

# **Instrument of Delegation**

**Chief Executive Officer**

**to**

**Members of Council Staff  
(S13)**

(Powers, Duties & Functions  
of the Chief Executive Officer)

**20 August 2020**

Version 6.01

By this Instrument of Delegation, in exercise of the power conferred by s 47(2) of the *Local Government Act 2020*, I, Joe Carbone as Acting Chief Executive Officer of Whittlesea City Council –

1. delegate each duty and/or function and/or power respectively described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position respectively described in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

## **Titles**

<b>Title</b>	<b>Position</b>
AO	Authorised Officer
ARC	Assistant Revenue Co- Ordinator
CEO	Chief Executive Officer
DCRS	Director Corporate Services
DCS	Director Community Services
DCTP	Director City Transport & Presentation
DIR	Director
DPPE	Director Partnerships, Planning & Engagement
ELT	Executive Leadership Team
GO	Governance Officer
HOC	Head of Communications
ICO	Internal Compliance Officer
IMA	Injury Management Advisor
MAN	Manager
MBP	Manager Building & Planning
MCAP	Manager Corporate Accountability and Performance
MCCD	Manager Community Cultural Development
MCP	Manager City Presentation
MCSA	Manager City Safety & Amenity

Title	Position
MCW	Manager Community Wellbeing
MFA	Manager Finance & Assets
MFCYP	Manager Family Children and Young People
MG	Manager Governance
MI	Manager Infrastructure
MPC	Manager People & Capability
MPRV	Manager Property, Rates and Valuations
ND	Not delegated
PGA	Principal Governance Advisor
SERA	Senior Employee Relations Advisor
TL	Team Leader
TLGA	Team Leader Governance Administration
TLHR	Team Leader Human Resources
TLHS	Team Leader Health Services
TLOD	Team Leader Organisational Development
TLP	Team Leader Procurement
TLRS	Team Leader Revenue Services
TLSW	Team Leader Safety and Wellbeing

3. record that on the coming into force of this Instrument of Delegation each delegation under the Instrument of Delegation dated 3 June 2019 and executed by Simon Overland is revoked;
4. declare that this Instrument of Delegation –
  - 4.1 comes into force immediately upon its execution;
  - 4.2 remains in force until varied or revoked; and
  - 4.3 is subject to any conditions and limitations set out in paragraph 5, and in the Schedule; and
5. declare that the delegate must not determine the issue, take the action or do the act or thing if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation.

This Instrument of Delegation is dated 20 August 2020 and is made by the Acting Chief Executive Officer.

**Signed by the Acting Chief Executive Officer of Council in the presence of:**



**Witness**



**Date: 21 August 2020**

## Delegation Sources

- Child Wellbeing and Safety Act 2005
- Emergency Management Act 2013
- Environment Protection Act 1970
- Fines Reform Act 2014
- Fire Services Property Levy Act 2012
- Food Act 1984
- Freedom of Information Act 1982
- Independent Broad-Based Anti-Corruption Commission Act 2011
- Local Government Act 2020
- Local Government Act 1989
- Planning and Environment Act 1987
- Public Health and Wellbeing Act 2008
- Public Interest Disclosures Act 2012
- Rooming House Operators Act 2016
- Valuation of Land Act 1960
- Victorian Data Sharing Act 2017
- Victorian Inspectorate Act 2011
- Local Government (Electoral) Regulations 2020

## Instrument of Delegation of CEO powers, duties and functions

<b>Child Wellbeing and Safety Act 2005</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 29(2)	Function of receiving written notice and consenting to inspection of relevant premises by the Commission for Children and Young People	DCS, MFCYP	
s 29(3)	Power to consent to inspection of relevant premises without written notice by the Commission for Children and Young People	DCS, MFCYP	
s 36	Duty to ensure that the Commission for Children and Young People is given any assistance reasonably required to perform functions	DCS, MFCYP	
s 43	Function of receiving birth notice in certain circumstances	DCS, MFCYP	
s 45	Duty to send a copy of a birth notice to a nurse or the Secretary	DCS, MFCYP	
s 46K(1)(g)	Power to authorise, in writing, a person employed or engaged by Council, in relation to childhood services implementation or policy, as a Child Link user	DCS, MFCYP	
s 46K(1)(h)	Power to authorise, in writing, a nurse employed or engaged by Council, to provide maternal and child health programs for a Maternal and Child Health service, as a Child Link user	DCS, MFCYP	

### Emergency Management Act 2013

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 54(1)(a)(vii)	Power to nominate a person, position or role to be a member of the Regional Emergency Management Planning Committee	ND	Note: this provision commences on 1 December 2020, unless proclaimed earlier
s 59B(1)(b)	Power to nominate a member of Council staff to be the chairperson of the Municipal Emergency Management Planning Committee	DCTP, MI	Note: this provision commences on 1 December 2020, unless proclaimed earlier  Delegates cannot nominate themselves
s 74E3	Function of receiving a copy of any Orders made by Governor in Council under this section	DCTP, MI	

### Environment Protection Act 1970

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 50AC	Function of consulting with Sustainability Victoria prior to submission of State-wide Waste and Resource Infrastructure Plan to the Minister	DCTP, MCP	
s 50BC	Function of consulting with Waste and Resource Recovery Group prior to submission of Regional Waste and Resource Recovery Implementation Plan to Sustainability Victoria	ND	

<b>Fines Reform Act 2014</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 175(1)(b)	Power to certify that exceptional circumstances apply requiring Council not to provide required information	DCS, DPPE, MCSA, MCW	Where Council is a 'specified agency'

<b>Fire Services Property Levy Act 2012</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 66	Power to disclose information in capacity as a collection agency unless that information will or is likely to identify a particular person	DCRS, MPRV, TLRS	s 66 does not apply if the disclosure is permitted by, or is necessary for the administration of, this Act
s 68	Power to authorise the secondary disclosure of information obtained under, or in relation to the administration of, this Act	DCRS, MPRV, TLRS	

<b>Food Act 1984</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 50AB	Function of signing a certificate under this Act	DCS, MCW, TLHS	



## Freedom of Information Act 1982

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 6W(4)	Duty to ensure that all officers and employees are informed about the requirements of the professional standards	GO, MG, PGA	
s 8(2)	Duty to make certain documents available for inspection and purchase	GO, MG, PGA	
s 8(3)	Duty to cause to be prepared a corresponding document, altered only to the extent necessary to exclude exempt matter	GO, MG, PGA	
s 8(5)	Duty to cause the fact of the existence of a document to be published	GO, MG, PGA	
s 61E	Duty to co-operate with the Information Commissioner in dealing with a complaint	GO, MG, PGA	
s 61G	Function of consulting with the Information Commissioner	GO, MG, PGA	
s 61GA(1)(a)	Function of processing or identifying a reasonable sample of the documents upon notice from the Information Commissioner	GO, MG, PGA	Where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of the complaint under s 25A(1) or s .25A(5)
s 61GA(1)(b)	Function to undertake a further search, or to cause a further search to be undertaken, for documents in the possession, custody or control of the agency or Minister, upon notice from the Information Commissioner	GO, MG, PGA	Where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision

**Freedom of Information Act 1982**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 61GA(2)	Duty to comply with requests under s 61GA(1) within the reasonable time stated in Information Commissioner's notice, being not less than 10 business days	GO, MG, PGA	
s 61GA(3)	Power to apply for extension	GO, MG, PGA	
s 61H	Power to reach an agreement with a complaint	GO, MG, PGA	
s 61I(2)	Power to make submissions in relation to a complaint	GO, MG, PGA	
s 61L(5)	Power to comment on and response to a draft recommendation or draft comment	GO, MG, PGA	
s 61R(4)	Power to respond to adverse material	GO, MG, PGA	
s 63BA(1)	Power to apply to the Supreme Court for a determination	GO, MG, PGA	
s 63BA(4)(a)	Power to make an application	GO, MG, PGA	
s 63E(3)(b)	Power to give written consent to a disclosure	GO, MG, PGA	

**Freedom of Information Act 1982**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 64B	Duty to give the Information Commissioner any information referred to in s 64(2)	GO, MG, PGA	

**Independent Broad-Based Anti-Corruption Commission Act 2011**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 41	Power of receiving information acquired by the Independent Broad-based Anti-corruption Commission (IBAC)	MG	
s 57	Duty to notify IBAC of any matter believed to constitute corrupt conduct	MG	Subject to any exemption notices issued under s 57B
s 57A(5)	Duty to comply with Directions made by IBAC under s 57A	MG	
s 59D(2)	Duty to comply with request by IBAC under s 59D for relevant information	MG	
s 73	Power of receiving a complaint pertaining to Council staff, under circumstances in which it would be more appropriate for Council to conduct the investigation	MG	
s 159	Power of receiving IBAC recommendations about the action to be taken following an IBAC investigation	MG	

### Independent Broad-Based Anti-Corruption Commission Act 2011

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 162	Power of receiving and responding to an IBAC special report that includes matters pertaining to Council	MG	
s 163(3)	Power of receiving written information about the commencement, conduct or results of an IBAC investigation pertaining to Council	MG	
s 165	Power of receiving and responding to IBAC material that includes matters pertaining to Council, to be published in the IBAC annual report	MG	

### Local Government Act 2020

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 32(4)(a)	Duty to ensure that the Councillor induction training is available to be taken by a Councillor from the day the Councillor takes the oath or affirmation of office	MG, PGA, TLGA	[Note: this provision commences on 24 October 2020 unless proclaimed earlier]
s 32(4)(b)	Duty to provide reasonable assistance to a Councillor to enable them to access the Councillor induction training	MG, PGA, TLGA	[Note: this provision commences on 24 October 2020 unless proclaimed earlier]
s 46(1)(a)	Function of supporting the Mayor and the Councillors in the performance of their roles	DIR	[Note: this provision commences on 1 July 2021]
s 46(1)(b)	Function of ensuring the effective and efficient management of the day to day operations of the Council	DIR, ELT	[Note: this provision commences on 1 July 2021]

**Local Government Act 2020**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46(3)(a)	Duty of establishing and maintaining an organisational structure for the Council	ND	[Note: this provision commences on 1 July 2021]
s 46(3)(b)	Responsibility for appointing, directing, managing and dismissing Council staff and for all other issues relating to Council staff	DIR, MAN, MPC	[Note: this provision commences on 1 July 2021] Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to approve the filling of vacancies or the creation, reclassification, or abolition of positions within budget	DIR, MAN, MPC	Note: this provision commences on 1 July 2021 Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to fix salaries for vacant positions	MAN, MPC, TLHR	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve the appointment, engagement or promotion of full time, part time and casual staff	DIR, ELT, MAN	Note: this provision commences on 1 July 2021 Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to approve position descriptions	DIR, MAN, MPC, TLHR	Note: this provision commences on 1 July 2021

**Local Government Act 2020**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46(3)(b)	Power to create or approve creation of new positions	DIR, MPC	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to conduct disciplinary action under relevant awards and policies	DIR, MAN, MPC, TL, TLHR	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to terminate or suspend the employment of, or to suspend from duty, a member of Council staff	ND	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to conduct interviews for staff annual review	DIR, MAN, TL, TLHR	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to authorise sick, annual and family leave	DIR, MAN, TL	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve long service leave and compassionate leave	DIR, MAN, MPC, TL, TLHR	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to authorise all forms of study and training leave and educational assistance	DIR, MAN, TLOD	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve leave without pay	DIR, MAN, MPC, TLHR	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to authorise time sheets, higher duties, time-in-lieu, overtime and travel expense claims	DIR, MAN, TL	Note: this provision commences on 1 July 2021

**Local Government Act 2020**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46(3)(b)	Power to approve attendance at conferences and seminars by staff	DIR, MAN	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve attendance at training programs by staff	DIR, MAN	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to give approval for staff to travel	DIR, MAN	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve travel accommodation for staff	DIR, MAN	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to sign Notice of Injury and Work Injury Form	IMA, MCAP, MPC, TLSW	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve claims under WorkCover excess	IMA, MCAP, MPC, TLSW	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve expenses relating to an approved course of study for staff	MPC	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to approve staff engaging in other employment	MPC	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to determine acceptance or denial of liability in the event of a WorkCover claim	IMA, TLSW	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to sign Letter of Acceptance of Resignation	MAN	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to provide references on Council letterhead	MAN	Note: this provision commences on 1 July 2021
s 46(3)(b)	Power to authorise access to a staff member's personal file	MPC	Note: this provision commences on 1 July 2021

**Local Government Act 2020**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46(4)(a)	Duty to develop and maintain a workforce plan that describes the organisational structure of the Council and specifies the projected staffing requirements for a period of at least 4 years and sets out measures to seek to ensure gender equality, diversity and inclusiveness	MPC	Note: this provision commences on 1 July 2021
s 46(4)(b)	Duty to inform the Council before an organisational restructure that will affect the capacity of the Council to deliver the Council Plan is implemented	ND	Note: this provision commences on 1 July 2021
s 46(4)(c)	Duty to consult members of Council affected by a proposed organisational restructure, before the organisational restructure is implemented	DIR	Note: this provision commences on 1 July 2021
s 46(5)	Duty to, in giving effect to gender equality, diversity and inclusiveness, comply with any processes and requirements prescribed by the regulations for the purposes of this section of this Act	MCCD, MPC	Note: this provision commences on 1 July 2021
s 46(6)	Duty to ensure that the Mayor, Deputy Mayor, Councillors and members of Council staff have access to the workforce plan	MPC	Note: this provision commences on 1 July 2021
s 47(6)	Duty to submit an annual report to the Council in relation to the activities and performance of a Community Asset Committee in respect of which the members have been given a delegation under this section	DIR	
s 47(7)	Duty to keep a register of delegations under section 47 of this Act	GO, MG, PGA, TLGA	
s 48(1)	Power to appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be performed	DIR	Note: this provision commences on 1 July 2021



**Local Government Act 2020**

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
			Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 48(2)	Duty to adopt and maintain a recruitment policy addressing the matters listed in s 48(2)	DCRS, MPC, TLHR	Note: this provision commences on 1 July 2021
s 49(1)	Duty to develop and implement a code of conduct for members of Council staff	DCRS, MPC, TLHR	Must develop and implement the first code of conduct within 6 months of commencement of this section  Note: this provision commences on 1 July 2021
s 49(4)	Duty to ensure that members of Council staff have access to the code of conduct for members of Council staff	DCRS, ELT, HOC, MPC, TLHR	Note: this provision commences on 1 July 2021
s 54(6)	Duty to ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee	DCRS, ICO, MFA	
s 97(1)	Duty to ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public	DCRS, MFA	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 109(2)	Duty to ensure that any report of the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available	DCRS, MCAP, TLP	Note: this provision commences on 1 July 2021

**Local Government Act 2020**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 121	Function of receiving application for land information certificate	ARC, DCRS, MPRV, TLRS	Note: this provision commences on 1 July 2021
s 122	Function of receiving acquisition notice	ARC, DCRS, TLRS	Note: this provision commences on 1 July 2021
s 130(7)	Duty to notify the Chief Municipal Inspector as soon as practicable after the Chief Executive Officer becomes aware that a relevant person, who is a member of Council staff, has failed to disclose a conflict of interest	ND	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 130(8)	Duty to notify the Council if a relevant person, who is not a Councillor or member of Council staff, fails to disclose a conflict of interest and make a recommendation to the Council as to the action that is to be taken	ND	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 132(1)	Power to nominate a 'nominated officer'	MG, PGA	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 133	Function of receiving an initial personal interests return	GO, MG, PGA, TLGA	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 134	Function of receiving a biannual personal interests return	GO, MG, PGA, TLGA	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 135(1)	Duty to prepare a summary of the personal interests information disclosed in the last personal interests return lodged with the Chief Executive Officer	GO, MG, PGA, TLGA	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 135(3)	Duty to ensure the summary of personal interests is published on the Council's Internet site and available for inspection at the Council office	GO, MG, PGA, TLGA	Note: this provision commences on 24 October 2020 unless proclaimed earlier

**Local Government Act 2020**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 136(1)	Duty to ensure that personal interests return are kept in accordance with the Public Records Act 1973	GO, MG, PGA, TLGA	Note: this provision commences on October 2020 unless proclaimed earlier
s 136(2)	Duty to ensure that only the 'specified persons' have access to or can inspect a personal interests return	GO, MG, PGA, TLGA	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 150(1)	Duty to appoint the Councillor Conduct Officer and notify the Principal Councillor Conduct Registrar of the appointment	MG	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 230(16)	Duty to summon a Council Meeting within 14 days after the public declaration of the election result	ND	Note: this provision commences on 24 October 2020 unless proclaimed earlier
s 240(10)	Duty to send notice	MG	
s 240(11)	Duty to send notice	MG	
s 240(12)	Duty to send notice	MG	
s 246(1)	Duty to enrol a person following receipt of a written application for enrolment unless she or he believes the personal is not entitled to be enrolled	ARC, DCRS, MPRV, TLRS	
s 246(2)	Power to refuse enrolment and duty to give written reasons for refusal application for enrolment	ARC, DCRS, MPRV, TLRS	
s 246(3)	Power to request information orally or in writing to enable her or him to determine a person's eligibility for enrolment	ARC, DCRS, MPRV, TLRS	

**Local Government Act 2020**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 246(4)	Power to require information to be given in writing and signed by the person giving the information	ARC, DCRS, MPRV, TLRs	
s 247(3)	Power to decide whether address should be placed on voters' roll and to then take action accordingly	ARC, DCRS, MPRV, TLRs	
s 247(4)	Duty to notify the person in writing of a decision to grant or refuse a request to remove the person's address from Council voters' roll	ARC, DCRS, MPRV, TLRs	
s 248(1)	Duty to supply to the Victorian Electoral Commission list of voters who appear to be entitled to be enrolled as ratepayers or corporation representatives and any information required by the Victorian Electoral Commission to compile or amend the voters' roll	ARC, DCRS, MPRV, TLRs	
s 248(2)	Power to include in the list supplied to the Victorian Electoral Commission people whose address on the rate notice is outside of the municipal district	ARC, DCRS, MPRV, TLRs	For the purposes of section 243
s 254(1)	Power to use the Council voters' roll for communicating or consulting the local community on the performance of the Council's functions	MG, PGA	Subject to section 254(2)(a) and (b)
s 254(2)	Duty to obtain undertaking	MG, PGA	
s 254(4)	Power to request the Victorian Electoral Commission to provide a copy of the voters' roll	MG, PGA	
s 258(8)	Duty to notify the Minister and the Victorian Electoral Commission that an extraordinary vacancy has occurred within 3 days of receiving a written resignation from a Councillor or becoming aware of an extraordinary vacancy	MG	

**Local Government Act 2020**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 306(1)	Function of receiving election campaign donation return	GO, MG, PGA, TLGA	
s 307(1)(a)	Duty to submit a report to the Minister specifying details of the candidates in the election and who submitted an election campaign donation return within 14 days after the period specified in section 360(1)	GO, MG, PGA, TLGA	
s 307(2)	Duty to provide a summary of each election campaign donation return given to the Chief Executive Officer on the Council's Internet site	GO, MG, PGA, TLGA	
s 307(3)	Duty to ensure that a summary of the return is made available on the Council's Internet	GO, MG, PGA, TLGA	
s 308(2)	Duty to ensure that a summary of an election campaign donation return is made available on the Council's Internet site until the close of the roll for the next general election	GO, MG, PGA, TLGA	
s 308(3)	Duty to ensure that a copy of an election campaign donation return is available for inspection at the Council's office for a period of 4 years from the date specified in section 360(1)	GO, MG, PGA, TLGA	
s 313(2)	Power to represent the Council in all respects as though the person was the party concerned in any proceedings in which the Council is a party or has an interest	AO	
s 324(2)	Power to sign a certificate certifying any matter relating to the contents of any document kept by a Council	MG, PGA	

**Local Government Act 1989**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 28(1B)	Function of receiving notice of any change to any entitlement relating to the enrolment of a Councillor	MG	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
ss 68A(1) & 69(1)(c)	Function of receiving resignation from a Councillor	CEO	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 68A(4)	Power to commence the holding of an election to fill extraordinary vacancy	CEO	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 72(1)(c)	Function of receiving resignation from the Mayor	CEO	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 77(2)(c)	Power to designate information to be 'confidential information' for the purposes of s 77A	MG	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier.  Manager Governance has the power to designate information to be confidential information where the information relates to matters considered by the CEO Employment Matters Advisory Committee (CEMAC) concerning the member of Council staff acting as the CEO.
ss 79(2)(a)(ii) & (3)	Function of receiving advice of a conflict of interest of a Councillor or member of a special committee	MG	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 79(5)(a)	Duty to keep written disclosures given to him or her under this section in a secure place for 3 years after the date the Councillor or member of a special committee who made the disclosure ceases to be Councillor or member of a committee	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier

**Local Government Act 1989**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 79(5)(b)	Duty to destroy the written disclosure when the 3 year period referred to in section 79(5)(a) has expired	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 79(8)	Duty to record a conflict of interest in the minutes of a meeting	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 80(1)(b)	Power to apply, in writing, to the Minister, after receiving written declarations of conflicts of interest from a majority of Councillors, for an exemption of those Councillors from any or all of the provisions of section 79	MG	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 80(1A)	Function of providing additional information regarding an application made under section 80(1)(b)	MG	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 80A(1)	Duty to ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending, the matters considered and any conflict of interest disclosures made by a Councillor attending under section 80A(3) and whether a Councillor who discloses a conflict leaves the assembly	MG	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 80A(2)(a)	Duty to ensure a written record of an assembly of Councillors is reported at an ordinary meeting of the Council as soon as practicable	MG	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 80A(2)(b)	Duty to ensure a written record of an assembly of Councillors is incorporated in the minutes of that Council meeting as soon as practicable	DPPE, MG, PGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 80B(2)(b)	Duty to disclose type and nature of conflict of interest to the Mayor or the Council	MG	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier

**Local Government Act 1989**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 80B(2)(c)	Function of receiving written disclosure of conflict of interest from staff member	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(1)	Power to nominate a 'nominated officer'	MG, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(2)	Function of receiving a primary return from a Councillor or a member of a special committee	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(4)	Function of receiving a primary return from a nominated person	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(5)	Function of receiving an ordinary return from a Councillor, member of a special committee or a nominated officer	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(9)	Duty to maintain a register of the interests of Councillors, members of special committees and nominated officers	MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(10)	Duty to allow a person to inspect the register following a written request to the Chief Executive Officer	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(12)	Duty to take all reasonable steps to ensure that only persons who made written applications may inspect the register	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81(13A)	Duty to maintain a record of the names of persons who have inspected the register of interests under section 81(10)	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier



**Local Government Act 1989**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 81(16)	Duty to remove all the returns submitted by a Councillor or a member of a special committee or a nominated officer from the register, as soon as practicable after a person ceases to hold that position	GO, MG, PGA, TLGA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 81Y	Duty to appoint, in writing, a Principal Conduct Officer	CEO	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 94A(2)	Power to appoint members of Council staff to enable the statutory functions of Council or the Chief Executive Officer to be carried-out	DIR, MAN	Note: this provision will be repealed on 1 July 2021
s 94A(3)*	responsibility for appointing, directing, managing and dismissing Council staff and for all other issues relating to Council staff	DIR, MAN, MPC	Note: this provision will be repealed on 1 July 2021 Only CEO has power to dismiss.
s 94A(3)	Power to approve the filling of vacancies or the creation, reclassification, or abolition of positions within budget	DIR, MAN, MPC	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to fix salaries for vacant positions	MAN, MPC, TLHR	Note: this provision will be repealed on 1 July 2021 Only in relation to banded positions.
s 94A(3)	Power to approve the appointment, engagement or promotion of full time, part time and casual staff	DIR, MAN, MPC	Note: this provision will be repealed on 1 July 2021 Only in relation to banded positions.
s 94A(3)	Power to approve position descriptions	MAN	Note: this provision will be repealed on 1 July 2021 In consultation with People & Culture Business Partner
s 94A(3)	Power to create or approve creation of new positions	DIR, MPC	Note: this provision will be repealed on 1 July 2021

**Local Government Act 1989**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 94A(3)	Power to conduct of disciplinary action under relevant awards and policies	DIR, MAN, MPC, TL, TLHR	Note: this provision will be repealed on 1 July 2021 With support from Human Resources
s 94A(3)	Power to terminate or suspend the employment of, or to suspend from duty, a member of Council staff	ND	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to conduct interviews for staff annual review	DIR, MAN, TL, TLHR	Note: this provision will be repealed on 1 July 2021 Manager or immediate Supervisor
s 94A(3)	Power to authorise sick, annual and family leave	DIR, MAN, TL	Note: this provision will be repealed on 1 July 2021 Manager or immediate Supervisor
s 94A(3)	Power to approve long service leave and compassionate leave	DIR, MAN, MPC, TL, TLHR	Note: this provision will be repealed on 1 July 2021 Manager or immediate Supervisor
s 94A(3)	Power to approve leave without pay	DIR, MAN, MPC, TLHR	Note: this provision will be repealed on 1 July 2021 Managers can approve up to four (4) weeks. Leave without pay greater than 4 weeks must be approved by the CEO.
s 94A(3)	Power to authorise all forms of study and training leave and educational assistance	MAN, TLOD	Note: this provision will be repealed on 1 July 2021 In consultation with People and Culture
s 94A(3)	Power to authorise time sheets, higher duties, time-in-lieu, overtime and travel expense claims	DIR, MAN, TL	Note: this provision will be repealed on 1 July 2021

**Local Government Act 1989**

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 94A(3)	Power to approve attendance at conferences and seminars	DIR, MAN	<p>Note: this provision will be repealed on 1 July 2021 Managers can approve conference expenses up to \$1,500 Directors can approve conference expenses up to \$2,000 CEO must approve any expenses over \$2,000</p>
s 94A(3)	Power to approve attendance at training programs	MAN	<p>Note: this provision will be repealed on 1 July 2021 Managers can approve training expenses up to \$1,500 Directors can approve training expenses up to \$2,000 CEO must approve any training over \$2,000</p>
s 94A(3)	Power to give approval for officers to travel	DIR, MAN	<p>Note: this provision will be repealed on 1 July 2021 Refer to Council's Travel Policy. Council must approve overseas travel. Manager and Director can approve interstate travel. Manager can approve travel within Victoria.</p>
s 94A(3)	Power to approve travel accommodation	DIR, MAN	<p>Note: this provision will be repealed on 1 July 2021 Refer to Council's Travel Policy. Council must approve in relation to overseas travel. Manager and Director can approve in relation to interstate travel. Manager can approve in relation to travel within Victoria.</p>

**Local Government Act 1989**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 94A(3)	Power to sign Notice of Injury and Work Injury Form.	IMA, MCAP, MPC, TLSW	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve claims under WorkCover excess	IMA, MCAP, MPC, TLSW	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve expenses relating to an approved course of study.	MPC	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to approve staff engaging in other employment	MPC	Note: this provision will be repealed on 1 July 2021 Refer to Code of Conduct for Staff and Others
s 94A(3)	Power to determine acceptance or denial of liability in the event of a WorkCover claim	IMA, TLSW	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to sign Letter of Acceptance of Resignation	MAN	Note: this provision will be repealed on 1 July 2021
s 94A(3)	Power to provide references on Council letterhead	MAN	Note: this provision will be repealed on 1 July 2021 People and Culture - Business Partner has the power to provide a Statement of Service
s 94A(3)	Power to authorise access to a staff member's personal file	MPC	Note: this provision will be repealed on 1 July 2021 All staff have access to their own personal file.
s 94A(3A)	responsibility for managing interactions between Council staff and Councillors, including by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between Council staff and Councillors	DIR	Note: this provision will be repealed on 1 July 2021

**Local Government Act 1989**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 94B(1)	Power to appoint a senior officer	MPC	Note: this provision will be repealed on 1 July 2021  Subject to prescribe notice requirements. Notice requirements do not apply when appointing an acting senior officer for a period of less than 12 months (s 94B(2))
s 94B(3)	Duty to ensure that a person who has filled a senior officer's position on an acting basis for 12 months is not remunerated in any way for anything the person does in respect of that position after that 12 month period (unless subsection (1) applies).	MPC	Note: this provision will be repealed on 1 July 2021
s 94D	Duty to give Council staff an opportunity to apply for any vacant permanent full-time Council staff position	MPC	Note: this provision will be repealed on 1 July 2021
s 95AA(1)	Duty to develop and implement a code of conduct for Council staff in accordance with 'any matters which are prescribed for the purposes of this section' (s 95AA(2))	DCRS, ELT, HOC, MPC, TLHR	Note: this provision will be repealed on 1 July 2021
s 95AA(3)	Duty to ensure members of Council staff have access to the code of conduct for Council staff	DCRS, ELT, HOC, MPC, TLHR	Note: this provision will be repealed on 1 July 2021
s 95B(5)	Duty to comply with a notice under s 95B(3)(b)	CEO	Note: this provision will be repealed on 1 July 2021
s 95B(6)	Duty to employ a person on an acting basis where the Council or the Chief Executive officer is forbidden to fill a vacancy by a notice	ND	Note: this provision will be repealed on 1 July 2021
s 97A(2)	Duty to review the performance of every senior officer at least once each year	DIR	Note: this provision will be repealed on 1 July 2021

**Local Government Act 1989**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 132(5)(b)	Duty to certify Council performance statement and financial statements	ND	The CEO must certify: the performance statement pursuant to r 18(1)(a) of the Local Government (Planning and Reporting) Regulations 2014 (Reporting Regulations), and; the financial statements pursuant to r 21(1)(a) of the Reporting Regulations  Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 138	Duty to give quarterly statements at a Council meeting that is open to the public	DCRS, MFA	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 181G	Duty to ensure that quarterly statement prepared under section 138 of Local Government Act 1989 includes relevant details of environmental upgrades and charges	DCRS, MFA	
s 219(12)	Duty to summon a Council meeting within 14 days after the public declaration of the election result	ND	Note: this provision will be repealed on 24 October 2020 unless proclaimed earlier
s 229(2)(b)	Function of receiving an application for a land information certificate	ARC, DCRS, MPRV, TLRS	Note: this provision will be repealed on 1 July 2021
s 230	Function of receiving notice in relation to the disposition of any land	ARC, DCRS, MPRV, TLRS	Note: this provision will be repealed on 1 July 2021
s 231	Function of receiving notice in relation to the acquisition of any land	ARC, DCRS, MPRV, TLRS	Note: this provision will be repealed on 1 July 2021  The CEO is the prescribed person pursuant to r 15(1)(b) of the Local Government (General) Regulations 2015

**Planning and Environment Act 1987**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 140	Power to certify copies of instruments, documents, maps or plans under this Act	DCRS, MBP	Where the Council is the relevant responsible authority
s 141	Power to provide evidentiary statement pertaining to land use and permits under this Act	DCRS, MBP	Where the Council is the relevant responsible authority
s 143	Power to provide evidentiary statement pertaining to s 173 agreements under this Act	DCRS, MBP	Where the Council is the relevant responsible authority

**Public Health and Wellbeing Act 2008**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 226(2)	Power to sign evidentiary certificates under this Act	DCS, MCW	

**Public Interest Disclosures Act 2012**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 12(2)	Function of receiving a disclosure	MG, PGA, SERA	

### Rooming House Operators Act 2016

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4	Function of liaising with Business Licensing Authority	DCS, MCW, TLHS	
s 15(1)	Duty to provide information to Business Licensing Authority on request	DCS, MCW, TLHS	
s 15(2)	Duty to give a report to Business Licensing Authority on inquiries made in response to request under s 15(1)	DCS, MCW, TLHS	
s 24(2)	Duty to give a report to Business Licensing Authority on inquiries made in response to request under s 24(1)	DCS, MCW, TLHS	

### Valuation of Land Act 1960

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 3(5)(ba)	Power to request valuations of land	DCRS, MPRV	

### Victorian Data Sharing Act 2017

Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)	Function of receiving a written notice to provide the Chief Data Officer with data held by Council, and data that is specified in the Chief Data Officer's notice	DCS, MFCYP	



**Victorian Data Sharing Act 2017**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 11(1)	Function of receiving a written notice to provide information about Council's data holding	DCS, MFCYP	
s 15(1)	Power to disclose identifiable data to the Chief Data Officer in response to a request under s 8	DCS, MFCYP	In accordance with s 5
s 15(2)	Power to disclose identifiable data to a data analytics body for the purpose of data integration	DCS, MFCYP	In accordance with s 5
s 21	Duty to inform the Chief Data Officer of the secrecy provisions which apply to the disclosed data	DCS, MFCYP	Where the CEO is aware of secrecy provisions that apply to data that they have disclosed in accordance with this Act

**Victorian Inspectorate Act 2011**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 87(2)	Function of responding to adverse material the Victorian Inspectorate intends to include in a report	DPPE, MG	
s 91(2)	Function of responding to adverse material the Victorian Inspectorate intends to include in annual report	DPPE, MG	

**Local Government (Electoral) Regulations 2020**

<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 15(1)	Duty to provide details of a person's entitlement to be enrolled as a ratepayer on the voters' roll	GO, MG, PGA, TLGA	Note: this provision will come into force on 13 July 2020
r 15(2)	Power to exchange relevant information to enrolment entitlements with the VEC	GO, MG, PGA, TLGA	Note: this provision will come into force on 13 July 2020
r 18	Duty to maintain a list of silent voters	GO, MG, PGA, TLGA	Note: this provision will come into force on 13 July 2020
r 19	Duty to ensure that only authorised persons have access to details of silent voters	GO, MG, PGA, TLGA	Note: this provision will come into force on 13 July 2020
r 33	Duty to cause the Local Government Candidate Training to be conducted	GO, MG, PGA, TLGA	Note: this provision will come into force on 13 July 2020
r 35	Duty to keep a register of attendance	GO, MG, PGA, TLGA	Note: this provision will come into force on 13 July 2020
r 36(2)	Duty to comply with notice under subsection (1)	GO, MG, PGA, TLGA	Note: this provision will come into force on 13 July 2020
r 83	Duty to submit report on election received by the VEC to Council	GO, MG, PGA, TLGA	Note: this provision will come into force on 13 July 2020