

5.5 Governance Report

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Unit Manager Compliance & Governance

In Attendance: Unit Manager Compliance & Governance

Executive Summary

In accordance with best practice, good governance principles, transparent and accountable reporting, officers deem it appropriate to consolidate governance and administrative reports into one standing report to provide a single reporting mechanism for a range of statutory compliance, transparency, and governance matters. This also ensures compliance with the requirements of the *Local Government Act 2020*, Council's Governance Rules and related regulations.

The purpose of this report is to provide information for the following governance related matters:

- Instrument of Delegation (s6) to Members of Council Staff (Attachment 1).
- 3 December 2024, Audit and Risk Committee Summary Minutes (Attachment 2).
- Revised Audit and Risk Committee Charter (Attachment 3).
- Appointment of independent members to Council's Audit and Risk Committee for a three-year term.

Further information on the above listed matters are located within the body of this report.

Officers' Recommendation

THAT Council:

1. **Note the Governance Report for December 2024.**
2. **Resolve to delegate to the members of staff holding the relevant positions the powers, duties and functions set out in the Instrument of Delegation (s6) from Council to Members of Council Staff attached at Attachment 1.**
3. **Resolve to commence operation of the s6 Instrument of Delegation from Council to Members of Council Staff at Attachment 1 immediately upon the signing by the Mayor and Chief Executive Officer, and common seal of Council being affixed to the Instrument.**
4. **Revoke the previous s6 Instrument of Delegation from Council to Members of Council Staff adopted by Council on 18 June 2024.**
5. **Note the Summary Minutes of the Audit and Risk Committee Meeting held on 3 December 2024 at Attachment 2 and will be made available on Council's website.**
6. **Resolve to adopt the revised Audit and Risk Committee Charter at Attachment 3.**

- 7. Resolve, following a competitive expression of interest process to fill a vacant position, to appoint Lisa Tripodi as an independent member of the Audit and Risk Committee for a three-year term, concluding 16 December 2027.**
- 8. Note that Dr Marco Bini's three-year appointment as an independent member of the Audit and Risk Committee ceases on 30 June 2025, and:**
 - a. Resolve not to extend the appointment of Dr Marco Bini beyond 30 June 2025, and for the Chief Executive Officer or his delegate to write to Dr Marco Bini advising him of this resolution and thank him for his contributions over the past three years.**
 - b. Resolve to appoint Suzie Thoraval as the replacement independent member of the Audit and Risk Committee for a three-year term, commencing 1 July 2025 and concluding 30 June 2028.**

Background / Key Information

Instrument of Delegation (s6) to Members of Council Staff

The Instrument of Delegation to Members of Council Staff ensures that staff exercise the appropriate powers, duties, and functions on behalf of Council.

Delegations are assigned to specific positions rather than individuals, ensuring continuity and effectiveness. This approach prevents delegations from becoming obsolete in cases where a position is vacant or when a delegate is on leave, as delegated powers automatically transfer to staff acting in those positions.

The Instruments of Delegation are reviewed bi-annually to incorporate legislative updates and reflect changes to the organizational structure. The Instrument of Delegation to Members of Council Staff was most recently reviewed and adopted by Council on 18 June 2024.

The latest review and updates to the Instrument of Delegation to Members of Council Staff included:

- 6 new legislative provisions have been added as follows:
 - Section 19FA(1) of the *Food Act 1984* – This section delegates the power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program. This power is proposed to be delegated to the Director Planning and Development, Manager Compliance and Environmental Health, Unit Manager Environmental Health, Coordinator Environmental Health, and Environmental Health Officer.
 - Section 19FA(3)(a) of the *Food Act 1984* - This section delegates the power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given. This power is proposed to be delegated to the Director Planning and Development, Manager Compliance and Environmental Health, Unit Manager Environmental Health, and Coordinator Environmental Health.
 - Section 19FA(3)(b) of the *Food Act 1984* – This section delegates the power to revoke a registration granted in respect of premises where a proprietor of a food premises fails to comply with a direction given. This power is proposed to be delegated to the Director Planning and Development and Manager Compliance and Environmental Health.
 - Section 19FA(3)(c) of the *Food Act 1984* – This section delegates the power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction.

- This power is proposed to be delegated to the Director Planning and Development, Manager Compliance and Environmental Health, Unit Manager Environmental Health, and Coordinator Environmental Health.
- Regulation 45(3) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024* – This section delegates the power to determine places in which caravan park owner must display name and telephone number of an emergency contact person. This power is proposed to be delegated to the Director Planning and Development, Manager Compliance and Environmental Health, Unit Manager Environmental Health, and Coordinator Environmental Health.
- Regulation 45(5) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024* – This section delegates the power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of caravan park and a copy of the caravan park rules. This power is proposed to be delegated to the Director Planning and Development, Manager Compliance and Environmental Health, Unit Manager Environmental Health, and Coordinator Environmental Health.
- The following 10 provisions have been removed due to adjustment in their relevant statutory sources:
 - s12(2) of the *Road Management Act 2004* – Power to discontinue road or part of a road.
 - s12(4) of the *Road Management Act 2004* – Duty to publish, and provide copy, notice of proposed discontinuance.
 - s12(5) of the *Road Management Act 2004* – Duty to consider written submissions received within 28 days of notice.
 - s12(6) of the *Road Management Act 2004* – Function of hearing a person in support of their written submission.
 - s12(7) of the *Road Management Act 2004* – Duty to fix day, time, and place of meeting and to give notice.
 - r18(4) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024* – Power to determine where the emergency contact person's details are displayed.
 - r18(6) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024* – Power to determine where certain information is displayed.
 - r26 of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024* – Duty to have regard to any report of the relevant fire authority.

- r43 of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024* – Power to approve use of a non-habitable structure as a dwelling or part of dwelling.
- Schedule 3 clause 4(3) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024* – Power to approve the removal of wheels and axles from unregistrable movable dwelling.
- Based on the abovementioned updates to legislation, some officers have had modifications made to existing conditions and limitations in the exercise of their delegated powers.

Audit and Risk Committee Meeting Summary Minutes – 3 December 2024

At the Audit and Risk Committee held on 3 December 2024, the following matters were considered:

- Quarterly Risk Management Report covering Strategic and Operational Risks, treatment plans, emerging risks and public liability insurance claims.
- An update on Fraud and Corruption Control System.
- An update on Disaster Recovery Tests and Plans.
- Internal Audit Program delivery including internal audit scopes, a completed internal audit report for noting, and the performance of the internal auditors.
- Quarterly Corporate Performance Report including an update on Community Plan Action Plan, Good Governance actions, 2024-25 Capital Works Program, and Council's financial performance.
- An update on significant contracts, projects, and procurement matters.
- An update on Developer Contributions.
- Compliance and Governance matters as detailed in the Audit and Risk Committee Annual Work Plan.

To provide transparency and to comply with the requirements of the Audit and Risk Committee Charter, the summary minutes are provided at Attachment 2 for noting by Council and will be made available on Council's website.

Audit and Risk Committee Charter

Under section 54(1) of the *Local Government Act 2020*, Council is required to prepare and approve an Audit and Risk Committee Charter (**Charter**).

In line with the Audit and Risk Committee Work Plan, the Charter is reviewed every two years or more frequently if necessary. The current Charter was approved by Council at its meeting on 21 May 2024.

The Global Internal Audit Standards (Global Standards), published in January 2024, build upon the 2017 International Standards for the Professional Practice of Internal Auditing and the related mandatory guidance of the International Professional Practice Framework. Key changes introduced by the Global Standards, effective from 1 January 2025, include updates to Audit and Risk Committee qualifications and external quality assessments.

To align with the Global Standards updates, the Audit and Risk Committee conducted a review of the Charter. The key amendments include:

- Section 3.2.4: Adding a requirement for understanding internal audit as part of the skills and experience criteria for Audit and Risk Committee members.
- Section 4: Incorporating external quality assessment into the performance evaluation of the Audit and Risk Committee.

The revised Charter (Attachment 1) was endorsed by the Audit and Risk Committee at its meeting on 3 December 2024 and is being presented to Council for formal adoption.

Appointment of an Independent Member to the Audit and Risk Committee

Under section 53(1) of the *Local Government Act 2020 (the Act)*, Council is required to establish an Audit and Risk Committee (**Committee**). Section 53(3) of the Act mandates that the Committee include Councillor members, with a majority of members being independent.

In accordance with the Committee Charter:

- clause 3.2.5 states *independent members will be appointed for an initial period not exceeding three years and may be re-appointed for a further three-year period.*
- clause 3.2.3 states *in appointing both Councillor and independent members, Council will consider gender and diversity to ensure a balanced membership.*

Former independent member Jenny Johanson was originally appointed to the Committee for a three-year term on 4 October 2021 and re-appointed by Council for a further three-year term on 21 May 2024. In September 2024, Jenny Johanson retired from her role leaving the position vacant.

Additionally, independent member Dr Marco Bini was appointed to the Committee on the 1 July 2022 with his initial term ending 30 June 2025.

To fill these vacancies, a public expression of interest advertisement was released immediately following the election period seeking suitably qualified members. The recruitment panel comprised of the Committee Chair, Director Customer and Corporate Services, Unit Manager Compliance and Governance, and Compliance and Governance Officer.

At the time of closing, Council received over 50 applications from highly qualified and experienced candidates. The panel reviewed the applications and shortlisted four candidates based on their experience, qualifications, and alignment with the role's requirements. The shortlisted candidates were interviewed and further assessed against the selection criteria.

All panel members actively contributed to the recruitment process, and the outcome reflects their collective agreement. In selecting the shortlist, the panel emphasised gender diversity and the relevant skills needed to complement the Committee. Following deliberations, the recruitment panel unanimously recommend Lisa Tripodi and Suzie Thoraval as the new independent members of the Committee.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

High Performing Organisation

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

There is no community consultation and engagement considerations for this report.

Other Principles for Consideration

Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law.
 - (i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

Legal, Resource and Strategic Risk Implications

No implications.

Implementation Strategy

Communication

Once approved, an official letter of offer will be sent to Lisa Tripodi for the position of Independent Member of the Audit and Risk Committee for a three-year term, concluding ending 30 November 2027.

Critical Dates

No implications.

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Attachments

1. Instrument of Delegation from Council to Members of Council [5.5.1 - 93 pages]
2. Summary Minutes of the Audit and Risk Committee 3 December 2024 Meeting [5.5.2 - 14 pages]
3. Audit and Risk Committee Charter December 2024 [5.5.3 - 12 pages]



S6 Instrument of Delegation— Members of Staff

Whittlesea City Council

Instrument of Delegation

to

Members of Council Staff

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:

Title	Position
CDCI	Coordinator Development Contributions & Infrastructure
CEH	Coordinator Environmental Health
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CPPI	Coordinator Planning Policy & Implementation
CSLUP	Coordinator Strategic Land Use Planning
DCCS	Director Customer & Corporate Services
DCW	Director Community Wellbeing
DIE	Director Infrastructure & Environment
DPD	Director Planning & Development
EHO	Environmental Health Officer
EMPA	Executive Manager Public Affairs
LPGAP	Lead Principal Growth Area Planner
LPP	Lead Principal Planner
MAF	Manager Assets & Facilities
MBP	Manager Building & Planning
MBS	Municipal Building Surveyor
MCD	Manager Capital Delivery
MCEH	Manager Compliance & Environmental Health
MMO	Manager Maintenance & Operations
MSE	Manager Sustainable Environment
MSF	Manager Strategic Futures
MUDT	Manager Urban Design & Transport
PEO	Planning Enforcement Officer
PO	Planning Officer
PP	Principal Planner
SO	Subdivision Officer
SP	Senior Planner
SPO	Strategic Planning Officer
SSO	Senior Subdivisions Officer
SSP	Senior Strategic Planner
UMANM	Unit Manager Animal Management
UMCM	Unit Manager Conservation Management
UMEH	Unit Manager Environmental Health
UMGAP	Unit Manager Growth Areas Planning
UMPCF	Unit Manager Parks & City Forest
UMPE	Unit Manager Planning Enforcement
UMS	Unit Manager Subdivisions
UMSTPL	Unit Manager Strategic Planning
UMSTP	Unit Manager Statutory Planning

Group Title

Title	Position
SPEG	DPD, MBP, PLA, PEO
SPG	CDCI, CPPI, CSLUP, LPP, MBP, MSF, PO, PP, LPGAP, SP, SSP, UMGAP, UMSTP, UMSTPL, SPO
SSG	DPD, MBP, SO, SSO, UMGAP, UMS, UMSTP
STLG	CDCI, CPPI, CSLUP, UMGAP, UMPE, UMS, UMSTP, UMSTPL

- 3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 17 December 2024 and
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately when the common seal of Council is affixed to this Instrument of Delegation or where the Chief Executive Officer of Council is authorised under resolution, the Chief Executive Officer executes the 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 if 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.

DATED

THE COMMON SEAL of)
WHITTLESEA CITY COUNCIL)
was affixed in the presence of)

..... Mayor

..... Chief Executive Officer

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CEMETERIES AND CREMATORIA ACT 2003			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	Council in its capacity as the Trustee	
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	DPD	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	DPD	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) – (n)		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DPD	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	Council in its capacity as the Trustee	
s 15(4)	Duty to keep records of delegations	DPD	

CEMETERIES AND CREMATORIA ACT 2003			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(1)	Power to employ any persons necessary	Council in its capacity as the Trustee	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	Council in its capacity as the Trustee	
s 17(3)	Power to determine the terms and conditions of employment or engagement	Council in its capacity as the Trustee	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	DPD	
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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18C	Power to determine the membership of the governance committee		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18D	Power to determine procedure of governance committee		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust

CEMETERIES AND CREMATORIA ACT 2003			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18D(1)(b)	Power to appoint any additional community advisory committees		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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.		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
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>		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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))		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust

CEMETERIES AND CREMATORIA ACT 2003			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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)		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust

CEMETERIES AND CREMATORIA ACT 2003			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B 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		Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
s 19	Power to carry out or permit the carrying out of works	DPD, DIE, MMO, UMPCF	
s 20(1)	Duty to set aside areas for the interment of human remains	DPD	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	DPD	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	DPD	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	Council in its capacity as the Trustee	
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	MBS	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	DPD	Subject to the Minister approving the purpose

CEMETERIES AND CREMATORIA ACT 2003			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40	Duty to notify Secretary of fees and charges fixed under s 39	DPD	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	Council in its capacity as the Trustee	Provided the street was constructed pursuant to the <i>Local Government Act 2020</i>
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	DPD	
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DPD	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	DPD	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DPD	
s 60(2)	Power to charge fees for providing information	DPD	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DPD	
s 64B(d)	Power to permit interments at a reopened cemetery	DPD	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DPD	The application must include the requirements listed in s 66(2)(a)–(d)

CEMETERIES AND CREMATORIA ACT 2003			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	DPD	
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	DPD	
s 70(2)	Duty to make plans of existing place of interment available to the public	DPD	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	DPD	
s 71(2)	Power to dispose of any memorial or other structure removed	DPD	
s 72(2)	Duty to comply with request received under s 72	DPD	
s 73(1)	Power to grant a right of interment	DPD	
s 73(2)	Power to impose conditions on the right of interment	DPD	
s 74(3)	Duty to offer a perpetual right of interment	DPD	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	DPD	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DPD	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPD	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DPD	
s 80(2)	Function of recording transfer of right of interment	DPD	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DPD	
s 83(2)	Duty to pay refund on the surrender of an exercised right of interment	DPD	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	DPD	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DPD	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	DPD	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	DPD	
s 84I(4)	Power to exercise the rights of a holder of a right of interment	DPD	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84l(5)	Duty to pay refund to the previous holder or holders of the right of interment	DPD	
s 84l(6)(a)	Power to remove any memorial on the place of interment	DPD	
s 84l(6)(b)	Power to grant right of interment under s 73	DPD	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DPD	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	DPD	Does not apply where right of internment relates to remains of a deceased veteran.
s 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	DPD	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	DPD	The Delegate must only proceed where there is no reasonable opportunity for the matter to be reported to Council for resolution
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of internment to a perpetual right of interment	DPD	

CEMETERIES AND CREMATORIA ACT 2003			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPD	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	DPD	
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	DPD	
s 86(5)	Duty to provide notification before taking action under s 86(4)	DPD	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	DPD	
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	DPD	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DPD	
s 91(1)	Power to cancel a right of interment in accordance with s 91	DPD	
s 91(3)	Duty to publish notice of intention to cancel right of interment	DPD	
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	DPD	

CEMETERIES AND CREMATORIA ACT 2003			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DPD	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	DPD	
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	DPD	
s 100(1)	Power to require a person to remove memorials or places of interment	DPD	
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)	DPD	
s 100(3)	Power to recover costs of taking action under s 100(2)	DPD	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	MBS	
s 102(1)	Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c)	MBS	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	MBS	
s 103(1)	Power to require a person to remove a building for ceremonies	MBS	

CEMETERIES AND CREMATORIA ACT 2003			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	MBS	
s 103(3)	Power to recover costs of taking action under s 103(2)	DPD	
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	DPD	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	DPD	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	DPD	
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	DPD	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	MBS	
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	MBS	
s 108	Power to recover costs and expenses	DPD	
s 109(1)(a)	Power to open, examine and repair a place of interment	DPD	Where the holder of right of interment or responsible person cannot be found

CEMETERIES AND CREMATORIA ACT 2003			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DPD	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	DPD	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	Council in its capacity as the Trustee	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	Council in its capacity as the Trustee	
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	Council in its capacity as the Trustee	
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	DPD	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DPD	
s 112	Power to sell and supply memorials	DPD	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DPD	

CEMETERIES AND CREMATORIA ACT 2003			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	DPD	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DPD	
s 119	Power to set terms and conditions for interment authorisations	DPD	
s 131	Function of receiving an application for cremation authorisation	DPD	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	DPD	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DPD	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	DPD	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	DPD	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	Council in its capacity as the Trustee	
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	DPD	

CEMETERIES AND CREMATORIA ACT 2003			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 151	Function of receiving applications to inter or cremate body parts	DPD	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	DPD	
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	DPD	
sch 1 cl 8(8)	Power to regulate own proceedings	DPD	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	DPD	Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	DPD	Where Council is a Class A cemetery trust Subject to cl 8 City of Whittlesea is currently a Class B cemetery trust

DOMESTIC ANIMALS ACT 1994			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	CEO, DPD, MCEH, UMANM	Council may delegate this power to a Council authorised officer

FOOD ACT 1984			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, 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, (ia) displayed at any point of sale, (ib) be published on the food business's Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, 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).	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority

FOOD ACT 1984			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DPD, MCEH, UMEH, CEH, 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 Only in relation to temporary food premises or mobile food premises
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	CEO, DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19FA(1)	Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Subject to s 19FA(2), which requires a time limit for compliance to be specified

FOOD ACT 1984			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19FA(3)(a)	Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DPD, MCEH, UMEH, CEH	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 19FA(3)(b)	Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DPD, MCEH	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
s 19FA(3)(c)	Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1)	DPD, MCEH, UMEH, CEH	Where Council is the registration authority Only in relation to temporary food premises or mobile food premises
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority

FOOD ACT 1984			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19N(2)	Function of receiving notice from the auditor	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	DPD, MCEH, UMEH	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	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
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	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
---	Power to register or renew the registration of a food premises	DPD, MCEH, UMEH	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))

FOOD ACT 1984			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 36A	Power to accept an application for registration or notification using online portal	DPD, MCEH, UMEH	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	DPD, MCEH, UMEH	Where Council is the registration authority
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	DPD, MCEH, UMEH, CEH, 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)	DPD, MCEH, UMEH	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	DPD, MCEH, UMEH, CEH	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	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	DPD, MCEH, UMEH, CEH, 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	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority

FOOD ACT 1984			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	DPD, MCEH, UMEH	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	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority

FOOD ACT 1984			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
s 39A	Power to register, or renew the registration of a food premises despite minor defects	DPD, MCEH, UMEH	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	DPD, MCEH, UMEH, CEH, EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	DPD, MCEH, UMEH, CEH, EHO	Where Council is the registration authority
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>	DPD, MCEH, UMEH, CEH, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	DPD, MCEH, UMEH	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CEO, DPD, MCEH	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	CEO, DPD, MCEH	
s 40F	Power to cancel registration of food premises	CEO, DPD, MCEH	Where Council is the registration authority

FOOD ACT 1984			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 43	Duty to maintain records of registration	CEO, DPD, MCEH	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 or renewing registration of a component of a food business	DPD, MCEH, UMEH	Where Council is the registration authority
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	DPD, MCEH, UMEH	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 45AC	Power to bring proceedings	DPD, MCEH, UMEH	
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	DPD, MCEH, UMEH	Where Council is the registration authority

HERITAGE ACT 2017			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, DPD	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

LOCAL GOVERNMENT ACT 1989			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO ¹	

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victoria Planning Provisions	CEO, DPD, MBP, MSF, UMSTPL	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	CEO, DPD	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	CEO, DPD	
s 4I(2)	Duty to make a copy of the Victoria Planning Provisions and other documents available in accordance with public availability requirements	CEO, SPG	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	CEO, DPD, MBP, UMGAP, MSF, UMSTPL, CPPI, CSLUP	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	CEO, DPD	<p>The Delegate only authorised to apply to the Minister to prepare amendments to planning schemes which:</p> <p>a) relate to the correction of anomalous provisions and planning scheme errors or provides for minor changes to update the planning scheme to accord with the Victoria Planning Provisions;</p> <p>b) are of genuine economic significance to the municipality and where the amendment will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known; and</p> <p>c) relate to the interim protection of individual heritage places having local or State significance which are proposed for demolition.</p> <p>The Delegate must only proceed under b) and c) above where there is no reasonable opportunity for the matter to be reported to Council for resolution. Where delegations under b) and c) are exercised reports must be provided to the next available Council meeting.</p>
s 8A(5)	Function of receiving notice of the Minister's decision	CEO, DPD	
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	CEO, DPD, MBP, UMGAP, MSF, UMSTPL, CPPI, CSLUP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	CEO, DPD	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO, STLG, DPD, MBP, MSF, UMSTPL	
s 12B(1)	Duty to review planning scheme	CEO, STLG, DPD, MBP, MSF, UMSTPL	Revised planning scheme must be referred to Council for adoption.
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DPD, MBP, MSF, UMSTPL	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	CEO, DPD	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	CEO, STLG, DPD, MBP, MSF, UMSTPL	
s 17(1)	Duty of giving copy amendment to the planning scheme	CEO, SPG	
s 17(2)	Duty of giving copy s 173 agreement	CEO, SPG	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CEO, SOG	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CEO, SPG	Until the proposed amendment is approved or lapsed
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	CEO, STLG, DPD, MBP, MSF, UMSTPL	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CEO, STLG, DPD, MBP, MSF, UMSTPL	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	CEO, DPD, MBP, MSF	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	CEO, SPG	Until the end of 2 months after the amendment comes into operation or lapses
s 21A(4)	Duty to publish notice	CEO, SPG	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	CEO, SPG	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	CEO, SPG, STLG, DPD, MSF	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CEO, DPD, MSF	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CEO, DPD	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CEO, SPG, STLG,	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CEO, SPG	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CEO, SPG	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	CEO, DPD	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CEO, DPD	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	CEO, DPD	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	CEO, DPD	
s 30(4)(a)	Duty to say if amendment has lapsed	CEO, SPG	
s 30(4)(b)	Duty to provide information in writing upon request	CEO, SPG	
s 32(2)	Duty to give more notice if required	CEO, SPG	
s 33(1)	Duty to give more notice of changes to an amendment	CEO, SPG	
s 36(2)	Duty to give notice of approval of amendment	CEO, SPG	
s 38(5)	Duty to give notice of revocation of an amendment	CEO, SPG	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	CEO, SPG	
s 40(1)	Function of lodging copy of approved amendment	CEO, SPG	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CEO, SPG	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CEO, SPG	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	CEO, SPG	
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	CEO, SPG	Where Council is a responsible public entity and is a planning authority
s 46AW	Function of being consulted by the Minister	CEO, DPD, MSF	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	CEO	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	CEO	Where Council is a responsible public entity

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO, SPG, SSG, DPD	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	Council	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency.
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	CEO, DPD, MSF	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CEO, DPD, MSF, UMSTPL, CDCI	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CEO, DPD, MSF, UMSTPL, CDCI	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CEO, DPD, MSF, UMSTPL, CDCI	
s 46GP	Function of receiving a notice under s 46GO	CEO, DPD, MSF	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	CEO, DPD, MSF	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CEO, DPD, MSF, UMSTPL, CDCI	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CEO, DPD, MSF	
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	CEO, DCCS, CFO, DPD, MSF	
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, CFO, DPD, MSF, UMSTPL, CDCI	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CEO, DCCS, CFO, DPD, MSF	
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, CFO, DPD, MSF	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CEO, DCCS, CFO, DPD, MSF	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO, DPD, MSF	
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	CEO, DCCS, CFO, DIE, MAF, DPD, MSF, UMSTPL, CDCI	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	CEO, DPD, MSF	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)	CEO, SSG, DCCS, CFO, DIE, MAF, DPD, MSF	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)	CEO, SSG, DCCS, CFO, DIE, MAF, DPD, MSF	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	CEO, SPG, SSG, DPD	
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	CEO, SPG, SSG, DPD	Where Council is the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	CEO, DPD, MSF	Where Council is the collecting agency
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	CEO, DPD, MSF, MBP, STLG	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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>	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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	CEO, DCCS, DPD, CFO	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	CEO, DCCS, DPD	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO, DCCS, DPD, CFO	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(2)(b)	Function of receiving the monetary component	CEO, DCCS, DPD	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)	CEO, DCCS, DPD, CFO	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	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is the collecting agency under an approved infrastructure contributions plan
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	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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>	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is a development agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	CEO, DCW, DPD, MSF, DCCS, CFO, DIE, MAF	Where Council is a development agency under an approved infrastructure contributions plan
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	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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)	CEO	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)	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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)	CEO, DPD, MSF, DCCS, CFO, DIE, MAF	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	CEO, DCCS, DPD, CFO	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	CEO, DCCS, DPD	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)	CEO	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	CEO	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)	CEO, DPD, DCCS	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	CEO, DPD, 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)	CEO, DPD, DCCS	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	CEO, DPD, DCCS	Where Council is the collecting agency under an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO, DPD	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	CEO, DPD, DCCS, CFO, MSF	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	CEO, DPD, DCCS	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)	CEO, DPD, MSF, UMSTPL, CDCI	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	CEO, SPG, SSG	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	CEO, SPS, SSG	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO, DPD, MBP, MSF	Power to reduce or waive infrastructure levy is limited to DPD. Note separate requirements under s.46P(2) for agreements relating to provision of land, works, services or facilities.
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	CEO, DPD, MBS, MBP, MSF	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO, DPD, MBP, MSF	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	CEO, SPG, SSG	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO, DPD, MBP, MSF	To be signed by two delegates
s 46Q(1)	Duty to keep proper accounts of levies paid	CEO, DCCS, CFO, DPD, MSF	
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	CEO, DCCS, DPD, CFO	
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	CEO, DPD, MSF, DCCS, CFO	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	CEO, DPD, MBP, MSF, DCSS, CFO	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)	CEO, DCCS, CFO, DPD, MBP, MSF	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
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	CEO, DPD, MSF	Must be done in accordance with Part 3

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(4)(e)	Duty to expend that amount on other works etc.	CEO, DCCS, DPD, MSF, CFO	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	CEO, DCCS, DPD, MSF, CFO	
s 46QD	Duty to prepare report and give a report to the Minister	CEO, DCCS, CFO, DPD, MSF, DIE, MAF, UMSTPL, CDCI	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 in accordance with the public availability requirements, during the inspection period	CEO, SPG	
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	CEO, SPG	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	CEO, SPG	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	CEO, SPG	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	CEO, SPG	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 47	Power to decide that an application for a planning permit does not comply with that Act	CEO, SPG, SSG	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	CEO, SPG	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	CEO, SPG	
s 50(4)	Duty to amend application	CEO, SPG, SSG	
s 50(5)	Power to refuse to amend application	CEO, SPG, SSG	
s 50(6)	Duty to make note of amendment to application in register	DPD, MBP	
s 50A(1)	Power to make amendment to application	CEO, SPG, SSG	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	CEO, SPG	
s 50A(4)	Duty to note amendment to application in register	CEO, SPG, SSG	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	CEO, SPG, SSG	
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	CEO, SPG, SSG	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CEO, SPG	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CEO, SPG, SSG	
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	CEO, SPG, SSG	
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	CEO, SPG, SSG	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CEO, SPG, SSG	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CEO, SPG, SSG	
s 52(3)	Power to give any further notice of an application where appropriate	CEO, SPG, SSG	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CEO, SPG, SSG	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	CEO, SPG, SSG	
s 54(1)	Power to require the applicant to provide more information	CEO, SPG, SSG	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CEO, SPG, SSG	
s 54(1B)	Duty to specify the lapse date for an application	CEO, SPG, SSG	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CEO, SPG, SSG, DPD	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CEO, SPG, DPD, MBP, UMS, SSO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	CEO, SPG, DPD, MBP, UMS, SSO	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	CEO, DPD, MBP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	CEO, SPG, DPD, MBP, UMS, SSO	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	CEO, SPG, DPD, MBP, UMS, SSO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CEO, SPG, DPD, MBP, UMS, SSO	
s 57A(5)	Power to refuse to amend application	CEO, SPG, DPD, MBP, UMS, SSO	
s 57A(6)	Duty to note amendments to application in register	CEO, DPD, MBP, UMGAP, UMSTP, MSF, UMSTPL, CSLUP, CPPI	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57B(1)	Duty to determine whether and to whom notice should be given	CEO, SPG, SSG	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	CEO, SPG, SSG	
s 57C(1)	Duty to give copy of amended application to referral authority	CEO, SPG, SSG	
s 58	Duty to consider every application for a permit	CEO, SPG, SSG	
s 58A	Power to request advice from the Planning Application Committee	CEO, DPD	
s 60	Duty to consider certain matters	CEO, SPG, SSG	
s 60(1A)	Duty to consider certain matters	CEO, SPG, SSG	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	CEO, SPG, SSG, DPD, MBP, MSF	<p>The application must be reported to Council if 10 or more objections are received; if a petition or group objection with 10 signatories is received; for one of the following</p> <ul style="list-style-type: none"> • More than 3 storeys in height, or • Major non-residential use in a residential area; or • Large land subdivision with more than 100 lots where there is no approved Development Plan.

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO, STLG, DPD, MSF, MBP, UMSTP, SP, PP	<p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></p> <p>Power to grant permit or provide notice of decision to grant a permit only if less than 5 objections are received. IF the application must be reported to Council if 5 or more objections are received, for any application within established urban residential areas that significantly changes the nature and character of the area; and for any application that has given rise to substantial public interest or where appears likely to do so; or at least 2 Councillors Administrators(call in) make a request in writing to the CEO, DPD, MDAMB in writing for the application must be reported to Council.</p> <p>The delegate has the power to refuse the permit unless at least 2 Councillors Administrators (call in) make a request in writing to the CEO, DPD, or MDA in writing that the application must be reported to Council (excluding procedural matters).</p> <p>Applications involving the complete or partial demolition of buildings within a Heritage Overlay that are not subject to the VicSmart pathway or involving the removal of two or more river red gum trees that have a trunk diameter of 50 centimetres or more at 1.3 metres above ground level must be reported to Council for a decision, unless Council has already made a decision on those trees through a strategic planning process. The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p>

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CEO, SPG, SSG	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CEO, SPG, SSG	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	CEO, SPG, SSG	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	CEO, SPG, SSG	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	CEO, SPG, SSG	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	CEO, SPG, SSG	
s 62(2)	Power to include other conditions	CEO, SPG, SSG	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	CEO, SPG, SSG	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	CEO, SPG, SSG	
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	CEO, SPG, SSG	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	CEO, SPG, SSG	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	CEO, SPG, DPD, MBP, UMS, SSO	
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)	CEO, SPG, DPD, MBP, UMS, SSO	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	CEO, SPG, DPD, MBP, UMS, SSO	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	CEO, SPG, DPD, MBP, UMS, SSO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(3)	Duty not to issue a permit until after the specified period	CEO, SPG, DPD, MBP, UMS, SSO	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	CEO, SPG, DPD, MBP, UMS, SSO	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	CEO, SPG, DPD, MBP, UMS, SSO	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	CEO, SPG, DPD, MBP, UMS, SSO	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	CEO, SPG, SSG	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	CEO, SPG, SSG	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	CEO, SPG, SSG	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
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	CEO, SPG, SSG	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	CEO, SPG, SSG	
s 69(1A)	Function of receiving application for extension of time to complete development	CEO, SPG, SSG	
s 69(2)	Power to extend time	CEO, STLG, DPD, MSF, UMSTPL, MBP, UMSTP, PP, LPP	The delegate has the power to approve the extension of time request. The delegate can refuse an extension of time request unless at least 2 Councillors Administrators (call in) make a request to the CEO, DPD, or MDA in writing that the application must be reported to Council.

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 70	Duty to make copy permit available in accordance with public availability requirements	CEO, SPG, SSG, DPD, MBP, UMSTP, PO	
s 71(1)	Power to correct certain mistakes	CEO, STLG, DPD, MSF, UMSTPL, MBP, UMSTP, PP, LPP	
s 71(2)	Duty to note corrections in register	CEO, SPG, SSG, DPD, MBP, UMS, SSO, UMSTP, PP	
s 73	Power to decide to grant amendment subject to conditions	CEO, STLG, DPD, MBP, MSF, UMSTPL	
s 74	Duty to issue amended permit to applicant if no objectors	CEO, CPG, SSG	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CEO, SPG	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CEO, SPG, SSG	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CEO, SPG, SSG, DPD, MBP, UMSTP, PO	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

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CEO, SPG, SSG, DPD, MBP, UMSTP, PO	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	CEO, SPG, SSG, DPD, MBP, UMSTP, PO	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	CEO SPG	
s 83	Function of being respondent to an appeal	CEO, SPG	
s 83B	Duty to give or publish notice of application for review	CEO, SPG	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	CEO	<p>Power to decide position only if less than 5 objections are received or there is a petition or group objection with less than 5 signatories, the matter is of a procedural nature or has already been before Council for a decision as part of a strategic planning process.</p> <p>If 5 or more objections are received, a petition or group objection with 5 or more signatories is received or the application sought the removal of two or more river red gums that have a trunk diameter of 50 centimetres or more at 1.3 metres above ground, for any application that has given rise to substantial public interest or appears likely to do so; or where at least 2 Councillors Administrators (call in) make a request to the CEO, DPD, or MDA in writing, the application must be reported to Council.</p> <p>If timelines do not permit for any of the above triggers, the delegate must decide the application and report the matter to the next Council meeting for information.</p>
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	CEO, SPG	
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	CEO, SPG	
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	CEO, SPG	
s 84AB	Power to agree to confining a review by the Tribunal	CEO, SPG, SSG	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 86	Duty to issue a permit at order of Tribunal within 3 business days	CEO, SPG	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	CEO, DPD, MBP	Applications for a cancellation of a permit must be referred to the CEO. Applications for an amendment of a permit must be referred to DPD and/or MBP.
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	CEO, SPG, SSG	
s 91(2)	Duty to comply with the directions of VCAT	CEO, SPG, SSG	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CEO, SPG, SSG	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	CEO, SPG, SSG	
s 93(2)	Duty to give notice of VCAT order to stop development	CEO, SPG, SSG	
s 95(3)	Function of referring certain applications to the Minister	CEO, SPG, SSG	
s 95(4)	Duty to comply with an order or direction	CEO, SPG, SSG	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, SPG, SSG	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DPD, MBP, MSF	Must be reported to Council for decision

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	CEO, DPD, MBP, MSF	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	CEO, SPG	
s 96F	Duty to consider the panel's report under s 96E	CEO, SPG	
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>)	CEO, DPD, MBP, MSF	Must be reported to Council for decision
s 96H(3)	Power to give notice in compliance with Minister's direction	CEO, SPG	
s 96J	Duty to issue permit as directed by the Minister	CEO, SPG	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, SPG	
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	CEO, SPG	
s 97C	Power to request Minister to decide the application	CEO, DPD, MBP, MSF	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DPD, SPG, SSG	
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	CEO, SPG, SSG,	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements	CEO, SPG, SSG,	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	CEO, SPG, SSG	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	CEO, DPD, MBP, MSF	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	CEO, DPD	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	CEO, SPG, SSG	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	CEO, SPG, SSG	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CEO, SPG, SSG	
s 97Q(4)	Duty to comply with directions of VCAT	CEO, SPG, SSG	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	CEO, SPEG, SPG, SSG, DPD, MBP, UMSTP, SSO, PO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	CEO, SPG	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	CEO, DPD, MBP	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 101	Function of receiving claim for expenses in conjunction with claim	CEO, SPG	
s 103	Power to reject a claim for compensation in certain circumstances	CEO, DPD, MBP, MSF	
s 107(1)	Function of receiving claim for compensation	CEO, SPG	
s 107(3)	Power to agree to extend time for making claim	CEO, SPG	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	CEO, DPD	
s 114(1)	Power to apply to the VCAT for an enforcement order	CEO, DPD	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CEO, SPG	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	CEO, DPD	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, DPD	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, DPD	Except Crown Land
s 125(1)	Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.	CEO, DPD	Section 123 of the <i>Victorian Civil and Administrative Tribunal Act 1998</i> applies on an application to the Tribunal.

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 129	Function of recovering penalties	CEO, SPEG, DPD, MBP	
s 130(5)	Power to allow person served with an infringement notice further time	CEO, DPD, MBP, MSF	
s 149A(1)	Power to refer a matter to the VCAT for determination	CEO, DPD, MBP, MSF	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	CEO, DPD, MBP, MSF	
s 149B	Power to apply to the Tribunal for a declaration.	CEO, DPD	
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)	CEO, DPD, MBP, MSF, UMSTPL	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	CEO, STLG, DPD, MBP, MSF, UMSTPL	
s 171(2)(g)	Power to grant and reserve easements	DPD, MBP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	CEO	Where Council is a development agency specified in an approved infrastructure contributions plan

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	CEO	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)	CEO	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	CEO, DPD, MBP, MSF	Note limitations for agreements relating to works in kind for development or infrastructure levies under s. 46GX(1) and 46P(2)
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, DPD, MBP, MSF	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	CEO, STLG, DPD, MSF, MBP, PP, LPP	
---	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	CEO, STLG, DPD, MSF, MBP, PP, LPP	
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, DPD	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO, STLG, DPD, MBP, MSF	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, SPG, SSG	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	CEO, SPG, SSG	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO, SPG, SSG	
s 178A(5)	Power to propose to amend or end an agreement	CEO, STLG, DPD, MSF, MBP, PP, LLP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	CEO, STLG, DPD, MSF, MBP, PP, LLP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	CEO, STLG, DPD, MSF, MBP, PP, LLP	
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	CEO, SPG, SSG	
s 178C(4)	Function of determining how to give notice under s 178C(2)	CEO, SPG, SSG	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	CEO, SPG, SSG	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, SPG, SSG, DPD, MBP, UMGAP, MSF, UMSTPL	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	CEO, STLG, DPD, MSF, MBP, PP, LLP	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	CEO, STLG, DPD, MSF, MBP, PP, LLP	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	CEO, STLG, DPD, MSF, MBP, PP, LLP	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	CEO, STLG, DPD, MSF, MBP, PP, LLP	After considering objections, submissions and matters in s 178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, STLG, DPD, MSF, MBP, PP, LLP	After considering objections, submissions and matters in s 178B

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, STLG, DPD, MSF, MBP, PP, LLP	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)	CEO, SPG, SSG	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	CEO, SPG, SSG	
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	CEO, STLG, DPD, MSF, MBP, UMSTP, PP, LLP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, DPD, MBP, MSF	
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	CEO, DPD, MBP, MSF	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO, SPG, SSG, MBP, MSF	
s 179(2)	Duty to make a copy of each agreement available in accordance with the public availability requirements	CEO, SPG, SSG, DPD, MBP, UMSTP, PO	
s 181	Duty to apply to the Registrar of Titles to record the agreement	CEO, SPG, SSG	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	CEO, DPD, MBP, MSF, UMSTPL	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	CEO, SPG, SSG, DPD, MBP, UMGAP, MSF, UMSTPL	
s 182	Power to enforce an agreement	CEO, SPG, SSG	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	CEO, SPG, SSG	
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	CEO, STLG, DPD, MBP, MSF	
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	CEO, SPG, SSG	
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	CEO, SPG, SSG	
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	CEO, SPG, SSG	
s 184G(2)	Duty to comply with a direction of the Tribunal	CEO, SPG, SSG	
s 184G(3)	Duty to give notice as directed by the Tribunal	CEO, SPG, SSG	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	CEO, SPG, SSG	
s 198(1)	Function to receive application for planning certificate	CEO, SPG, SSG	
s 199(1)	Duty to give planning certificate to applicant	CEO, SPG, SSG	
s 201(1)	Function of receiving application for declaration of underlying zoning	CEO, STLG, DPD, MBP, MSF	
s 201(3)	Duty to make declaration	CEO, DPD, MBP, MSF	
-	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	CEO, STLG, DPD, MBP, MSF	
	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	CEO, STLG, DPD, MBP, MSF	
	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	CEO, STLG, DPD, MBP, MSF	
-	Power to give written authorisation in accordance with a provision of a planning scheme	CEO, STLG, DPD, MSF, MBP, UMSTP, PP, LLP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CEO, DPD, MBP, MSF	

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CEO, DPD, MBP, MSF	

RESIDENTIAL TENANCIES ACT 1997			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DCW, DPD, MCEH, UMEH, CEH, EHO	
s 522(1)	Power to give a compliance notice to a person	CEO, DCW, DPD, MCEH, UMEH, CEH, EHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, DCW, DPD, MCEH, UMEH, CEH, EHO	
s 525(4)	Duty to issue identity card to authorised officers	CEO, DCW, DPD	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	DPD, MCEH, UMEH, CEH, EHO	
s 526A(3)	Function of receiving report of inspection	DPD, MCEH, UMEH, CEH, EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, DCW, DPD, MCEH, UMEH, CEH, EHO	

ROAD MANAGEMENT ACT 2004			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO, DIE, MU DT	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	CEO, DCCS, EMPA	
s 11(9)(b)	Duty to advise Registrar	CEO, DIE, MU DT	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	CEO, DIE, MU DT	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	CEO, DIE, MU DT	Where Council is the coordinating road authority
s 12(10)	Duty to notify of decision made	CEO, DIE, MU DT	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	CEO, DIE, MU DT	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

ROAD MANAGEMENT ACT 2004			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, DIE, MUDT	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, DIE, MUDT	
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	CEO, DIE, MUDT	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DIE, MUDT	
s 15(2)	Duty to include details of arrangement in public roads register	CEO, DIE, MUDT	
s 16(7)	Power to enter into an arrangement under s 15	CEO, DIE, MUDT	
s 16(8)	Duty to enter details of determination in public roads register	CEO, DIE, MUDT	
s 17(2)	Duty to register public road in public roads register	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DIE, MUDT	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	CEO, DIE, MUDT	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	CEO, DIE, MUDT	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CEO, DIE, MUDT	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	CEO, DIE, MUDT	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	CEO, DIE, MUDT	
s 19(4)	Duty to specify details of discontinuance in public roads register	CEO, DIE, MUDT	
s 19(5)	Duty to ensure public roads register is available for public inspection	CEO, DIE, MUDT	
s 21	Function of replying to request for information or advice	CEO, DIE, MUDT	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DIE, MUDT	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	CEO, DIE, MUDT	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DIE, MUDT	
s 40(1)	Duty to inspect, maintain and repair a public road	CEO, DIE, MUDT, MMO, MCD	

ROAD MANAGEMENT ACT 2004			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	CEO, DIE, MUDT, MMO, MCD	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	CEO, DIE, MUDT, MCD	
s 42(1)	Power to declare a public road as a controlled access road	CEO, DIE, MUDT	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	CEO, DIE, MUDT	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	CEO, DIE, MUDT	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, DIE, MUDT	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)	CEO, DIE, MUDT	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	CEO, DIE, MUDT	
s 49	Power to develop and publish a road management plan	CEO, DIE, MUDT	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DIE, MUDT	

ROAD MANAGEMENT ACT 2004			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, DIE, MUDT	
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, DIE, MUDT	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO, DIE, MUDT	
s 54(6)	Power to amend road management plan	CEO, DIE, MUDT	
s 54(7)	Duty to incorporate the amendments into the road management plan	CEO, DIE, MUDT	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	CEO, DIE, MUDT	
s 63(1)	Power to consent to conduct of works on road	CEO, DIE, MUDT	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	CEO, DIE, MUDT, MMO	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	CEO, DIE, MUDT, MMO	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CEO, DIE, MUDT	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	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 67(3)	Power to request information relating to distributor	CEO, DIE, MUDT	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 68(2)	Power to request information relating to depositor	CEO, DIE, MUDT	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO, DIE, MUDT, MMO	
s 72	Duty to issue an identity card to each authorised officer	CEO, DIE, MUDT, MMO	
s 85	Function of receiving report from authorised officer	CEO, DIE, MUDT, MMO	
s 86	Duty to keep register re s 85 matters	CEO, DIE, MUDT	
s 87(1)	Function of receiving complaints	CEO, DIE, MUDT	
s 87(2)	Duty to investigate complaint and provide report	CEO, DIE, MUDT	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	CEO, DIE, MUDT	
s 112(2)	Power to recover damages in court	CEO, DIE, MUDT	
s 116	Power to cause or carry out inspection	CEO, DIE, MUDT	
s 119(2)	Function of consulting with the Head, Transport for Victoria	CEO, DIE, MUDT	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	CEO, DIE, MUDT	
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)	CEO, DIE, MUDT	

ROAD MANAGEMENT ACT 2004			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 121(1)	Power to enter into an agreement in respect of works	CEO, DIE, MUDT	
s 122(1)	Power to charge and recover fees	CEO, DIE, MUDT	
s 123(1)	Power to charge for any service	CEO, DIE, MUDT	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DIE, MUDT	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, DIE, MUDT	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, DIE, MUDT	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DIE, MUDT	
sch 2 cl 5	Duty to publish notice of declaration	CEO, DIE, MUDT	
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	CEO, DIE, MMO	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	CEO, DIE, MMO	Where Council is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO, DIE, MMO	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	CEO, DIE, MMO	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	CEO, DIE, MMO	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CEO, DIE, MUDT, MMO	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)	CEO, DIE, MUDT, MMO	Where Council is the works manager

ROAD MANAGEMENT ACT 2004			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 13(2)	Power to vary notice period	CEO, DIE, MUDT, MMO	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)	CEO, DIE, MUDT, MMO	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	CEO, DIE, MUDT	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	CEO, DIE, MUDT	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	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	CEO, DIE, MUDT	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	CEO, DIE, MUDT	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	CEO, DIE, MUDT	Where Council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	CEO, DIE, MU DT	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	CEO, DIE, MU DT	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	CEO, DIE, MU DT	Where Council is the responsible road authority
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	CEO, DIE, MU DT	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	CEO, DIE, MU DT	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

CEMETERIES AND CREMATORIA REGULATIONS 2015			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 24	Duty to ensure that cemetery complies with depth of burial requirements	DPD, CFO	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DPD, CFO	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DPD, CFO	
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	DPD, CFO, DIE, MSE, UMCM	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	DPD, CFO, DIE, MSE, UMCM	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	DPD, CFO	
r 30(2)	Power to release cremated human remains to certain persons	DPD, CFO	
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	DPD, CFO	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	DPD, CFO	

CEMETERIES AND CREMATORIA REGULATIONS 2015			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	DPD, CFO	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	CFO	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	DPD, CFO	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	DPD	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	DPD	
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	DPD	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	DPD	
r 40	Power to approve a person to play sport within a public cemetery	DPD, DIE, MSE, UMCM	
r 41(1)	Power to approve fishing and bathing within a public cemetery	DPD, DIE, MSE, UMCM	

CEMETERIES AND CREMATORIA REGULATIONS 2015			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 42(1)	Power to approve hunting within a public cemetery	DPD, DIE, MSE, UMCM	
r 43	Power to approve camping within a public cemetery	DPD, DIE, MSE, UMCM	
r 45(1)	Power to approve the removal of plants within a public cemetery	DPD, DIE, MSE, UMCM, MMO, UMPCF	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DPD, DIE, MSE, UMCM	
r 47(3)	Power to approve the use of fire in a public cemetery	DPD, DIE, MSE, UMCM	
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	DPD, DIE, MSE, UMCM, MMO, UMPCF	
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	DPD, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DPD, DIE, MSE, UMCM	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	DPD, DIE, MSE, UMCM	See note above regarding model rules

CEMETERIES AND CREMATORIA REGULATIONS 2015			
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).			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	DPD, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	DPD, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	DPD, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	DPD, DIE, MSE, UMCM	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	DPD, DIE, MSE, UMCM	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	MBS, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	DPD, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	MBS, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	DPD, DIE, MSE, UMCM	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	DPD, DIE, MSE, UMCM, MMO, UMPCF	See note above regarding model rules

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
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	CEO, SPG, SSG	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	CEO, SPG, SSG	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) in accordance with the public availability requirements	CEO, SPG, SSG	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 in accordance with the public availability requirements	CEO, SPG, SSG	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	CEO, SPG, SSG	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.

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, STLG, DPD, MBP, MSF	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, STLG, DPD, MBP, MSF	
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	CEO, SPG, SSG	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	CEO, DPD, MCEH, UMEH	
r 10	Function of receiving application for registration	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 11	Function of receiving application for renewal of registration	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CEO, DPD, MCEH, UMEH	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DPD, MCEH, UMEH	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CEO, DPD, MCEH, UMEH	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CEO, DPD, MCEH, UMEH	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	CEO, DPD, MCEH, UMEH	
r 12(4) & (5)	Duty to issue certificate of registration	CEO, DPD, MCEH, UMEH	
r 14(1)	Function of receiving notice of transfer of ownership	CEO, DPD, MCEH, UMEH	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 14(3)	Power to determine where notice of transfer is displayed	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	CEO, DPD, MCEH, UMEH	
r 15(2)	Duty to issue a certificate of transfer of registration	CEO, DPD, MCEH, UMEH	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 17	Duty to keep register of caravan parks	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 21(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	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 21(2)	Duty to consult with relevant emergency services agencies	CEO, DPD, MCEH, UMEH, CEH, EHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 22	Power to determine places in which caravan park owner must display a copy of emergency procedures	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 23	Power to determine places in which caravan park owner must display copy of public emergency warnings	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 24(2)	Power to consult with relevant floodplain management authority	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 26(b)(i)	Power to approve system for the discharge of sewage and waste water from a movable dwelling	CEO, DPD, MCEH, UMEH, CEH, EHO	
r 38	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CEO, DPD, MCEH, UMEH	
r 38(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CEO, DPD, MCEH, UMEH	
r 39(3)	Function of receiving installation certificate	CEO, DPD, MCEH, UMEH	
r 45(3)	Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person	DPD, MCEH, UMEH, CEH	
r 45(5)	Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of	DPD, MCEH, UMEH, CEH	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	registration, the plan of the caravan park and a copy of the caravan park rules		

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	CEO, DIE, MUDT, MMO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	CEO, DIE, MUDT, MMO	
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)	CEO, DIE, MUDT, MMO	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	CEO, DIE, MUDT, MMO	
r 13(1)	Duty to publish notice of amendments to road management plan	CEO, DIE, MUDT, MMO	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	CEO, DIE, MUDT, MMO	
r 16(3)	Power to issue permit	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	CEO, DIE, MUDT, MMO	Where Council is the coordinating road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	CEO, DIE, MUDT, MMO	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))	CEO, DIE, MUDT, MMO	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	CEO, DIE, MUDT, MMO	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO, DIE, MU DT	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	CEO, DIE, MU DT	Where Council is the coordinating road authority



Summary Minutes

AUDIT & RISK COMMITTEE

Tuesday 3 December 2024 at 1:00 pm

Council Chamber at Civic Centre,
25 Ferres Boulevard, South Morang

Minutes - Audit & Risk Committee 3 December 2024

Attendees

Present

Members

Independent

Geoff Harry, Chairperson
Bruce Potgieter
Dr Marco Bini
Vacant

Councillors (Interim)

Cr Aidan McLindon, Mayor
Cr Martin Taylor

Council Officers:

Craig Lloyd, Chief Executive Officer
Sarah Renner, Director Customer & Corporate Services
Jacinta Stevens, Executive Manager Office of Council CEO (*left 3:21pm and returned 3:23pm*)
Aaron Gerard, Chief Financial Officer (*left 2:55pm and returned 3:01pm*)
Bobbie Bright, Unit Manager Compliance & Governance

Invited Guests:

Natasha Volpe, Risk Advisor
Asaad Qureshi, Chief Information Officer
Nehme Tabet, Unit Manager Technology Infrastructure and Support
George Alabakov, Unit Manager Procurement
Emma Appleton, Director Planning and Development
George Saisanas, Manager Strategic Futures
Liam Wilkinson, Unit Manager Strategic Futures
Ella Edwards, Senior Development Contributions Accountant

External Attendees:

Graham Noriskin, Partner – Aster Advisory (*left 2:55pm and returned 3:03pm*)
Jordan McFadden, Manager – Aster Advisory (*left 2:55pm and returned 3:03pm*)

Minutes:

Ilker Destan, Compliance and Governance Officer

Apologies

Nil

Minutes - Audit & Risk Committee 3 December 2024

Register of Interests

City of Whittlesea Audit and Risk Committee Personal Interests Register		
Geoff Harry	Department of Government Services	ARC Chair
	Agriculture Services Victoria ARC	Board Member & ARC Chair
	Bayside City Council ARC	Chair
	Brimbank City Council ARC	Chair
	Chisholm Institute of TAFE	ARC Chair & Board Member
	City of Greater Dandenong ARC	Chair
	City of Kingston ARC	Independent Member
	City of Knox ARC	Chair
	City of Melbourne ARC	Chair
	City of Whittlesea ARC	Chair
	Department of Premier & Cabinet ARC	Chair
	GD & JD Harry Superannuation Fund	Member
	Independent Broad-Based Anti-Corruption Commission ARC	Chair
	JDH Investments Australia Pty Ltd	Director
	One Roslyn Street Brighton	Chairman & Manager
PricewaterhouseCoopers (retired 31 December 2006)	Retired Partner	
Dr Marco Bini	Darebin City Council ARC	Independent Member
	Governance Institute of Australia	Victorian State Council Member
	Royal Australian College of GPs	Senior Legal Business, Partner, Data Privacy & Compliance
Bruce Potgieter	City of Hume ARC	Independent Member
	Maroondah City Council ARC	Independent Member
	Melton City Council ARC	Independent Member
	Bass Coast Shire Council ARC	Independent Member
	Bayside City Council ARC	Independent Member
	RSM Australia (resigned Sept 2012)	Senior Manager
	Yarriambiack Shire Council ARC	Chair
	Regional Australia Institute	Chair and Non-Executive Director

Minutes - Audit & Risk Committee 3 December 2024

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1 In-Camera Discussion

The meeting commenced at 1:00pm with attendance of the members of the Audit and Risk Committee only.

In-camera session with the CEO, Executive Manager Office of Council & CEO commenced at 1:17pm.

All other officers and external listed in attendance joined the meeting at 1:25pm.

The Chair commenced the open section of the meeting by welcoming all those in attendance.

The Chair welcomed and congratulated Mayor McLindon and Councillor Taylor.

Bruce Potgieter disclosed his recent appointment to Bayside City Council.

The CEO noted that the register of interest will be updated following the completion of Councillors' personal interest declarations.

The Chair noted that the Committee used the questions on notice process to share their questions on the agenda and a summary of responses was received prior to the meeting.

2 Previous Meeting

2.1 Confirmation of Minutes of Previous Meeting

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Compliance and Governance Officer

Purpose

The purpose of this report is to provide the Audit and Risk Committee with the meeting minutes from the 27 August 2024 and 10 September 2024 Committee meetings for review and confirmation.

Committee Resolution

The 27 August 2024 and 10 September 2024 Audit and Risk Committee meeting minutes were confirmed as correct.

CARRIED

2.2 Matters Arising from Previous Meetings

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Compliance and Governance Officer

Purpose

The purpose of this report is to update the Audit and Risk Committee (Committee) on the status of actions arising from previous meetings, detailing those that have been completed and those currently in progress.

Minutes - Audit & Risk Committee 3 December 2024

Committee Resolution

The Audit and Risk Committee noted the status of actions arising from previous Audit and Risk Committee meetings at Attachment 1 to this report.

CARRIED

3 Audit & Risk Committee Work Plan

3.1 Progress of Annual Work Plan

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Compliance and Governance Officer

Purpose

The purpose of this report is to provide a comprehensive update on the status and progress of the Annual Work Plan (AWP) and to provide confirmation that all planned activities to date have been reported and reviewed in alignment with the AWP.

Committee Resolution

The Audit and Risk Committee noted the target dates associated with the Annual Work Plan have been achieved, as detailed in Attachment 1 to this report.

CARRIED

4 CEO's Update

Responsible Officer: Chief Executive Officer

This report has been designated as confidential in accordance with sections 66(5) and 3(1) of the Local Government Act 2020 on the grounds that it contains Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. The report contains information regarding potential regulatory proceedings.

Purpose

The purpose of this report is to provide the Committee with a verbal CEO's update and quarterly CEO questionnaire.

Committee Resolution

The Audit and Risk Committee noted the CEO questionnaire and update.

CARRIED

Minutes - Audit & Risk Committee 3 December 2024

5 Risk Management

5.1 Risk Management Report – Quarter Ending 30 September 2024

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Unit Manager Risk

Purpose

The purpose of this report is to provide an update on the status of risk management activities during the quarter ending 30 September 2024.

Committee Resolution

The Audit and Risk Committee noted:

1. The outcome of Council's 13 strategic risk reviews and provided feedback.
2. The outcome of the operational risk reviews, including the new "high" rated operational risks.
3. The status of the risk treatment plans as at 30 September 2024.
4. The emerging risks identified, and outlined in the body of this report, and current management strategies to deal with the emerging risks.
5. The public liability insurance claims for the period ending 30 September 2024.

CARRIED

5.2 Presentation on Directorate Risk Profile

Director/Executive Manager: Director Customer and Corporate Services

Report Author: Unit Manager Risk

Purpose

The purpose of this report is to verbally present the services risks of the Customer and Corporate Services Directorate.

Committee Resolution

The Audit and Risk Committee noted the verbal presentation provided in relation to the Customer and Corporate Directorate Risk Profile.

CARRIED

5.3 Review Awareness of Fraud and Corruption Risk

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Compliance and Governance Officer

Purpose

Minutes - Audit & Risk Committee 3 December 2024

The purpose of this report is to provide an update on Council's commitment to enhancing awareness of fraud and corruption risks.

Committee Resolution

The Audit and Risk Committee noted the Fraud and Corruption Risk Report and review currently being undertaken.

CARRIED

5.4 Disaster Recovery Tests and Plans

Director/Executive Manager: Director Customer and Corporate Services

Report Author: Chief Information Officer

Purpose

The purpose of this report is to provide an update on disaster recovery tests and plans.

Committee Resolution

The Audit and Risk Committee noted the Disaster Recovery Tests and Plans with no further action required.

CARRIED

6 Internal Audit

6.1 Internal Audit Plan Delivery Status Report

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Compliance and Governance Officer

Purpose

The purpose of this report is to provide an update on the status of internal audit activities for the 2023-24 and 2024-25 programs.

Committee Resolution

The Audit and Risk Committee noted:

- 1- Internal Audit Plan Delivery Status Report.
- 2- Internal Audit Status Report at Attachment 1.

CARRIED

6.2 Internal Audit Review Scopes for Endorsement

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Compliance and Governance Officer

Purpose

Minutes - Audit & Risk Committee 3 December 2024

The purpose of this report is to provide the scope of the internal audits on Development Contributions and Asset Management – Roads for the Audit and Risk Committee’s review and acknowledgement.

Committee Resolution

The Audit and Risk Committee noted:

- 1- Internal Audit Review Scopes for Endorsement Report.
- 2- Internal audit scopes at Attachment 1-2:
 - a. Development Contributions; and
 - b. Asset Management – Roads.

CARRIED

6.3 Internal Audit Reports on Completed Reviews

Director/Executive Manager: Director Customer and Corporate Services
Executive Manager Office of Council & CEO

Report Author: Compliance and Governance Officer

Purpose

The purpose of this report is to provide the completed audit of Records Management for review and acknowledgement.

Committee Resolution

The Audit and Risk Committee noted:

- 1- Internal Audit Reports on completed reviews.
- 2- Internal audit report of Records Management at Attachment 1.

CARRIED

6.4 Internal Audit Open Actions Report

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Compliance and Governance Officer

Purpose

The purpose of this report is to provide an update on the progress of audit actions.

Committee Resolution

The Audit and Risk Committee noted the Internal Audit Open Actions Report.

CARRIED

6.5 Performance of Internal Auditor

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Compliance and Governance Officer

Minutes - Audit & Risk Committee 3 December 2024

Purpose

The purpose of this report is to provide an update on the findings from the bi-annual review of the Internal Auditor's performance against contract deliverables.

Committee Resolution

The Audit and Risk Committee noted:

1. The Performance of Internal Auditor Report.
2. The Performance of Internal Auditor Report will be changed from bi-annual to annual and the Annual Work Plan will be adjusted accordingly.

CARRIED

7 Financial and Performance Reporting

7.1 Corporate Performance Report

Director/Executive Manager: Director Customer and Corporate Services

Report Author: Chief Financial Officer

Purpose

The purpose of this report is to present the Corporate Performance Report for the quarter ended 30 September 2024.

Committee Resolution

The Audit and Risk Committee noted the Corporate Performance Report for the period ended 30 September 2024 at Attachment 1.

CARRIED

7.2 Significant Contracts and Projects

Director/Executive Manager: Director Customer and Corporate Services

Report Author: Unit Manager Procurement

Purpose

The purpose of this report is to provide an annual update of the control and management of Significant Contracts and Projects.

Committee Resolution

The Audit and Risk Committee noted the Significant Contracts and Projects Report.

CARRIED

7.3 Procurement Report

Director/Executive Manager: Director Customer and Corporate Services

Report Author: Unit Manager Procurement

Minutes - Audit & Risk Committee 3 December 2024

Purpose

The purpose of this report is to provide an update on the actual performance against the Procurement Performance Indicators detailed in the Procurement Policy.

Committee Resolution

The Audit and Risk Committee noted the Procurement Key Performance Indicators Report for the period 1 July 2023 to 30 June 2024.

CARRIED

7.4 Developer Contributions Update

Director/Executive Manager: Director Planning and Development

Report Author: Senior Strategic Planner Infrastructure Contributions

Purpose

The purpose of this report is to provide the annual update on the management of Developer Contributions at the City of Whittlesea.

Committee Resolution

The Audit and Risk Committee noted:

- 1. The update on Development Contribution Report and the presentation.**
- 2. The next annual update on Development Contributions Plan Management is to be provided to the Audit and Risk Committee in late 2025.**

CARRIED

8 Internal Assurance

8.1 Internal Assurance Report

Director/Executive Manager: Executive Manager Office of Council and CEO

Report Author: Compliance and Governance Officer

Purpose

The purpose of this report is to provide and update on the 2024-25 Assurance Audit Plan.

Committee Resolution

The Audit and Risk Committee noted the update on the Assurance Audit Program outlined in the body of this report.

CARRIED

9 Compliance

9.1 Key Personnel Expenses

Director/Executive Manager: Executive Manager Office of Council and CEO

Report Author: Compliance and Governance Officer

Minutes - Audit & Risk Committee 3 December 2024

Purpose

The purpose of this report is to provide a detailed account of expenses and reimbursements for key personnel, including the Chief Executive Officer (CEO) and the CEO's Executive Assistant (EA), for the period from 1 July to 30 September 2024.

Committee Resolution

The Audit and Risk Committee noted:

1. The key personnel expenses incurred for the period 1 July to 30 September 2024 as detailed in Table 1 of this report.
2. The reimbursements and expenses incurred during the reporting period as detailed within the Administration Expenses, Table 2, of this report are being presented in accordance with Section 40(2) of the *Local Government Act 2020*.

CARRIED

10 Governance

10.1 Integrity Body Reports

Director/Executive Manager: Executive Manager Office of Council and CEO

Report Author: Compliance and Governance Officer

Purpose

The purpose of this report is to present an overview of integrity body publications from July to September 2024, highlighting key findings relevant to local government and sector-specified issues.

Committee Resolution

The Audit and Risk Committee noted:

1. The integrity body report for the period July to September 2024 at Attachment 1.
2. Relevant staff have been provided sections of the summary report as they relate to their respective areas for information and consideration.

CARRIED

10.2 Audit and Risk Committee Charter

Director/Executive Manager: Executive Manager Office of Council and CEO

Report Author: Compliance and Governance Officer

Purpose

Minutes - Audit & Risk Committee 3 December 2024

The purpose of this report is to present the revised Audit and Risk Committee Charter (Charter) to the Audit and Risk Committee for final consideration and endorsement prior to presenting the Charter to Council for approval at its next available meeting.

Committee Resolution

The Audit and Risk Committee:

1. Reviewed and endorsed the revised Audit and Risk Committee Charter at Attachment 1.
2. Noted subject to endorsement by the Audit and Risk Committee, the revised Charter will be presented to Council at its next available scheduled meeting for consideration and approval.

CARRIED

11 Other Matters

Executive Manager Office of Council and CEO noted the followings:

- Nominations for the appointment of Councillors and the independent member to Audit and Risk Committee will be recommended to Council at the 17 December 2024 Scheduled Council Meeting.
- Induction session for the Councillor members and the independent member of the Audit and Risk Committee.

The Chair and the Executive Manager Office of Council & CEO clarified the process around the meeting minutes to the Councillor members of the Committee.

12 Meeting Reflection

The Committee highlighted the following:

- The significance of Councillor involvement in the Committee.
- The necessity for Committee members to engage actively with both Councillors and management.
- Thanked management for the well written and presented reports, especially the Risk Management Report, Disaster Recovery Tests and Plans Report, and Directorate Presentation.
- The approach to questions on notice.

The Mayor thanked the Committee and the Chair.

The Chair closed the meeting at 4:02pm.



Audit and Risk Committee Charter

Last Approved by Council: x December 2024

Review Date: 20 May 2026

Responsible Department: Office of Council & CEO

A place for all



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1. Purpose

City of Whittlesea has established an Audit and Risk Committee (Committee) under the *Local Government Act 2020* (Act) to support Council in discharging its oversight responsibilities.

The minimum functions and responsibilities of the Committee include the following, which the Charter must include:

- monitor the compliance of Council policies and procedures with:
 - the overarching governance principles; and
 - the Act and the regulations and any Ministerial directions.
- monitor Council financial and performance reporting;
- monitor and provide advice on risk management and fraud prevention systems and controls; and
- oversee internal and external audit functions

The Committee also provides oversight of other key areas of governance including the soundness of internal controls and the effectiveness of compliance management systems.

The Charter aims to achieve the above in accordance with the Act, by setting out the Committee's objectives, authority, and reporting, administrative and governance arrangements.

2. Authority and Support

The Audit and Risk Committee Charter (Charter) is established under s 54 of the *Local Government Act 2020* and sets out the basis of membership, terms of appointment and remuneration of Committee members.

The Committee is an independent advisory committee to Council, does not exercise any legal or executive powers or authority to implement actions in areas over which management has responsibility and does not have any role in investigating Council decisions or other concerns of the operations of Council.

The Committee will:

- a) Provide advice and make recommendations to Council on matters relating to areas of its responsibility.



- b) Seek any relevant information it requires from Council, Council Officers (who are expected to co-operate with the Committee's requests) and external parties.
- c) Meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities.
- d) Through the Chief Executive Officer, the Committee will have access to appropriate management and administrative support to enable it to discharge its responsibilities effectively.

3. Committee Governance

3.1 Charter

The Committee will review its Charter every two years or more frequently, if required, and provide recommendations to Council on proposed improvements.

3.2 Committee Membership

3.2.1 Composition

The Committee will consist of six members appointed by Council, four of whom must be independent members. Council employees cannot be members of the Committee.

3.2.2 Chairperson

The Chairperson will be an independent member and will be appointed by the Council for a term the Council deems appropriate.

The Committee is authorised to appoint an Acting Chair, from the independent members present, when required.

3.2.3 Appointment of Members

In appointing both Councillor and independent members, Council will consider gender and diversity to ensure a balanced membership.

Where vacancies exist for Councillor membership, following a general election, and where the Council has not yet resolved to appoint up to two Councillors on the Committee, the Mayor has the authority to appoint no more than two Councillors to temporarily fill those vacancies until new appointments are resolved by the Council.



3.2.4 Member Skill and Experience

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council including expertise in financial management, risk management, understanding of internal audit requirements and experience in public sector management.

3.2.5 Tenure of Members

Independent members will be appointed for an initial period not exceeding three years and may be re-appointed for a further three-year period.

At the time of appointment of the Mayor and Councillor members, an additional Councillor member will be appointed as a proxy when either of the two appointed Councillor members are unable to attend a committee meeting.

Council may adjust the initial period of an independent appointment to allow for mid-term appointments, and to avoid situations where all member terms expire within proximity of each other.

3.2.6 Recruitment

Recruitment of independent members will be via a publicly released expression of interest (EOI) coordinated by a panel comprising the ARC Chair or their delegate, the mayor or their delegate, and the Council's Chief Executive Officer (CEO) or their delegate.

Following the EOI, the panel will make a recommendation to the Council for their formal consideration.

3.2.7 Induction

New members of the Committee will receive relevant information and briefings on their appointment to assist in meeting their responsibilities.

3.2.8 Remuneration

An annual fee, subject to periodic review, will be set by Council and paid quarterly to independent members.

The annual fee will be automatically indexed in alignment with the rate cap % each 1 July.



The CEO may, at their discretion, elect to pay independent members an extraordinary meeting payment.

3.2.9 Personal Returns

Members of the Committee must be fully aware of their responsibilities regarding the management of interests in relation to the discharge of their duties as a member of the Committee. Management of interests includes the proper management of any conflicts of interest as and when they may arise.

Independent members are required to complete Personal Interest Disclosures, although these will not be published online. Returns will be completed in March and September biannually. Independent member Returns will not be published online but will form part of each Committee meeting agenda for transparency.

3.2.10 Legislative Obligations

Section 123 (Misuse of position), s 125 (Confidential information) and Division 2 of Part 6 (Conflict of interest) of the Act, apply to independent members of the Committee as if the member were a member of a delegated Committee of Council. Members of the Committee must be fully aware of the statutory definitions of general and material conflicts of interest as set out in Part 6 Division 2 of the Act.

3.3 Reporting to Council

The Committee will formally report to Council biannually on its activities. These reports will summarise the Committee's activities, including its findings and recommendations.

The second of these reports will provide an overview of the full year of Committee activities and will be published on Council's website.

The Chair of the Committee will be invited to present a summary of the Committee's activities at a Councillor forum annually.

In addition to these reports, a summary of the unconfirmed minutes of Committee meetings will be provided to the next available Council meeting after each Committee meeting.



4. Committee Performance

The Committee will undertake an assessment of its performance annually, and:

- review the results of the assessment to identify any opportunities for performance improvement, including suggestions for improvements to this Charter;
- agree on improvement actions and embed them into forward plans; and
- report to Council on the outcomes of the assessment process.

The Committee will develop a plan for an external quality assessment, to be conducted at least once every five years.

The Committee Chair, in conjunction with officers, will be responsible for ensuring agreed actions are undertaken.

5. Committee Operations

5.1 Meetings

5.1.1 Frequency

The Committee will meet at least five times a year.

5.1.2 Additional Meetings

Additional meetings may be called by agreement between the CEO and Chair of the Committee.

5.1.3 Quorum

A quorum shall comprise three independent members (which may include the Chair) and one Councillor member.

5.1.4 Attendance

Face to face meetings is the preferred method to hold Committee meetings, however:

- the Committee Chair or CEO may request a meeting be held entirely virtually; or



- a member may, 24 hours prior to the Committee meeting, seek approval from the Chair to attend virtually. The Chair may approve and must not reasonably refuse any request to attend a meeting virtually.

Councillors are welcome to attend each Committee meeting to observe, but in doing so, do not have voting rights.

Other Councillors or observers that have questions of the Committee must refer them to the mayor who will liaise with the Committee Chair for a response.

The Committee may request to meet with the internal and/or external Auditors with no management in attendance, as required.

Committee meetings are closed to the public.

The CEO will facilitate the logistics of the meetings of the Committee, including the preparation and maintenance of agendas, minutes, and reports, and invite members of the management team, internal and external auditors, and other external parties to attend meetings as observers and to provide pertinent information, as necessary.

5.1.5 Meeting Schedule

The Committee will develop and adopt an Annual Work Plan that outlines how it intends to fulfil its requirements under this Charter.

5.1.6 Distribution of Meeting Papers

Meeting agenda papers will be prepared and provided to members, where possible, at least eight working days in advance of meetings.

5.1.7 Minutes

Minutes will be taken at each meeting. A summary of the unconfirmed minutes (excluding confidential minutes) will be publicly presented at the next available Council meeting then presented to a committee meeting for confirmation.

5.2 Independent Specialist Advice

Subject to prior agreement with the CEO, the Committee can access independent specialist advice where it believes that is necessary to execute its duties.



6. Areas of Responsibility

6.1 Financial and Performance Reporting

- a) Review significant accounting and external reporting issues, including complex or unusual transactions, transactions, and assumptions used and processes applied for balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements, and legislative changes, and understand their effect on the annual financial report.
- b) Monitor changes to the Local Government Performance Reporting Framework (LGPRF) and understand the impact of those changes on the disclosures required in the Annual Performance Statement.
- c) Review the draft annual financial report and draft annual performance statement and the Governance and Management Checklist and consider whether they are complete, consistent with information known to Committee members and with Standards, reflect appropriate accounting treatments, adequately disclose Council's position, and reflect significant adjustments (if any) arising from the audit process.
- d) Review with management and the external auditors the results of the audit, including any difficulties encountered by the external auditors.
- e) Recommend to Council the adoption of the annual financial report and annual performance statement.
- f) Review the content of periodic management financial reports prior to Council as required.

6.2 Internal Controls

- a) Monitor the compliance of Council policies and procedures with the overarching governance principles.
- b) Monitor key Council policies, systems, controls, financial and performance reporting, fraud and prevention systems and controls, and ensure they are reviewed regularly and update where required.
- c) Monitor significant changes to systems and controls including whether those changes significantly impact Council's risk profile.
- d) Ensure that a program is in place to test compliance with systems and controls.



6.3 Fraud & Corruption Prevention and Control

- a) Monitor and provide advice on risk management and fraud prevention systems and controls.
- b) At an appropriate time receive reports from management about actual or suspected instances of fraud, theft or corruption within Council including analysis of the control failures and action taken to address each event.
- c) Review reports by management about actions taken by Council to refer such matters to appropriate integrity bodies.
- d) Review the findings of examinations by regulatory or other independent agencies, and any auditor (internal or external) observations and confirm that management has taken appropriate action to address the findings.

6.4 Internal Assurance Plan

- a) Monitor Council's internal assurance program, where applicable.
- b) Note reports on internal assurance reviews and management responses to recommendations.
- c) Note actions by management on internal assurance review findings and recommendations.

6.5 Risk Management

- a) Annually review and provide advice on the effectiveness of Council's risk management framework and activities conducted by the Internal and External Auditors and any other assurance providers to give assurance over that framework.
- b) Monitor Council's risk appetite statement and the degree of alignment with Council's risk profile.
- c) Monitor Council's risk profile and the changes occurring in the profile.
- d) Monitor Council's treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans.
- e) Monitor the insurance programme annually prior to renewal.
- f) Monitor the approach to business continuity planning arrangements, including whether business continuity and disaster recovery plans have been regularly updated and tested.

6.6 Internal Audit

- a) Maintain and review periodically the Internal Audit Charter to ensure it provides an appropriate functional and organisational framework to enable Council's internal audit function to operate effectively and without limitations.
- b) Review and recommend to Council for approval the three-year strategic internal audit plan and the annual internal audit plan.



- c) Monitor progress on the delivery of the annual internal audit plan.
- d) Review and endorse proposed scopes for each review in the annual internal audit plan.
- e) Review reports on internal audit reviews and management's response to the recommendations.
- f) Monitor action by management on internal audit findings and recommendation.
- g) Meet with the leader of the team delivering the internal audit plan at least annually in the absence of management.
- h) Review the effectiveness of the internal audit function and ensure that it has the appropriate authority and no unjustified limitations on its work.
- i) Ensure the Committee is consulted regarding any proposed changes to the appointment of the internal audit service provider.

6.7 External Audit

- a) Review the annual external audit scope and plan proposed by the external auditor prior to the commencement of each year's audit process.
- b) Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope or access to information.
- c) Ensure that significant findings and recommendations made by the external auditor, and management's responses to them, are appropriate and are acted upon in a timely manner.
- d) Review on an annual basis the effectiveness of the external audit process.
- e) Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor Council's responses.
- f) Meet with the external auditor at least annually in the absence of management.

6.8 Compliance Management

- a) Monitor systems and processes implemented by Council for compliance with legislation and regulations and the results of management's follow-up of any instances of non-compliance.
- b) Obtain regular reports from management on any significant non-compliance matters.
- c) Receive in camera updates from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other agencies), such as the Local Government Inspectorate, the Ombudsman, IBAC, etc. and monitor Council's responses, other than matters under investigation by an integrity agency.

5.6 Appointment of Councillor Representatives to Committees

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Unit Manager Council Governance

In Attendance: Unit Manager Council Governance

Executive Summary

Annually, Council appoints representatives to organisations and committees to ensure the City of Whittlesea can participate and contribute to local and strategic issues that align to the Council achieving its goals.

This report is to present Council with the list of State-wide, Metropolitan, Regional and Whittlesea-based organisations, Council Advisory Committees and Standing Committees to enable Councillors to be appointed for the period 18 December 2024 to 15 December 2025.

Officers' Recommendation

THAT Council:

- 1. Appoints Councillor representatives to the State-wide, Metropolitan, Regional and Whittlesea-based organisations as listed at Table A within the body of this report for a period of up to 12 months.**
- 2. Note the Mayor, Cr McLindon will be appointed to the Outer Melbourne Councils and Northern Councils Alliance in accordance with their respective Terms of Reference and Charter.**
- 3. Appoints Councillor representatives to the Council Advisory Committees as listed at Table B within the body of this report for a period of up to 12 months.**
- 4. Appoints Councillor representatives to the Whittlesea City Council Standing Committees listed at Table C within the body of this report for a period of up to 12 months, and the Epping Cemetery Trust for the period of this Council term.**
- 5. Note the Mayor, Cr McLindon and Deputy Mayor, Cr Zinni will be appointed to the CEO Employment Matters Advisory Committee (CEMAC) plus one other Councillor in accordance with the CEMAC Employment and Remuneration Policy.**

Background / Key Information

State-wide, Metropolitan, Regional and Whittlesea-based organisations

Appropriate representation on these organisations enables Council to further its advocacy and engagement goals, and to gather information about sector opportunities, emerging issues and to inform decision-making.

A summary of the organisations and nominees required for 2024-25 is outlined in Table A below.

Table A

State-wide, metropolitan or regional organisation	Nominees required	Appointments 2024-25	Summary of organisation
Municipal Association of Victoria (MAV)	One Councillor (voting rights) and one proxy		The MAV is a legislated peak body for councils and the voice of local government in Victoria. MAV advocates for local government interests, initiates projects and services across a broad range of areas and supports the development, adoption and implementation of evidence-based research and policy.
Australian Local Government Women's Association Incorporated (ALGWA)	One Councillor (voting rights)		ALGWA is the peak body representing the interests of women in local government across Australia. The Association seeks to assist in furthering women's knowledge, understanding and participation in the function of Local Government.
Outer Melbourne Councils	Mayor (voting rights) and one proxy	Cr McLindon	This group comprises Whittlesea, Nillumbik, Hume, Mitchell, Melton, Cardinia, Casey, Yarra Ranges, Wyndham and Mornington Peninsula Councils. These Councils have both rural and urban areas. During the forum on 3 December 2014, the Interface Councils Group agreed that councils could appoint an alternative delegate to attend the Interface Council's Group

State-wide, metropolitan or regional organisation	Nominees required	Appointments 2024-25	Summary of organisation
			Forums and join delegations to Minister.
Metropolitan Transport Forum Inc.	One Councillor (voting rights)		This Forum promotes effective, efficient and equitable transport in metropolitan Melbourne by providing a forum for debate, research and policy development, and by disseminating information to improve transport choices.
Northern Alliance for Greenhouse Action Executive (NAGA)	One Councillor		<p>The NAGA formed in 2002 as a network to share information, skills and resources related to climate change action. NAGA’s members are the cities of Banyule, Darebin, Hume, Manningham, Melbourne, Moreland, Whittlesea, Yarra, Shire of Nillumbik and Moreland Energy Foundation (MEFL). NAGA’S goal is to substantially contribute to the transition to a low-carbon future.</p> <p>The NAGA Executive was formed in 2009 to ensure sound and effective decision-making. It is a senior leadership group comprising Councillors, Council Senior and Executive Officers, CEO of MEFL and NAGA Executive Officer.</p>
Northern Councils Alliance	Mayor (voting rights) and one proxy	Cr McLindon	The Northern Councils Alliance represents and works collectively for residents across seven municipalities including Banyule City Council, City of Darebin, Hume City Council, Mitchell Shire Council, Moreland City Council, Nillumbik Shire Council and the City of Whittlesea.

State-wide, metropolitan or regional organisation	Nominees required	Appointments 2024-25	Summary of organisation
			<p>As a group of Councils, the Alliance is committed to working to deliver and advocate for ongoing improvements to the economic, social, health and wellbeing for its residents and businesses both current and future.</p> <p>At the September 2019 meeting of the Alliance, Mayors and CEOs of member councils were signatories to a Memorandum of Understanding outlining that membership of the Alliance is to comprise one appointed Councillor representative from each member Council, supported by the CEO from each member Council.</p>
Victorian Local Governance Association (VLGA)	One Councillor (voting rights) and one proxy		The VLGA promotes good governance and sustainability by supporting local governments and communities through programs of advocacy, training, information provision and support.
Whittlesea Community Futures Partnership	One Councillor		The Whittlesea Community Futures Partnership is a voluntary alliance of 59 organisations including the City of Whittlesea, State and Federal Government and Human Service Organisations, working together with shared commitments and goals for the benefit of the local community.
Yarra Plenty Regional Library Board (YPRL)	One or two Councillor (voting rights)		The Board has responsibility for the provision and management of the library service and comprises two representatives from each of the three member Councils - Whittlesea, Banyule and Nillumbik.

State-wide, metropolitan or regional organisation	Nominees required	Appointments 2024-25	Summary of organisation
			<p>Meetings of the Board are governed by its constitution which provides for two persons from each of the three member Councils to be on the Board. One person must be a Councillor while the second appointee can be any other person</p>
Municipal Emergency Management Planning Committee	<p>CEO (Chair) (voting rights) One Councillor</p>		<p>The Committee is made up of fire response agencies and is responsible for maintaining a fire prevention and response process for the municipality.</p> <p>Only the CEO has voting rights and the CEO is required to nominate an additional representative s 59(Aii) <i>Emergency Management Act 2013</i></p>
Whittlesea Multicultural Communities Council (WMCC)	<p>One Councillor and one proxy</p>		<p>The WMCC enhances co-operation among the diverse communities and promotes a greater awareness of multicultural values and needs within the municipality.</p>
City of Whittlesea Community Awards Committee	<p>One Councillor</p>		<p>The Committee represents a cross-section of the community to promote and administer the City of Whittlesea Community Awards.</p>
Whittlesea Reconciliation Group (WRG)	<p>One Councillor (voting rights)</p>		<p>WRG commenced in 2001 as a community-based committee and key reference group for Council on the continuing reconciliation process and to foster understanding of historical, cultural and contemporary issues impacting Aboriginal and Torres Strait Islander communities.</p>

State-wide, metropolitan or regional organisation	Nominees required	Appointments 2024-25	Summary of organisation
Whittlesea Youth Commitment Strategic Advisory Group	One Councillor (optional)		The WYC helps young people to develop a sense of connectedness within their communities via youth programs and events, community and social planning, information and referral services and support to the Whittlesea Youth Network.

Council Advisory Committees

Council has established a number of Community Advisory Committees to facilitate community participation and input into policy and service development, and to assist with facility, project and event management.

These Committees typically comprise one or more Councillors, Council Officers and a number of community representatives. The community representatives can be local residents or stakeholders appointed in their own right or representatives of service authorities, support agencies or community organisations. The progress, advice and recommendations of these Committees is reported to Council through formal Officer reports (supplemented from time to time by verbal reports by Councillors).

A summary of the organisations and nominees required for 2024-25 is outlined in Table B below.

Table B

Council Advisory Committees	Nominees required	Appointments 2024-25	Summary of organisation
City of Whittlesea Disability Advisory Panel	One Councillor		<p>The Disability Advisory Panel in the City of Whittlesea enables community members and stakeholders in the disability sector to advise the Council on ensuring equal access and participation for people with disabilities.</p> <p>It operates according to the Council’s strategic goals outlined in the Whittlesea 2040 vision and the Whittlesea Community Plan</p>

Council Advisory Committees	Nominees required	Appointments 2024-25	Summary of organisation
			2021-2025, aiming to create an inclusive and safe community for people with disabilities.
Whittlesea Disability Network (WDN)	One Councillor and one proxy		WDN is an active network of residents with disabilities, carers and service providers who meet monthly to consider, advocate, advise and address issues for people with disabilities in the municipality.
City of Whittlesea Business Advisory Panel	Two Councillors and one proxy		The Panel enables business members to work together with Council in delivering the key objective and advocacy for a Strong Local Economy.

Standing Committees

Standing committees are formal committees that advise and recommend to Council on a specific area of Council’s functions or responsibilities.

Depending on their role and the need for delegated power, standing committees can either be a Delegated committee or an advisory committee.

The Audit and Risk Committee is designated as Standing Advisory Committee established in accordance with s 53 (1) of the *Local Government Act 2020* to monitor and oversee:

- the compliance of Council policies and procedures;
- council financial and performance reporting;
- risk management and fraud prevention systems and controls; and
- council’s internal and external audit functions.

The CEO Employment Matters Committee (CEMAC) is an Advisory Committee appointed for the purpose of assisting Council in fulfilling its responsibilities relating to CEO employment matters. CEMAC must provide for independent professional advice in relation to matters outlined within the CEO Employment and Remuneration Policy.

The Epping Cemetery Trust has been established as a Community Asset Committee pursuant to s 65 of the *Local Government Act 2020*.

A summary of the organisations and nominees required for 2024-25 is outlined in Table C below.

Table C

City of Whittlesea Standing Committees	Nominees required	Appointments 2024-25	Summary of Committee
Audit and Risk Committee (ARC)	Two Councillor (voting rights) and one proxy		<p>The Audit & Risk Committee's purpose is to assist Council to fulfil its oversight responsibilities for the financial and non-financial reporting process, internal controls, the audit process, risk management and Council's process for monitoring compliance with legislation and regulations and the Code of Conduct.</p> <p>Four independent members of the Committee are separately appointed by Council for a fixed term.</p>
CEO Employment Matters Advisory Committee (CEMAC) (External Independent Chairperson appointed until 28 February 2027)	Mayor, Deputy Mayor and one Councillors	Cr McLindon Cr Zinni Cr	The Advisory Committee is to make recommendations to Council on CEO contractual employment matters, performance matters and any other functions or responsibilities prescribed by the <i>Local Government Act</i> .
Hearing of Submissions Committee (HoS)	Up to five Councillors		Council's Governance Rules allow for sub-committees to be established to hear submissions from community members ie. submissions relating to the budget or discontinuance of roads.

City of Whittlesea Standing Committees	Nominees required	Appointments 2024-25	Summary of Committee
Epping Cemetery Trust	Three Councillors as trustees appointed for the 4-year Council term.		Epping cemetery is a closed Class B cemetery with historical and regional aesthetic significance. It is situated on Crown Land Reserve but an asset of Council.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

High Performing Organisation

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

Considerations of Local Government Act (2020) Principles

Financial Management

The cost associated with the appointment of Councillors is included in the relevant budget.

Community Consultation and Engagement

Not applicable.

Other Principles for Consideration

Overarching Governance Principles and Supporting Principles

- (i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.
- (b) Council information must be publicly available unless—
 - (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest.
- (c) Council information must be understandable and accessible to members of the municipal community.
- (d) Public awareness of the availability of Council information must be facilitated.

Council Policy Considerations

Environmental Sustainability Considerations

The participation in various committees supports environmental partnerships, awareness and action and is aligned to Council's Sustainable Environment Strategy.

Social, Cultural and Health

The participation in various committees supports partnerships, awareness and actions relating to the social, cultural and health considerations impacting our community.

Economic

The participation in various committees supports economic development and partnership with local business and is aligned with Council's strong local economy strategy and action plan.

Legal, Resource and Strategic Risk Implications

There are no implications.

Implementation Strategy

Communication

Officers will write to each committee and organisation to inform them of Council's nominated representatives.

Critical Dates

The appointments made in this report will take effect from 18 December 2024 through to the scheduled December Council meeting in 2025.

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Attachments

Nil

6 Notices of Motion

6.1 Reducing Council's reliance on Rates

Councillor: Mayor, Cr Aidan McLindon

NoM No: 2024/02

Please take notice that it is my intention to move the following motion at the Scheduled Meeting of Council to be held on Tuesday 17 December 2024 at 6pm:

Motion

THAT Council resolve:

1. **As part of the review of the Long Term Financial Plan that the Chief Executive Officer identify opportunities to lower costs with the aim to reduce Council's reliance on rates, fees and charges, without compromising Council's service efficiency and delivery.**

Notice Received: 3 December 2024

Notice Given to Councillors: 5 December 2024

Date of Meeting: 17 December 2024

PREAMBLE

The purpose of this motion is for Council to consider opportunities as part of reviewing the Long-Term Financial Plan in response to the current cost of living increases across the board.

7 Urgent Business

No Urgent Business

8 Reports from Councillors and CEO Update

9 Confidential Business

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*.

Recommendation

THAT the Mayor recommends that the meeting be closed to the public for the purpose of considering details relating to the following confidential matters in accordance with Section 66(2)(a) of the *Local Government Act 2020* as detailed.

10 Closure