

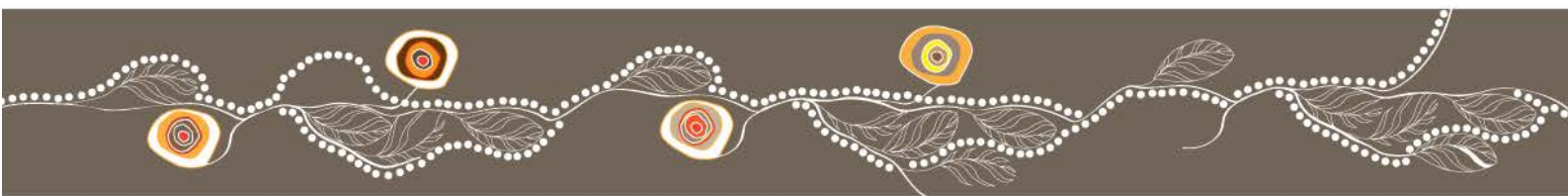


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AGENDA

Council Meeting to be held
at Darebin Civic Centre,
350 High Street Preston
on Monday, 18 September 2017
at 6.00 pm.

Public question time will
commence shortly after 6.00 pm.



ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri people as the traditional owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and future.

Council pays respect to other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



Italian

Questo è l'ordine del giorno della riunione del Consiglio Comunale di Darebin per la data che compare sulla prima pagina di questo documento. Se desiderate informazioni in lingua italiana sugli argomenti dell'ordine del giorno, siete pregati di chiamare la Linea Telefonica Multilingue del Comune al 8470 8888.

Greek

Αυτή είναι η ημερήσια διάταξη για τη συνεδρίαση του Δημοτικού Συμβουλίου Darebin, για την ημερομηνία που φαίνεται στο εξώφυλλο αυτού του εγγράφου. Αν θα θέλατε πληροφορίες στα Ελληνικά σχετικά με τα θέματα σ' αυτή την ημερήσια διάταξη, παρακαλούμε καλέστε την Πολυγλωσσική Τηλεφωνική Γραμμή του Δήμου στον αριθμό 8470 8888.

Chinese

這是一份戴瑞濱市議會議程表，其開會日期顯示於此文件之封面。如果您欲索取有關此議程表的中文資料，敬請致電 8470 8888 聯絡市議會的多語種電話專線。

Arabic

هذا هو جدول أعمال اجتماع مجلس بلدية داربيبن والذي سيحدد في التاريخ الوارد في الصفحة الأولى من هذه الوثيقة. إذا أردت الحصول على مزيد من المعلومات في اللغة العربية حول المواضيع المذكورة في جدول الأعمال، فيرجى الاتصال برقم هاتف البلدية المتعدد اللغات
8470 8888

Macedonian

Ова е дневниот ред за состанокот на Општината на Градот Даребин, која ќе биде на датумот покажан на предната корица од овој документ. Ако Вие сакате некои информации на Македонски јазик, за предметите на овој дневен ред, Ве молиме повикајте ја Општинската Повеќејазична Телефонска Линија на 8470 8888.

Vietnamese

Đây là nghị trình cho cuộc họp của Hội đồng Thành phố Darebin; ngày họp có ghi ở trang bìà tài liệu này. Muốn biết thêm về chương trình nghị sự bằng Việt ngữ, xin gọi cho Đường dây Điện thoại Đa Ngôn ngữ của Hội đồng Thành phố qua số 8470 8888.

Bosnian

Ovo je dnevni red za sastanak Gradske općine Darebin čiji je datum održavanja naznačen na prvoj strani ovog dokumenta. Ako želite više informacija o tačkama ovog dnevnog reda na bosanskom jeziku, molimo nazovite općinsku višjezičnu telefonsku službu na 8470 8888.

Croatian

Ovo je dnevni red sastanka u Darebin City Council za dan koji je naveden na prednjem ovitku ovog dokumenta. Ako želite informacije o tačkama ovog dnevnog reda na hrvatskom jeziku, molimo da nazovete Council Multilingual Telephone Line (Višjezičnu telefonsku liniju) na 8470 8888.

Portuguese

Esta é a pauta para a reunião da Câmara Municipal de Darebin a ser realizada na data que consta na capa deste documento. Se você deseja informação em Português sobre os itens desta pauta, por favor ligue para a Linha Telefônica Multilíngue da Câmara no 8470 8888.

Serbian

Ово је дневни ред за састанак Darebin City Council-а (Градско веће Darebin) који ће се одржати на дан који је наведен на насловној страни овог документа. Ако желите информације на српском о тачкама дневног реда, молимо вас да назовете Council Multilingual Telephone Line (Вишејезичку телефонску линију Већа), на 8470 8888.

Somali

Kuwani waa qodobada shirka lagaga wada hadli doono ee Degmada Degaanka Darebin ee taariikhda lagu xusey boga ugu sareeya ee qoraalkan. Haddii aad doonysid wararka ku saabsan qodobadan oo ku qoran Af-Somali, fadlan ka wac Khadka Taleefanka Afafka ee Golaha oo ah 8470 8888.

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Agenda

1. MEMBERSHIP

Cr. Kim Le Cerf (Mayor) (Chairperson)

Cr. Steph Amir

Cr. Gaetano Greco (Deputy Mayor)

Cr. Trent McCarthy

Cr. Lina Messina

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

2. APOLOGIES

Cr. Tim Laurence is on an approved leave of absence.

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. CONFIRMATION OF THE MINUTES OF COUNCIL MEETINGS

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 4 September 2017 be confirmed as a correct record of business transacted.

5. QUESTION AND SUBMISSION TIME

Members of the public can lodge questions for Council to answer or make a Comment or Submission prior to a specific item listed on the Agenda of an Ordinary Council meeting.

QUESTIONS

Members of the public can ask up to two (2) questions at an Ordinary Council meeting.

Questions submitted online will be responded to in the first instance. If you are not present at the meeting, the Chairperson will read the question and provide a response. The Chairperson may then take questions from members in the gallery.

Any question not answered at the meeting will be taken on notice and a written response will be provided to the person asking the question.

In accordance with the Darebin Governance Local Law, the Chairperson may disallow a question if it:

- is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance; or
- deals with a subject matter already answered; or
- is aimed at embarrassing a Councillor or an officer.

If you are unable to submit your question prior to the Ordinary Council meeting, the Chairperson may take questions from the floor.

SUBMISSIONS OR COMMENTS

Members of the public may make a comment or 2 minute submission on a matter listed on the Agenda prior to the item being debated.

A person who is unable to stay at the meeting until the Agenda item is heard, may make their comment or submission during Question Time.

HOW TO SUBMIT YOUR QUESTION OR MAKE A COMMENT OR SUBMISSION

Members of the public who wish to ask a question, or make a comment or submission to an agenda item, at an Ordinary Council meeting are encouraged to do so in one of the following ways:

- (a) online at darebin.vic.gov.au/questionsandsubmissions by 3pm on the day of the meeting; or
- (b) by email to Q&S@darebin.vic.gov.au; by 3pm on the day of the meeting; or
- (c) in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
- (d) by mail to PO Box 91, Preston 3072; or
- (e) with a Council officer prior to a Council meeting.

Council meetings can be viewed at the Watch Council and Planning Committee meetings page.

Agenda's will be available for viewing on Council's website at the 'Meeting Agendas and Minutes' page by 5pm, up to 6 days prior to the date of the meeting. Copies are also available at Customer Service centres and libraries.

6. CONSIDERATION OF REPORTS

6.1 BUSINESS AWARD FOR COMMUNITY CONTRIBUTION

Author: Industry Development and Employment Officer

Reviewed By: Director City Futures and Assets

Report Background

The Darebin Business Award for Community Contribution recognises local businesses that have made noteworthy community contributions to the Darebin community. Initially funded and delivered through the Better Neighbourhood Awards, Council made a decision to extend the Business Award for another two years and it was integrated into the Economic Development program and provided \$5,000 to assist with promotion and support.

Previous Council Resolution

At the Council meeting held 7 March 2016 it was resolved:

'That Council:

- 1) *Continue the Business Award for Community Contribution in 2016 and 2017.*
- 2) *Cease the Better Neighbourhood Awards and incorporate funds into the Community Support Program funding pool.*
- 3) *Receive a briefing paper in April 2016 on strategies to better promote the Business Award to the wider business community in Darebin.'*

Previous Briefing(s)

Councillor Briefing – 24 August

Council Plan Goal/Endorsed Strategy

Goal 4 - A strong economy

Summary

The Darebin Business Award for Community Contribution has been funded over the previous two years (2016 and 2017). Over this time the Economic Development unit have delivered the program increasing the awareness and number of nominees. There were challenges with respect to the eligibility, nomination and judging elements of the award, including:

- Difficulty in differentiating the contribution made by a social enterprises and not for profit businesses (who undertake community related contributions as part of their core business) and comparing this to a for profit businesses.
- The quality and number of nominations received (14 in 2016 and 13 in 2017).
- Assessment of the contribution of a micro business to that of a company with over 100 employees.
- Businesses who contribute to the community often do not wish to be recognised.
- The low profile of this Award which limits the perceived value and participation compared to other regional, state and/or national awards.

A decision on the future of the Award is required.

Recommendation

That Council cease the Award and instead focus resources on assisting businesses to nominate themselves for other notable awards which have regional, state and/or national recognition.

Introduction

The Darebin Business Award for Community (Award) Contribution recognises local businesses that have made noteworthy community contributions to the Darebin community. Initially funded and delivered through the Better Neighbourhood Awards, Council made a decision to extend the Business Award for another two years and it was integrated into the Economic Development program and provided \$5,000 per annum to assist with promotion and support.

Issues and Discussion

Eligibility

In 2017, the Award criteria was simplified and opened to any business that make any community contribution based on the following:

- Desire for a united community.
- Contributes to and supports the cultural diversity of the community.
- Promotes equality and equity.
- Positively enhances the lives of those who live, work, study and visit Darebin.
- Sustainable practices both environmental and ethical.

Nominations

The Award is widely promoted across the community through various marketing channels including posters, newspaper adverts and editorial, online and social media, direct email to business, traders associations and community databases. In the past two years the numbers of nominations for the Award doubled with the additional promotion undertaken.

However, despite extensive promotion of the Award program it has been a challenge to receive nominations. Many of the businesses that were encouraged to nominate for their contribution preferred not to be recognised through an award process. In addition, the low profile of this Award limits the enthusiasm, perceived value and participation compared to other regional, state and/or national awards.

In 2017, the Award received 13 nominations from a wide variety of businesses including freelancers, retail and hospitality businesses as well as not for profits and organisations. The judging panel highlighted the following challenges in deciding a winner for the Award:

- Some nominees have extensive resources to undertake community activities.
- It was difficult to differentiate the contribution made by a social enterprises and not for profit businesses (who undertake community related contributions as part of their core business) and comparing this to a for profit businesses.

- The varying quality and number of nominations received (12 in 2016 and 13 in 2017).
- It was difficult to assess the contribution of a micro business to that of a company with over 100 employees.
- Businesses who contribute to the community often do not wish to be recognised.

The diversity of nominations made it difficult for the judging panel to decide on an ultimate winner for the Award and therefore three organisations were announced as joint recipients.

Below is a table of the number of entries and winners of the award for the past three years.

Table 1: Business Award for Community Contribution

Year	Number of entries	Announced Finalists	Winner
2015	6		Northland
2016	14	Melbourne City Northland Snap Printing	Melbourne City
2017	13		Westside Circus Melbourne City FC Miss Margaret Café

Award Ceremony

The three winners of the 2017 Award were announced at Business Connect, the annual event to celebrate business in Darebin which was held on 6 June. Nominees and winners were invited to attend and network at the event with the wider business community.

Other business awards

Awards provide opportunities for Darebin businesses to be recognised for their products, business achievements or contribution. In 2016/2017 Council promoted the following additional awards programs to Darebin businesses: Northern Business Achievement Awards, Social Traders Awards, Northern Multicultural Small Business Awards, RACV Victorian Tourism Awards, Victorian Manufacturing Hall of Fame, Telstra Business Awards and Australian Retail Association Awards.

Options for Consideration

Options for Council's consideration for the future of the Business Award for Community Contribution are:

Option 1: Business as usual.

Council continues to coordinate the Award in 2017/2018. This will require the allocation of \$7,000 (increased cost to cover additional targeted marketing/promotion). A new initiative will be submitted to continue the Award for 2018 onwards.

Option 2: Revise the current Award and incorporate into Council's annual awards.

Council could decide to combine the award with other current awards to maximise exposure and attempt to increase nominations. This may reduce the significance of the Award to the business community.

Option 3: Cease the Award and promote other award opportunities to businesses.

Council could cease the award and instead focus resources on assisting businesses to nominate themselves for other notable awards which have regional, state and/or national recognition.

Financial and Resource Implications

Option 1:

This will require the allocation of \$7,000 (increased cost to cover additional targeted marketing/promotion). A new initiative will be submitted to continue the Award for 2018 onwards.

Option 2:

Consideration will need to be made to allocating additional funds to the order of \$5,000 to the Council's annual award to produce the award and undertake targeted marketing/promotion to businesses.

Option 3:

Cease the Award and promote other award opportunities to businesses. No expense.

Risk Management

Nil

Policy Implications

Economic Development

This program is a positive opportunity to showcase those businesses who contribute to the community of Darebin. It is important to ensure that we promote and recognise the contribution of business to community.

Environmental Sustainability

There are no Environmental Sustainability impacts related to this report.

Human Rights, Equity and Inclusion

There are no Human Rights impacts related to this report.

Future Actions

Business Development to promote and assist businesses to nominate themselves for other notable awards which have regional, state and/or national recognition.

Consultation and Advocacy

- Melbourne Innovation Centre
- Into Work Australia
- Clean Force
- Executive Manager City Plan and Transformation

- Business Development Coordinator
- Manager Creative Culture and Events
- Civic Events and Engagement Officer

Related Documents

- Council Minutes – 7 March 2016

Attachments

Nil

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The 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.

6.2 OCTOPUS SCHOOL**Author:** Safe Travel Officer**Reviewed By:** Director City Futures and Assets

Report Background

This report regards the appointment of a Councillor to the selection panel, in order to select a school to receive funding and support through the Octopus School pilot program in 2018.

The Octopus School framework aims to create a 'safe school precinct' for increasing the number of students walking and cycling to and from school, through the implementation of a range of physical infrastructure and behaviour change projects. This will be piloted in 2018, with the intention to develop an 8-level achievement system that can be rolled out more broadly in the future.

Previous Council Resolution

This matter is not the subject of a previous Council resolution.

Previous Briefing(s)

Councillor Briefing – Monday 28th August, 2017

Council Plan Goal/Endorsed Strategy

Goal 1 - A sustainable city

1.2 We will increase sustainable transport through safer streets for walking and cycling, and advocacy for public transport.

Summary

The Transport Strategy team have been working with Darebin primary schools since 2011 to determine safe travel routes to school with the purpose of encouraging walking and cycling to and from school. These audits have resulted in recommendations to improve infrastructure and maintenance of safe travel routes, many which have been implemented to date.

31 of 35 relevant primary schools, and 1 high school (a trial), have been audited since 2011, with 5% of total recommendations delivered and a further 5% under current consideration, including refuge islands, footpath repair/replacement, and raised crossings.

Aligned with this, one Darebin school will be selected based on an expression of interest to receive significant Council investment and support in 2018 as a pilot "Octopus School". This will result in the development of a model school for safe travel work with schools in Darebin. The pilot program will improve pedestrian and cyclist safety around the school with provision for consultation, signage, line marking, physical works and project management, along with partnership with the school and local community on engagement activities, with a budget of \$120,000. Before and after monitoring, and evaluation throughout the program will determine the effectiveness of the approach.

Recommendation

That Council appoint to be on the panel for the selection of a school to participate in the pilot program for Octopus Schools.

Introduction

What is an Octopus School?

- The Octopus School framework will consist of 8 levels of achievement with the lower levels being short-term, lower cost options, and the higher levels requiring more funding and engagement.
- The Octopus School precinct being trialled in 2017/2018 will include physical infrastructure, such as raised wombat crossings, traffic management and other interventions to make it safer to walk and cycle, and behaviour change programs such as active travel counts, Bike Ed programs, and the development of active travel maps for families. Small items will be deliverable in 2018, with larger more complex items referred to future funding.
- School staff are often at capacity, making engagement with safe travel to school programs a lower priority. Schools will be offered support from Council to gain 8 star status. Additionally, in this first year of the program schools will be offered funding to cover regular teacher time for the project, so the model school can have a dedicated Safe Travel Champion (approx.. \$2,000 a year – one period TA per week for first year, with school committing to ongoing coverage where needed after initial implementation).
- Thorough before and after monitoring and evaluation will be carried out to determine how this investment has changed active transport use, traffic around the school, and the general perception of safety for children to travel and from school.

Issues and Discussion

Process to engage an Octopus School:

- Information sent to schools outlining scope of project and levels of achievement aligned to current programs including Walk to School Month, Bike Ed etc. Invite questions from schools.
- Invite schools to submit an expression of interest. Promote directly to schools, through social media and news media to maximise the likelihood of strong school participation.
- Selection of pilot school through selection committee.
- Finalise MoU agreement with pilot school. Notify unsuccessful schools.
- Publish details of successful school and arrange media release.

Selection panel

- The selection panel will include at least two relevant officers, and given the direct budget allocation to this project, and community focus on school safety, a Councillor may be appointed to the panel to assist in selecting the successful school.
- Selection criteria will include current engagement with active travel, ability and willingness to actively commit to the program, and demonstration of support from parents.

- The selection panel will also consider what each school could bring to the program, what commitment they are making to the success of the program, equity and diversity across the municipality, and replicability.

What the selected school will be asked to commit to:

- Designated Safe Travel Champion – a staff member who leads school participation.
- Participation in at least 4 active/safe transport programs in first year
- Have a column in each newsletter promoting active/safe travel to school
- Promote activities on social media
- Engage School Council and Student Council in activities and achieving aims
- Meet with Council once a term for ongoing evaluation and support
- Work with Council to develop a guide for other schools
- Act as an informal mentor to other schools in the municipality
- Weekly/monthly counts (hands up survey)

Options for Consideration

1. A Councillor is appointed to be on the selection panel for the Octopus School pilot program.

This is the preferred option.

2. An officer panel to be used for selection of the school for the Octopus School pilot program.

Financial and Resource Implications

Funding has been allocated to this project through the 2017/2018 adopted budget.

The selection process will take approximately three hours (depending on the number of EOI received), including reviewing applications and meeting to agree the successful school.

Risk Management

The selection criteria and panel will be designed to manage low level risks around reputation and relationships, that is, risks associated with the selection of the school that may result in dissatisfaction from the unsuccessful schools. The selection criteria and panel will be transparent through the selection process.

Policy Implications**Economic Development**

There are no factors in this report which will impact upon economic development.

Environmental Sustainability

The Octopus School pilot program will increase environmental sustainability in the precinct by facilitating and managing a transport mode shift from car to active travel.

Human Rights, Equity and Inclusion

Sustainable transport supports equity, as many low-income earners rely on more sustainable modes of transport due to cost. Therefore safety for sustainable transport is an equity issue.

The selection criteria will maintain equity for those schools unable to address all selection criteria by providing an opportunity to describe past barriers to program inclusion.

Other

Safe Travel Strategy:

Action A14 – Assist schools to develop school travel plans that consider the safety and sustainability of students travelling to school.

Action A16 – Help raise schools' awareness and use of programs and resources to improve travel safety for their students, particularly around skills as pedestrians, cyclists and public transport users.

Future Actions

- 20 September – Expression of interest released to all schools
- 13 October – Expression of interest closing date (following school holidays)
- Late October – Panel decides pilot school
- November 2017 – Start working with selected school, undertake any further infrastructure audits of school

Consultation and Advocacy

- Community Renewal Officer – Families Diversity and Community

Related Documents

- Safe Travel Strategy
- Darebin Transport Strategy

Attachments

Nil

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The 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.

6.3 ADOPTION OF GOVERNANCE LOCAL LAW 2017**Author:** Manager Governance and Corporate Information**Reviewed By:** Director Civic Governance and Compliance

Report Background

Section 111(1) of the *Local Government Act 1989*, provides Council with the power to make local laws.

At its Meeting of Council on 17 July 2017, Council resolved to commence the statutory procedures and give public notice in accordance with section 223 of the *Local Government Act 1989* (the Act).

Following the completion of the statutory obligations including consideration of submissions, the final version of the Governance Local Law 2017 is being presented for Council to consider adopting.

Previous Council Resolution

At its meeting held on 19 August 2013, Council resolved:

That:

- 1) *Council adopts the Governance Local Law 2013 attached at Appendix A to this report.*
- 2) *Council notes the Governance Local Law 2013 comes into effect from the date it is published in the Government Gazette.*
- 3) *As part of the adoption of the Governance Local Law 2013, Council accepts the following amendments as a result of the written submission received.*
 - a. *Clause 8 (1)(b) in years in which there is no general election of Councillors, as soon as practicable after the fourth Saturday in November in each such year; The word 'November' is substituted with the word 'October'.*
 - b. *An additional point (d) be added to clause 60 'Procedure for a Division'. Clause 60(3)(d) would read as follows: 'Declare the result to the meeting'.*
- 4) *Council gives notice in the Government Gazette and public notice as specified under section 119(3) of the Local Government Act 1989.*
- 5) *Council submits a copy of the Governance Local Law 2013 to the Minister for Local Government in accordance with section 119(4) of the Local Government Act 1989.*
- 6) *Council writes to the person who made a written submission advising of the outcome.'*

Previous Briefing(s)

- Councillor Briefing – 20 February 2017
- Councillor Briefing - 6 March 2017
- Councillor Briefing - 26 May 2017
- Councillor Briefing - 14 September 2017

Council Plan Goal/Endorsed Strategy

Goal 6 - We will be a leading, modern, and open council to meet our challenges, now and in the future

6.1 We will implement the best delivery models to optimise efficiency and value.

Summary

At its meeting of 17 July 2017, Council resolved to commence the statutory procedures and give public notice in accordance with section 223 of the *Local Government Act 1989* (the Act).

Responses to the proposed Local Law closed at midnight on Wednesday 16 August 2017. In addition to the public exhibition, the draft was on display at the Darebin Civic Centre, available online with an electronic submission form and promoted via social media and at Darebin Libraries.

The Governance Local Law 2017 is to replace the Governance Local Law 2013.

This report recommends that Council adopt the attached Governance Local Law 2017 without any change and that public notice be given of the decision in accordance with the Act.

Recommendation

That Council:

- (1) Adopts the Governance Local Law 2017 attached at **Appendix A** to this report.
 - (2) Notes the Governance Local Law 2017 comes into effect from the date it is published in the Government Gazette.
 - (3) Notes public notice will be given in the Government Gazette and public notice as specified under section 119(3) of the *Local Government Act 1989*.
 - (4) Notes a copy of the Governance Local Law 2017 will be submitted to the Minister for Local Government in accordance with section 119(4) of the *Local Government Act 1989*.
 - (5) Notes officers will write to community members who made a written submission thanking them and advising them of the outcome.
-

Introduction

Section 91(1) of the *Local Government Act 1989* (the Act), requires Councils to make a local law which regulates the use of the common seal and governs the conduct of meetings of Council and Special Committees.

In the process of developing the Local Law, Councillors and lawyers were consulted and the draft local law was exhibited to the public in accordance with section 223 of the Act.

The Council invited interested parties and members of the community to submit comments on the proposed Local Law for the consideration of Council. Following this public consultation period, in accordance with statutory process, the Council made provision to consider the submissions ahead of any final determination. Three written submissions were received however no requests to be heard at a Hearing of Submissions were made.

Issues and Discussion

Changes to the Local Law were mainly to promote and encourage community participation by providing improved mechanisms for Council to ascertain the community's views and ensure that the community has an ongoing voice to inform Councillors on decision making that affect them.

Submission Process

The Public Notice advising that any person may make a written submission in relation to the draft Local Law was given in The Age newspaper on 19 July 2017 with copies in the Northcote and Preston Leader newspapers on 25 and 26 July 2017 respectively and the Government Gazette on 27 July 2017. The Public Notice also allowed for any person to be heard in support of the written submission.

Additionally, notification was given on Council's website and online at Darebin's 'YourSay' website with an electronic submission form. The draft Local Law was also displayed at the Darebin Civic Centre, Darebin's Customer Service Centres and promoted via social media.

As at midnight 16 August 2017, only two written submission were received through our "Your Say" website. A late submission was received via email and subsequently accepted. These suggestions were circulated to Councillors for consideration at a briefing on 14 September 2017. The key issues raised by the submitters are as follows:

Submitter	Summary of Written Submission
Marcia Lewis	<ul style="list-style-type: none"> • Amendments requiring written submissions considered a retrograded step. • Considered a contradictory process and arbitrary. • Concerns that the changes were not highlighted to the public.
Anne Laver	<ul style="list-style-type: none"> • Minutes of the meeting and the video of the proceedings to be held for more than 6 months on the website and the video to be retained indefinitely as a record of proceedings. • Thanked Council for allowing submissions to be made during the Council Meeting.
Serena O'Meley	<ul style="list-style-type: none"> • Extend the limit of two questions with two sub-parts to at least three questions. • Minutes record any tabled submissions and background information provided with questions. • Ability to ask a follow up question in response to a question - both should be recorded in the minutes. • Clarify that members of the public may ask their own question/s from the gallery or that they may request that the questions be read out by the Mayor. • Mayor should be supplied with proposed answers to questions prior to the meetings if the questions have been supplied ahead of time. • Moving Petitions to the front of the Agenda and allowing the community to speak to the petition.

Addressing the Issues

Officers have reviewed and considered the submissions made to the draft Local Law. A number of minor amendments have been made as a result of the submissions reflecting Council's current governance practices. The changes also improve clarity, remove out of date requirements and terminology and renumber clauses.

It is recommended that Council adopt the attached Governance Local Law 2017 without further change and that public notice be given of the decision in accordance with the Act.

Options for Consideration

The Governance Local Law 2017 be adopted and Public Notice be given in accordance with sections 119 of the *Local Government Act 1989*.

Financial and Resource Implications

Nil

Risk Management

The proposed Local Law prescribes common governance procedures to be followed by Council and prescribes standards of behaviour for those participating in or present at Council and Committee meetings.

Failure to have a local law governing the conduct of meetings of the Council and special committees of the Council and the use of the Council's Common Seal is a failure to comply with the Act and is a compliance risk.

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

There are no environmental sustainability policy implications arising from this report.

Human Rights, Equity and Inclusion

Council as a 'public authority' under the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) must also ensure that a local law made by it is not incompatible with a human right.

If a proposal restricts or interferes with a right, consideration will need to be given to determining whether the restrictions are reasonable and demonstrably justified under the Charter.

Many of the provisions in the Local Law may restrict freedom of expression of the Charter. This is because the provisions restrict how and when members (or the public through submission of public questions and speaking at meetings) can participate in meetings.

To the extent to which the Local Law places limitations on freedom of expression, the limitations are considered reasonable and justifiable pursuant to section 7(2) of the Charter.

The restrictions are intended to provide for the efficient and orderly conduct of Council meetings. This is balanced against and is proportionate to the ability for Councillors to debate motions and for members of the public to participate in the decision making process in a timely and appropriate manner.

Other

Nil

Future Actions

- Give notice in the Government Gazette.
- Send a copy of the Governance Local Law 2017 to the Minister of Local Government.
- Write to the submitters advising them of the outcome of their written submission.
- Make the Governance Local Law available for inspection during ordinary business hours.

Consultation and Advocacy

- Councillors
- Maddocks Lawyers
- Community

Related Documents

- Governance Local Law 2013
- *Local Government Act 1989*
- Appendix A – Governance Local Law 2017
- Minutes of Council – 19 August 2013
- Minutes of Council – 17 July 2017

Attachments

- Governance Local Law 2017 (**Appendix A**)

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The 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.



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GOVERNANCE LOCAL LAW 2017 (Local Law No. 1 of 2017)

(Adopted by Council and
effective on **XX XX 2017**)

darebin.vic.gov.au

[7243855: 19429249_1]



This Local Law was adopted by resolution of Darebin City Council on xxxxxx 2017 and is effective from that date.

Version	Date Adopted by Council	Amendment
1.0	xxxxxxx 2017	Initial version

Governance Local Law 2017

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PART 1 – INTRODUCTION

1. Local Law

This is the Darebin City Council Governance Local Law 2017 (Local Law No. 1 of 2017) and is made under section 111 of the *Local Government Act 1989*.

2. Objectives of this Local Law

The objectives of this Local Law are to:

- (1) regulate proceedings at Council meetings, Committee meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of the Local Law are to apply;
- (2) regulate proceedings for the election of the Mayor, Deputy Mayor (if any) and Chairpersons of various Committees;
- (3) regulate the use of the common seal;
- (4) prohibit unauthorised use of the common seal or any device resembling the common seal;
- (5) make provision for related administrative procedures; and
- (6) provide for the peace, order and good government of the municipal district.

3. Commencement Date

This Local Law comes into operation on the date it is gazetted in the Victoria Government Gazette.

4. Revocation of Local Law No. 1 of 2013

On the commencement of this Local Law, Darebin City Council Governance Local Law 2013 (Local Law No. 1 of 2013) is revoked.

5. Definitions

In this Local Law -

- (a) “**Act**” means the *Local Government Act 1989*;
- (b) “**Advisory Committee**” means a committee established by Council under section 86(1) of the Act for the purpose of advising Council on matters within its terms of reference;
- (c) “**Agenda**” means a document containing the date, time and place of a meeting and a list of business to be transacted at the meeting;
- (d) “**Authorised Officer**” means a member of Council staff who is authorised by Council under section 224 of the Act;
- (e) “**Chairperson**” means the person who chairs a meeting;
- (f) “**Chief Executive Officer**” means the person who is the Chief Executive Officer of Council or any person acting in that position;
- (g) “**Committee**” means an Advisory Committee and a Special Committee;
- (h) “**Common seal**” means the common seal of the Council;
- (i) “**Committee meeting**” means a meeting of a Special Committee or an Advisory Committee;
- (j) “**Council**” means the Darebin City Council;

- (k) **"Councillor"** means a Councillor of Council;
- (l) **"Majority of the votes"** means the votes cast by a majority of the Councillors or the members of the Committee present at a meeting at the time the vote is taken.
- (m) **"Mayor"** means the Mayor of Council;
- (n) **"Meeting"** includes an Ordinary meeting, a Special meeting, and a Committee meeting;
- (o) **"Member"** means a member of a Committee established by Council under the Act;
- (p) **"Minutes"** means the record of proceedings of a meeting;
- (q) **"Municipality"** means the municipal district of Council;
- (r) **"Notice of motion"** means a notice setting out the text of a motion which a Councillor proposes to move at a meeting;
- (s) **"Offence"** means an act or default contradictory to this Local Law
- (t) **"Officer"** means a member of Council staff;
- (u) **"Ordinary meeting"** means an Ordinary meeting of Council;
- (v) **"Penalty units"** means penalty units as prescribed under the *Sentencing Act 1991*;
- (w) **"Quorum"** means presence by a majority of Councillors at an Ordinary or Special meeting;
- (x) **"Special Committee"** means a Special Committee established by Council pursuant to, and in accordance with, section 86 of the Act; and
- (y) **"Special meeting"** means a special meeting of Council convened and held in accordance with section 84, 84A or 85 of the Act.

6. Application of the Local Law

This Local Law applies at all times throughout the Municipality.

PART 2 – COMMON SEAL

Introduction: The common seal is a device which formally and solemnly records the collective will of the Council. The purpose of this Part is to regulate the use of the common seal and prohibit unauthorised use of the common seal or any device resembling the common seal as required by section 5(3)(c) of the Act.

7. Council's Common Seal

- (1) The Chief Executive Officer must keep the common seal in safe custody at all times.
- (2) The common seal must not be affixed to a document except to implement a decision made by Council resolution.
- (3) The common seal and words to be used accompanying it on any document to which it is affixed are as follows:

```
The COMMON SEAL of      )
DAREBIN CITY COUNCIL    )
was affixed on          )
with the authority of the Council:
```

.....

Chief Executive Officer

- (4) Every document to which the common seal is affixed must be signed by the Chief Executive Officer or another person authorised by the Chief Executive Officer for that purpose.
- (5) A person must not use the common seal or any device resembling the common seal without the authority of Council.

Penalty: 10 penalty units

PART 3 – ELECTION OF MAYOR, DEPUTY MAYOR AND COMMITTEE CHAIRPERSONS

Introduction: The purpose of this Part is to regulate proceedings for the election of Mayor, Deputy Mayor (if any) and Committee Chairpersons.

8. Procedures for Election of Mayor

- (1) Subject to sub-clause (2), a meeting to elect the Mayor must be held:
 - (a) in a year in which a general election of Councillors is held, as soon as practicable after the declaration of the results of that general election;
 - (b) in years in which there is no general election of Councillors, as soon as practicable after the first Saturday in November in each such year; and
 - (c) in any other case, as soon as practicable after the office of Mayor becomes vacant.
- (2) If Council resolves, in accordance with section 71(2) of the Act, to elect a Mayor for a term of 2 years, a meeting to elect the Mayor in years in which there is no general election of Councillors must be held as soon as practicable after the expiry of 2 years from the date on which the Mayor was elected.
- (3) The Election of Mayor is to be in accordance with the following procedure:
 - (a) the election will be conducted by the Chief Executive Officer in accordance with the provisions of the Act;
 - (b) the Chief Executive Officer must invite nominations for the office of Mayor. If there is only one nomination the candidate nominated is deemed to be elected;
 - (c) if there is more than one nomination, a vote must be taken to elect one of the candidates;
 - (d) voting must be carried out by a show of hands;
 - (e) if one candidate receives a majority of the votes, that candidate is declared to have been elected;
 - (f) if no candidate receives a majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates. This process shall continue until one of the candidates has received a majority of votes. That candidate is then declared to have been elected;
 - (g) in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the Chief Executive Officer must determine the result by lot;
 - (h) the following provisions apply to the conduct of the lot by the Chief Executive Officer:
 - i. each candidate will draw one lot;
 - ii. the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - iii. as many identical pieces of paper as there are Councillors who receive an equal number of votes must be placed in a receptacle. The word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining

candidates and the above process repeated if necessary, unless there is only one candidate remaining, in which case that candidate will be declared duly elected); and

- (i) the Chief Executive Officer will declare the result of the election and the successful candidate.

9. Procedures for Election of Deputy Mayor

- (1) At a meeting to elect the Mayor, Council may determine to elect a Deputy Mayor.
- (2) The procedure used for the election of Mayor will be used to elect the Deputy Mayor provided that a reference to the Mayor is a reference to the Deputy Mayor.
- (3) The Chief Executive Officer or his or her delegate or nominee will conduct the election of Deputy Mayor.

10. Procedures for Election of Committee Chairperson

- (1) The procedure used for the election of Mayor will be used to elect each Committee Chairperson, provided that a reference to the Mayor is a reference to the Committee Chairperson.
- (2) The Chief Executive Officer or his or her delegate or nominee will conduct the election of the Committee Chairperson.

PART 4 – COUNCILLOR BRIEFINGS

Introduction: This Part describes the nature and procedure for some informal meetings of Councillors.

At the commencement of this Local Law, Councillors meet twice a month at “Councillor Briefings”. These are “Assemblies of Councillors” within the meaning of the Act.

This part provides for these informal meetings, and explains why and how they are held.

11. Councillor Briefing Arrangements

- (1) As part of Council’s governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a “Councillor Briefing” or such other name as Council from time to time adopts.
- (2) The purpose of such briefings is for the organisation to provide advice or information on upcoming reports to Council, items of a complex nature or matters of significant community impact. The briefing enables open discussion between officers and Councillors and assists both officers and Councillors to develop a better understanding of the matter for consideration.
- (3) The briefings are not formal decision-making forums.
- (4) The Chief Executive Officer sets the agenda for all briefings, in consultation with the Mayor.
- (5) The briefings are not open to the public and will generally be held at the Darebin Council, 350 High Street, Preston, or in such other location as Council or the Chief Executive Officer nominates from time to time.
- (6) The Mayor or, in his or her absence, the Deputy Mayor, will chair the briefings.

PART 5 – COUNCIL MEETING PROCEDURES

Introduction: This Part refers to the regulation of the proceedings of Council meetings. This Part is divided into a number of Divisions, each of which addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened and how and when business may be transacted.

The Mayor or, in his or her absence, the Deputy Mayor, will chair Council meetings.

DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

12. Notice of Meetings

- (1) An agenda, incorporating the business to be dealt with, will be delivered electronically to every Councillor for all Ordinary meetings at least one week before the meeting.
- (2) The Chief Executive Officer is responsible for preparation and delivery of the agenda, including the determination of the order of business.
- (3) Once the meeting agenda has been circulated no further changes will be made to the agenda, unless it is done in the Council Chamber.
- (4) An agenda of the business to be dealt with will be delivered electronically to every Councillor for any Special meeting within a reasonable time of the Special meeting being called.
- (5) Confidential agendas and or confidential information will be provided to Councillors in line with the Confidentiality Policy: Handling of Confidential Information by Councillors as adopted by Council from time to time.

13. Presence of Councillors

Councillors must be physically present in the Council Chamber in order to participate in the meeting and to vote.

DIVISION 2 – QUORUMS

14. Failure to raise a Quorum

- (1) If a quorum is not present within 30 minutes of the time appointed for the commencement of a meeting, the meeting will be adjourned to another date and time not more than 14 days from the original date of the meeting by:
 - (a) a majority of the Councillors present; or
 - (b) the Chief Executive Officer, if no Councillor is present.
- (2) Unless the meeting is adjourned to a later time on the same day, the Chief Executive Officer must give all Councillors notice of the adjourned meeting in accordance with clause 12 of this Local Law.
- (3) The requirement in sub-clause (2) does not apply in respect of any Councillor who has been granted leave of absence pursuant to section 66B of the Act and who has not requested the Chief Executive Officer, in writing, to continue to give notice of meetings to be held during the period of leave of absence.

15. Failure to maintain a Quorum

- (1) If a quorum is lost after a meeting has commenced, the Chairperson must adjourn the meeting for a period not exceeding 30 minutes, at which time, if a quorum is:
 - (a) present, the meeting resumes; or
 - (b) not present and, after using his or her best endeavours to regain a quorum, the Chairperson cannot do so, the Chairperson must announce that the meeting has lapsed.
- (2) If a meeting lapses under sub-clause (1)(b), the undisposed business must, unless it has already been disposed of at a subsequent Special meeting, be included in the agenda for the next Ordinary meeting.
- (3) Despite the loss of a quorum in the circumstances set out in sub-clause (1), the business transacted at the meeting to that point shall remain valid and be capable of being acted upon.

16. Adjourned Meetings

- (1) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which a meeting stands adjourned and of the business remaining to be considered.
- (2) If it is impracticable for the notice to be given in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.
- (3) Notice must also be provided to the public of the resumption of the adjourned meeting by public notice (if time reasonably permits), including by uploading it to Council's website.

17. Time Limits for Meetings

- (1) A meeting must not continue for more than four (4) hours from the meeting start time unless a majority of Councillors present vote in favour of its continuance.
- (2) A continuance of a meeting will be in block periods of 30 minutes.
- (3) After the initial 30 minute extension the meeting must not continue unless a majority of Councillors present vote in favour of its continuance.
- (4) In the absence of such continuance, the meeting must stand adjourned and any undisposed business must, unless it has been disposed of at a subsequent Special Meeting, be included in the agenda for the next Ordinary meeting.
- (5) Business transacted at the meeting to that point shall remain valid and be capable of being acted upon.
- (6) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

DIVISION 3 – BUSINESS OF MEETINGS**18. Change to Order of Business**

Once an agenda has been sent to Councillors, the order of business for that meeting can only be altered by resolution of Council.

19. Conflicts of Interest

A Councillor must provide a full disclosure of any conflict of interest in accordance with section 79 of the Act.

20. Business at Meetings

No business can be dealt with at an Ordinary meeting unless:

- (a) it is contained on the agenda; or
- (b) it is admitted as Urgent Business in accordance with clause 21.

21. Urgent Business

- (1) If the agenda for an Ordinary meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council.
- (2) Council must only admit business as urgent business if it:
 - (a) cannot safely or conveniently be deferred until the next Ordinary meeting; or
 - (b) involves a matter of urgency as determined by the Chief Executive Officer.

DIVISION 4 – MOTIONS AND DEBATE**22. Councillors May Propose Notices of Motion**

Councillors may include an issue to be listed on an agenda by lodging a notice of motion.

23. Notices of Motion

- (1) A Councillor can submit to the Chief Executive Officer a notice of motion for consideration at a meeting.
- (2) A notice of motion must be in writing, signed by the Councillor, and be lodged with the Chief Executive Officer no later than 2pm thirteen (13) days prior to the meeting at which it is intended to be considered to ensure its inclusion in the agenda.
- (3) The full text of any notice of motion accepted by the Chief Executive Officer must, subject to clause 24, be included in the agenda.
- (4) A Councillor may request, in writing, an extension of time to lodge a notice of motion with the Chief Executive Officer. The Chief Executive Officer must determine a request and advise the Councillor of that determination within a reasonable time of receiving it and, in any event, before the meeting at which the relevant notice of motion is intended to be considered.
- (5) The Chief Executive Officer must cause all notices of motion to be sequentially numbered, dated and entered in a register.
- (6) Each notice of motion must be considered in the order in which it is entered in the notice of motion register.
- (7) If a Councillor who has lodged a notice of motion is absent from the meeting at which the notice of motion is to be considered, or fails to move the motion when called upon to do so by the Chairperson, any other Councillor may move the motion.
- (8) If a notice of motion is not moved at the meeting at which it is listed, it lapses.
- (9) If a notice of motion is moved at the meeting at which it is listed but not seconded, it lapses.

- (10) Except where the notice of motion is to confirm a previous resolution of Council, the notice of motion may be amended.
- (11) If a Councillor who has lodged or is moving a notice of motion wishes to amend it, he or she may do so by seeking leave of Council to amend the notice of motion prior to it being seconded.
- (12) Once a notice of motion has been moved and seconded, the mover cannot amend it.
- (13) Notwithstanding sub-clause (12), another Councillor may move an amendment to the notice of motion, which must be dealt with in accordance with clause 28 of this Local Law.
- (14) Any amendment made to the notice of motion must not be directly opposite to the notice of motion.
- (15) No member of the public gallery may speak to a notice of motion when presented at a meeting.

24. Rejection of Notice of Motion

- (1) The Chief Executive Officer may reject a notice of motion if he or she is of the opinion that it is:
 - (a) defamatory;
 - (b) vague or unclear in intention; or
 - (c) outside the powers of Council
- (2) If the Chief Executive Officer rejects a notice of motion under sub-clause (1), he or she will inform the Councillor who lodged it of that rejection and the reasons for it. The Councillor will be provided 24 hours to lodge a revised notice of motion.

25. Chairperson's Duty

Any motion which is determined by the Chairperson to be:

- (a) defamatory;
 - (b) vague or unclear in intention;
 - (c) outside the powers of Council;
 - (d) irrelevant to the item being considered; or
 - (e) purports to be an amendment but is not,
- must not be accepted by the Chairperson.

26. Moving a Motion

- (1) The procedure for moving any motion is:
 - (a) the mover must state the motion without speaking to it;
 - (b) the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
 - (c) if a motion is moved and seconded the Chairperson must ask: "Is the motion opposed? Does any Councillor wish to speak to the motion?";
 - (d) if no Councillor indicates opposition or a desire to speak to the matter, the Chairperson may declare the motion carried without discussion;
 - (e) if a Councillor indicates opposition or a desire to speak to the matter, then the Chairperson must invite the mover to address the meeting;

-
- (f) after the mover has addressed the meeting, the seconder may address the meeting;
 - (g) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chairperson must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
 - (h) if, after the mover has addressed the meeting, the Chairperson has invited debate and no Councillor speaks to the motion, then the Chairperson must put the motion to the vote.
- (2) No discussion on the item being considered may take place until such time as a motion has been moved.
 - (3) The Chairperson is unable to move or second a motion, and may only speak to a motion when all Councillors who wish to speak to it have done so, and just before closure of debate by the mover of the motion.
 - (4) If the Chairperson wishes to move or second a motion, then the Mayor or Deputy Mayor must take the chair or, if there is no Mayor or Deputy Mayor, the meeting must elect a temporary Chairperson whereupon the Chairperson must vacate the chair and not return to it until the motion has been resolved upon.
 - (5) Except for the mover of a motion who has a right of reply in accordance with clause 27 of this Local Law, all other Councillors can only speak once to the motion before the Chairperson.
 - (6) A motion must be put to the vote when the Chairperson believes that the issues have been reasonably canvassed in the debate.
 - (7) A Councillor may request at any time before a vote is taken on a motion which is in two or more parts, that each part be put to the vote separately. The Chairperson may grant or refuse such a request.
 - (8) Despite any other provisions of this Local Law, before putting a motion to the vote, the Chairperson may require the Chief Executive Officer to read out the text of the motion.

27. Right of Reply

- (1) Subject to sub-clause (2), the mover of a motion has a right of reply to matters raised during the debate on his or her motion immediately before the vote is taken.
- (2) The mover of a motion loses his or her right of reply if an amendment to the motion is carried.
- (3) The mover of an amendment to a motion does not have a right of reply.
- (4) A Councillor exercising a right of reply must not introduce any new matter.
- (5) After the right of reply has been taken, but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving An Amendment

- (1) Subject to sub-clause (3) a motion which has been moved and seconded may be amended by removing or adding words. Any added words must be relevant to the subject of the motion.
- (2) If the mover and seconder of the original motion accept the proposed amendment(s), the amended motion may proceed to be voted on as the substantive motion in accordance with clause 26.
- (3) A motion to confirm a previous resolution of Council cannot be amended.

- (4) An amendment must not be directly opposite to the motion.
- (5) The mover of an amendment does not have any right of reply.

29. Who May Propose and Debate An Amendment

- (1) An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- (2) If an amendment is not accepted by the mover of the original motion, it will be treated as a separate motion and must be moved and seconded by a Councillor other than the mover or seconder of the original motion.
- (3) Any one Councillor cannot, without the leave of the Chairperson, move more than two amendments in succession.
- (4) Any Councillor can debate an amendment irrespective of whether the Councillor has spoken, or proposes to speak, to the original motion.
- (5) Debate on an amendment must be restricted to the terms of the amendment.

30. How Many Amendments May Be Proposed

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

31. An Amendment Once Carried

- (1) If an amendment is carried, the motion as amended then becomes the substantive motion before the meeting. The substantive motion must then be put to the vote.
- (2) Neither the mover of the original motion, nor the mover of the amendment, has a right of reply to that amended motion.

32. Foreshadowing Motions

- (1) At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event of a particular motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) The Chief Executive Officer or person taking the minutes of the meeting is not required to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- (4) A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a meeting.
- (5) A Councillor foreshadowing a motion under this clause is not deemed to be speaking to the motion or amendment before the meeting.

33. Withdrawal Of Motions

- (1) Before any motion is put to the vote, the mover or seconder, with leave of Council, may withdraw from moving or seconding the motion, in which case, the Chairperson must call for a substitute mover or seconder (as the case may be) and, if no such substitute is forthcoming, the motion will lapse.

- (2) If a majority of Councillors objects to the withdrawal of the mover or seconder, they cannot withdraw.

34. Addressing the Meeting

- (1) A Councillor or any other person who addresses a meeting must do so in a courteous manner.
- (2) If the Chairperson so determines:
- (a) any person addressing the Chairperson must refer to the Chairperson as:
- i. Mayor _____ (name); or
 - ii. Chairperson;
- as the case may be;
- (b) all Councillors, other than the Mayor, must be addressed as Cr. _____ (name).
- (c) all members of Council staff, must be addressed as Mr or Ms _____ (name) as appropriate, or by their official title.
- (3) Except for the Chairperson, any Councillor who addresses an Ordinary meeting or Special meeting must stand and direct all remarks through the Chairperson.
- (4) It will not be necessary for Councillors to rise when speaking to the Chairperson at a Committee meeting or in an Ordinary meeting or Special meeting that is closed to the public (Confidential Business) in accordance with section 89(2) of the Act.
- (5) Despite sub-clause (3), the Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson at an Ordinary meeting or Special meeting for reasons of sickness, infirmity, disability or otherwise at his or her discretion.

35. Right to Ask Questions

- (1) A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of a motion or amendment before the Chairperson for the purposes of clarification.
- (2) The Chairperson has the right to limit questions and direct that debate be commenced or resumed.
- (3) A Councillor asking a question under sub-clause (1) is not deemed to be speaking to the motion or amendment before the meeting.

36. Second Vote

When a vote is tied, the Chairperson has a second vote.

37. Revocation and Amendment of Resolutions

- (1) Motions to revoke or amend a previous resolution can only be made in the following ways:
- (a) notice of motion; or
 - (b) report by an officer included in the agenda.
- (2) Any notice of motion that proposes the revocation or amendment of a previous resolution of Council must be included on the agenda for the meeting at which it is to be considered and cannot be proposed as an item of urgent business.

38. Time Limits for Debate

- (1) A Councillor must not speak on any one motion before a meeting for a time longer than that stated below unless granted an extension by the Chairperson:
 - (a) the mover of a motion or an amendment: 3 minutes
 - (b) any other speaker: 2 minutes
 - (c) the mover of a motion exercising a right of reply: 2 minutes
- (2) A Councillor must not speak on an amendment before a meeting for a time longer than stated below unless granted an extension by the Chairperson:
 - (a) the mover of a motion or an amendment: 3 minutes
 - (b) any other speaker: 2 minutes
 - (c) the mover of a motion exercising a right of reply: 2 minutes

39. Miscellaneous Rules of Debate

- (1) A Councillor must not, in any debate, make any defamatory, indecent, abusive, offensive or disorderly statement or comment about any Councillor, member of staff or other person.
- (2) If a statement or comment described in sub-clause (1) is made, the Chairperson may require the Councillor to withdraw it and, if that is required, the Councillor concerned must immediately and unreservedly do so.
- (3) In cases where there is competition for the right to speak at a meeting the Chairperson must decide the order in which Councillors may speak.
- (4) If a debate is adjourned by motion, then the Councillor who moved the adjournment has the right to speak first when the debate is resumed.
- (5) A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.

40. Recording of Opposition to a Vote

At any meeting a Councillor may, immediately after the Chairperson has put any motion, amendment or other question to the vote and announced the result of that vote, ask that his or her name be recorded in the minutes as having voted in the negative.

41. Chairperson's Ruling

- (1) Where this Local Law does not provide for a procedure for a meeting, the Chairperson shall decide the procedure to be followed.
- (2) When the Chairperson makes a ruling during a meeting, a Councillor may move a motion to the effect that the meeting dissent from the Chairperson's ruling, in accordance with cl 52.

42. Minutes

- (1) The Chief Executive Officer shall cause minutes of the meeting to be kept in accordance with section 93 of the Act.
- (2) When confirming the minutes of a meeting, opposition can only be expressed on the basis that the record contained in the minutes is incomplete or inaccurate.

- (3) The Chairperson must not allow discussion or motions on any issue other than the alleged omission from, or inaccuracy of, the minutes.
- (4) If no Councillor indicates opposition, the Chairperson must, after seeking a mover and seconder, declare the minutes to be confirmed.
- (5) If any Councillor indicates opposition, he or she must specify the particular item or items in the minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.
- (6) A copy of the minutes shall be sent electronically to every Councillor no later than 48 hours before the Ordinary meeting at which the minutes are to be confirmed.
- (7) Once the minutes are confirmed they must be signed by the Chairperson of the meeting at which they were confirmed.

43. Webcasting and Recording of Proceedings

- (1) The Chief Executive Officer (or his or her delegate or nominee) may, for the purposes of minute taking, record on suitable audio recording equipment all proceedings of a meeting.
- (2) The Chief Executive Officer (or such other person authorised by the Chief Executive Officer for that purpose) will conduct a live webcast of the proceedings of a meeting.
- (3) A recording of a meeting that is webcast will be made available to the public for viewing or listening for a period of three (3) months from the date of the meeting.
- (4) A person in the gallery must not operate film, photographic, tape or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chairperson. In deciding whether or not to give such consent, the Chairperson is to ask whether any person present at the meeting objects.

Penalty: 5 penalty units

- (5) Consent given under sub-clause (4) may be revoked at any time during the course of a meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease, at which time the recording must cease.

Penalty: 5 penalty units

- (6) This clause does not apply to any part of a meeting that is closed to the public in accordance with section 89(2) of the Act.

44. Conduct at Meetings

- (1) Visitors at a meeting must not interject or take part in the debate.
- (2) Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the meeting) at all times during a meeting.
- (3) If any visitor engages in conduct that is, in the opinion of the Chairperson, improper or disorderly, the Chairperson may direct that the visitor cease that conduct and the visitor must comply with that direction.

Penalty: 2 penalty units

45. Suspension of Standing Orders

- (1) Any provision of this Local Law, except that relating to a quorum, may by resolution be suspended for any part of a meeting.
- (2) No motion, except one which proposes the resumption of standing orders, may be accepted by the Chairperson during such suspension.

DIVISION 5 – PROCEDURAL MOTIONS

46. Procedural Motions

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural motions require a seconder.
- (3) Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the procedures set out in Schedule 2 to this Local Law.

DIVISION 6 – POINTS OF ORDER

47. Valid Points of Order

A point of order may be raised in relation to anything which:

- (a) is contrary to this Local Law;
- (b) is irrelevant to the matter under consideration;
- (c) is outside the powers of Council;
- (d) constitutes improper behaviour;
- (e) is offensive;
- (f) constitutes a tedious repetition of something already said; or
- (g) is an act of disorder.

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

48. Procedure for Point of Order

- (1) A Councillor raising a point of order must:
 - (a) state the point of order; and
 - (b) state any section, clause, paragraph or provision relevant to the point of order before resuming his or her seat.
- (2) A Councillor raising a point of order under this clause is not deemed to be speaking to the motion or amendment before the meeting.

49. Chairperson to Decide

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

50. Chairperson May Adjourn to Consider

- (1) The Chairperson may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) All other questions before Council are suspended until the point of order is decided.

51. Effect of Ruling

If the Chairperson:

- (a) rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or
- (b) rules against the point of order the speaker may continue.

52. Dissent From Chairperson's Ruling

- (1) A Councillor may move that the meeting dissent from the Chairperson's ruling on a point of order under clause 49 or on a matter of procedure under clause 41, by moving:

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

- (2) When a motion under sub-clause (1) is moved and seconded:
 - (a) the Chairperson must leave the chair and the Deputy Mayor must chair the meeting; or,
 - (b) if there is no Deputy Mayor, the Chairperson must leave the chair after the meeting has elected a temporary Chairperson.
- (3) The Deputy Mayor or the temporary Chairperson must invite the mover to state the reasons for his or her dissent and the Chairperson may then reply.
- (4) The Deputy Mayor or the temporary Chairperson must put the motion in the following form:

"That the Chairperson's ruling be dissented from."
- (5) If the vote is in the negative, the Chairperson resumes the chair and the meeting proceeds.
- (6) If the vote is in the affirmative, the Chairperson must then resume the chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- (7) The defeat of the Chairperson's ruling is in no way a vote of no-confidence in the Chairperson, and should not be so regarded by the meeting.

DIVISION 7 – QUESTION AND SUBMISSION TIME**53. Question Time**

- (1) Unless Council resolves differently, there must be question time at every Ordinary meeting to enable members of the public to submit questions to Council.
- (2) Sub-clause (1) does not apply during:
 - (a) any period when a meeting is closed to the public in accordance with section 89(2) of the Act; or
 - (b) during a local government election caretaker period.
- (3) Questions from the public must be submitted by 3pm on the day of the meeting in one of the following forms:
 - (a) online at darebin.vic.gov.au/questionsandsubmissions; or
 - (b) by email to Q&S@darebin.vic.gov.au; or
 - (c) in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
 - (d) by mail to PO Box 91, Preston 3072

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- (4) Any member of the public, in attendance at a Council meeting, may ask a question in accordance with clause 53(6), without submitting the question prior to the commencement of the meeting.
 - (5) Question time will not exceed 30 minutes in duration, unless Council resolves otherwise.
 - (6) No person may submit more than two questions at any one meeting. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than two questions are received, only the first two questions will be considered. All parts of the question must be relevant to the same subject of enquiry.
 - (7) A question may be disallowed by the Chairperson if the Chairperson determines that it:
 - (a) relates to a matter outside the duties, functions or powers of Council;
 - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) deals with a subject matter already answered;
 - (d) is aimed at embarrassing a Councillor or an officer; or
 - (e) relates to any matter in respect of which Council may close the meeting to the public under section 89(2) of the Act.
 - (8) All questions and answers must be as brief as possible, and no further questions arising out of anything said in response to a question will be allowed.
 - (9) Like questions may be grouped together and a single answer provided.
 - (10) The Chairperson may request the Chief Executive Officer or any Senior Executive officer to respond to a question.
 - (11) The Chairperson, Chief Executive Officer or Senior Executive officer may require a question to be taken on notice. If a question is taken on notice, a written copy of the answer must be sent to the person who asked the question.
 - (12) The name of the questioner, the question and the response must be recorded in the minutes, as an official record of the questions submitted to the meeting.
 - (13) Where a question is taken on notice, the response need not be recorded in the minutes of the meeting at which the question was put, but must be recorded in the minutes of the next Ordinary meeting after the response is provided under sub-clause (12).

54. Submissions and Comments

- (1) Unless Council determines otherwise, the public will be given the opportunity to make a comment or submission up to 2 minutes prior to any matter listed on the Agenda for an Ordinary meeting.
- (2) Sub-clause (1) does not apply during:
 - (a) any period when a meeting is closed to the public in accordance with section 89(2) of the Act; or
 - (b) a local government election caretaker period.
- (3) Any member of the public wishing to make a submission or comment may register online or in person by 3pm on the day of the Council Meeting in one of the following forms:
 - (a) Online at darebin.vic.gov.au/questionsandsubmissions;
 - (b) By email to Q&S@darebin.vic.gov.au;
 - (c) In person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
 - (d) By mail to PO Box 91, Preston 3072.

- (4) Any member of the public may also register their interest in making a submission or comment in person with an officer no less than 15 minutes prior to the commencement of the meeting at Council Chambers.
- (5) Prior to each agenda item and where a person has registered to speak, the Chairperson will call upon each speaker in order of their registration.
- (6) The Chairperson may, in his or her absolute discretion, extend the time for an individual's submissions or comments beyond 2 minutes.
- (7) The number of individual speakers to a matter listed on the agenda will be capped to a maximum of 5.
- (8) Notwithstanding sub-clause (7) the Chairperson may, in his or her absolute discretion, increase the number of individual speakers registered to speak prior to any item on the agenda.
- (9) A person who is unable to stay at the meeting until the agenda item is heard may read out their submission or comment during Question Time.
- (10) The name of the submitter must be recorded against the agenda item they spoke to in the minutes, as an official record of the comment or submission to the meeting.
- (11) Submissions or comments and any subsequent discussion will not be recorded in the minutes of the meeting.

DIVISION 8 – PETITIONS

55. Petitions

- (1) Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be moved in respect of any petition until the next Ordinary meeting after that at which it has been presented.
- (2) It is incumbent on every Councillor presenting a petition to acquaint himself or herself with the contents of that petition, and to be satisfied that it does not contain language disrespectful to Council and that the contents do not violate any Local Law.
- (3) Every Councillor presenting a petition to Council must confine himself or herself to a statement of the:
 - (a) persons from whom it comes;
 - (b) number of signatories to it;
 - (c) material matters expressed in it; and
 - (d) text of the petition.
- (4) Every petition presented to Council must be written (other than pencil), contain the request of the petitioners or signatories on each page (where there are multiple pages) and be signed by at least 3 people.
- (5) Every petition must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- (6) Subject to sub-clause (5), a person must not inscribe upon a petition a name or signature purporting to be the name or signature of another person.

Penalty: 5 penalty units
- (7) Any signature appearing on a page which does not bear the text of the whole of the petition or request will not be considered by Council.

- (8) A copy of the text of the petition shall be included on the agenda for the next Ordinary meeting.
- (9) Every page of a petition must be a single or double sided page of paper and not be attached to any piece of paper other than another page of the petition.
- (10) The only motions that may be moved in relation to petitions set out in the agenda are:
 - (a) that the petition be received;
 - (b) that the petition be referred to an appropriate Committee for consideration and report;
 - (c) that the petition be considered at a specific time or in conjunction with a specific item;
 - (d) that the petition be dealt with in conjunction with another item on the agenda; and
 - (e) that the petition be referred to the Chief Executive Officer for consideration and response.
- (11) If a petition relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.
- (12) No member of the public is permitted to speak to the petition when presented at an Ordinary meeting. Individuals may request to speak to the petition when any report on the item is considered by a Special Committee at a later meeting.
- (13) A Councillor may present a petition that has been prepared online. In that case, sub-clause (4) will not apply.

DIVISION 9 – VOTING

56. How Motion Determined

To determine a motion before a meeting, the Chairperson must first call for those in favour of the motion, then those opposed to the motion, and then those abstaining from voting on the motion. The Chairperson must next declare the result to the meeting.

57. Silence

Voting must take place in silence.

58. Recount

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

59. By Show Of Hands

Voting on any matter is by show of hands.

60. No Discussion Once Declared

Once a vote on a question, motion or amendment has been taken, no further discussion relating to the question, motion or amendment is permitted.

DIVISION 10 – BEHAVIOUR

61. Display of placards and posters

- (1) A person must not display any placards or posters in the Council Chamber or in any building where a Council meeting or a Committee meeting is being, or is about to be, held, other than outside the entrance to the building and then, only if it does not obstruct the entrance to the building.

Penalty: 5 penalty units

- (2) A person must not:
 - (a) display any offensive, indecent, insulting or objectionable item or words in the Council Chamber; or
 - (b) obstruct the entrance to the Council Chamber or a building where a Council meeting or a Special Committee meeting is being, or is about to be, held.

Penalty: 5 penalty units

62. Public Addressing The Meeting

- (1) Members of the public only have a right to address Council in accordance with the provisions under Division 7 of this Local Law, or otherwise with the consent of Council.
- (2) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
- (3) A member of the public present at a Council meeting must not interject during the meeting.

63. Suspensions

- (1) Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the meeting, or impedes its orderly conduct, Council may, by resolution, suspend that Councillor from a portion of the meeting or from the balance of the meeting, where the Chairperson has first warned the Councillor to cease that behaviour.
- (2) Where Council suspends a Councillor under sub-clause (1), the Councillor will take no active part in the portion of the meeting from which he or she has been suspended.
- (3) The Chairperson, or Council by resolution, may order and cause the removal of a Councillor who has been suspended under sub-clause (1) from the meeting for the duration of the suspension.
- (4) In causing the removal of a Councillor under sub-clause (3), the Chairperson or Council may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.
- (5) A Councillor must not refuse or neglect to leave a meeting when ordered to do so under sub-clause (3).

Penalty: 2 penalty units

64. Chairperson May Remove

- (1) The Chairperson may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction of the Chairperson.

- (2) The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
- (3) In causing a person's removal under sub-clause (1), or the removal of an object or material under sub-clause (2), the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person or the object or material.
- (4) A person must not refuse or neglect to leave a meeting, or to remove an object or material when ordered to do so under sub-clause (1).

Penalty: 2 penalty units

65. Chairperson may adjourn disorderly meeting

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks appropriate. In that event, the provisions of clause 0 apply.

DIVISION 11 – ADDITIONAL DUTIES OF CHAIRPERSON

66. The Chairperson's Duties and Discretions

In addition to the duties and discretions provided in this Local Law, the Chairperson must:

- (a) ensure silence is preserved in the public galley during any meeting;
- (b) call to order any member of the public who approaches the Council or Committee table during the meeting, unless invited by the Chairperson to do so; and
- (c) call to order any person who is disruptive or unruly during any meeting.

PART 6 – COMMITTEES

Introduction: This part is broken into Divisions and provides for the regulation of proceedings at Committee meetings.

DIVISION 1 – SPECIAL COMMITTEES

67. Application generally

- (1) Except as provided in this Part, if Council establishes a Special Committee, Part 1 and Part 5, Divisions 1–11, of this Local Law apply to meetings of the Special Committee with any necessary modifications.
- (2) For the purpose of sub-clause (1), a reference in Part 5, Divisions 1–11, of this Local Law to:
 - (a) a Council meeting is to be read as a reference to a meeting of the Special Committee;
 - (b) a Councillor is to be read as a reference to a member of the Special Committee; and
 - (c) the Mayor is to be read as a reference to the Chairperson of the Special Committee.

68. Addressing a Special Committee Meeting

It is not necessary for a Member to rise when addressing a Special Committee meeting.

69. Application specifically

Despite clause 67 of this Local Law, if Council establishes a Special Committee, Council may resolve that a provision of this Local Law does not apply to that Committee.

DIVISION 2 – ADVISORY COMMITTEES

70. Application to Advisory Committees Generally

- (1) If Council establishes an Advisory Committee, Part 1 and Part 5, Divisions 1–11, of this Local Law apply to meetings of the Advisory Committee with any necessary modifications.
- (2) For the purposes of sub-clause (1) a reference in Part 5, Divisions 1–11, of this Local Law to:
 - (a) a Council meeting is to be read as a reference to a meeting of the Advisory Committee;
 - (b) a Councillor is to be read as a reference to a member of the Advisory Committee; and
 - (c) the Mayor is to be read as a reference to the Chairperson of the Advisory Committee.

71. Application to Advisory Committees Specifically

Despite clause 70 of this Local Law, if Council establishes an Advisory Committee:

- (a) Council; or
- (b) the Advisory Committee, with the approval of Council,

may resolve that any provision(s) of Part 5, Divisions 1–11, of this Local Law is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until Council resolves, or the Advisory Committee with the approval of Council resolves, otherwise.

PART 7 – ENFORCEMENT AND PENALTIES

72. Infringement Notices

- (1) An Authorised Officer may issue an infringement notice in respect of an offence against this Local Law.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 1.
- (3) An infringement notice may be withdrawn by an Authorised Officer, following representations from any person served with an infringement notice or made on behalf of that person.

73. Payment of Penalty

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Darebin City Council, PO Box 91, Preston 3072.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

SCHEDULE 1 – Penalties Fixed For Infringements

Persons who contravene this local law may receive an infringement of the following penalty amounts.

In addition or alternatively contravention may be subject to court action which may result in the maximum penalties as detailed in the body of this local law.

Clause	Offence	Infringement Penalty
7(5)	Using the Common Seal or replica without authority	3
43(4)	Recording meeting without prior approval	1
43(5)	Continuing to record a meeting after consent is revoked by the Chairperson	1
55(6)	Fraudulently signing a petition or joint letter	1
61(1)	Displaying placard or poster within Council Chamber or building	1
61(2)	Displaying objects or words or obstructing entrance to Council Chamber or building	1
43(4) 44(3) 63(5) 64(4)	Failing to comply with a requirement, direction or order of the Chairperson	0.5

SCHEDULE 2 - Procedural Motions

FORMAL MOTION	FORM	MOVER AND SECONDER	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of debate to later time or date	That this matter be adjourned to: <ul style="list-style-type: none"> • am/pm; and/or • date 	Any Councillor	Any matter	<ul style="list-style-type: none"> • During the election of a Chairperson • When another Councillor is speaking 	Yes, but any resultant amendment may only relate to the time and date	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected
Adjournment of meeting to later time or date	That the meeting be adjourned to: <ul style="list-style-type: none"> • am/pm; and/or • date 	Any Councillor	Any meeting	<ul style="list-style-type: none"> • During the election of a Chairperson • When another Councillor is speaking 	Yes, but any amendment may only relate to the time and date	Meeting adjourns immediately until the stated time and/or date	Debate continues unaffected
The closure	That the motion be now put	Any Councillor	Any matter	<ul style="list-style-type: none"> • During nominations for Chairperson 	No	Motion or amendment in respect of which the closure is carried is put to the vote immediately without further debate	Debate continues unaffected

CERTIFICATION

This Local Law was made by resolution of Darebin City Council on *insert date* 2017.

Date of public notice of the making of this Local Law in The Age newspaper on *insert date* 2017.

Date of notice of the making of this Local Law in the Victoria Government Gazette on *insert date* 2017.

The COMMON SEAL of)
DAREBIN CITY COUNCIL)
was affixed on)
with the authority of the Council:

.....
Chief Executive Officer

6.4 DELEGATION OF POWERS, DUTIES AND FUNCTIONS TO CHIEF EXECUTIVE OFFICER

Author: Coordinator Council Business

Reviewed By: Director Civic Governance and Compliance

Report Background

The current *Instrument of Delegation* (the Delegation) of powers, duties and functions to the Chief Executive Officer (CEO) was approved by Council on 3 July 2017.

Previous Council Resolution

At its meeting held 3 July 2017, Council resolved:

'That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) in the attached Instrument of Delegation, Darebin City Council (Council) resolves that:

- (1) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer attached as **Appendix A** to this report, subject to the conditions and limitations specified in that Instrument;*
- (2) The Delegation comes into force immediately the common seal of Council is affixed to the Delegation;*
- (3) On the coming into force of the Delegation the previous Delegation to the CEO, dated 17 March 2015, is revoked;*
- (4) The duties and functions set out in the Delegation must be performed, and the powers set out in the Delegation must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and*
- (5) It is noted that the Delegation includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.'*

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 - A well governed Council

Summary

The current *Instrument of Delegation* (the Delegation) of powers, duties and functions to the Chief Executive Officer (CEO) was approved by Council on 3 July 2017.

The S5 Instrument of Delegation from Council to the CEO is submitted for Council approval concurrently with the approval of the S6 Instrument of Delegation from Council to Council Staff so that both instruments remain up to date and capture the most recent powers, duties and functions that are capable of being delegated.

Recommendation

That in the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) in the attached *Instrument of Delegation*, Darebin City Council (Council) resolves that:

- (1) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the *Instrument of Delegation to the Chief Executive Officer* attached as **Appendix A** to this report, subject to the conditions and limitations specified in that Instrument;
 - (2) The Delegation comes into force immediately the common seal of Council is affixed to the Delegation;
 - (3) On the coming into force of the Delegation the previous Delegation to the CEO, dated 6 July 2017, is revoked;
 - (4) The duties and functions set out in the Delegation must be performed, and the powers set out in the Delegation must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and
 - (5) It is noted that the Delegation includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.
-

Introduction

The current Instrument of Delegation (the Delegation) of powers, duties and functions to the Chief Executive Officer (CEO) was approved by Council on 3 July 2017.

Issues and Discussion

Instrument of Delegation to Chief Executive Officer

The format and substance of the Delegation is based on the Maddocks Lawyers model delegations used by the majority of Victorian councils.

The proposed Delegation is identical to the one approved by Council on 3 July 2017. It is being submitted for Council approval in line with Maddocks' recommendation that its best practice for Council to re-make the S5 Instrument of Delegation from Council to the CEO and the S6 Instrument of Delegation from Council to Council Staff concurrently. This is to ensure that they remain up to date and capture the most recent powers, duties and functions that are capable of being delegated.

Options for Consideration

There are no options associated with this information.

Financial and Resource Implications

Nil

Risk Management

Nil

Policy Implications**Economic Development**

There are no factors in this report which impact upon economic development.

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion.

Other

The delegation of Council powers to the CEO and other members of Council staff is a long established practice facilitated and regulated by the Act to enable day-to-day operational decisions to be made. The proposed Delegation is based on the model developed by Maddocks Lawyers and used by a majority of Victorian councils.

Future Actions

- The signed copy of the Instrument of Delegation to the Chief Executive Officer is to be included in the Register of Delegations to be available for inspection by the public.

Consultation and Advocacy

- Chief Executive Officer
- Maddocks Lawyers

Related Documents

- Council Minutes 3 July 2017

Attachments

- Instrument of Delegation to the Chief Executive Officer (**Appendix A**)

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The 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.



INSTRUMENT OF DELEGATION

CHIEF EXECUTIVE OFFICER

In exercise of the power conferred by Section 98(1) of the *Local Government Act 1989* (the Act), and all other powers enabling it, the Darebin City Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this instrument of Delegation is authorised by a resolution of Council passed on 18 September 2017.
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until the Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of, or acting in the position of, Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

DATED:

The COMMON SEAL of)
 DAREBIN CITY COUNCIL)
 was affixed on)
 with the authority of the Council:)

Sue Wilkinson
Chief Executive Officer

SCHEDULE

The power to:

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

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

Conditions and Limitations

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

4. If the issue, action, act or thing is an issue, action, act or thing which involves:
 - 4.1 awarding a contract for the purchase of goods and services or for the carrying out of works exceeding the value of \$500,000 (including GST);
 - 4.2 awarding a contract for the purchase of goods and services or for the carrying out of works that has been requested through the Mayor to be determined by Council;
 - 4.3 making a local law under Part 5 of the Act;
 - 4.4 approval of the Council Plan under section 125 of the Act;
 - 4.5 adoption of the Strategic Resource Plan under section 126 of the Act
 - 4.6 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.7 adoption of the Auditor's report, Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.8 determining pursuant to section 37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.9 exempting a member of a special committee who is not a Councillor from submitting a return under section 81 of the Act;
 - 4.10 appointment of Councillor or community delegates or representatives to external organisations; or
 - 4.11 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. 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;
7. 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
 - 7.1 policy; or
 - 7.2 strategyadopted by Council; or

8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. 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.

6.5 DELEGATIONS OF POWER, DUTIES AND FUNCTIONS TO COUNCIL STAFF**Author:** Coordinator Council Business**Reviewed By:** Director Civic Governance and Compliance

Report Background

In seeking to achieve its purposes under the *Local Government Act 1989* (Act), one of Council's objectives is to delegate decision making to appropriate levels within the organisation.

The Act allows both Council and the Chief Executive Officer to delegate to members of staff, by instrument of delegation, certain powers, duties and functions under any Act administered by Council.

Previous Council Resolution

At its meeting held on 3 July 2017, Council resolved:

'That in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instrument of Delegation, Darebin City Council (Council) resolves that:

- (1) There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument attached as **Appendix A**, subject to the conditions and limitations specified in that Instrument.*
- (2) The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.*
- (3) On the coming into the force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.*
- (4) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.'*

Previous Briefing(s)

This matter has not previously been to a Councillor Briefing.

Council Plan Goal/Endorsed Strategy

Goal 6 - A well governed Council

Summary

In the context of local government, delegation is the giving of decision-making power by Council or the Chief Executive Officer to members of staff.

The previous *Instrument of Delegation* was approved by Council on 3 July 2017.

This report takes into account recent legislation amendments and seeks approval by Council for the revised *Instrument of Delegation*.

Recommendation

That in the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached *Instrument of Delegation*, Darebin City Council (Council) resolves that:

- (1) There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument attached as **Appendix A**, subject to the conditions and limitations specified in that Instrument.
- (2) The Instrument comes into force immediately the common seal of Council is affixed to the Instrument.
- (3) On the coming into the force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
- (4) The duties and functions set out in the Instrument must be performed, and the powers set out in the Instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Introduction

Under the *Local Government Act 1989* (Act), one of Council's objectives is to delegate decision making to appropriate levels within the organisation. Councils also have a raft of powers, duties and functions under various other acts such as *Planning and Environment Act 1987*, *Road Management Act 2004*, *Domestic Animals Act 1994* and many more.

Amendments to legislation are made from time to time, therefore to ensure officers are operating and enforcing under the current legislation, all Councils are required to update delegations conferred on various positions within the organisation by Council.

Issues and Discussion

Delegations from Council to other members of Council staff

This *Instrument of Delegation* to members of Council staff refers specifically to the delegation of (statutory) powers under various Acts and Regulations which (because of the terms of the particular legislation) require a delegation direct from the Council to the nominated members of Council staff.

The *Instrument of Delegation* describes in each case the power, duty or function being delegated, the source of power and lists the position to which the delegation is to be conferred.

The delegations provide the necessary authority for day-to-day planning, health and road management matters.

Options for Consideration

There are no options associated with this information.

Financial and Resource Implications

Nil.

Risk Management

If Council does not confer updated delegation on positions within the organisation, officers will not be able to fulfil the obligations of their roles especially in relation to enforcement.

Policy Implications

Economic Development

There are no factors in this report which impact upon economic development.

Environmental Sustainability

There are no factors in this report which impact upon environmental sustainability.

Human Rights, Equity and Inclusion

There are no factors in this report which impact on human rights, equity and inclusion.

Other

The delegation of Council powers to the members of Council staff is a long established practice facilitated and regulated by the *Local Government Act 1989* to enable day to day statutory and operational decisions to be made. The proposed *Instrument of Delegation* is based on the model developed by Maddocks Lawyers and used by a majority of Victorian councils.

Future Actions

- The signed copy of this Instrument of Delegation to be included in the Register of Delegations available for inspection by the public.
- This Instrument of Delegation be reviewed as required to address changes in legislation.

Consultation and Advocacy

- Chief Executive Officer, relevant Directors, Managers and Coordinators
- Maddocks Lawyers

Related Documents

- Delegations and Authorisations Service – Maddocks Lawyers
- Council Minutes – 3 July 2017

Attachments

- Instrument of Delegation to members of Council staff (**Appendix A**)

Disclosure of Interest

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The 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.



Darebin City Council

Instrument of Delegation

to

Members of Council Staff



INSTRUMENT OF DELEGATION

MEMBERS OF COUNCIL STAFF

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989* and the other 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 reference in the Schedule are as follows:

Acronym		Title
Admin – P&B	means	All Administration Staff – Planning and Building
BSO(B&P)	means	Business Support Officer (Business and Performance)
BSO(HP)	means	Business Support Officer (Health Protection)
CCC	means	Coordinator Civic Compliance
CEO	means	Chief Executive Officer
CEnvO	means	Coordinator Environmental Operations
CIM&S	means	Coordinator Infrastructure Maintenance and Support
CIP	means	Coordinator Infrastructure Planning
CSP	means	Coordinators Statutory Planning
DCF&A	means	Director City Futures and Assets
DCG&C	means	Director Civic Governance and Compliance
DCS	means	Director Corporate Services
DO&E	means	Director Operations and Environment
EMCP&T	means	Executive Manager City Plan and Transformation
HPO	means	Health Protection Officer
LCTP	means	Legal Counsel – Town Planning
MBS	means	Municipal Building Surveyor
MCD&SP	means	Manager City Design and Strategic Planning

Instrument of Delegation to members of Council staff (s6)

Acronym		Title
MCW&C	means	Manager City Works and Contracts
ME&CO	means	Manager Environment and Community Outcomes
MH&C	means	Manager Health and Compliance
MI&CD	means	Manager Infrastructure and Capital Delivery
MP&B	means	Manager Planning and Building
MSAM	means	Manager Strategic Asset Management
MT&PP	means	Manager Transport and Public Places
PIO	means	Planning Investigation Officer
PSP	means	All Principal Statutory Planners
SO	means	Subdivision Officer
SP	means	All Statutory Planners
SPA	means	Statutory Planning Assistants
SPIO	means	Senior Planning Investigation officer
SSP	means	All Senior Statutory Planners
STP	means	All Strategic Planners
Service Manager or Coordinator	means	The Manager or Coordinator responsible for Council service or facility
TLB&P	means	Team Leader Business and Performance
TLLL	means	Senior Local Laws Investigation Officer

3. declares that:
- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 18 September 2017; and
- 3.2 the delegation:
- 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 3.2.2 remains in force until varied or revoked;
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

Instrument of Delegation to members of Council staff (s6)

- 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
 - (c) adopted by Council; or
- 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, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

Date:

The COMMON SEAL of)
DAREBIN CITY COUNCIL)
was affixed on)
with the authority of the Council:)

Sue Wilkinson
Chief Executive Officer

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Instrument of Delegation to members of Council staff (s6)

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.41A(1)	power to declare a dog to be a menacing dog	DCG&C, MH&C, CCC, TLLL	Council may delegate this power to an authorised officer.

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	Not applicable	
s.53M(4)	duty to advise an applicant that an application is not to be dealt with	Not applicable	
s.53M(5)	duty to approve plans, issue a permit or refuse a permit	Not applicable	Refusal must be ratified by council or it is of no effect.
s.53M(6)	power to refuse to issue a septic tank permit	Not applicable	Refusal must be ratified by council or it is of no effect.
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	Not applicable	Refusal must be ratified by council or it is of no effect.

Instrument of Delegation to members of Council staff (s6)

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
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	MH&C, HPO	If section 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	MH&C, HPO	If section 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	CEO	If section 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 section 19(3)(a) or (b): (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DCG&C, MH&C, HPO DCG&C, MH&C	If section 19(1) applies.
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	MH&C, HPO	If section 19(1) applies.
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	MH&C, HPO	If section 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).	MH&C, HPO	Where Council is the registration authority.
s.19AA(4)(c)	power to direct, in an order made under s. 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	Not delegated.	Note: the power to direct the matters under section 19AA (4) (a) and (b) is not capable of delegation and so such directions must be made by a Council resolution.
s.19AA(7)	duty to revoke order issued under section 19AA and give written notice of revocation, if satisfied that that order has been complied with	MH&C, HPO	Where Council is the registration authority.
s.19CB(4)(b)	power to request a copy of records	MH&C, HPO	Where Council is the registration authority.
s.19E(1)(d)	power to request a copy of the food safety program	MH&C, HPO	Where Council is the registration authority.

Instrument of Delegation to members of Council staff (s6)

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19GB	power to request a proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MH&C, HPO	Where Council is the registration authority.
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	MH&C, HPO	Where Council is the registration authority.
s.19NA(1)	power to request food safety audit reports	MH&C, HPO	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	MH&C	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MH&C	Except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	MH&C, HPO	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	MH&C, HPO	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	MH&C, HPO	Where Council is the registration authority.
Various	power to register, renew or transfer registration	MH&C	Where Council is the registration authority. Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A {2}).
s.38AA(5)	power to (a) request further information or (b) advise the proprietor that the premises must be registered if the premises are not exempt	Not delegated.	Where Council is the registration authority. Fees are determined by Council in the annual budget process.
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	MH&C	Where Council is the registration authority.
s.38A(4)	power to request a copy of a completed food safety program template	MH&C, HPO	Where Council is the registration authority.
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	MH&C, HPO	Where Council is the registration authority.

A4137130

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Instrument of Delegation to members of Council staff (s6)

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	MH&C, HPO	Where Council is the registration authority.
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	MH&C, HPO	Where Council is the registration authority.
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	MH&C, HPO	Where Council is the registration authority.
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	MH&C, HPO	Where Council is the registration authority.
s.38D(3)	power to request copies of any audit reports	MH&C, HPO	Where Council is the registration authority.
s.38E(2)	power to register the food premises on a conditional basis (*)	MH&C,	Where Council is the registration authority. (*) Not exceeding the prescribed time limit defined under sub-section (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	MH&C, HPO	Where Council is the registration authority.
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	MH&C, HPO	Where Council is the registration authority.
s.39A	power to register, renew or transfer food premises despite minor defects	MH&C	Where Council is the registration authority. Only if the delegate is satisfied of matters in sub-section (2) (a) to (c).
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	MH&C	Where Council is the registration authority.
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MH&C	Where Council is the registration authority.
s.40D(1)	power to suspend or revoke the registration of food premises	MH&C	Where Council is the registration authority. In consultation with the DCF&A. Action must be ratified by Council.
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	MH&C, HPO	Where Council is the registration authority.

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Instrument of Delegation to members of Council staff (s6)

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MH&C, HPO	Where Council is the registration authority.
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	MH&C	Where Council is the registration authority. <i>In consultation with the MED&CC and DCF&A.</i>

HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	power to sub-delegate the Executive Director's functions	MP&B	Must obtain the Executive Director's written consent first. <i>"Executive Director" means the Executive Director of Heritage Victoria.</i>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victorian Planning Provisions	MP&B	If authorised by the Minister.
s.4G	function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DCF&A, MP&B	
s.4H	duty to make amendments to the Victorian Planning Provisions available	MP&B, MCD&SP, STP	

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4I	duty to keep the Victorian Planning Provisions and other documents available	MP&B, MCD&SP	
s.8A(2)	power to prepare an amendment to the planning scheme where the Minister has given consent under section 8A	MP&B, MCD&SP	
s.8A(3)	power to apply to the Minister to prepare an amendment to the planning scheme	DCF&A, EMCP&T, MP&B, MCD&SP	
s.8A(5)	function of receiving notice of the Minister's decision	DCF&A, EMCP&T, MP&B	
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	MP&B, MCD&SP	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	Not delegated.	
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	MP&B, MCD&SP	
s.12A(1)	duty to prepare a municipal strategic statement (including the power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	MP&B, MCD&SP	
s.12B(1)	duty to review planning scheme	MP&B, MCD&SP	
s.12B(2)	duty to review planning scheme at direction of Minister	MP&B, MCD&SP	
s.12B(5)	duty to report findings of a review of planning scheme to Minister without delay	MP&B, MCD&SP	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	MP&B, MCD&SP, CSP	
s.17(1)	duty of giving a copy of an amendment to the planning scheme	MP&B, MCD&SP, STP, Admin - P&B	

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Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	duty of giving a copy of a section 173 agreement	MP&B, MCD&SP, CSP, PSP, SSP, SP, STP	
s.17(3)	duty of giving a copy of amendment, explanatory report and relevant documents to Minister within 10 business days	DCF&A, MP&B, CSP, PSP	
s.18	duty to make an amendment etc. available	MP&B, MCD&SP, STP	
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 section 19 to a planning scheme	MP&B, MCD&SP	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	DCF&A, EMCP&T, MP&B, MCD&SP	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 section 19	DCF&A, EMCP&T, MP&B, MCD&SP	
s.21(2)	duty to make submissions available	MP&B, MCD&SP, STP	Relates to planning scheme amendments.
s.21A(4)	duty to publish notice in accordance with section	MP&B, MCD&SP, STP	
s.22	duty to consider all submissions	Not delegated.	Council/Planning Committee decision required.
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	MP&B, MCD&SP	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	MP&B, MCD&SP, STP	
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	MP&B, MCD&SP, CSP, PSP, SSP, SP, STP	
s.26(1)	power to make a report available for inspection	MP&B, MCD&SP, CSP, PSP, SSP, SP, STP	
s.26(2)	duty to keep the report of panel available for inspection	MP&B, MCD&SP, STP	

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.27(2)	power to apply for exemption if the panel's report is not received	MP&B, MCD&SP,	
s.28	duty to notify the Minister if abandoning an amendment	DCF&A, EMCP&T, MP&B MCD&SP,	Note: the power to make a decision to abandon an amendment cannot be delegated.
s.30(4)(a)	duty to say if an amendment has lapsed	MP&B, MCD&SP, STP	
s.30(4)(b)	duty to provide information in writing upon request	MP&B, MCD&SP, STP	
s.32(2)	duty to give more notice if required	MP&B, MCD&SP, STP	
s.33(1)	duty to give more notice of changes to an amendment	MP&B, MCD&SP, STP	
s.36(2)	duty to give notice of approval of amendment	MP&B, MCD&SP, STP	
s.38(5)	duty to give notice of revocation of an amendment	MP&B, MCD&SP, STP	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with a determination by VCAT	MP&B, MCD&SP, STP	
s.40(1)	function of lodging copy of approved an amendment	MP&B, MCD&SP, STP	
s.41	duty to make an approved amendment available	MP&B, MCD&SP, STP	
s.42	duty to make a copy of the planning scheme available	MP&B, MCD&SP, STP	
s.46AS(ac)	power to request the Victorian Planning Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	DCF&A, EMCP&T, MP&B, MCD&SP,	
s.46GF	duty to comply with directions issued by the Minister	DCF&A, EMCP&T, MP&B, MCD&SP	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	MP&B, CSP, SO, SSP, SP, PSP, LCTP, SPA	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	MP&B	Where council is a collecting agency.
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	MP&B, MSAM	Where council is a collecting agency.

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Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	MP&B, MSAM	Where council is a collecting agency.
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	MP&B, MSAM	Must be done in accordance with Local Government Act 1989.
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	MP&B	
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	MP&B	
s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	MP&B	
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	MP&B	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	MP&B	Where council is a collecting agency.
s.46GM	duty to prepare report and give a report to the Minister	DCF&A, MP&B	Where council is a collecting agency or development agency.
s.46N(1)	duty to include a condition in a permit regarding payment of a development infrastructure levy	MP&B, CSP, PSP, SSP	
s.46N(2)(c)	function of determining the time and manner for receipt of development contributions levy	MP&B, MCD&SP, CSP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	MP&B, MCD&SP, CSP	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MP&B, MCD&SP, CSP, MBS	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	MP&B, MCD&SP, CSP	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	MP&B, MCD&SP, CSP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	MP&B	
s.46Q(1)	duty to keep proper accounts of levies paid	MP&B	
s.46Q(1A)	duty to forward to the 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 or plan preparation costs incurred by a development agency	MP&B, CSP	
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.	MP&B, MCD&SP, CSP, MSAM, MI&CD	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	MP&B, MCD&SP, CSP, MSAM, MI&CD	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)	MP&B, CSP	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	DCF&A, EMCP&T, MP&B, MCD&SP	Must be done in accordance with Part 3.
s.46Q(4)(e)	duty to expend that amount on other works etc.	MP&B, MSAM, MI&CD	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	MP&B	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46QD	duty to prepare report and give a report to the Minister	DCF&A, MP&B	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	Not applicable	
s.46Y	duty to carry out works in conformity with the approved strategy plan	Not applicable	
s.47	power to decide that an application for a planning permit does not comply with that Act	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.49(2)	duty to make the register available for inspection	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.50(4)	duty to amend applications	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.50(5)	power to refuse to amend an application	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.50(6)	duty to make note of an amendment to an application in the register	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.50A(1)	power to make an amendment to an application	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	

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Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50A(3)	power to require an applicant to notify the owner and make a declaration that notice has been given	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.50A(4)	duty to note an amendment to an application in the register	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin – P&B	
s.51	duty to make a copy of an application available for inspection	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin – P&B	
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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(3)	power to give any further notice of an application where appropriate	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.54(1)	power to require the applicant to provide more information	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.54(1B)	duty to specify the lapse date for an application	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.55(1)	duty to give copy application, <i>together with the prescribed information</i> to every referral authority specified in the planning scheme	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	MP&B, CSP, LCTP, PSP	

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.57(5)	duty to make available for inspection a copy of all objections	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.57A(4)	duty to amend an application in accordance with applicant's request, subject to section 57A(5)	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.57A(5)	power to refuse to amend an application	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.57A(6)	duty to note amendments to applications in the register	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.57B(1)	duty to determine whether and to whom notice should be given	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.57C(1)	duty to give copy of an amended application to a referral authority	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.58	duty to consider every application for a permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.58A	power to request advice from the Planning Application Committee	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.60	duty to consider certain matters	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s60(1A)	power to consider certain matters	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	In accordance with Council's Planning Committee Charter. The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> .
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of a permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without the Minister's consent	Not applicable	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	Not applicable	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.62(1)	duty to include certain conditions in deciding to grant a permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(2)	power to include other conditions	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
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 section 173 agreement	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
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 section 62(5) or section 46N	MP&B, CSP, LCTP, PSP	
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 section 62(1)(a)	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	This provision applies also to a decision to grant an amendment to a permit – see section 75.
s.64(3)	duty not to issue a permit until after the specified period	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	This provision applies also to a decision to grant an amendment to a permit – see section 75.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.64(5)	duty to give each objector a copy of an exempt decision	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	This provision applies also to a decision to grant an amendment to a permit – see section 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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	This provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and <i>person who objected under section 57</i>	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to <i>relevant determining referral authorities</i>	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	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 section 64 or 65	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.69(1A)	function of receiving application for extension of time to complete development	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69(2)	power to extend time	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.70	duty to make copy permit available for inspection	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.71(1)	power to correct certain mistakes	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.71(2)	duty to note corrections in register	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.73	power to decide to grant amendment subject to conditions	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	In accordance with Council's Planning Committee Charter.
s.74	duty to issue amended permit to applicant if no objectors	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.76A(1)	duty to give <i>relevant determining</i> referral authorities a copy of an amended permit and a copy of the notice	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	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.

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PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	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 section 64 or 76	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	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 the Minister to issue an amended permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.83	function of being a respondent to an appeal	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.83B	duty to give or publish notice of an application for review	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	In accordance with Council's Planning Committee Charter.
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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.84(3)	duty to tell the Principal Registrar if Council decides to grant a permit after an application is made for review of its failure to grant a permit	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	"Principal Registrar" means the Principal Registrar of VCAT.
s.84(6)	duty to issue a permit on receipt of advice within 3 working days	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.86	duty to issue a permit at order of the Tribunal within 3 working days	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	MP&B, CSP, LCTP, PSP	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	MP&B, CSP, LCTP, PSP, SPIO, PIO	
s.91(2)	duty to comply with the directions of VCAT	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.91(2A)	duty to issue amended permit to owner if the Tribunal so directs	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.93(2)	duty to give notice of a VCAT order to stop development	MP&B, CSP, LCTP, PSP, SSP, SP, SPIO, PIO	
s.95(3)	function of referring certain applications to the Minister	DCF&A, MP&B, CSP	
s.95(4)	duty to comply with an order or direction	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	Relevant Service Manager	In consultation with the DCF&A and MSAM.
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	Relevant Service Manager	In consultation with the DCF&A and MSAM.
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	MP&B, MCD&SP, CSP	

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Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	MP&B, MCD&SP, CSP, LCTP, PSP, SSP, SP, SO, SPA	
s.96F	duty to consider the panel's report under section 96E	MP&B	
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 section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	MP&B, MCD&SP, CSP, LCTP, PSP, SSP, SP, SO, SPA	
s.96H(3)	power to give notice in compliance with the Minister's direction	MP&B, MCD&SP, CSP	
s.96J	power to issue permit as directed by the Minister	MP&B, MCD&SP, CSP, LCTP, PSP, SSP, SP, SO, SPA	
s.96K	duty to comply with direction of the Minister to give notice of refusal	MP&B, MCD&SP, CSP, LCTP, PSP, SSP, SP, SO, SPA	
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	DCF&A, MP&B	
s.97C	power to request the Minister to decide the application	DCF&A, MP&B, CSP	
s.97D(1)	duty to comply with directions of the Minister to supply any document or assistance relating to application	MP&B, MCD&SP, CSP, LCTP, PSP, SSP, SP, SO, SPA	
s.97G(3)	function of receiving from the Minister a copy of a notice of refusal to grant a permit or copy of any permit granted by the Minister	MP&B, CSP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	MP&B, CSP, PSP, SSP, SP, LCTP, SO, SPA, Admin – P&B	

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Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97L	duty to include Ministerial decisions in a register kept under section 49	MP&B, CSP, PSP, SSP, SP, LCTP, SO, SPA, Admin – P&B	
s.97MH	duty to provide information or assistance to the Planning Application Committee	MP&B, CSP, PSP, LCTP	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	MP&B, CSP	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	MP&B, CSP, LCTP, PSP, SSP, SP, SO, SPA	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.97Q(4)	duty to comply with directions of VCAT	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin - P&B	
s.98(1)&(2)	function of receiving a claim for compensation in certain circumstances	DCF&A, MP&B	The owner or occupier may claim compensation from the Planning Authority for financial loss resulting from certain planning matters.
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	DCF&A, MP&B	
s.101	function of receiving a claim for expenses in conjunction with the claim	DCF&A, MP&B	

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.103	power to reject a claim for compensation in certain circumstances	DCF&A, MP&B	
s.107(1)	function of receiving a claim for compensation	DCF&A, MP&B	
s.107(3)	power to agree to extend the time for making a claim	DCF&A, MP&B	
s.114(1)	power to apply to the VCAT for an enforcement order	MP&B, CSP, LCTP, PSP, SSP, SP, SPIO, PIO, CHU&UP	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	MP&B, CSP, LCTP, PSP, SSP, SP, SPA	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	MP&B, CSP, LCTP, SPIO, PIO, CHU&UP	
s.123(1)	power to carry out work required by enforcement order and recover costs	MP&B, CSP, LCTP	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	Not delegated.	Except Crown land. Council resolution required.
s.129	function of recovering penalties	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SPIO, PIO, Admin – P&B MH&C, TLB&P, BSO(B&P)	
s.130(5)	power to allow person served with an infringement notice further time	MP&B, CSP, LCTP, PSP, SPIO, PIO, MH&C	
s.149A(1)	power to refer a matter to the VCAT for determination	MP&B, CSP, LCTP	
s.149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a section 173 agreement	MP&B, CSP, PSP	

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (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 subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	MP&B, MCD&SP, STP	Where Council is the relevant planning authority.
s.171(2)(f)	power to carry out studies and commission reports	MP&B, MCD&SP, STP	
s.171(2)(g)	power to grant and reserve easements	MP&B, CSP	
s.173	power to enter into an agreement covering the matters set out in section 174	CEO, DCF&A, MP&B	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	MP&B, CSP, LCTP, PSP	
---	power to give consent on behalf of Council, where an agreement made under section 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	MP&B, CSP, LCTP, PSP	
s.177(2)	power to end a section 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, DCF&A, MP&B	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	CEO, DCF&A, MP&B	
s.178A(1)	function of receiving application to amend or end an agreement	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO, Admin – P&B	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under section 178A(1)	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.178A(5)	power to propose to amend or end an agreement	MP&B, CSP, PSP, LCTP, SP, SO, SPA	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
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	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.178C(4)	function of determining how to give notice under s. 178C(2)	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.178E(1)	duty not to make a decision until after 14 days after notice has been given	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	If no objections are made under section 178D. The delegate must consider matters in section 178B.
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	If no objections are made under section 178D. The delegate must consider matters in section 78B.
s.178E(2)(c)	power to refuse to amend or end the agreement	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	If no objections are made under section 178D. The delegate must consider matters in section 178B.
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	After considering objections, submissions and matters in section 178B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	After considering objections, submissions and matters in section 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	MP&B, CSP, LCTP	After considering objections, submissions and matters in section 178B.

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Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(d)	power to refuse to amend or end the agreement	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	After considering objections, submissions and matters in section 178B.
s.178F(1)	duty to give notice of its decision under section 178E(3)(a) or (b)	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.178F(2)	duty to give notice of its decision under section 78E(2)(c) or (3)(d)	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.178F(4)	duty not to proceed to amend or end an agreement under section 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	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.178G	duty to sign an amended agreement and give a copy to each other party to the agreement	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
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	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.179(2)	duty to make available for inspection copy agreement	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, Admin – P&B, SO	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	MP&B, CSP, PSP, LCTP, SSP, SP, SO, SPA	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	MP&B, CSP, PSP, LCTP, SSP, SP, SO, SPA	

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.182	power to enforce an agreement	MP&B, CSP, LCTP , PIO	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	MP&B, CSP, LCTP, PSP, SSP, SP, SPA, SO	
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	MP&B, CSP, PSP, LCTP, SSP, SP, SO, SPA	
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	MP&B, CSP, PSP, SSP, LCTP, SSP, SP, SO, SPA	
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	MP&B, CSP, PSP, SSP, LCTP, SSP, SP, SO, SPA	
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	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA, Admin – P&B	
s.184G(2)	duty to comply with a direction of the Tribunal	MP&B, CSP, PSP, SSP, LCTP, SP, SO, SPA	
s.184G(3)	duty to give notice as directed by the Tribunal	MP&B, CSP, PSP, SSPM, LCTP, SP, SO, SPA, Admin – P&B	
s.198(1)	function to receive applications for planning certificate	Not applicable	In the metropolitan area, planning certificates are issued by the Department of Transport, Planning and Local Infrastructure.
s.199(1)	duty to give planning a certificate to the applicant	Not applicable	In the metropolitan area, planning certificates are issued by the Department of Transport, Planning and Local Infrastructure.
s.201(1)	function of receiving an application for a declaration of underlying zoning	Not applicable	

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.201(3)	duty to make a declaration	Not applicable	
-	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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA	
	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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA	
	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	MP&B, CSP, LCTP, PSP, SSP, SP, SPA	
-	power to give written authorisation in accordance with a provision of a planning scheme	MP&B, CSP, LCTP, PSP, SSP, SP, SPA	
s.201UAB(1)	function of providing the Victoria Planning Authority with information relating to any land within municipal district	MP&B, MCD&SP	
s.201UAB(2)	duty to provide the Victoria Planning Authority with information requested under subsection (1) as soon as possible	MP&B, MCD&SP	
s.224(8)	duty to provide information requested by Victoria Planning Authority under s.201UAB(1) not yet provided to Growth Areas Authority to Victorian Planning Authority	MP&B, MCD&SP	

Instrument of Delegation to members of Council staff (s6)

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	DO&E, MCW&C, MI&CD, MT&PP	Where Council is a utility under section 3. <i>Note - Safety Director means the Director, Transport Safety within the meaning of section 3 of the Transport Integration Act 2010.</i>
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DO&E, MCW&C, MI&CD, MT&PP	Duty of Council as a road authority under the <i>Road Management Act 2004</i> .
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	DO&E, MCW&C, MI&CD, MT&PP	Where Council is a utility under section 3.
s.34C(2)	function of entering into safety interface agreements with the rail infrastructure manager	DO&E, DCF&A,	Where Council is the relevant road authority.
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	DO&E, MCW&C, MI&CD, MT&PP	Where Council is the relevant road authority.
s.34D(2)	function of receiving written notice of opinion	DO&E, MCW&C, MI&CD, MT&PP	Where Council is the relevant road authority.
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DO&E, DCF&A	Where Council is the relevant road authority.
s.34E(1)(a)	duty to identify and assess risks to safety	DO&E, MCW&C, MI&CD, MT&PP	Where Council is the relevant road authority.
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	DO&E, MCW&C, MI&CD	Where Council is the relevant road authority.
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DO&E, MI&CD	Where Council is the relevant road authority.
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	DO&E, MCW&C, MI&CD	Where Council is the relevant road authority.

Instrument of Delegation to members of Council staff (s6)

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	DO&E, MCW&C, MI&CD, MT&PP	Where Council is the relevant road authority.
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DO&E, MI&CD, MT&PP	Where Council is the relevant road authority.
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	DO&E, MCW&C, MI&CD, MT&PP	Where Council is the relevant road authority.
s.34I	function of entering into safety interface agreements	DO&E, DCF&A	Where Council is the relevant road authority.
s.34J(2)	function of receiving notice from the Safety Director	DO&E, MCW&C, MI&CD, MT&PP	Where Council is the relevant road authority.
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	DO&E, DCF&A, MCW&C, MI&CD, MT&PP	Where Council is the relevant road authority.
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	DCF&A, MI&CD, MT&PP	Where Council is the relevant road authority.

Instrument of Delegation to members of Council staff (s6)

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	MH&C, HPO, BSO(HP)	
s.142G(1)	duty to enter required information in the Rooming House Register for each rooming house in municipal district	MH&C, HPO, BSO(HP)	
s.142G(2)	power to enter certain information in the Rooming House Register	MH&C, HPO, BSO(HP)	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MH&C, HPO, BSO(HP)	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	MH&C	Where Council is the landlord.
s.262(1)	power to give tenant a notice to vacate rented premises	MH&C	Where Council is the landlord.
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	MH&C, HPO	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	MH&C, HPO	
s.522(1)	power to give a compliance notice to a person	MH&C, HPO	<i>Note - The Act applies to caravan parks and rooming houses.</i>
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	DCG&C	
s.525(4)	duty to issue identity card to authorised officers	MH&C	
s.526(5)	duty to keep record of entry by authorised officer under section 526	MH&C, BSO(HP)	
s.526A(3)	function of receiving report of inspection	MH&C, HPO, BSO(HP)	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	MH&C	

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Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DO&E, MSAM	Obtain consent in circumstances specified in section 11(2).
s.11(8)	power to name a road or change the name of a road by publishing notice in the Victoria Government Gazette	Not delegated.	Council resolution required
s.11(9)(b)	duty to advise the Registrar	DO&E, MSAM	Note – “Registrar” refers to the Registrar of Titles.
s.11(10)	duty to inform Secretary to Department of Environment, Land Water and Planning of a declaration etc.	DO&E, MSAM	Clause subject to section 11 (10A). Note – “Secretary” refers to the Secretary of the Department of Transport, Planning and Local Infrastructure.
s.11(10A)	duty to inform the Secretary to Department of Environment, Land Water and Planning or nominated person	DO&E, MSAM	Where Council is the coordinating road authority.
s.12(2)	power to discontinue road or part of a road	Not delegated.	Where Council is the coordinating road authority. Council resolution required.
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DO&E, MSAM	Power of the coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s.12(5)	duty to consider written submissions received within 28 days of notice	DO&E, MSAM	Duty of the coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s.12(6)	function of hearing a person in support of their written submission	DO&E, MSAM	Function of coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.
s.12(7)	duty to fix the day, time and place of meeting under subsection (6) and to give notice	DO&E, MSAM	Duty of the coordinating road authority where it is the discontinuing body. Unless subsection (11) applies.

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Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(10)	duty to notify (*) of the decision made	DO&E, MSAM	Duty of the 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. (*) _submitters must be notified.
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DO&E, MSAM	Power of the coordinating road authority to obtain consent under section 13(3) and section 13(4) as appropriate.
s.14(4)	function of receiving notice from VicRoads	DCF&A, MT&PP	
s.14(7)	power to appeal against a decision of VicRoads	DCF&A, MT&PP	
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	DCF&A, DO&E	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DCF&A, DO&E	
s.15(2)	duty to include details of arrangement in the public roads register	DO&E, MSAM	
s.16(7)	power to enter into an arrangement under section 15	DCF&A, DO&E	
s.16(8)	duty to enter details of determination in the public roads register	DO&E, MSAM	
s.17(2)	duty to register public road in the public roads register	DO&E, MSAM	Where Council is the coordinating road authority.
s.17(3)	power to decide that a road is reasonably required for general public use	DO&E, MSAM	Where Council is the coordinating road authority.
s.17(3)	duty to register a road reasonably required for general public use in the public roads register	DO&E, MSAM	Where Council is the coordinating road authority.

Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(4)	power to decide that a road is no longer reasonably required for general public use	DO&E, MSAM	Where Council is the coordinating road authority.
s.17(4)	duty to remove road no longer reasonably required for general public use from the public roads register	DO&E, MSAM	Where Council is the coordinating road authority.
s.18(1)	power to designate ancillary area	Not delegated.	Where Council is the coordinating road authority, and obtains consent in the circumstances specified in section 18(2). <i>Council resolution required.</i>
s.18(3)	duty to record designations in the public roads register	DO&E, MSAM	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	DO&E, MSAM	
s.19(4)	duty to specify details of a discontinuance in the public roads register	DO&E, MSAM	
s.19(5)	duty to ensure public roads register is available for public inspection	DO&E, MSAM	
s.21	function of replying to a request for information or advice	DO&E, MSAM, CIP	The delegate must obtain consent in the circumstances specified in section 11(2).
s.22(2)	function of commenting on a proposed direction	DCF&A, DO&E	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DCF&A, DO&E	
s.22(5)	duty to give effect to a direction under this section.	DCF&A, DO&E	
s.40(1)	duty to inspect, maintain and repair a public road.	DO&E, MCW&C	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DO&E, MCW&C, MSAM	

Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	MSAM, MCW&C	
s.42(1)	power to declare a public road as a controlled access road	DCF&A, MT&PP	Power of the coordinating road authority. Schedule 2 also applies.
s.42(2)	power to amend or revoke a declaration by notice published in the Victoria Government Gazette	DCF&A	Power of the coordinating road authority. Schedule 2 also applies.
s.42A(3)	duty to consult with VicRoads before a road is specified	DCF&A, MT&PP	Where Council is the coordinating road authority. If the road is a municipal road or part thereof.
s.42A(4)	power to approve the Minister's decision to specify a road as a specified freight road	Not delegated.	Where council is the coordinating road authority. If the road is a municipal road or part thereof and where the road is to be specified a freight road. <i>Council resolution required.</i>
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)	DO&E, DCF&A, MT&PP, MCW&C	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 section 48M	DCF&A, MT&PP	
s.49	power to develop and publish a road management plan	Not delegated	<i>The power remains with the Council.</i>
s.51	power to determine standards by incorporating the standards in a road management plan	Not delegated	<i>The power remains with the Council.</i>
s.53(2)	power to cause notice to be published in the Victoria Government Gazette of the amendment etc of a document in the road management plan	DO&E	
s.54(2)	duty to give notice of a proposal to make a road management plan	DO&E	
s.54(5)	duty to conduct a review of the road management plan at prescribed intervals	DO&E	

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Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(6)	power to amend a road management plan	DO&E	
s.54(7)	duty to incorporate the amendments into the road management plan	DO&E	
s.55(1)	duty to cause notice of a road management plan to be published in the Victoria Government Gazette and newspaper	DO&E	
s.63(1)	power to consent to the conduct of works on a road	DO&E, DCF&A, MCW&C, MI&CD	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	DO&E, DCF&A, MCW&C, MI&CD, CIM&S	Where Council is the infrastructure manager.
s.64(1)	duty to comply with clause 13 of Schedule 7	DO&E, DCF&A, MI&CD, MCW&C	Where Council is the infrastructure manager or works manager.
s.66(1)	power to consent to a structure etc	DO&E, DCF&A, MI&CD, MT&PP	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	DCF&A, DCG&C, MI&CD, MT&PP, MH&C	Where Council is the coordinating road authority.
s.67(3)	power to request information	DCF&A, DCG&C, MI&CD, MT&PP, MH&C	Where Council is the coordinating road authority.
s.68(2)	power to request information	DCF&A, DCG&C, MI&CD, MT&PP, MH&C	Where Council is the coordinating road authority.
s.71(3)	power to appoint an authorised officer	CEO	
s.72	duty to issue an identity card to each authorised officer	EMCG&P	
s.85	function of receiving a report from an authorised officer	DCF&A, DO&E	
s.86	duty to keep a register regarding section 85 matters	DCF&A, DO&E	
s.87(1)	function of receiving complaints	DCF&A, DO&E	

Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(2)	power to investigate complaints and provide a report	DCF&A, DO&E	
s.112(2)	power to recover damages in court	DCF&A, DO&E	
s.116	power to cause or carry out inspections	DO&E, DCF&A, MCW&C, MI&CD	Relates to inspection following notice of a proposal to commence Court proceedings in relation to an incident arising out of a public road or infrastructure.
s.119(2)	function of consulting with VicRoads	DO&E, DCF&A, MI&CD, MT&PP	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DO&E, DCF&A, MI&CD, MCW&C	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DO&E, DCF&A, MI&CD, MCW&C	
s.121(1)	power to enter into an agreement in respect of works	DO&E, DCF&A, MI&CD, MCW&C, CIM&S	
s.122(1)	power to charge and recover fees	DO&E, DCF&A, MI&CD, MCW&C, CIM&S, MT&PP	
s.123(1)	power to charge for any service	DO&E, DCF&A, MI&CD, MCW&C, CIM&S, MT&PP	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DO&E, DCF&A, MI&CD, MCW&C, CIM&S, MT&PP	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	DCF&A, MT&PP	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	DCF&A, MT&PP	

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Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DCF&A, MT&PP	
Schedule 2 Clause 5	duty to publish notice of a declaration	DCF&A, MT&PP	
Schedule 7, Clause 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	DO&E, DCF&A, MI&CD, MCW&C, MT&PP, CIM&S	Where Council is the infrastructure manager or works manager.
Schedule 7, Clause 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	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the infrastructure manager or works manager.
Schedule 7, Clause 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	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure.
Schedule 7, Clause 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	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the infrastructure manager or works manager.
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the infrastructure manager or works manager.
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.

Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 12(5)	power to recover costs	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7, Clause 13(1)	duty to notify the relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the works manager.
Schedule 7 Clause 13(2)	power to vary a notice period	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7, Clause 13(3)	duty to ensure the works manager has complied with the obligation to give notice under Schedule 7, Clause 13(1)	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the infrastructure manager.
Schedule 7 Clause 16(1)	power to consent to proposed works	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 16(4)	duty to consult	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority, responsible authority or infrastructure manager. The clause provides that if an application for consent is made by an infrastructure manager, the coordinating road authority must consult with the infrastructure manager and the responsible road authority before determining the application.

Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(5)	power to consent to proposed works	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent for proposed works	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 16(8)	power to include consents and conditions for proposed works	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal for proposed works	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 18(1)	power to enter into an agreement in relation to proposed works	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DO&E, DCF&A, MI&CD, MT&PP, MCW&C, CIM&S	Where Council is the coordinating road authority.
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DO&E, ME&CO	Power of the responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.

Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where the road is not an arterial road	DO&E, ME&CO	Where Council is the responsible road authority.
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where the road is a service road on an arterial road and adjacent areas	DO&E, ME&CO	Where Council is the responsible road authority.
Schedule 7A Clause (3)(1)(f),	duty to pay installation and a percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	DO&E, ME&CO	Duty of Council as the responsible road authority that installed the light (re: installation costs) and where Council is the relevant municipal council (re: operating costs).

Instrument of Delegation to members of Council staff (s6)

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 section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme.	MP&B, MCD&SP, STP	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.
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 section 54 of the Act	MP&B, MCD&SP, CSP, PSP, SSP, SP, STP	
r.25(a)	duty to make copy of matter considered under section 60 (1A)(g) available for inspection free of charge	MP&B, MCD&SP, CSP, PSP, LCTP, SSP, SO, SP, SPA, STP	Where council is the responsible authority.
r.25(b))	Function of receiving a copy of any document considered under section 60 (1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	MP&B, MCD&SP, CSP, PSP, LCTP, SSP, SO, SP, SPA, STP, Admin - P&B	Where Council is not the responsible authority but the relevant land is within Council's municipal district.
r.42	Function of receiving notice under section 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	MP&B, MCD&SP, STP	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.

Instrument of Delegation to members of Council staff (s6)

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.19	power to waive or rebate fee relating to an amendment to a planning scheme	MP&B, CSP	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MP&B, CSP	
r.21	duty to record matters taken into account and which formed the basis of the decision to waive or rebate a fee under regulation 19 or 20	MP&B, CSP	

Instrument of Delegation to members of Council staff (s6)

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	function of entering into a written agreement with a caravan park owner	MH&C, HPO	
r.11	function of receiving application for registration	MH&C, HPO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	MH&C, HPO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	MH&C, HPO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MH&C	
r.13(4) & (5)	duty to issue certificate of registration	MH&C, HPO, BSO(HP)	
r.15(1)	function of receiving notice of transfer of ownership	MH&C, HPO	
r.15(3)	power to determine where notice of transfer is displayed	MH&C, HPO	
r.16(1)	duty to transfer registration to new caravan park owner	MH&C, HPO	
r.16(2)	duty to issue a certificate of transfer of registration	MH&C, HPO, BSO(HP)	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	MH&C	
r.18	duty to keep register of caravan parks	MH&C, HPO, BSO(HP)	
r.19(4)	power to determine where the emergency contact person's details are displayed	MH&C, HPO	
r.19(6)	power to determine where certain information is displayed	MH&C, HPO	
r.22A(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	MH&C, HPO	
r.22A(2)	Duty to consult with relevant emergency services agencies	MH&C, HPO	

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Instrument of Delegation to members of Council staff (s6)

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	MH&C, HPO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	MH&C, HPO	
r.25(3)	duty to consult with relevant floodplain management authority	MH&C, HPO	
r.26	duty to have regard to any report of the relevant fire authority	MH&C, HPO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MH&C	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MH&C, HPO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MH&C	
r.40(4)	function of receiving installation certificate	MH&C, HPO, BSO(HP)	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MH&C	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	MH&C. HPO	

Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8(1)	duty to conduct reviews of the road management plan	DO&E, MCW&C	
r.9(2)	duty to produce a written report of the review of the road management plan and make the report available	DO&E, MCW&C	
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)	DO&E, CIM&S, MCW&C	Where council is the coordinating road authority.
r.10	duty to give notice of an amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	DO&E, MCW&C	
r.13(1)	Duty to publish notice of amendments to road management plan	DO&E, CIM&S, MCW&C	Where council is the coordinating road authority.
r.13(3)	duty to record on the road management plan the substance and date of effect of any amendment	DO&E, MCW&C	
r.16(3)	power to issue a permit	MI&CD, MCW&C, CIM&S	Where Council is the coordinating road authority.
r.18(1)	power to give written consent regarding damage to road	DCF&A, MT&PP	Where Council is the coordinating road authority.
r.23(2)	power to make a submission to the Tribunal	DCF&A, DCG&C, DCS, MT&PP, MH&C, CCC	Where Council is the coordinating road authority. <i>Relates to hoardings and advertisements.</i>
r.23(4)	power to charge a fee for application under section 66(1) of the Road Management Act	DCF&A, DCG&C, DCS, MT&PP, MH&C, CCC	Where council is the coordinating road authority.
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on a road	MCW&C, CEnvO, MH&C, CCC	Where Council is the responsible road authority.
r.25(2)	power to sell or dispose of things removed from a road or part of a road (after first complying with regulation 25(3))	MCW&C, CEnvO, MH&C, CCC	Where Council is the responsible road authority.

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Instrument of Delegation to members of Council staff (s6)

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25(5)	power to recover in the Magistrates' Court, expenses from the person responsible	MCW&C, CEnvO, MH&C, CCC	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	MI&CD	Where council is the coordinating road authority and where consent given under section 63(1) of the Act.
r.22(2)	power to waive whole or part of fee in certain circumstances	MI&CD	Where council is the coordinating road authority.

7. CONSIDERATION OF RESPONSES TO PETITIONS, NOTICES OF MOTION AND GENERAL BUSINESS

Nil

8. NOTICES OF MOTION

Nil

9. URGENT BUSINESS

10. GENERAL BUSINESS

Nil

11. PETITIONS

12. REPORTS OF STANDING COMMITTEES

Nil

13. RECORDS OF ASSEMBLIES OF COUNCILLORS

13.1 ASSEMBLIES OF COUNCILLORS HELD

An Assembly of Councillors is defined in section 3 of the *Local Government Act 1989* (the Act) to include Advisory Committees of Council if at least one Councillor is present or, a planned or scheduled meeting attended by at least half of the Councillors and one Council Officer that considers matters intended or likely to be the subject of a Council decision.

Written records of Assemblies of Councillors must be kept and include the names of all Councillors and members of Council staff attending, the matters considered, any conflict of interest disclosures made by a Councillor attending, and whether a Councillor who has disclosed a conflict of interest leaves the assembly.

Pursuant to section 80A (2) of the Act, these records must be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that meeting.

An Assembly of Councillors record was kept for:

- Councillor Briefing Session – 28 August 2017

Recommendation

That the record of the Assembly of Councillors held on 28 August 2017 and attached as **Appendix A** to this report, be noted and incorporated in the minutes of this meeting.

Related Documents

- *Local Government Act 1989*

Attachments

- Assembly of Councillors - 18 September 2017 (**Appendix A**)



ASSEMBLY OF COUNCILLORS PUBLIC RECORD

0.

ASSEMBLY DETAILS:	Title:	Councillors Briefing Session
	Date:	Monday 28 August 2017
	Location:	Conference Room, Darebin Civic Centre
PRESENT:	Councillors:	Cr Kim Le Cerf (Mayor), Cr Gaetano Greco (Deputy Mayor), Cr Susanne Newton, Cr Julie Williams (from 5.26pm), Cr Steph Amir (from 5.40pm), Cr Trent McCarthy (from 5.49pm), Cr Lina Messina (from 6.24).
	Council Staff:	Oliver Vido, Katrina Knox, Tiffany White, Libby Hynes. Che Sutherland (5.08pm-6.04pm), Shadi Hanna (6.05pm-6.23pm), Vicky Guglielmo (6.05pm-6.49pm), Gilda Di Vincenzo, Eddy Boscarol (7.28pm-7.55pm), Ellie Mandritis (7.28pm-8.26pm), Mandy Bathgate (8.27pm-8.57pm), Cheryl Hermence Teneille Summers (8.27pm-9.25pm).
	Other:	Peter Clark, Nestor Ioannou - Melbourne Water (5.08pm-5.26pm), Duncan Elliott, Tallis Richmond - North East Link Authority (5.27pm-6.04pm).
APOLOGIES:		Cr Tim Laurence (Approved Leave of Absence), Cr Susan Rennie, Jacinta Stevens, Steve Hamilton.

The Assembly commenced at 5.08pm was suspended at 6.49pm and recommenced at 7.28pm.

MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
1.	Update of Melbourne Water M40 Project	No disclosures were made.
2.	Update to Council from the North East Link Authority: Proposed North East Link	No disclosures were made.
3.	NDIS Transition Update	No disclosures were made.
4.	Homemade Food and Wine Festival 2017 Evaluation Report on 'Meet the Makers' Event	No disclosures were made.
5.	Draft Fairfield Village Built form Guidelines and Heritage Proposals	No disclosures were made.
6.	Draft Domestic Animal Management Plan 2017-21	No disclosures were made. Cr Newton absent 8.08pm-8.10pm.

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MATTERS CONSIDERED		DISCLOSURES AND COMMENTS
7.	Review of Council Advisory Committees	No disclosures were made.
8.	Health and Wellbeing Plan 2017-21 – Draft Plan for Public Consultation	No disclosures were made. Cr Amir absent 9.18pm-9.21pm.
9.	Public Art Policy Renewal	No disclosures were made.
10.	Update on the Mayoral Events Policy	No disclosures were made.
11.	Single Use Plastic Elimination Monthly Update	No disclosures were made.
12.	Christmas Decorations Policy Review	No disclosures were made.
13.	Darebin Business Award for Community Contribution	No disclosures were made.
14.	Round Up (Glyphosate) Use in Darebin	No disclosures were made.
15.	Proposed Road Discontinuance Adjoining Rear 13 to 17 Fulham Grove and 14 to 16 Pershing Street and 52 to 54 Crispe Street, Reservoir	No disclosures were made.
16.	Proposed Sale of Council Land Adjoining Rear of 4 Grandview Road and 3 Grange Street, Preston	No disclosures were made.
17.	Octopus School	No disclosures were made.

The Assembly concluded at 9.33pm

RECORD COMPLETED BY:	Officer Name: Katrina Knox Officer Title: Director Community Development
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14. REPORTS BY MAYOR AND COUNCILLORS

Recommendation

That Council note the Reports by Mayor and Councillors.

15. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL**CLOSE OF MEETING****Recommendation**

The Chief Executive Officer, pursuant to section 77(2)(c) of the *Local Government Act 1989* (the Act), has designated the following items to be confidential:

15.1 Solar Saver Program 2017 - 2019

This item is designated confidential because it is a contractual matter pursuant to section 89(2)(d) of the Act.

CLOSE OF MEETING**Recommendation**

That in accordance with section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the items designated confidential by the Chief Executive Officer.

RE-OPENING OF MEETING**Recommendation**

That the meeting be re-opened to the members of the public.

16. CLOSE OF MEETING

