATION) REGULATIONS 2009</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 17A(2)	Power to determine a building to be of cultural heritage significance if one of the circumstances in (2)(a) – (d) exist	DIDW, MPE	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 10	Function of receiving application for registration of a caravan park	EHO, MPE	
r 12(1)	Duty to grant the registration if satisfied	EHO, MPE, DIDW	
r 12(2)	Duty to renew the registration	EHO	
r 12(3)	Duty to consider matters at (a) – (e)	EHO, MPE, DIDW	
r 12(4)	Duty to issue a certificate of registration in the form prescribed	EHO, MPE, DIDW	
r 12(5)	Duty to issue a certificate of renewal of registration in the form prescribed	EHO, MPE, DIDW	



r 14(1)	Function of receiving notice of transfer of ownership of a caravan park	BPC, MBPD	
r 15(1)	Duty to grant the transfer of registration to the new caravan park owner	BPC, EHO	
r 15(2)	Duty to issue a certificate of transfer of registration in the form prescribed	BPC, EHO	
r 17	Duty to keep a register of the caravan parks	EHO, BPC, MBPD	Must contain information referred to in r 17(1) (a) – (i)
r 22(1)	Duty to notify the caravan park owner of the relevant emergency services agencies for the caravan park	MERO	
r 22(2)	Power to consult with the relevant emergency services agencies	MERO	
r 25(3)	Power to consult with the relevant floodplain management authority	MPE	
r 26	Power to have regard to any report of the relevant fire authority in relation to the caravan park	MERO, RLLC	
r 40	Function of receiving notice of proposal to install an unregistrable movable dwelling or rigid annexe in a caravan park	MPE, DIDW, MBS	
r 41(4)	Function of receiving a copy of installation certificate	MPE, DIDW, MBS	
r 43	Power to approve a non-habitable structure as a dwelling or part of a dwelling for use	MPE, DIDW, MBS	
sch 3 cl 4(3)(b)	Power to approve removal of wheels and axels from unregistrable movable dwelling on a chassis	MPE, DIDW, MBS	



<b>ROAD SAFETY ROAD RULES 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 200(2)	Power to permit drivers of heavy and long vehicles to stop on roads in a built-up area for longer than 1 hour	RLLC, ME, DIDW	
r 244C	Function of consulting with the Head, Transport for Victoria regarding specification of a route or area under r 244C(1)	ME, DIDW	
r 289(1)(d)	Power to prohibit drivers riding bicycles or animals on the nature strip	RLLC, ME, DIDW	



<b>ROAD SAFETY (GENERAL) REGULATIONS 2019</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 79(1)(b)	Power to authorise staff member to file a charge	CEO, DIDW	

<b>ROAD SAFETY (TRAFFIC MANAGEMENT) REGULATIONS 2019</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 10(1)	Function of receiving notice, in writing, from the Head, Transport for Victoria if the Head, Transport for Victoria proposes to erect, display, place, remove or alter a traffic control device of a kind referred to in r 9(4)(a) to (f) (a proposal) on a road or road related area that is within the municipal district of the Council	DIDW, ME	Unless the road or road related area forms part of a freeway or arterial road
r 10(2)	Power to disagree, in writing, with the proposal	DIDW, ME	
r 11(1)	Power to erect, display, place, remove or alter traffic control devices on roads or road related areas	DIDW, ME, WM	Where Council is a responsible entity
r 11(2)(a)	Power to erect, display, place, remove or alter a minor traffic control device that is for the control of stopping or parking of vehicles in accordance with Part 12 of the <i>Road Safety Road Rules 2017 (Vic)</i>	DIDW, ME, WM	On a road or road related area forming part of an arterial road within Council's municipal district
r 11(2)(b)	Power to erect, display, place, remove or alter a traffic control device that is associated with a children's crossing	DIDW, ME, WM	
r 11(2)(c)	Power to erect, display, place, remove or alter a traffic control device installed in accordance with r 15	DIDW, ME, WM	
r 11(2)(d)	Power to erect, display, place, remove or alter any other minor traffic control device or a major traffic control device	DIDW, ME, WM	With the authorisation of the Head, Transport for Victoria Subject to r 11(3)

ROAD SAFETY (TRAFFIC MANAGEMENT) REGULATIONS 2019			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 11(4)	Duty to alter the minor traffic control device to remove the inconsistency or remove the minor traffic control device	DIDW, ME, WM	If a minor traffic control device referred to in r 11(2)(a) is inconsistent with a major traffic control device located on the same length of road
r 12(1)(d)	Power to authorise an authorised works manager, or a person acting on behalf of an authorised works manager, to erect, display, place, remove or alter any other minor traffic control device	DIDW, ME, WM	Where Council is the coordinating road authority for that road or road related area Note: see r 23(b)
r 13(1)(f)	Power to authorise a person, to whom a coordinating road authority has issued a permit under section 99B of the <i>Road Safety Act 1986</i> (Vic) to conduct a non-road activity, to erect, display, place, remove or alter any other minor traffic control device	DIDW, ME, WM	Where Council is the coordinating road authority for that road or road related area Note: see r 23(b)
r 18(1)(b)	Power to authorise a person to erect, display, place, remove or alter traffic control devices	DIDW, ME, WM	Where Council is the coordinating road authority Note: see r 23(b)
r 27	Power to permit, in writing, a person to drive a vehicle on a road in an organised procession (other than a funeral procession) or a parade	DIDW, ME, WM	Where Council is the coordinating road authority for that road
r 30(4)	Power to approve, in writing, a police-controlled rolling road closure	DIDW, ME, WM	Where Council is the coordinating road authority
r 32(2)(d)(ii)	Power to approve a highway collection being conducted	DIDW, ME, WM	



<b>ROAD SAFETY (TRAFFIC MANAGEMENT) REGULATIONS 2019</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 34(1)	Function of receiving an application for a permit under s 99B of the <i>Road Safety Act 1986</i> (Vic) from a person intending to conduct a non-road activity on a highway	DIDW, ME, WM	Where Council is the coordinating road authority
r 34(4)	Power to reduce, waive or refund the fee for a permit	DIDW, ME, WM	Where Council is a coordinating road authority If there are special circumstances that justify the reduction, waiver or refund of the fee





<b>ROAD SAFETY (VEHICLES) REGULATIONS 2009</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 104(3)	Power to enter into an agreement with VicRoads to provide for discounted search and extract fees	DIDW, ME, WM	



<b>SUBDIVISION (FEES) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 9	Power to fix a fee for considering an engineering plan submitted under s 15 of the <i>Subdivision Act 1988</i>	MPE, DIDW	
r 12	Power to waive or rebate the payment of a fee payable under the <i>Subdivision Act 1988</i>	MPE, DIDW	
r 13	Duty to record reasons for waiving or rebating payment of a fee under r 12 in writing	MPE, DIDW	



<b>SUBDIVISION (PROCEDURES) REGULATIONS 2011</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 11	Duty to give the applicant the address and lot location of each lot on the plan	MPE, DIDW	
r 14(a)	Duty to provide the referral authority with a copy of the application and certain details	MPE, DIDW	
r 14(b)	Duty to provide the applicant with a copy of the application and certain details	MPE, DIDW	
r 19(1)	Duty to send the referral authority notice of revised time for consideration of the plan, when sending a copy of altered plan under s 10(5) of <i>Subdivision Act 1988</i>	MPE, DIDW	
r 19(3)	Duty to send the applicant notice of revised time for consideration of the plan when altered plan is sent to a referral authority under s 10(5) of <i>Subdivision Act 1988</i>	MPE, DIDW	
r 23(a)	Duty to provide the referral authority with a copy of the plan and certain details, when referring an application to amend a certified plan under s 11(1) of <i>Subdivision Act 1988</i>	MPE, DIDW	
r 23(b)	Duty to provide the applicant with a copy of the application and certain details, when referring an application to amend a certified plan under s 11(1) of <i>Subdivision Act 1988</i>	MPE, DIDW	



<b>SUBDIVISION (PROCEDURES) REGULATIONS 2011</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 29	Duty to provide the applicant with the amended street address and lot location of each lot on amended plan or new plan	MPE, DIDW	In circumstances described in r 29
r 33(1)	Duty to maintain a register of applications	MPE, DIDW	
r 33(4)	Duty to make the register available for inspection	MPE, DIDW	
r 36(4)	Duty to send notice of refusal where Council refuses to issue a statement of compliance under s 21 of <i>Subdivision Act 1988</i>	MPE, DIDW	



<b>SUBDIVISION (REGISTRAR'S REQUIREMENTS) REGULATIONS 2011</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 20	Function of being advised by Registrar of any amendments made to any certified plan under s 22(2)(a) of <i>Subdivision Act 1988</i>	MPE, DIDW	



<b>VICTORIAN ENERGY EFFICIENCY TARGET (PROJECT-BASED ACTIVITIES) REGULATIONS 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 18(2)(a)	Function to determine, or dispense with, any matter or thing left by the Secretary	ND	This function only arises where the Secretary is exercising the powers conferred on them under r 18(1)
r 18(2)(b)	Function to perform powers conferred, or duties imposed, by the Secretary in connection with the matters referred to under r 18(1)	ND	This function only arises where the Secretary is exercising the powers conferred on them under r 18(1)



<b>MISCELLANEOUS AND ADMINISTRATIVE POWERS</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>THING DELEGATED</b>		<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
<b>Section A – Finance Issues</b>			
Power to sign and issue Council order forms for purchase of goods, services and works and to enter into contracts for provision of goods, services and works to the Council		DCCS, FC	
Power to authorise payment of wages, salaries, related payments		DCCS, FC	
Power to authorise payment of Councillor and Mayoral allowances		DCCS, FC	<p>Within the amount of allowance as determined by the Victorian Independent Remuneration Tribunal in accordance with s 39 of the <i>Local Government Act 2020</i></p> <p>In accordance with s 39(6) of the <i>Local Government Act 2020</i>, s 74 of the <i>Local Government Act 1989</i> continues to apply in respect of allowances payable to Mayors, Deputy Mayors and Councillors until the first Determination made by the Victorian Independent Remuneration Tribunal in accordance with s 39(6) of the <i>Local Government Act 2020</i></p>
Power to open bank accounts in Council's name		DCCS, FC	
Power to approve invoices and accounts for payment. Budget items - e.g. super		DCCS, FC	



<b>MISCELLANEOUS AND ADMINISTRATIVE POWERS</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>THING DELEGATED</b>		<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Power to authorise enforcement of overdue debts		DCCS, FC	
Power to appoint collection agency		DCCS, FC	
Power to approve contract variations		CEO, DCCS, FC	
Power to amend or vary agreements		DCCS, FC	
Power to sign cheques		DCCS, FC, CEO, BPC	
Power to approve electronic payments and transfers		DCCS, FC, CEO, BPC	
Power to authorise Petty Cash		DCCS, FC	
Power to issue credit cards to staff		DCCS, FC	
Power to authorise calling of invitations for expressions of interest or tenders for works, services and equipment.		CM, MBPD, DIDW, ME	
Power to authorise to sign contracts of sale and vendor statements for land approved for sale.		DCCS, CEO	
Power to sign contracts of sale for the approved acquisition of Real Estate (see 2A).		CEO, DCCS	
Power to authorise the order, release, refund, or return of securities, bank guarantees and bonds, relating to property transactions only.		CEO, DCCS, FC	





<b>MISCELLANEOUS AND ADMINISTRATIVE POWERS</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>THING DELEGATED</b>		<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Power to authorise progress payments		CEO, DCCS	
Power to authorise payment of contract variations		CEO, DCCS	
Power to determine fees and charges		DCCS, FC	
Power to authorise the sale or disposal of assets other than land.		BPC, CEO, DIDW, DCCS	
Power to write off bad debts		DCCS, FC	
<b>Section B – Building Issues</b>			
Power to determine fees required under cl 1(c)(i) of sch 2 and ss 18, 42 and 54 of the <i>Building Act 1993</i> for building permit, application for an occupancy permit (building work) and application for an occupancy permit (places of public entertainment).		ND	
Power to determine fees payable, person responsible for payment of fees and method of payment and recovery of fees for any application, approval, permit, consent, referral, request, information, inspection, consultation, advice, report, the keeping of documents and records or other function, service or work performed or provided under the <i>Building Act 1993</i> , <i>Building Regulations 2018</i> or for the purposes of any other building control or related function of the Council by the Council or its delegate or any member of staff of the Council.		ND	
<b>Section C – Miscellaneous Issues</b>			



<b>MISCELLANEOUS AND ADMINISTRATIVE POWERS</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>THING DELEGATED</b>		<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Power to appoint agent, and enter into agency agreement, for the purposes of s 108 of the <i>Local Government Act 2020</i>		DCCS, DIDW, CEO	
Power to obtain legal opinions and instruct external legal providers		GM, DCCS, DIDW, CEO	
Power to approve legal costs		CEO, DCCS	
Power to make "ex gratia" settlement of insurance claims		CEO	
Power to manage processing of insurance claims		DCCS	
Power to execute funding and service agreements with other levels of government.		CEO, DIDW, DCCS	
Power to execute applications for government grants		CEO, DCCS, DIDW	
Power to determine suitability and value of "in kind" local contributions toward \$ for \$ capital works		CEO, DIDW, DCCS	
Power to assess and determine applications for HACC services		DCCS, MCSW	
Power to grant approval for storage or sale of liquor on Council premises		CEO	
Power to make seasonal and casual allocation of sporting grounds		MBPD	



<b>MISCELLANEOUS AND ADMINISTRATIVE POWERS</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>THING DELEGATED</b>		<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Power to enter into agreements for voluntary or not-for-profit organisation to use Council facilities		DIDW, DCCS, BPC	
Power to make statements to the press		CEO, DCCS, DIDW	
Power to give authority to make statements to the press		CEO, DCCS, DIDW	
Power to authorise the issue of media releases		CEO DCCS, DIDW	
Power to authorise access to Council files and documents		CEO, DCCS, DIDW, GM	
Power to sign correspondence		CEO, DCCS, DIDW	
Power to make a decision relating to the conduct of a proceeding before the Victorian Civil and Administrative Tribunal, including a decision to settle the proceeding		CEO	Where Council is a party to a proceeding at the Victorian Civil and Administrative Tribunal
Power to make a decision relating to the conduct of a proceeding before Court, including a decision to settle the proceeding		ND	
Power to approve litigation settlement amounts		ND	up to <b>##insert amount</b>
Power to appeal a decision of the Victorian Civil and Administrative Tribunal or Court		ND	
Duty to administer a competition and consumer protection compliance program		DCCS	
Duty to administer a privacy compliance program		GM	



<b>MISCELLANEOUS AND ADMINISTRATIVE POWERS</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>THING DELEGATED</b>		<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Power to authorise entertainment expenses		DCCS, FC, CEO	
Power to authorise publication on the internet		GM, DCCS, DIDW, MBPD	
Power to authorise publication on the Intranet		GM, DCCS, DIDW, MBPD	
Power to make or authorise the making of submissions to external bodies		GM, DCCS, DIDW, MBPD	
Power to approve arrangements having important public relations aspect (e.g. opening ceremony for new facilities)		GM, DCCS, DIDW, MBPD	
Power to authorise expenditure on advertising and media		GM, DCCS, DIDW, MBPD	
Power to give permission to publish any document or publication		GM, DCCS, DIDW, MBPD	
Power to authorise allocation or change over of garbage bins		CM, WM	
Power to serve statements under the <i>Land Acquisition and Compensation Act 1986</i>		DIDW, MPE	
Power to sign transfer-related documentation under the <i>Duties Act 2000</i>		DIDW, MPE	
Power to authorise the release of deposit moneys under the <i>Sale of Land Act 1962</i>		DCCS, FC	



<b>MISCELLANEOUS AND ADMINISTRATIVE POWERS</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>THING DELEGATED</b>		<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Power to serve statutory notices in relation to land owned or managed by Council		DCCS, DIDW, RC, MPE	
Power to request a Minister or Secretary to appoint a Council officer to be an authorised officer or authorised for a particular purpose under an Act <sup>3</sup>		CEO, DIDW, DCCS	
Function of lodging claims for Natural Disaster Financial Assistance and liaising with the Department of Treasury and Finance regarding claims		DCCS, DIDW, CEO	

<sup>3</sup> Where an Act provides that an appointment or authorisation must be done by that Minister or Secretary. See eg: s 24ZW(2) of the *Prevention of Cruelty to Animals Act 1986*.



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### Email Letter

<b>From</b> Maryam Popal	<b>Date</b> 8 July 2020
<b>Direct</b> 03 9258 3305	<b>Email</b> maryam.popal@maddocks.com.au
<b>Partner</b> Melanie Olynyk	

Our Ref MSB:MARP:628721

Dear subscriber

### Delegations and Authorisations Service Update Second Update for 2020

We are pleased to provide you with our second update to the Delegations and Authorisations Service for 2020. This update takes into account legislative changes which were assented to, or made, on or after 28 January 2020, which affect councils' powers, duties and functions.

The update is contained on our Delegations and Authorisations Website, which can be accessed by clicking on the following link: <https://indepth.maddocks.com.au>.

As always, please carefully review this explanatory letter and refer to the updated instruments to ensure that you are aware of the recent legislative changes that affect your council's delegations and authorisations.

### Changes Made In This Update

This update amends our S1, S3, S4, S5, S6, S7, S11, S12, S13, S14, C3, C5 and C7 Instruments. We have outlined *some* of the changes to each Instrument below. We have also introduced two new Instruments. The S16 new Instrument has been introduced in light of Amendment VC179, which amends the Victorian Planning Provisions (**VPP**) and planning schemes in Victoria following the 2019/2020 bushfires. The S17 new Instrument has been introduced for the purposes of the *Oaths and Administrations Act 2018 (OA Act)*.

#### 1. Changes to the S1 Explanatory Notes

We have updated the S1 Explanatory Notes to reflect the *Local Government Act 2020 (Vic) (2020 LGA)*.

#### 2. Changes to the S5 Instrument of Delegation from Council to CEO (S5)

We have sought to clarify the limitations on a CEO's powers by making minor amendments to our S5 Instrument.

**3. Changes to the S6 Instrument of Delegation from Council to Members of Council Staff (S6)**

Our S6 Instrument has been updated to reflect the commencement of the 2020 LGA, as well as the commencement of some changes to the *Residential Tenancies Act 1997* (Vic). We have also updated the corresponding template Council resolutions in S3 and S4.

**4. Changes to the S7 Instrument of Sub-Delegation from Council's CEO to Staff (S7)**

We have produced a new S7 Instrument to replace the existing S7 and S7A Instruments.

In relation to the new S7 Instrument, we note that:

- 4.1 ss 216D(2), 216D(5)(a) and 216(5)(b) of the *Building Act 1993* (Vic) (**Building Act**) have been amended by the *Building and Environment Protection Legislation Amendment Act 2020* (Vic). These amendments will commence on 1 December 2020, unless proclaimed earlier;
- 4.2 s 86B of the *Electricity Safety Act 1998* (Vic) has been substituted by the *Emergency Management Legislation Amendment Act 2018* (Vic) (**EM Amendment Act**) and will no longer be relevant to councils. This amendment will commence on 1 December 2020, unless proclaimed earlier;
- 4.3 the EM Amendment Act has introduced a number of new provisions into the *Emergency Management Act 2013* (Vic) (**2013 EM Act**) which will commence on 1 December 2020, unless proclaimed earlier;
- 4.4 the *Gender Equality Act 2020* (Vic) was assented to on 25 February 2020. A number of powers, duties and functions have been included our S7 Instrument which will commence on 31 March 2021, unless proclaimed earlier;
- 4.5 ss 7A(2), 21(10)(a), 21(10)(b) and 21(10)(c) of the *Subdivision Act 1988* (Vic) have been introduced by the *Melbourne Strategic Assessment (Environment Mitigation Levy) Act* (Vic) (**MSA (EML) Act**);
- 4.6 the *Great Ocean Road and Environs Protection Act 2020* has been inserted and the relevant provisions will commence on 1 December 2020 unless proclaimed earlier;
- 4.7 the new *Electric Safety (Electric Line Clearance) Regulations 2020* replace the previous *Electric Safety (Electric Line Clearance) Regulations 2015*;
- 4.8 the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020* have been inserted and are in force; and
- 4.9 it contains relevant provisions from both the *Local Government Act 2020* and *Local Government Act 1989*.

**5. Changes to the S11 Instrument of Appointment and Authorisation (S11)**

Our S11 Instrument has been updated to refer to the upcoming replacement of the *Emergency Management Act 1986* (Vic) with the 2013 EM Act, due to amendments made by the EM Amendment Act. These amendments commence on 1 December 2020, unless proclaimed earlier.

**6. Changes to the S12 Instrument of Delegation and Authorisation by Municipal Building Surveyor (S12)**

In relation to our S12 Instrument, we note that:

- 6.1 ss 18D(2) and 24(4A) of the Building Act has been introduced by the MSA (EML) Act; and
- 6.2 s 112(3) of the MSA (EML) Act has been inserted.

**7. Changes to the S13 Instrument of Delegation of CEO powers, duties and functions to Members of Council Staff (S13)**

We have produced a new S13 Instrument to replace the existing S13 and S13A Instruments.

In relation to the new S13 Instrument, we note that:

- 7.1 s 54(1)(a)(vii) of the 2013 EM Act has been included due to amendments made by the EM Amendment Act;
- 7.2 s 38A of the *Freedom of Information Act 1982* (which provided an exemption for closed Council meeting documents) has been repealed;
- 7.3 the new *Local Government (Electoral) Regulations 2020* replace the previous *Local Government (Electoral) Regulations 2016*; and
- 7.4 it contains relevant provisions from both the *Local Government Act 2020* and *Local Government Act 1989*.

**8. Changes to the S14 Instrument of Delegation by Chief Executive Officer for VicSmart Applications (S14)**

Our S14 Instrument has been updated to reflect the commencement of the 2020 LGA.

**9. New S16 Instrument of Delegation by Chief Executive Officer for Bushfire Reconstruction**

This new Instrument of Delegation has been prepared in light of Amendment VC179, which changes the VPP and planning schemes in Victoria by:

- 9.1 replacing the existing blank Clause at 52.10 with a new Clause 52.10; and
- 9.2 amending the Schedule to Clause 72.01 to designate the Council's CEO as the responsible authority for planning permit applications made under the new Clause 52.10.

The new Instrument takes into account the new provision inserted in Clause 52.10-2, which exempts planning permit applications for the use and development of land from third-party notice and review requirements, subject to meeting the conditions of the clause. The application must be made within 5 years of the damage or destruction of the building.

**10. New S17 Instrument of Appointment and Authorisation (Oaths and Affirmations Act 2018)**

We have prepared a new Instrument of Appointment and Authorisation for the purposes of the OA Act. Section 12 of the OA Act deals with administering oaths and affirmations, and s 19 of the OA Act deals with who are authorised affidavit takers. Pursuant to ss 48(4) and (5)



of the 2020 LGA, a senior officer of a council can be authorised by the council's CEO for the purposes of both ss 12 and 19 of the OA Act.

**11. Changes to the C3 and C5 Instruments for Planning Committees**

We have updated the C3 Council Resolution, Appointment and Delegation (Planning Committee) and the C5 Instrument of Delegation (Planning Committee).

**12. Changes to the C7 Instrument of Delegation to Community Asset Committees (C7)**

Our C7 Instrument has been amended to become an Instrument of Sub-Delegation, relying on s 47(1)(b) of the 2020 LGA. This template is used by Council's CEO to sub-delegate powers to a member of a Community Asset Committee.

It can be used in conjunction with the C6 Council Resolution, Appointment and Delegation (Community Asset Committees). That template sets out the suggested form of a Council resolution for the establishment of a Community Asset Committee.

Council's CEO may also establish a Community Asset Committee relying on s 65 of the 2020 LGA in exercise of their S5 Instrument. However, we have not provided for the CEO to sub-delegate that power in our S7 Instrument of Sub-Delegation from Council's CEO to Staff.

**Local Laws**

While this has been mentioned in our previous updates, we again remind councils of the importance of delegating not only the powers, duties and functions existing under legislation, but also any council powers, duties and functions existing in any local laws made by their council.

Our Delegations and Authorisations Service covers only the former and so it is up to each council to ensure that it reviews all of its local laws and, where appropriate, delegates relevant powers, duties and functions.

**Updating Your Instruments**

As always, we recommend that you re-make all of your council delegations regularly to ensure that they remain up to date and cover all relevant provisions. This includes the S5 Instrument.

We also wish to advise that Bronte Wright, who many of you will know through your contact with her as part of the Service, has commenced a new role in-house at a government agency and so will no longer be a point of contact. Instead, please direct any queries you have to Maryam Popal ([maryam.popal@maddocks.com.au](mailto:maryam.popal@maddocks.com.au)), a lawyer who works closely with me, or myself.

Yours sincerely  
Maddocks



Transmission authorised by:  
Melanie Olynyk  
Partner



Maddocks

Maddocks Delegations and Authorisations

***S13 Instrument of Delegation of CEO powers, duties and functions***

**West Wimmera Shire Council**

**Instrument of Delegation**

**by**

**The Chief Executive Officer**

# 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 on the coming into force of this Instrument of Delegation each delegation under the Instrument of Delegation dated 18 June 2020 and executed by David Leahy is revoked;
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 19 August 2020 and is made by the Chief Executive Officer.

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

.....  
Witness

Date: .....

DRAFT



# SCHEDULE

DRAFT



## INDEX

<b>CHILD WELLBEING AND SAFETY ACT 2005 .....</b>	<b>1</b>
<b>EMERGENCY MANAGEMENT ACT 2013.....</b>	<b>2</b>
<b>ENVIRONMENT PROTECTION ACT 1970.....</b>	<b>3</b>
<b>FINES REFORM ACT 2014 .....</b>	<b>4</b>
<b>FIRE SERVICES PROPERTY LEVY ACT 2012 .....</b>	<b>5</b>
<b>FOOD ACT 1984.....</b>	<b>6</b>
<b>FREEDOM OF INFORMATION ACT 1982.....</b>	<b>7</b>
<b>INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011 .....</b>	<b>9</b>
<b>LOCAL GOVERNMENT ACT 2020 .....</b>	<b>11</b>
<b>LOCAL GOVERNMENT ACT 1989 .....</b>	<b>22</b>
<b>PLANNING AND ENVIRONMENT ACT 1987 .....</b>	<b>30</b>
<b>PUBLIC HEALTH AND WELLBEING ACT 2008.....</b>	<b>31</b>
<b>PUBLIC INTEREST DISCLOSURES ACT 2012.....</b>	<b>32</b>
<b>ROOMING HOUSE OPERATORS ACT 2016.....</b>	<b>33</b>
<b>SERVICE VICTORIA ACT 2018 .....</b>	<b>34</b>
<b>SHERIFF ACT 2009 .....</b>	<b>36</b>
<b>VALUATION OF LAND ACT 1960 .....</b>	<b>37</b>
<b>VICTORIAN DATA SHARING ACT 2017.....</b>	<b>38</b>
<b>VICTORIAN INSPECTORATE ACT 2011 .....</b>	<b>39</b>
<b>LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2020 .....</b>	<b>39</b>



<b>CHILD WELLBEING AND SAFETY ACT 2005</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 29(2)	Function of receiving written notice and consenting to inspection of relevant premises by the Commission for Children and Young People	DCCS, MCSW	
s 29(3)	Power to consent to inspection of relevant premises without written notice by the Commission for Children and Young People	DCCS, MCSW	
s 36	Duty to ensure that the Commission for Children and Young People is given any assistance reasonably required to perform functions	DCCS, MCSW	
s 43	Function of receiving birth notice in certain circumstances	MCHC	
s 45	Duty to send a copy of a birth notice to a nurse or the Secretary	MCHC	
s 46K(1)(g)	Power to authorise, in writing, a person employed or engaged by Council, in relation to childhood services implementation or policy, as a Child Link user	DCCS, MCSW	
s 46K(1)(h)	Power to authorise, in writing, a nurse employed or engaged by Council, to provide maternal and child health programs for a Maternal and Child Health service, as a Child Link user	MCSW	



<b>EMERGENCY MANAGEMENT ACT 2013</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54(1)(a)(vii)	Power to nominate a person, position or role to be a member of the Regional Emergency Management Planning Committee	CEO	Note: this provision commences on 1 December 2020, unless proclaimed earlier
s 59B(1)(b)	Power to nominate a member of Council staff to be the chairperson of the Municipal Emergency Management Planning Committee	CEO	Note: this provision commences on 1 December 2020, unless proclaimed earlier  Delegates cannot nominate themselves
s 74E(3)	Function of receiving a copy of any Orders made by Governor in Council under this section	DIDW, CEO	





<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 50AC	Function of consulting with Sustainability Victoria prior to submission of State-wide Waste and Resource Infrastructure Plan to the Minister	DIDW, WM	
s 50BC	Function of consulting with Waste and Resource Recovery Group prior to submission of Regional Waste and Resource Recovery Implementation Plan to Sustainability Victoria	DIDW, WM	



<b>FINES REFORM ACT 2014</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 175(1)(b)	Power to certify that exceptional circumstances apply requiring Council not to provide required information	DIDW, DCCS	Where Council is a 'specified agency'



<b>FIRE SERVICES PROPERTY LEVY ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 66	Power to disclose information in capacity as a collection agency unless that information will or is likely to identify a particular person	DCCS, RC	s 66 does not apply if the disclosure is permitted by, or is necessary for the administration of, this Act
s 68	Power to authorise the secondary disclosure of information obtained under, or in relation to the administration of, this Act	DCCS, RC	



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 50AB	Function of signing a certificate under this Act	EHO	



<b>FREEDOM OF INFORMATION ACT 1982</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 6W(4)	Duty to ensure that all officers and employees are informed about the requirements of the professional standards	GM, DCCS	
s 8(2)	Duty to make certain documents available for inspection and purchase	GM, DCCS	
s 8(3)	Duty to cause to be prepared a corresponding document, altered only to the extent necessary to exclude exempt matter	GM	
s 8(5)	Duty to cause the fact of the existence of a document to be published	GM	
s 61E	Duty to co-operate with the Information Commissioner in dealing with a complaint	GM	
s 61G	Function of consulting with the Information Commissioner	GM	
s 61GA(1)(a)	Function of processing or identifying a reasonable sample of the documents upon notice from the Information Commissioner	GM	Where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of the complaint under s 25A(1) or s .25A(5)
s 61GA(1)(b)	Function to undertake a further search, or to cause a	GM	Where the Information Commissioner



<b>FREEDOM OF INFORMATION ACT 1982</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	further search to be undertaken, for documents in the possession, custody or control of the agency or Minister, upon notice from the Information Commissioner		believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision
s 61GA(2)	Duty to comply with requests under s 61GA(1) within the reasonable time stated in Information Commissioner's notice, being not less than 10 business days	GM	
s 61GA(3)	Power to apply for extension	GM, CEO	
s 61H	Power to reach an agreement with a complaint	CEO	
s 61I(2)	Power to make submissions in relation to a complaint	GM, CEO	
s 61L(5)	Power to comment on and response to a draft recommendation or draft comment	GM, CEO	
s 61R(4)	Power to respond to adverse material	GM, CEO	
s 63BA(1)	Power to apply to the Supreme Court for a determination	CEO	
s 63BA(4)(a)	Power to make an application	GM, CEO	
s 63E(3)(b)	Power to give written consent to a disclosure	GM	
s 64B	Duty to give the Information Commissioner any information referred to in s 64(2)	GM	



<b>INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 41	Power of receiving information acquired by the Independent Broad-based Anti-corruption Commission ( <b>IBAC</b> )	GM, CEO	
s 57	Duty to notify IBAC of any matter believed to constitute corrupt conduct	CEO	Subject to any exemption notices issued under s 57B
s 57A(5)	Duty to comply with Directions made by IBAC under s 57A	GM, CEO	
s 59D(2)	Duty to comply with request by IBAC under s 59D for relevant information	CEO, GM	
s 73	Power of receiving a complaint pertaining to Council staff, under circumstances in which it would be more appropriate for Council to conduct the investigation	CEO, GM	
s 159	Power of receiving IBAC recommendations about the action to be taken following an IBAC investigation	CEO, GM	
s 162	Power of receiving and responding to an IBAC special report that includes matters pertaining to Council	CEO, GM	
s 163(3)	Power of receiving written information about the commencement, conduct or results of an IBAC investigation pertaining to Council	CEO, GM	
s 165	Power of receiving and responding to IBAC material	CEO, GM	



<b>INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	that includes matters pertaining to Council, to be published in the IBAC annual report		





<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 32(4)(b)	Duty to provide reasonable assistance to a Councillor to enable them to access the Councillor induction training	GM	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 46(1)(a)	Function of supporting the Mayor and the Councillors in the performance of their roles	CEO, GM	Note: this provision commences on 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	Note: this provision commences on 1 July 2021
s 46(3)(a)	Duty of establishing and maintaining an organisational structure for the Council	HRM	Note: this provision commences on 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	Note: this provision commences on 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	Note: this provision commences on 1 July 2021 Subject to section 48(6) prohibiting appointment of a person who has been a



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to fix salaries for vacant positions	ND	Note: this provision commences on 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, DCCS, DIDW	Note: this provision commences on 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	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to create or approve creation of new positions	ND	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to conduct disciplinary action under relevant awards and policies	HRM, DCCS, DIDW	Note: this provision commences on 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, DCCS, DIDW	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to conduct interviews for staff annual review	HRM, DCCS, DIDW	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to authorise sick, annual and family leave	Managers, Supervisors,	Note: this provision commences on 1 July 2021



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
		DIDW, DCCS, HRM	
s 46(3)(b)	Power to approve long service leave and compassionate leave	HRM,DIDW,DCCS	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to authorise all forms of study and training leave and educational assistance	HRM,DIDW,DCCS	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve leave without pay	ND	Note: this provision commences on 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	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve attendance at conferences and seminars by staff	HRM,DIDW,DCCS	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve attendance at training programs by staff	HRM,DIDW,DCCS	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to give approval for staff to travel	HRM,DIDW,DCCS	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve travel accommodation for staff	HRM,DIDW,DCCS	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to sign Notice of Injury and Work Injury Form	HRM,DIDW,DCCS	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve claims under WorkCover excess	HRM,DIDW,DCCS, OHSC	Note: this provision commences on 1 July



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			2021
s 46(3)(b)	Power to approve expenses relating to an approved course of study for staff	HRM,DIDW,DCCS	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve staff engaging in other employment	ND	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to determine acceptance or denial of liability in the event of a WorkCover claim	HRM,DIDW,DCCS, OHSC	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to sign Letter of Acceptance of Resignation	HRM,DIDW,DCCS	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to provide references on Council letterhead	DIDW,DCCS	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to authorise access to a staff member's personal file	HRM, GM	Note: this provision commences on 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	Note: this provision commences on 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	Note: this provision commences on 1 July 2021



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Note: this provision commences on 1 July 2021
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	Note: this provision commences on 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	Note: this provision commences on 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	
s 47(7)	Duty to keep a register of delegations under section 47 of this Act	ND	
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	Note: this provision commences on 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	HRM	Note: this provision commences on 1 July



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	addressing the matters listed in s 48(2)		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  Note: this provision commences on 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	Note: this provision commences on 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	
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	Note: this provision commences on 24 October 2020 unless proclaimed earlier
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	Note: this provision commences on 1 July 2021
s 121	Function of receiving application for land information certificate	DIDW, MPE, RC	Note: this provision commences on 1 July 2021



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 122	Function of receiving acquisition notice	DIDW, MPE, RC	Note: this provision commences on 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	Note: this provision commences on 24 October 2020 unless proclaimed earlier
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	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 132(1)	Power to nominate a 'nominated officer'	CEO, GM	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 133	Function of receiving an initial personal interests return	GM	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 134	Function of receiving a biannual personal interests return	GM	Note: this provision commences on 24 October 2020 unless proclaimed earlier
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	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 135(3)	Duty to ensure the summary of personal interests is published on the Council's Internet site and available	GM	Note: this provision commences on 24



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	for inspection at the Council office		October 2020 unless proclaimed earlier
s 136(1)	Duty to ensure that personal interests return are kept in accordance with the Public Records Act 1973	GM	Note: this provision commences on October 2020 unless proclaimed earlier
s 136(2)	Duty to ensure that only the 'specified persons' have access to or can inspect a personal interests return	GM	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 150(1)	Duty to appoint the Councillor Conduct Officer and notify the Principal Councillor Conduct Registrar of the appointment	ND	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 230(16)	Duty to summon a Council Meeting within 14 days after the public declaration of the election result	ND	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 240(10)	Duty to send notice	GM	
s 240(11)	Duty to send notice	GM	
s 240(12)	Duty to send notice	GM	
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	
s 246(2)	Power to refuse enrolment and duty to give written reasons for refusal application for enrolment	ND	





<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	
s 246(4)	Power to require information to be given in writing and signed by the person giving the information	RC	
s 247(3)	Power to decide whether address should be placed on voters' roll and to then take action accordingly	RC	
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	
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	
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
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)
s 254(2)	Duty to obtain undertaking	CEO, GM, RC	



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 254(4)	Power to request the Victorian Electoral Commission to provide a copy of the voters' roll	GM, RC	
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	
s 306(1)	Function of receiving election campaign donation return	GM	
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	
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	
s 307(3)	Duty to ensure that a summary of the return is made available on the Council's Internet	GM	
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	



<b>LOCAL GOVERNMENT ACT 2020</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	
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	
s 324(2)	Power to sign a certificate certifying any matter relating to the contents of any document kept by a Council	GM, DCCS, DIDW	



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 28(1B)	Function of receiving notice of any change to any entitlement relating to enrolment of a Councillor	ND	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
ss 68A(1) & 69(1)(c)	Function of receiving resignation from a Councillor	ND	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 68A(4)	Power to commence the holding of an election to fill extraordinary vacancy	ND	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 72(1)(c)	Function of receiving resignation from the Mayor	ND	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 77(2)(c)	Power to designate information to be 'confidential information' for the purposes of s 77	ND	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 79(8)	Duty to record a conflict of interest in the minutes of a meeting	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 80(1A)	Function of providing additional information regarding an application made under section 80(1)(b)	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 80B(2)(b)	Duty to disclose type and nature of conflict of interest to the Mayor or the Council	GM, CEO	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 80B(2)(c)	Function of receiving written disclosure of conflict of interest from staff member	GM, CEO	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 81(1)	Power to nominate a 'nominated officer'	GM, DIDW, DCCS, CEO	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(2)	Function of receiving a primary return from a Councillor or a member of a special committee	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(4)	Function of receiving a primary return from a nominated person	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(5)	Function of receiving an ordinary return from a Councillor, member of a special committee or a nominated officer	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(9)	Duty to maintain a register of the interests of Councillors, members of special committees and nominated officers	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(10)	Duty to allow a person to inspect the register following a written request to the Chief Executive Officer	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(12)	Duty to take all reasonable steps to ensure that only persons who made written applications may inspect the register	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	GM	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	person ceases to hold that position		
s 81Y	Duty to appoint, in writing, a Principal Conduct Officer	ND	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 1 July 2021
s 94A(3)*	responsibility for appointing, directing, managing and dismissing Council staff and for all other issues relating to Council staff	ND	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve the filling of vacancies or the creation, reclassification, or abolition of positions within budget	ND	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to fix salaries for vacant positions	ND	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve the appointment, engagement or promotion of full time, part time and casual staff	HRM, DCCS, DIDW	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve position descriptions	HRM, DCCS, DIDW	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to create or approve creation of new positions	ND	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to conduct of disciplinary action under relevant awards and policies	HRM, DCCS, DIDW	Note: this provision will be repealed on 1 July 2021



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 94A(3)	Power to terminate or suspend the employment of, or to suspend from duty, a member of Council staff	DCCS, DIDW	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to conduct interviews for staff annual review	HRM, DCCS, DIDW	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to authorise sick, annual and family leave	DCCS, DIDW	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve long service leave and compassionate leave	HRM, DCCS, DIDW	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to authorise all forms of study and training leave and educational assistance	HRM, DCCS, DIDW	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve leave without pay	ND	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to authorise time sheets, higher duties, time-in-lieu, overtime and travel expense claims	All managers, supervisors & directors	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve attendance at conferences and seminars	HRM, DIDW, DCCS	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve attendance at training programs	HRM, DIDW, DCCS	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to give approval for officers to travel	HRM, DIDW, DCCS	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve travel accommodation	HRM, DIDW, DCCS	Note: this provision will be repealed on 1 July 2021





<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
			July 2021
s 94A(3)	Power to sign Notice of Injury and Work Injury Form.	HRM, DIDW, DCCS, OHSC	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve claims under WorkCover excess	HRM, DIDW, DCCS, OHSC	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve expenses relating to an approved course of study.	HRM, DIDW, DCCS	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve staff engaging in other employment	ND	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to determine acceptance or denial of liability in the event of a WorkCover claim	HRM, DIDW, DCCS, OHSC	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to sign Letter of Acceptance of Resignation	HRM, DIDW, DCCS	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to provide references on Council letterhead	HRM, DIDW, DCCS	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to authorise access to a staff member's personal file	GM, HRM	Note: this provision will be repealed on 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 between Council staff and Councillors	ND	Note: this provision will be repealed on 1 July 2021



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 94B(1)	Power to appoint a senior officer	ND	Note: this provision will be repealed on 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	Note: this provision will be repealed on 1 July 2021
s 94D	Duty to give Council staff an opportunity to apply for any vacant permanent full-time Council staff position	HRM	Note: this provision will be repealed on 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	Note: this provision will be repealed on 1 July 2021
s 95AA(3)	Duty to ensure members of Council staff have access to the code of conduct for Council staff	HRM	Note: this provision will be repealed on 1 July 2021
s 95B(5)	Duty to comply with a notice under s 95B(3)(b)		Note: this provision will be repealed on 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	Note: this provision will be repealed on 1 July 2021



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 97A(2)	Duty to review the performance of every senior officer at least once each year	Managers, supervisors and directors	Note: this provision will be repealed on 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</i> , and the financial statements pursuant to r 21(1)(a) of these Regulations  Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 138	Duty to give quarterly statements at a Council meeting that is open to the public	DCCS, FC	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
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	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 229(2)(b)	Function of receiving an application for a land information certificate	DIDW, MPE, RC	Note: this provision will be repealed on 1 July 2021]
s 230	Function of receiving notice in relation to the disposition of any land	DIDW, MPE, RC	Note: this provision will be repealed on 1 July 2021
s 231	Function of receiving notice in relation to the acquisition	ND	Note: this provision will be repealed on 1



<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	of any land		July 2021  The CEO is the prescribed person pursuant to r 15(1)(b) of the <i>Local Government (General) Regulations 2015</i>

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 140	Power to certify copies of instruments, documents, maps or plans under this Act	DIDW, MPE	Where the Council is the relevant responsible authority
s 141	Power to provide evidentiary statement pertaining to land use and permits under this Act	DIDW, MPE, RC	Where the Council is the relevant responsible authority
s 143	Power to provide evidentiary statement pertaining to s 173 agreements under this Act	DIDW, MPE	Where the Council is the relevant responsible authority



<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 226(2)	Power to sign evidentiary certificates under this Act	CEO, DIDW, MPE, EHO	



<b>PUBLIC INTEREST DISCLOSURES ACT 2012</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(2)	Function of receiving a disclosure	GM	



<b>ROOMING HOUSE OPERATORS ACT 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4	Function of liaising with Business Licensing Authority	EHO, MBS, MPE	
s 15(1)	Duty to provide information to Business Licensing Authority on request	EHO, MBS, MPE	
s 15(2)	Duty to give a report to Business Licensing Authority on inquiries made in response to request under s 15(1)	EHO, MBS, MPE	
s 24(2)	Duty to give a report to Business Licensing Authority on inquiries made in response to request under s 24(1)	EHO, MBS, MPE	



<b>SERVICE VICTORIA ACT 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 5(2)	Function of receiving a copy of the agreement made under s 5(1)	DCCS	
s 5(4)	Function of receiving a copy of a notice under s 5(3)	DCCS	
s 6	Duty to use best endeavours to give effect to a notice under s 5(3) which applies to Council	DCCS	
s 7(3)	Function of receiving a copy of the agreement made under s 7(1)	DCCS	
s 7(4)	Function of receiving a copy of a notice under s 7(3)	DCCS	
s 8(2)	Power to delegate the transferred customer service function to any person or class of person employed by, or acting on behalf of, the service agency from which the function is transferred	ND	Where Council's CEO has been transferred a transferred customer service function
s 10(2)	Function of receiving a copy of the agreement made under s 10(1)	DCCS	
S 10(4)	Function of receiving a copy of a notice under s 10(3)	DCCS	
s 11	Duty to use best endeavours to give effect to a notice under s 10(3) which applies to Council	DCCS	
s 12(3)	Function of receiving a copy of the agreement made under s 12(1)	DCCS	





<b>SERVICE VICTORIA ACT 2018</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(4)	Function of receiving a copy of a notice under s 12(2)	DCCS	
s 13(2)	Power to delegate the transferred identity verification function to any person or class of person employed by, or acting on behalf of, the service agency from which the function is transferred	ND	Where Council's CEO has been transferred a transferred identity verification function



<b>SHERIFF ACT 2009</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 54	Power to exempt Council from providing information to the Sheriff otherwise authorised by a warrant if exceptional circumstances apply	ND	



<b>VALUATION OF LAND ACT 1960</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 3(5)(ba)	Power to request valuations of land	DIDW, DCCS, MBPD	



<b>VICTORIAN DATA SHARING ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 8(1)	Function of receiving a written notice to provide the Chief Data Officer with data held by Council, and data that is specified in the Chief Data Officer's notice	DCCS	
s 11(1)	Function of receiving a written notice to provide information about Council's data holding	DCCS	
s 15(1)	Power to disclose identifiable data to the Chief Data Officer in response to a request under s 8	DCCS	In accordance with s 5
s 15(2)	Power to disclose identifiable data to a data analytics body for the purpose of data integration	DCCS	In accordance with s 5
s 21	Duty to inform the Chief Data Officer of the secrecy provisions which apply to the disclosed data	DCCS	Where the CEO is aware of secrecy provisions that apply to data that they have disclosed in accordance with this Act



<b>VICTORIAN INSPECTORATE ACT 2011</b>			
<b>Column 1</b>	<b>Column 2</b>		<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 87(2)	Function of responding to adverse material the Victorian Inspectorate intends to include in a report	ND	
s 91(2)	Function of responding to adverse material the Victorian Inspectorate intends to include in annual report	ND	

<b>LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2020</b>
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Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15(1)	Duty to provide details of a person's entitlement to be enrolled as a ratepayer on the voters' roll	CEO, GM, RC	Note: this provision will come into force on 13 July 2020
r 15(2)	Power to exchange relevant information to enrolment entitlements with the VEC	RC	Note: this provision will come into force on 13 July 2020
r 18	Duty to maintain a list of silent voters	RC	Note: this provision will come into force on 13 July 2020
r 19	Duty to ensure that only authorised persons have access to details of silent voters	GM, RC	Note: this provision will come into force on 13 July 2020
r 33	Duty to cause the Local Government Candidate Training to be conducted	CEO, GM	Note: this provision will come into force on 13 July 2020
r 35	Duty to keep a register of attendance	CEO, GM	Note: this provision will come into force on 13 July 2020
r 36(2)	Duty to comply with notice under subsection (1)	CEO, GM	Note: this provision will come into force on 13 July 2020
r 83	Duty to submit report on election received by the VEC to Council	CEO, GM	Note: this provision will come into force on 13 July 2020