



Mildura Rural City Council

# **AGENDA**

## **Ordinary Meeting of Council**

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**5:30pm Thursday 25 January 2024**

### **VENUE:**

**Committee & Council Room  
76 Deakin Ave, Mildura**

### **NEXT ORDINARY MEETING OF COUNCIL**

**5:30pm Thursday 22 February 2024**

Copies of Mildura Rural City Council's Agendas & Minutes  
can be obtained online at [www.mildura.vic.gov.au](http://www.mildura.vic.gov.au)

# Prayer

Almighty God,

We who are gathered together in Council,  
pledge ourselves to work in harmony for  
the welfare and development of our Rural City.

Guide us, we pray, in our deliberations,  
help us to be fair in our judgement and  
wise in our actions,  
so that prosperity and happiness  
shall be the lot of our people.

Amen.

# Acknowledgement of Country

“Mildura Rural City Council would like to acknowledge the Traditional Owners and Custodians of the land, which now comprises the Mildura Rural City municipality. We pay our respects to Elders past and present and celebrate and respect their continuing cultures and acknowledge the memories of their ancestors”.

# Note to Councillors

## Declaration of Interest

Councillors should note that in accordance with section 130 of the *Local Government Act 2020*, there is an obligation to declare a conflict of interest in a matter before Council.

A conflict of interest can be *general* or *material* in nature.

A Councillor has a *general conflict of interest* if an impartial, fair-minded person would consider that the Councillor's private interests could result in that Councillor acting in a manner that is contrary to their public duty.

- Private interests means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- Public duty means the responsibilities and obligations that a Councillor has to members of the public in their role as an elected representative.

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

The benefit may arise or the loss incurred –

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

An *Affected Person* includes:

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

## Disclosure of Conflict of Interest

A Councillor must make full disclosure of a conflict of interest by advising the type and nature of the interest immediately before the matter is considered at the meeting. Following the disclosure and prior to the matter being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

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(i) relates to trade secrets; or

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**MARTIN HAWSON**

**CHIEF EXECUTIVE OFFICER**

**1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY**

**2 OPENING AND WELCOME**

**3 PRESENT**

**4 APOLOGIES AND ABSENCES**

**5 DISCLOSURE OF CONFLICT OF INTEREST**

**6 CONFIRMATION OF MINUTES**

**Ordinary Meeting of Council held on 21 December 2023**

*That Council confirm the minutes of the Ordinary Meeting of Council of 21 December 2023 as a correct record*

**Confidential Meeting of Council held on 21 December 2023**

*That Council confirm the minutes of the Confidential Meeting of Council of 21 December 2023 as a correct record*

## **7 CONFIRMATION OF COUNCIL AUSPICED MEETINGS**

In accordance with Part 21 of Council's Governance Rules, records of Council Auspiced Meetings must be reported to the next Ordinary Meeting of Council and confirmed in the minutes.

A Council Auspiced Meeting is defined in the Governance Rules as a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

The record is therefore presented for Council's noting.

### **Recommendation**

**That Council note the following records of Council Auspiced Meetings:**

- **Planning Forum – 15 January 2024**

**RECORD OF COUNCIL AUSPICED MEETINGS**

Meeting Details	Councillor Attendees	Other Attendees	Matters Discussed	Conflict of Interest Disclosures
<p>Planning Forum – 15 January 2024</p>	<p>Cr Mark Eckel                      Cr Stefano de Pieri                      Cr Helen Healy                      Cr Glenn Milne                      Cr Jason Modica                      Cr Jodi Reynolds</p>	<p>Martin Hawson, Chief Executive Officer                      Peter Alexander, General Manager Strategy and Growth                      Damine Sutton, Manager Statutory Planning                      Peter Shadwick, Principal Statutory Planner</p>	<p>1. The forum is part of the decision making process for items to be decided by the Planning Delegated Committee.</p> <p>Planning Permit 005.2021.00000332.001 is subject to a conditions appeal. A request has been made for Council to agree to a consent order to amend permit conditions. This was presented to the forum for information and questions to be asked prior to the matter being decided at the Planning Delegated Committee meeting on Thursday 18 January 2024.</p>	<p>Nil</p>



**8 NOTIFICATION OF ABSENCE**

## 9 MAYORAL REPORT

### 9.1 MAYORAL REPORT DECEMBER 2023

**File Number:** 02/01/06

#### 1. Summary

The following is a report on the activities and functions attended by the Mayor Liam Wood during the month of December 2023.

#### 2. Recommendation

**That Council note the contents of this report.**

#### 3. Comments

- The Hon Harriet Shing MP, Minister for Water – Basin Plan discussions
- Celebrating International Day of People with Disabilities – Celebrating Capabilities
- River 1467 Radio Interview
- Media Press Club
- Infrastructure and Assets Portfolio
- Mattman Radio interview
- Governance, Performance, Risk and Audit Portfolio
- Official Opening Thurla Organics Composting Facility
- Cross Border Commissioner
- Mildura Cemetery Trust
- Chaffey Secondary College Starts Foundation Celebration
- Mildura Airport Master Plan development briefing
- Ngiwa Yarna
- Mildura Living Summer Edition Launch
- December Council Forum
- Mildura East Growth Area Strategic Framework update
- December Ordinary Council Meeting
- Councillors & Management End of Year Celebration

## 10 COUNCILLOR REPORTS

### 10.1 COUNCILLORS REPORT DECEMBER 2023

File Number: 02/01/06

#### 1. Summary

The following is a report on the activities and functions attended by Councillors during the month of December 2023.

#### 2. Recommendation

**That Council note the contents of this report.**

#### 3. Comments

##### **Cr Ian Arney**

- Ruralco Water Market Meeting
- Garden of Hope Carols
- Murrayville Community College Presentation evening
- Werrimull P-12 Awards and Talent Quest

##### **Cr Stefano De Pieri**

- Refer to table

##### **Cr Troy Bailey**

- Mallee Living Histories Book 5 Launch
- Capital Works discussion with General Manager Healthy Communities

##### **Cr Mark Eckel**

- Audit & Risk Committee
- Chaffey trail Executive
- Murray River Group of Councils in Swan Hill
- Cabarita Inc promotion day
- 1467 Radio interviews
- 99.5 FM radio interview
- A/CEO Mallee Sexual Assault & Mallee Domestic Violence
- Psyche & Steamies Christmas event
- Regional Cities Victoria in Bendigo
- White Ribbon Community webinar
- 97.9 Radio interview
- Mallee Sexual Assault & Mallee Domestic Violence Board & dinner

##### **Cr Helen Healy**

- SRS Benetook Farm Pre-Celebration International Day of People with Disabilities
- La Trobe university Forum – How We Might address Homelessness Across the Mildura Region
- MAC Artist Talk – Bonita Ely
- Development of a Regional Food System Framework for the Loddon Mallee Consultation

- CBD Steering Group Terms of Reference review
- Cultural Policy Consultant meeting
- Ouyen P-12 Presentation Evening
- Meeting with Ouyen Inc representative & Ouyen Gym
- Meeting with General Manager Strategy & Growth
- Capital Works discussion
- New Year's Eve event at Nowingi Place

**Cr Glenn Milne**

- Carols in the Park – Henshilwood Reserve
- Infrastructure & Assets Portfolio
- Carols in Barclay Square
- Triple M Radio Interviews
- Panel Van Club

**Cr Jason Modica**

- Meeting with the Hon Harriett Shing, Minister for Water and stakeholders – issues in the Basin Plan implementation
- Sunraysia Lower darling Community Forum
- Energy Transition Scheme with General Manager Health Communities
- Public Webinar – Restoring our Rivers update
- Murray Darling Association & MRCC 2024 Event discussion

**Cr Jodi Reynolds**

- Refer to table

This table represents attendances by two or more Councillors at the following functions, as advised by Councillor acceptances for such functions:

Function Attended								
	Arney	Bailey	De Pieri	Eckel	Healy	Milne	Modica	Reynolds
Official Opening Thurla Organics Composting Facility			✓	✓	✓		✓	✓
International Day of People with Disabilities – Celebrating Capabilities				✓		✓		✓
Mildura Cemetery Trust					✓		✓	
Media Press Club					✓		✓	
Mildura Living Summer Edition Launch			✓	✓		✓		
Council Forum	✓	✓	✓	✓	✓	✓	✓	✓
Mildura East Growth Area Strategic Framework update	✓	✓			✓	✓	✓	✓
Northern Mallee Leaders Christmas Function					✓	✓		
Carols by Candlelight Nowingi Place		✓		✓		✓		
NAP Gallery Exhibition Opening					✓	✓		
MAC Exhibition Opening Flood: 12 months on					✓	✓		
December Ordinary Council Meeting	✓	✓		✓	✓	✓	✓	✓
Councillors End of Year Celebration	✓	✓		✓	✓	✓	✓	✓

**Attachments**

There are no attachments for this report.

**11 RESPONSES TO COUNCILLOR QUESTIONS**

Nil

**12 QUESTIONS FROM COUNCILLORS**

**13 NOTICES OF MOTION**

Nil

**14 PETITIONS, JOINT LETTERS AND DEPUTATIONS**

Nil

## 15 MANAGEMENT REPORTS

### 15.1 ADOPTION OF CHILDREN'S SERVICES LEGISLATION INSTRUMENT OF DELEGATION FROM COUNCIL TO STAFF

**File Number:** 18/02/05  
**Officer:** General Manager Corporate Performance

#### 1. Summary

The purpose of this report is to present the updated Children's Services Legislation Instrument of Delegation for adoption.

#### 2. Recommendation

**In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Mildura Rural City Council (Council) resolves that:**

- (i) there be delegated to the members of Council staff holding, acting in 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, subject to the conditions and limitations specified in that instrument;**
- (ii) the instrument comes into force immediately the common seal of Council is affixed to the instrument;**
- (iii) on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and**
- (iv) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

#### 3. Background

Council performs childcare functions and services in both Victoria and New South Wales, therefore both sets of legislation are required in this updated Instrument of Delegation. This Instrument of Delegation was last updated in August 2020.

#### 4. Consultation Proposed/Undertaken

Consultation was undertaken with Council's Strategic Management Team and the Child Safe Standards Working Group to ensure provisions are appropriately assigned to Council officers.

#### 5. Discussion

This update is in accordance with the organisation restructure as part of the Organisation Sustainability Review conducted in October 2022.

The main changes are in regards to the *Child Wellbeing and Safety Act 2005*. In General, any item that is about 'the system' is the GMCP responsibility, and enacting that system sits with ELT, SLT and EYC or YESC.

**6. Time Frame**

The Instrument of Delegation will come into force immediately following a resolution of Council.

**7. Strategic Plan Links**

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcome to be achieved:

- Effective governance to deliver results in line with community expectations

**8. Asset Management Policy/Plan Alignment**

There are no asset management implications associated with this report.

**9. Implications**

**Policy**

This legislation and Instrument of Delegation forms part of the foundation for Council's Children's Services policies.

**Legal/Statutory**

This report aligns with section 11(9) the *Local Government Act 2020*.

**Financial**

There are no financial implications associated with this report.

**Environmental**

There are no environmental implications associated with this report.

**Social**

This report ensures we are able to provide high quality children's services which contributes to positive social outcomes.

**Economic**

There are no economic implications associated with this report.

**10. Risk Assessment**

By adopting the recommendation, Council will not be exposed to any significant risk.

**11. Conflicts of Interest**

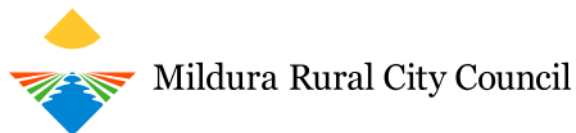
No conflicts of interest were declared during the preparation of this report.

**Attachments**

- 1 [Childrens Services Legislation - Council to Staff - January 2024](#)



***Instrument of Delegation – Members of Council Staff***



**Instrument of Delegation**

**to**

**Members of Council Staff**

**(Children's Services VIC and NSW Legislation only)**

## Document Control Page

### Document Information

	Information
TRIM File Number	18/02/05
Document Owner	General Manager Corporate Performance
Last Update	May 2022

### Document History

Version	Issue Date	Changes
1.0	December 2011	Document created to cover Victorian and New South Wales Children's Services Legislation
2.0	July 2012	Changes implemented to relevant Legislation
3.0	February 2014	Update from Maddocks – February 2014
4.0	October 2015	Update from Maddocks – September 2015
5.0	May 2017	Update from Maddocks – March 2017
6.0	July 2018	Update from Maddocks – May 2018
7.0	August 2020	Implementation of <i>Local Government Act 2020</i>
8.0	May 2022	Update from Maddocks – January 2022
9.0	January 2024	Organisational Review Changes

### Instrument of Delegation

In exercise of the power conferred by the legislation referred to in the attached Schedule, the Mildura Rural City Council (**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. records that a reference in the Schedule to:

CHC	means	Community Health Coordinator
EYC	means	Early Years Coordinator
EMCHW	means	Enhanced Maternal and Child Health Worker
FDCTL	means	Family Day Care Team Leader
GMCP	means	General Manager Corporate Performance
GMHC	means	General Manager Healthy Communities
HN	means	Health Navigator
IN	means	Immunisation Nurse
ITL	means	Immunisation Team Leader
MCCS	means	Manager Community Care Services
MPRMPR	means	Manager Parks & Recreation
MCHN	means	Maternal and Child Health Nurse
PCD	means	Playalong Centre Director
SMCHN	means	Student Maternal and Child Health Nurse
YDO	means	Youth Development Officer
YESC	means	Youth Engagement Services Coordinator
YPPO	means	Youth Program & Participation Officer

3. records that on the coming into force of this Instrument of Delegation each delegation under the Instrument of Delegation dated 26 August 2020 and executed under Council Seal is revoked;

4. declares that:

4.1 this Instrument of Delegation is authorised by a resolution of Council passed on 25 January 2024 and

4.2 the delegation:

4.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

4.2.2 remains in force until varied or revoked;

4.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

- 4.2.4 must be read in accordance with any guidelines or policies which Council from time to time adopts; and
- 4.3 the delegate must not determine the issue, take the action or do the act or thing if:
  - 4.3.1 the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
  - 4.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategy
 adopted by Council; or
  - 4.3.3 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..
  - 4.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

THE COMMON SEAL of the MILDURA RURAL CITY )  
 COUNCIL was affixed hereto by authority of the )  
 Council in the presence of: )  
 )

..... COUNCILLOR

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

DATE

**SCHEDULE**

Instrument of Delegation from Council to Members of Council Staff – Children’s Services

January 2024

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**Instrument of Delegation (Children's Services VIC & NSW Legislation only)**

<b>Child Protection (Working with Children) Act 2012 (NSW)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.31	Duty to provide information for the Children's Guardian upon request	GMHC, MCCS, EYC, YESC	Duty of government agency
s.35	Duty to notify the Children's Guardian if a worker has engaged in conduct specified in cl.2 of Schedule 1	GMHC, MCCS, EYC, YESC	Duty of reporting body
s.40	Duty to comply with direction of the Children's Guardian	GMHC, MCCS, EYC, YESC	Duty of government agency

<b>Child Wellbeing and Safety Act 2005</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.16I(3)(a)	function of receiving notification from the Commission for Children and Young People (Commission) of an exemption under s16I(1)	GMCP	Where council functions as an 'entity within the meaning of s.16A' in addition to its ordinary role as a council
s.16K(2)	duty to provide any information to the Commission about a system referred to in s.16K(1), if requested in writing	GMCP	Where council functions as an 'entity within the meaning of s.16A' in addition to its ordinary role as a council
s.16K(3)	function of receiving from the Commission any necessary information relating to a recommendation for action to be taken, if a reasonable concern with a system referred to in subsection (1) is identified	GMCP	Where council functions as an 'entity within the meaning of s.16A' in addition to its ordinary role as a council
s.16O(2)	function of advising the Commission if Council will not, or is unable to, investigate the reportable allegation or engage an independent investigator to investigate the reportable conduct	GMCP	Where council functions as an 'entity within the meaning of s.16A' in addition to its ordinary role as a council

Instrument of Delegation from Council to Members of Council Staff – Children's Services

January 2024

Child Wellbeing and Safety Act 2005			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s. 16O(4)(b)	function of receiving the findings, reasons and recommendations, if any, of the Commission, together with any necessary information relating to the recommendations	GMCP	Where council functions as an 'entity within the meaning of s. 16A' in addition to its ordinary role as a council
s. 16U(1)	duty to report a matter to Victoria Police upon becoming aware that a reportable allegation may involve criminal conduct	YESC, EYC, ELT, SLT	Where council functions as an 'entity within the meaning of s. 16A' in addition to its ordinary role as a council
s. 16U(2)	duty to suspend investigation of a reportable allegation under pt 5A of the Act until the Chief Commissioner of Police advises that the police investigation has been completed, or agrees that the investigation under this pt may proceed in consultation with Victoria Police	YESC, EYC, ELT, SLT	Where council functions as an 'entity within the meaning of s. 16A' in addition to its ordinary role as a council
s. 16ZA	duty to ensure that the Commission, or an authorised person, is given any assistance in connection with the reasonable performance of the Commission's functions, under pt 5A of the Act, that the Commission, or the authorised person, reasonably requires	YESC, EYC, ELT, SLT	Where council functions as an 'entity within the meaning of s. 16A' in addition to its ordinary role as a council
s. 16ZG(5)	duty to provide each document specified in the notice to the Commission on or before the date specified in the notice	GMCP	Where council functions as an 'entity within the meaning of s. 16A' in addition to its ordinary role as a council Where s. 16ZG(1) applies

Instrument of Delegation from Council to Members of Council Staff – Children's Services

January 2024



Child Wellbeing and Safety Act 2005			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s. 16Z(2)	power to seek a review by the Commission of the Commission's decision to give a notice to produce	GMCP	Where council functions as an 'entity within the meaning of s. 16A' in addition to its ordinary role as a council
s. 16ZL(5)	function of receiving an opportunity to comment on any comments or opinions in the Commission's annual report which are adverse to Council and providing such comment	ELT	Where council functions as an 'entity within the meaning of s. 16A' in addition to its ordinary role as a council
s. 19	duty to comply with the Child Safe Standards	GMCP	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council
s.25	function of receiving education and advice from the Commission for Children and Young People regarding the Child Safe Standards	YESC, EYC, ELT, SLT	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council
s. 26	function of receiving request from the Commission for Children and Young People for any information or document	YESC, EYC, ELT, SLT	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council
s. 27 (1)	function of receiving request from a relevant authority to provide any information or document	ELT, SLT	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council
s. 29(2)	function of receiving written notice and consenting to inspection of relevant premises by the Commission for Children and Young People	ELT, SLT	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council
s.29(3)	power to consent to inspection of relevant premises without written notice by the Commission for Children and Young People	ELT, SLT	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council
s. 30	duty to comply with notice to provide documents given under subsection (1)	YESC, EYC, ELT, SLT	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council
s. 31	duty to comply with notice to comply given under subsection (1)	ELT, SLT	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council

Instrument of Delegation from Council to Members of Council Staff – Children's Services

January 2024

Child Wellbeing and Safety Act 2005			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.36	duty to ensure that the Commission for Children and Young People is given any assistance reasonably required to perform functions	YESC, EYC, ELT, SLT	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council
s.411	power to seek review by the Commission for Children and Young People of decision by the Commission to issue a notice to produce or a notice to comply	GMCP	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council
s.41J	power to apply to VCAT for a review of the Commission for Children and Young People to issue a notice to comply	GMCP	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council Must have first exhausted all available avenues for review under s.411
s.41M	function of being given opportunity to comment on adverse comment or opinion to be included in annual report or further report	ELT	Where council functions as a 'category 1 entity' in addition to its ordinary role as a council
s.46(1)(e)	power to collect confidential information and disclose it to the Secretary for a permitted purpose	PCD, CHC, YESC, EYC, FDCCT, MCHN, SPF, YEO, ELT, SLT	Power of an approved provider of an approved education and care service for the purposes of the Education and Care Services National Law Act 2010 (Vic)
s.46(1)(f)	power to collect confidential information and disclose it to the Secretary for a permitted purpose	GMHC, MCCS, EYC	This provision is not yet in force and will commence on 1 January 2019, unless proclaimed earlier Power of an approved provider of an approved education and care service for the purposes of the Education and Care Services National Law Act 2010 (Vic) This provision is not yet in force and will commence on 1 January 2019, unless proclaimed earlier

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Child Wellbeing and Safety Act 2005			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.46K(1)(m)	power to authorise a registered early childhood teacher, providing education and care to children at an approved education and care service, as a Child Link user	GMHC, MCCS, EYC, CHC	Power of an approved provider of an approved education and care service for the purposes of the Education and Care Services National Law Act 2010 (Vic)  This provision is not yet in force and will commence on 1 January 2019, unless proclaimed earlier
s.46K(1)(n)	power to authorise a registered early childhood teacher, providing education and care to children at an approved education and care service, as a Child Link user	GMHC, MCCS, EYC	Power of an approved provider of an approved education and care service for the purposes of the Education and Care Services National Law Act 2010 (Vic)  This provision is not yet in force and will commence on 1 January 2019, unless proclaimed earlier
s.46K(4)	duty to revoke authorisation if the person who has been authorised no longer requires access to the Child Link Register	GMHC, MCCS, EYC, CHC, YESC	Power of an approved provider of an approved education and care service for the purposes of the Education and Care Services National Law Act 2010 (Vic)  This provision is not yet in force and will commence on 1 January 2019, unless proclaimed earlier
Children and Young Persons (Care and Protection) Act 1998 (NSW)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.245C	power to provide information to another prescribed body, and function of receiving information from another prescribed body	GMHC, GMCP, MCCS, EYC, FDCTL	Power or function of prescribed body (which includes licensee)

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<b>Children and Young Persons (Care and Protection) Act 1998 (NSW)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.245D(1)	power to request information from another prescribed body	GMHC, CHC, MCCS, EYC, YESC	Power of prescribed body (which includes licensee)
s.245D(3)	duty to comply with request for information by another prescribed body unless s.245D(4) applies	GMHC, MCCS, EYC, FDCTL, CHC	Duty of prescribed body (which includes licensee)
s.245D(4)	Power to refuse to provide information in the circumstances listed in subsection (4)	GMHC, MCCS, EYC, FDCTL	Power of prescribed body (which includes licensee)
s.245D(5)	duty to notify prescribed body with written reasons for refusing to provide information requested	GMHC, MCCS, EYC, FDCTL	Duty of prescribed body (which includes licensee)
s.245E	Duty to take reasonable steps to co-ordinate decision making and the delivery of services regarding children and young persons	GMHC, MCCS, EYC	Duty of prescribed body (which includes licensee)
s.245F	Duty to ensure information is not disclosed or used for any purpose other than for the safety, welfare or well-being of the child or young person	GMHC, MCCS, EYC	Duty of prescribed body (which includes licensee)
s.248	Function of furnishing and receiving information to/from the Director-General	GMHC, MCCS	Function of prescribed body (which includes licensee)
s.248B(6)	power to exchange assessment information with NSW State child protection bodies	GMHC, MCCS, EYC, FDCTL	Where Council arranges child protection, out-of-home care, guardianship or adoption services
<b>Children (Education and Care Services) National Law (NSW)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.10	Power to apply for provider approval	GMHC, MCCS	Power of "person" which includes a body corporate
s.20	Function of receiving copy of provider approval	GMHC, MCCS, EYC	Function of approved provider

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Children (Education and Care Services) National Law (NSW)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.22	Power to apply to the Regulatory Authority for amendment of the provider approval	GMHC, MCCS, EYC	Power of the approved provider
s.23	Function of receiving notice of amendment of provider approval	GMHC, MCCS, EYC	Function of approved provider
s.24	Function of receiving a copy of amended provider approval	GMHC, MCCS, EYC	Function of approved provider
s.26	Power of providing a written response to show cause notice	GMHC, MCCS, EYC	Power of approved provider
s.29	Function of receiving notice of decision to suspend provider approval	GMHC, MCCS, EYC	Function of approved provider
s.32	Function of receiving a show cause notice and power to provide a written response to show cause notice	GMHC, MCCS, EYC	Function and power of approved provider
s.33	Function of receiving notice of decision of Regulatory Authority	GMHC, MCCS, EYC	Function of approved provider
s.35	Duty to comply with request for information, if a show cause notice has been given	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.36	Duty to comply with request to give written notice of suspension or cancellation	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.37(1)	Power to apply to the Regulatory Authority for suspension of the provider approval	GMHC, MCCS	Power of approved provider
s.37(3)	Duty to notify parents of intention to make application for suspension of provider approval	GMHC, MCCS, EYC	Duty of approved provider
s.37(5)	Function of receiving notice of Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider

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Children (Education and Care Services) National Law (NSW)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.37(6)	Function of agreeing with the Regulatory Authority on a date for suspension to take effect	GMHC, MCCS	Function of approved provider
s.37(8)	Power to apply to revoke suspension before end of suspension period	GMHC, MCCS	Power of approved provider
s.38(1)	Power to surrender provider approval	GMHC, MCCS	Power of approved provider
s.38(3)	Duty to notify parents of intention to surrender provider approval	GMHC, MCCS	Duty of approved provider
s.43	Power to apply for a service approval for an education and care service	GMHC, MCCS	Power of approved provider
s.51	Duty to comply with condition of service approval to hold prescribed insurance	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.52	Function of receiving a copy of the service approval	GMHC, MCCS, EYC	Function of approved provider
s.54(1)	Power to apply for amendment of service approval and function of receiving notice of decision	GMHC, MCCS, EYC	Power and function of approved provider
s.54(9)	Function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s.55(3)	Function of receiving notice of the amendment	GMHC, MCCS, EYC	Function of approved provider
s.56	Duty to give written notice to the Regulatory Authority of wish to change nominated supervisor	GMHC, MCCS, EYC	Duty of approved provider
s.57	Function of receiving amended copy of service approval	GMHC, MCCS, EYC	Function of approved provider
s.58	Power to transfer the service approval to another approved provider	GMHC, MCCS, EYC	Power of approved provider

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Children (Education and Care Services) National Law (NSW)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.59	Duty to notify the Regulatory Authority of transfer under s.58	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.68	Duty to give written notice to the Regulatory Authority within 2 days of a transfer taking place	GMHC, MCCS, EYC	Duty of approved provider
s.69	Duty to give written notice to parents of transfer of service	GMHC, MCCS, EYC, FDCTL	Duty of approved who is receiving a transferred provider approval
s.71	Function of receiving a show cause notice and power to provide a written response to proposed suspension	GMHC, MCCS, EYC	Function and power of approved provider
s.74	Function of receiving written notice of decision to suspend service approval	GMHC, MCCS, EYC	Function of approved provider
s.78	Function of receiving a show cause notice and power to provide written response to proposed cancellation	GMHC, MCCS, EYC	Function and power of approved provider
s.79(1)	Function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s.81	Power to apply for consent to transfer a service approval that is to be cancelled	GMHC, MCCS, EYC	Power of approved provider
s.83	Duty to comply with request of Regulatory Authority for contact details of parents	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.84	Duty to comply with a direction of Regulatory Authority to give written notice of suspension or cancellation of service approval	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.85(1)	Power to apply to Regulatory Authority for a suspension of service approval	GMHC, MCCS	Power of approved provider
s.85(4)	Duty to notify parents of intention to make application for suspension of service approval	GMHC, MCCS, EYC, FDCTL	Duty of approved provider

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Children (Education and Care Services) National Law (NSW)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.85(6)	Function of agreeing with Regulatory Authority on date of suspension of service approval	GMHC, MCCS	Function of approved provider
s.86(1)	Power to surrender a service approval	GMHC, MCCS	Power of approved provider
s.86(3)	Duty to notify parents of intention to surrender the service approval	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.87(1)	Power to apply to the Regulatory Authority for waiver from the requirement to comply with elements of the National Quality Standard and national regulations	GMHC, MCCS	Power of approved provider
s.92(2)	Power to apply to the Regulatory Authority for revocation of service waiver	GMHC, MCCS	Power of approved provider
s.94	Power to apply for temporary waiver from the requirement to comply with elements of the National Quality Standard and national regulations	GMHC, MCCS	Power of approved provider
s.136(1)	Function of receiving notice of the outcome of the rating assessment	GMHC, MCCS, EYC, FDCTL	Function of approved provider
s.141	Power to request the Regulatory Authority to review rating levels	GMHC, MCCS, EYC	Power of approved provider
s.142(4)	Power to agree to extension of time	GMHC, MCCS, EYC	Power of approved provider
s.143(2)	Function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC, FDCTL	Function of approved provider
s.144(2)	Power to apply to the National Authority for a further review of the rating levels	GMHC, MCCS, EYC	Power of approved provider
s.151(4)	Power to agree to extension of time	GMHC, MCCS, EYC	Power of approved provider

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<b>Children (Education and Care Services) National Law (NSW)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s. 151(5)	Function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s. 152(1)	Power to apply to the National Authority for an approved education and care service to be assessed for the highest rating level	GMHC, MCCS, EYC	Power of approved provider
s. 155(3)	Power to agree to extension of time	GMHC, MCCS, EYC	Power of approved provider
s. 156	Function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s. 159	Power to reapply for the award of the highest rating level	GMHC, MCCS, EYC	Power of an approved provider which has been awarded the highest rating level
s. 171	Duty to comply with direction of Regulatory Authority to exclude inappropriate persons from premises	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s. 176	Duty to comply with a compliance direction of the Regulatory Authority	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s. 177	Duty to comply with a compliance notice given by the Regulatory Authority	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s. 178	Duty to comply with a direction given by the Regulatory Authority	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s. 179	Duty to comply with a direction given by the Regulatory Authority	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s. 182	Function of receiving a prohibition notice	GMHC, MCCS, EYC	Function of a person involved in the provision of an approved education and care service
s. 183	Function of receiving a show cause notice and power to provide written submissions to the Regulatory Authority	GMHC, MCCS, EYC	Function of a person involved in provision of an approved education and care service, including an approved provider

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<b>Children (Education and Care Services) National Law (NSW)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s. 184	Function of receiving a notice of decision of Regulatory Authority	GMHC, MCCS, EYC, FDCTL	Function of a person involved in provision of an approved education and care service, including an approved provider
s. 186(1)	Function of receiving notice of cancellation of prohibition notice	GMHC, MCCS, EYC, FDCTL	Function of a person involved in provision of an approved education and care service, including an approved provider
s. 186(2)	Power to apply to the Regulatory Authority to cancel the prohibition notice	GMHC, MCCS, EYC, FDCTL	Power of a person involved in provision of an approved education and care service, including an approved provider
s. 191	Power to apply to the Regulatory Authority for review of decision	GMHC, MCCS, EYC	Person who is the subject of a reviewable decision for internal review
s. 193	Power to apply to relevant court or tribunal	GMHC, MCCS	Power of a person who is the subject of a reviewable decision for external review
s. 206	Duty to provide authorised officer with requested information	GMHC, MCCS, EYC, FDCTL	Power of a specified person, which includes an approved provider
s. 215	Duty to provide Regulatory Authority with requested information	GMHC, MCCS, EYC, FDCTL	Duty of a specified person, which includes an approved provider
s. 216	Duty to provide Regulatory Authority with requested information	GMHC, MCCS, EYC, FDCTL	Duty of a specified person, which includes an approved provider
s. 269(1)	Duty to keep a register of each family day care educator and any other person engaged to educate and care for a child	GMHC, MCCS, EYC, FDCTL	Duty of an approved provider
s. 269(2)	Duty to provide information on the register upon request	GMHC, MCCS, EYC, FDCTL	Duty of an approved provider
s. 272	Power to request the Regulatory Authority to disclose certain information	GMHC, MCCS, EYC	Power of an approved provider

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<b>Children (Education and Care Services) Supplementary Provisions Act 2011 (NSW)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.10	Duty to ensure that there is at least one nominated supervisor	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.32	Duty to provide parents with access to information listed in s.32	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.33-35	Duty to comply with the conditions of service approval	GMHC, MCCS, EYC, FDCTL	Duty of approved provider

<b>Children (Education and Care Services) Supplementary Provisions Regulation 2012 (NSW)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r.10	Duty to apply to the Regulatory Authority for approval of revised venue management plan and amendment plan and amendment to the service approval	GMHC, MCCS, EYC	Duty of approved provider
r.37	Duty to ensure that the premises of the service comply with the plan for those premises	GMHC, MCCS, EYC, FDCTL	Duty of approved provider of a mobile education and care service for which there is a venue management plan
r.41(3)	Duty to ensure that a record is kept of any test of fire protection equipment	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr.45-48	Duty to comply with requirements of rr.45-48 with respect to the premises of an education and care service	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr.40-56	Duty to comply with requirements of rr.49-56 with respect to staffing arrangements for education and care service	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.58(2)	Power to agree to approval to provide the service to more children than the number specified in the service approval	GMHC, MCCS, EYC, FDCTL	Power of approved provider
r.59(4)	duty to admit a child who is the subject of emergency child care approval to the first available vacancy at the service	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.60	duty to comply with requirements of r.60 with respect to group sizes	GMHC, MCCS, EYC, FDCTL	Duty of approved provider

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<b>Children (Education and Care Services) Supplementary Provisions Regulation 2012 (NSW)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r.61	duty to comply with requirements of r.61 with respect to the attendance of school children at the education and care service	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr.63-71	duty to comply with operational requirements contained in rr.63-71	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr.72-75	duty to comply with requirements of rr.72-75 with respect to information and access to children	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr.76-79	duty to comply with requirements of rr.76-79 with respect to excursions	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr.80-83	duty to comply with requirements of rr.80-83 with respect to emergencies	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr.85-106	duty to comply with administrative requirements contained in rr.85-106	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.101	duty to give the Regulatory Authority notice of certain changes	GMHC, MCCS, EYC, FDCTL	Duty of approved provider who is a public authority
<b>Children's Services Act 1996 (VIC)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.9	power to apply to Secretary for approval of premises and alterations to premises	GMHC, MCCS	
s.15	power to apply for licence to operate children's service	GMHC, MCCS	
s.25G	function of receiving copy of licence	GMHC	function of a licensee
s.25I	function of being notified by Secretary	GMHC	function of a licensee

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Children's Services Act 1996 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.25K	power to apply for approval of persons to control or manage the service	GMHC, MCCS	power of a licensee
s.25N	power to apply to Secretary for renewal of licence	GMHC, MCCS	power of a licensee
s.25P(3)	power to apply to Secretary to vary, revoke or impose a new condition, or to vary the time period of the licence	GMHC, MCCS	power of a licensee
s.25P(5)	function of receiving varied licence	GMHC	function of a licensee
s.25S	power to apply for voluntary suspension of licence	GMHC, MCCS	power of a licensee
s.25T	power to apply for cancellation of licence	GMHC, MCCS	power of a licensee
s.25W(2)(a)(ii)	power to designate in writing a person as the primary nominee	GMHC, MCCS	Power of an approved provider Subject to s.25W(2A)
s.25WA	duty to give written notice to the Secretary if the approved provider wishes to change the primary nominee for an approved associated children's service	GMHC, MCCS	Duty of an approved provider of an approved associated children's service
s.25X(1)	power to apply to the Secretary for approval of new nominees and primary nominees	GMHC, MCCS, EYC	Power of an approved provider
s.25X(3)	function of receiving notice from the Secretary regarding approved nominees	GMHC, MCCS, EYC	Function of an approved provider
s.25Z	function of receiving notice of decision from Secretary	GMHC, MCCS	Function of an approved provider
s.25ZA	power to apply to the Secretary for suspension of service approval	GMHC, MCCS	Power of an approved provider
s.25ZB	power to request cancellation of service approval	GMHC, MCCS	Power of an approved provider

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Children's Services Act 1996 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
ss.26 - 34A	duty to comply with the obligations imposed on proprietors and licensees under pt 4 of the Act with respect to operation of children's services	GMHC, MCCS, EYC	duties of a proprietor, a licensee and an approved provider of an approved associated children's service
s.36(3)	power to consent (or to withhold consent) to authorised officer entering premises	PCD, GMHC, MCCS, EYC	power of an occupier
s.36A	function of providing information sought by Authorised Officer	PCD, GMHC, MCCS, EYC	function of a licensee, staff member or nominee
ss.42A & 43AA	function of responding to, or taking steps required by, the Secretary	GMHC, MCCS, EYC	function of a licensee, a proprietor and an approved provider of an approved associated children's service
s.43A	Duty to comply with the direction of the Secretary	GMHC, MCCS	function of a proprietor
s.45A	Function of receiving notice of Secretary's intention to cancel the service approval and function of making submissions to Secretary	GMHC, MCCS	Function of an approved provider
s.53B	Function of receiving notice of Secretary's intention to publish information	GMHC, MCCS, EYC	function of a licensee and an approved provider
s.53C	Function of receiving information from the Secretary in relation to a children's service	GMHC, MCCS, EYC	
s.54A	power to apply for internal review by the Secretary	GMHC, MCCS	power of a licensee and an approved provider of an approved associated children's service
s.55	power to apply to VCAT	GMHCP, MCCS	power of a person aggrieved

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Children's Services Regulations 2009 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.24C	function of ensuring that a request to cancel a service approval under section 25ZB of the Act is accompanied by information in Part 14 of Schedule 1 of the regulations	GMHC, MCCS, EYC	Function of approved provider of an approved associated children's service
r.28	duty to ensure that records kept are accurate	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
r.29	duty to ensure attendance record is kept in accordance with r.29	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
rr.31 & 35	duty to ensure that an enrolment records are kept in accordance with division 3 of Part3	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
rr.36 & 37	duty to ensure that medication, accident, injury, trauma and illness records are kept in accordance with division 4 of Part 3	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
r.38	duty to ensure that staff record is kept in accordance with r.38	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
rr.40 - 44	duty to ensure that requirements as to provision and display of information in division 1 of Part 4 are complied with	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
rr.50 - 52A	duty to ensure that a minimum staff and teaching hour requirements in division 1 of Part 5 are met	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
rr.60, 63, 65, 67, 68	duty to ensure that qualified and training requirements for staff in division 3 of Part 5 are complied with	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor

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Children's Services Regulations 2009 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.70	duty to read current assessment notice and volunteer assessment notice (and duty to ensure r.70 is complied with)	PCD, GMHC, MCCS, EYC, FDCTL	Duty of licensee and primary nominee
r.70A	duty to read, or ensure that nominee has read, assessment notice before person becomes employee or volunteer	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider of an approved associated children's service
rr.71 - 74	duty to ensure that the requirements in relation to access to and removal of children from the premises in division 1 of Part 6 are complied with	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
rr.76 & 77	duty to ensure that safety requirements in division 2 of Part 6 are complied with	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
rr.78 - 82	duty to ensure that personal hygiene, food and beverage and smoke-free requirements in division 3 of Part 6 are complied with	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
rr.84, 86, 88 & 89	duty to ensure that first aid and illness requirements in division 5 of Part 6 are complied with	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
r.91	duty to notify parent of serious incident	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
r.93	duty to ensure that each child has access to furniture, materials and developmentally appropriate equipment	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
rr.95 - 100	duty to ensure that rooms and space requirements in division 3 of Part 7 are complied with	PCD, GMHC, MCCS, EYC, FDCTL	Duty of licensee and approved provider of an approved associated children's service

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Children's Services Regulations 2009 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r. 101 - 104	duty to ensure that toileting, rest and food preparation facilities requirements in division 4 of Part 7 are complied with	PCD, GMHC, MCCS, EYC, FDCTL	Duty of licensee and approved provider of an approved associated children's service
r. 105(1)	duty to deal with and respond to complaints	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
r. 105(2)	duty to notify Secretary of complaints	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
r. 106	duty to ensure that the Children's Services Act 1996 and Regulations are available at the premises of the children's service	PCD, GMHC, MCCS, EYC, FDCTL	Duty of proprietor
s. 33(1)(b)	function of receiving notice of decision of Regulatory Authority	GMHC, MCCS	Function of an approved provider
s. 35(2)	duty to comply with request for information, if a show cause notice has been given	GMHC, MCCS, EYC	Duty of an approved provider
s. 36(2)	duty to give written notice of the suspension or cancellation and its effect to the parents of children enrolled at all or any of the education and care services operated by Council	GMHC, MCCS	Duty of an approved provider If required by Regulatory Authority
s. 36(3)	duty to comply with request to give written notice of suspension or cancellation	GMHC, MCCS, EYC	Duty of an approved provider
s. 37(1)	power to apply to the Regulatory Authority for suspension of the provider approval	GMHC, MCCS	Power of an approved provider
s. 37(3)	duty to notify parents of intention to make application for suspension of provider approval	GMHC, MCCS, EYC	Duty of an approved provider
s. 37(5)	function of receiving notice of Regulatory Authority's decision	GMHC, MCCS	Function of an approved provider

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<b>Children's Services Regulations 2009 (VIC)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.37(6)	function of agreeing with the Regulatory Authority on a date for suspension to take effect	GMHC, MCCS	Function of an approved provider
s.37(8)	power to apply to revoke suspension before end of suspension period	GMHC, MCCS	Power of an approved provider
s.38(1)	power to surrender provider approval	GMHC, MCCS	Power of an approved provider
s.38(3)	duty to notify parent of intention to surrender provider approval	GMHC, MCCS, EYC	Duty of an approved provider
s.43	power to apply for a service approval for an education and care service	GMHC, MCCS	Power of an approved provider
s.51	duty to comply with condition of service approval to hold prescribed insurance	GMHC, MCCS, EYC	Duty of an approved provider
s.52	function of receiving a copy of the service approval	GMHC, MCCS, EYC	Function of approved provider
s.54(1)	power to apply for amendment of service approval and function of receiving notice of decision	GMHC, MCCS	Power and function of approved provider
s.54(9)	function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s.55(3)	function of receiving notice of the amendment	GMHC, MCCS, EYC	Function of approved provider
s.56	duty to give written notice to the Regulatory Authority of wish to change nominated supervisor	GMHC, MCCS	Duty of approved provider
s.57	function of receiving amended copy of service approval	GMHC, MCCS, EYC	Function of approved provider
s.58	power to transfer the service approval to another approved provider	GMHC	Power of approved provider

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Children's Services Regulations 2009 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.59	duty to notify the Regulatory Authority of transfer under s.58	GMHC, MCCS	Duty of approved provider
s.62	function of receiving notice of the Regulatory Authority's decision to intervene	GMHC, MCCS	Function of approved provider
s.68	duty to give written notice to the Regulatory Authority within 2 days of a transfer taking place	GMHC, MCCS	Duty of approved provider
s.69	duty to give written notice to parents of transfer of service	GMHC, MCCS, EYC	Duty of approved provider who is receiving a transferred provider approval
s.71	function of receiving a show cause notice and power to provide a written response to proposed suspension	GMHC, MCCS	Function and power of approved provider
s.74	function of receiving written notice of decision to suspend service approval	GMHC, MCCS	Function of approved provider
rr.158-162	duty to keep attendance, immunisation and enrolment records in accordance with rr.158-162	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.78	function of receiving a show cause notice and power to provide a written response to proposed cancellation	GMHC, MCCS	Function and power of approved provider
s.79(1)	function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS	Function of approved provider
s.81	power to apply for consent to transfer a service approved that is to be cancelled	GMHC, MCCS	Power of approved provider
s.83	duty to comply with request of Regulatory Authority for contact details of parents	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.84	duty to comply with request of Regulatory Authority for contact details of parents	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider

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Children's Services Regulations 2009 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.85(1)	duty to comply with a direction of Regulatory Authority to give written notice of suspension or cancellation of service approval	GMHC, MCCS	Duty of approved provider
s.85(4)	power to apply to Regulatory Authority for a suspension of service approval	GMHC, MCCS	Power of approved provider
s.85(6)	duty to notify parents of intention to make application for suspension of service approval	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.86(1)	function of agreeing with Regulatory Authority on date of suspension of service approval	GMHC, MCCS	Function of approved provider
s.86(3)	power to surrender a service approval	GMHC, MCCS	Power of approved provider
s.87(1)	power to apply to the Regulatory Authority for waiver from the requirement to comply with element of the National Quality Standard and national regulations	GMHC, MCCS	Power of approved provider
s.92(2)	power to apply to the Regulatory Authority for revocation of service waiver	GMHC, MCCS	Power to approved provider
s.94	power to apply for temporary waiver from the requirement to comply with elements of the National Quality Standard and national regulations	GMHC, MCCS	Power of approved provider
s.136(1)	function of receiving notice of the outcome of the rating assessment	PCD, GMHC, MCCS, EYC, FDCTL	Function of approved provider
s.137(2)	function of receiving notice from the Regulatory Authority	PCD, GMHC, MCCS, EYC, FDCTL	Function of approved provider
s.139	power to apply to the Regulatory Authority for re-assessment and re-rating on an approved education and care service	GMHC, MCCS, EYC	Power of approved provider

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Children's Services Regulations 2009 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s. 141	power to request the Regulatory Authority to review rating levels	GMHC, MCCS, EYC	Power of approved provider
s. 142(4)	power to agree to extension of time	GMHC, MCCS, EYC	Power of approved provider
s. 143(2)	function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s. 144(2)	power to apply to the National Authority for a further review of the rating levels	GMHC, MCCS, EYC	Power of approved provider
s. 151(4)	power to agree to extension of time	GMHC, MCCS, EYC	Power of approved provider
s. 151(5)	function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s. 152(1)	power to apply to the National Authority for an approved education and care service to be assessed for the highest rating level	GMHC, MCCS, EYC	Power of approved provider
s. 155(3)	power to agree to extension of time	GMHC, MCCS, EYC	Power of approved provider
s. 156	function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s. 159	power to reapply for the award of the highest rating level	PCD, GMHC, MCCS, EYC, FDCTL	Power of an approved provider which has been awarded the highest rating level
s. 171	duty to comply with direction of Regulatory Authority to exclude inappropriate persons from premises	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider

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Children's Services Regulations 2009 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s. 176	duty to comply with a compliance direction of the Regulatory Authority	PCD, GMHC, MCCS, EYC	Duty of approved provider
s. 177	duty to comply with a compliance notice given by the Regulatory Authority	PCD, GMHC, MCCS, EYC	Duty of approved provider
s. 178	duty to comply with a direction given by the Regulatory Authority	PCD, GMHC, MCCS, EYC	Duty of approved provider
s. 179	duty to comply with a direction given by the Regulatory Authority	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s. 182	function of receiving a prohibition notice	PCD, GMHC, MCCS, EYC, FDCTL	Function of a person involved in the provision of an approved education and care service
s. 183	function of receiving a show cause notice and power to provide written submissions to the Regulatory Authority	GMHC, MCCS, EYC	Function of a person involved in provision of an approved education and care service, including an approved provider
s. 184	function of receiving a notice of decision of Regulatory Authority	GMHC, MCCS, EYC	Function of a person involved in provision of an approved education and care service, including an approved provider
s. 186(1)	function of receiving notice of cancellation of prohibition notice	GMHC, MCCS, EYC	Function of a person involved in provision of an approved education and care service, including an approved provider
s. 186(2)	power to apply to the Regulatory Authority to cancel the prohibition notice	GMHC, MCCS, EYC	Power of a person involved in provision of an approved education and care service, including an approved provider
s. 191	power to apply to the Regulatory Authority for review of decision	GMHC, MCCS, EYC	Person who is the subject of a reviewable decision for internal review

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<b>Children's Services Regulations 2009 (VIC)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s. 193	power to apply to relevant court or tribunal	GMHC, MCCS, EYC	Power of a person who is the subject of a reviewable decision for external review
s.206	duty to provide authorised officer with requested information	PCD, GMHC, MCCS, EYC, FDCTL	Power of a specified person, which includes an approved provider
s.215	duty to provide Regulatory Authority with requested information	PCD, GMHC, MCCS, EYC	Duty of a specified person, which includes an approved provider
s.216	duty to provide Regulatory Authority with requested information	PCD, GMHC, MCCS, EYC	Duty of a specified person, which includes an approved provider
s.269(1)	duty to keep a register of each family day care educator and any other person engaged to educate and care for a child	GMHC, MCCS, EYC, FDCTL	Duty of an approved provider
s.269(2)	duty to provide information on the register upon request	GMHC, MCCS, EYC, FDCTL	Duty of an approved provider
s.272	power to request the Regulatory Authority to disclose certain information	GMHC, MCCS	Power of an approved provider
<b>Education and Care Services National Law Act 2010 (VIC)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s. 10	power to apply for provider approval	GMHC, MCCS	Power of "person" which includes a body corporate
s.19(2)	duty to comply with the Act	GMHC, MCCS	Power of an approved provider
s. 19(4)	duty to comply with the conditions of the provider approval	GMHC, MCCS	Power of an approved provider
s.20	function of receiving copy of provider approval	GMHC, MCCS	Function of an approved provider

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Education and Care Services National Law Act 2010 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.22	power to apply to the Regulatory Authority for amendment of the provider approval	GMHC, MCCS	Power of the approved provider
s.23(3)	function of receiving notice of amendment of provider approval	GMHC, MCCS	Function of an approved provider
s.24	function of receiving a copy of amended provider approval	GMHC, MCCS	Function of an approved provider
s.26(2)(d)	power of providing a written response to show cause notice	GMHC, MCCS	Power of the approved provider
s.29(1)	function of receiving notice of decision to suspend provider approval	GMHC, MCCS	Function of an approved provider
s.32(2)	Function of receiving a show cause notice and power to provide a written response to show cause notice	GMHC, MCCS	Function and power of an approved provider
s.33(1)(b)	function of receiving notice of decision of Regulatory Authority	GMHC, MCCS	Function of an approved provider
s.35(2)	duty to comply with request for information, if a show cause notice has been given	GMHC, MCCS, EYC	Duty of an approved provider
s.36(2)	duty to give written notice of the suspension or cancellation and its effect to the parents of children enrolled at all or any of the education and care services operated by Council	GMHC, MCCS	Duty of an approved provider If required by Regulatory Authority
s.36(3)	duty to comply with request to give written notice of suspension or cancellation	GMHC, MCCS, EYC	Duty of an approved provider
s.37(1)	power to apply to the Regulatory Authority for suspension of the provider approval	GMHC, MCCS	Power of an approved provider
s.37(3)	duty to notify parents of intention to make application for suspension of provider approval	GMHC, MCCS, EYC	Duty of an approved provider
s.37(5)	function of receiving notice of Regulatory Authority's decision	GMHC, MCCS	Function of an approved provider
s.37(6)	function of agreeing with the Regulatory Authority on a date for suspension to take effect	GMHC, MCCS	Function of an approved provider

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Education and Care Services National Law Act 2010 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.37(8)	power to apply to revoke suspension before end of suspension period	GMHC, MCCS	Power of an approved provider
s.38(1)	power to surrender provider approval	GMHC, MCCS	Power of an approved provider
s.38(3)	duty to notify parent of intention to surrender provider approval	GMHC, MCCS, EYC	Duty of an approved provider
s.43	power to apply for a service approval for an education and care service	GMHC, MCCS	Power of an approved provider
s.51	duty to comply with condition of service approval to hold prescribed insurance	GMHC, MCCS, EYC	Duty of an approved provider
s.52	function of receiving a copy of the service approval	GMHC, MCCS, EYC	Function of approved provider
s.54(1)	power to apply for amendment of service approval and function of receiving notice of decision	GMHC, MCCS	Power and function of approved provider
s.54(9)	function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s.55(3)	function of receiving notice of the amendment	GMHC, MCCS, EYC	Function of approved provider
s.56	duty to give written notice to the Regulatory Authority of wish to change nominated supervisor	GMHC, MCCS	Duty of approved provider
s.57	function of receiving amended copy of service approval	GMHC, MCCS, EYC	Function of approved provider
s.58	power to transfer the service approval to another approved provider	GMHC	Power of approved provider
s.59	duty to notify the Regulatory Authority of transfer under s.58	GMHC, MCCS	Duty of approved provider
s.62	function of receiving notice of the Regulatory Authority's decision to intervene	GMHC, MCCS	Function of approved provider

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Education and Care Services National Law Act 2010 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.68	duty to give written notice to the Regulatory Authority within 2 days of a transfer taking place	GMHC, MCCS	Duty of approved provider
s.69	duty to give written notice to parents of transfer of service	GMHC, MCCS, EYC	Duty of approved provider who is receiving a transferred provider approval
s.71	function of receiving a show cause notice and power to provide a written response to proposed suspension	GMHC, MCCS	Function and power of approved provider
s.74	function of receiving written notice of decision to suspend service approval	GMHC, MCCS	Function of approved provider
rr.158-162	duty to keep attendance, immunisation and enrolment records in accordance with rr.158-162	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.78	function of receiving a show cause notice and power to provide a written response to proposed cancellation	GMHC, MCCS	Function and power of approved provider
s.79(1)	function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS	Function of approved provider
s.81	power to apply for consent to transfer a service approved that is to be cancelled	GMHC, MCCS	Power of approved provider
s.83	duty to comply with request of Regulatory Authority for contact details of parents	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.84	duty to comply with request of Regulatory Authority for contact details of parents	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.85(1)	duty to comply with a direction of Regulatory Authority to give written notice of suspension or cancellation of service approval	GMHC, MCCS	Duty of approved provider
s.85(4)	power to apply to Regulatory Authority for a suspension of service approval	GMHC, MCCS	Power of approved provider

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Education and Care Services National Law Act 2010 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.85(6)	duty to notify parents of intention to make application for suspension of service approval	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s.86(1)	function of agreeing with Regulatory Authority on date of suspension of service approval	GMHC, MCCS	Function of approved provider
s.86(3)	power to surrender a service approval	GMHC, MCCS	Power of approved provider
s.87(1)	power to apply to the Regulatory Authority for waiver from the requirement to comply with element of the National Quality Standard and national regulations	GMHC, MCCS	Power of approved provider
s.92(2)	power to apply to the Regulatory Authority for revocation of service waiver	GMHC, MCCS	Power to approved provider
s.94	power to apply for temporary waiver from the requirement to comply with elements of the National Quality Standard and national regulations	GMHC, MCCS	Power of approved provider
s.136(1)	function of receiving notice of the outcome of the rating assessment	PCD, GMHC, MCCS, EYC, FDCTL	Function of approved provider
s.137(2)	function of receiving notice from the Regulatory Authority	PCD, GMHC, MCCS, EYC, FDCTL	Function of approved provider
s.139	power to apply to the Regulatory Authority for re-assessment and re-rating on an approved education and care service	GMHC, MCCS, EYC	Power of approved provider
s.141	power to request the Regulatory Authority to review rating levels	GMHC, MCCS, EYC	Power of approved provider
s.142(4)	power to agree to extension of time	GMHC, MCCS, EYC	Power of approved provider

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Education and Care Services National Law Act 2010 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s. 143(2)	function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s. 144(2)	power to apply to the National Authority for a further review of the rating levels	GMHC, MCCS, EYC	Power of approved provider
s. 151(4)	power to agree to extension of time	GMHC, MCCS, EYC	Power of approved provider
s. 151(5)	function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s. 152(1)	power to apply to the National Authority for an approved education and care service to be assessed for the highest rating level	GMHC, MCCS, EYC	Power of approved provider
s. 155(3)	power to agree to extension of time	GMHC, MCCS, EYC	Power of approved provider
s. 156	function of receiving notice of the Regulatory Authority's decision	GMHC, MCCS, EYC	Function of approved provider
s. 159	power to reapply for the award of the highest rating level	PCD, GMHC, MCCS, EYC, FDCTL	Power of an approved provider which has been awarded the highest rating level
s. 171	duty to comply with direction of Regulatory Authority to exclude inappropriate persons from premises	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s. 176	duty to comply with a compliance direction of the Regulatory Authority	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s. 177	duty to comply with a compliance notice given by the Regulatory Authority	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider

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Education and Care Services National Law Act 2010 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s. 178	duty to comply with a direction given by the Regulatory Authority	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s. 179	duty to comply with a direction given by the Regulatory Authority	PCD, GMHC, MCCS, EYC, FDCTL	Duty of approved provider
s. 182	function of receiving a prohibition notice	PCD, GMHC, MCCS, EYC, FDCTL	Function of a person involved in the provision of an approved education and care service
s. 183	function of receiving a show cause notice and power to provide written submissions to the Regulatory Authority	GMHC, MCCS, EYC	Function of a person involved in provision of an approved education and care service, including an approved provider
s. 184	function of receiving a notice of decision of Regulatory Authority	GMHC, MCCS, EYC	Function of a person involved in provision of an approved education and care service, including an approved provider
s. 186(1)	function of receiving notice of cancellation of prohibition notice	GMHC, MCCS, EYC	Function of a person involved in provision of an approved education and care service, including an approved provider
s. 186(2)	power to apply to the Regulatory Authority to cancel the prohibition notice	GMHC, MCCS, EYC	Power of a person involved in provision of an approved education and care service, including an approved provider
s. 191	power to apply to the Regulatory Authority for review of decision	GMHC, MCCS, EYC	Person who is the subject of a reviewable decision for internal review
s. 193	power to apply to relevant court or tribunal	GMHC, MCCS, EYC	Power of a person who is the subject of a reviewable decision for external review

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<b>Education and Care Services National Law Act 2010 (VIC)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.206	duty to provide authorised officer with requested information	PCD, GMHC, MCCS, EYC, FDCTL	Power of a specified person, which includes an approved provider
s.215	duty to provide Regulatory Authority with requested information	PCD, GMHC, MCCS, EYC	Duty of a specified person, which includes an approved provider
s.216	duty to provide Regulatory Authority with requested information	PCD, GMHC, MCCS, EYC	Duty of a specified person, which includes an approved provider
s.269(1)	duty to keep a register of each family day care educator and any other person engaged to educate and care for a child	GMHC, MCCS, EYC, FDCTL	Duty of an approved provider
s.269(2)	duty to provide information on the register upon request	GMHC, MCCS, EYC, FDCTL	Duty of an approved provider
s.272	power to request the Regulatory Authority to disclose certain information	GMHC, MCCS	Power of an approved provider
<b>Education and Care Services National Regulations 2011 (NSW) (Also known as "National Law Regulations")</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r.33	duty to pay the annual fee for service approval	GMHC, MCCS, EYC	Duty of approved provider
r.43	power to agree to alternative notice period	GMHC, MCCS, EYC	Power of approved provider
r.55	duty to prepare and submit a quality improvement plan within 3 months of grant of service approval	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.56	duty to review and revise quality improvement plan and submit to Regulatory Authority on request	GMHC, MCCS, EYC, FDCTL	Duty of approved provider

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Education and Care Services National Regulations 2011 (NSW) (Also known as "National Law Regulations")			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.74	duty to ensure that certain information listed in r.74(1) is documented	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.75	duty to make available certain information listed in r.75	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.76	duty to provide certain information to parents on request	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr.77-84	duty to ensure that requirements in rr.77-84 regarding children's health, safety and wellbeing are met	GMHC, MCCS, EYC	Duty of approved provider
r.86	duty to notify parent of child involved in incident, injury, trauma or illness	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.87	duty to keep an incident, injury, trauma and illness record, in accordance with r.87	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.88	duty to ensure that parents are notified of an occurrence of an infectious disease at the child-care venue	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.89	duty to ensure that first aid kits are kept in accordance with r.89	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.91	duty to ensure that a copy of the medical conditions policy is provided to parents of a child enrolled at service, if aware that their child has a health care need, allergy or medical condition	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr.92-96	duty to accord with requirements in rr.92-96 regarding administration of medication to children	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.97	duty to accord with requirements in r.97 regarding emergency and evacuation procedures	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.98	duty to ensure that staff have access to telephone and communication equipment	GMHC, MCCS, EYC, FDCTL	Duty of approved provider

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Education and Care Services National Regulations 2011 (NSW) (Also known as "National Law Regulations")			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
rr.99, 100 & 102	duty to accord with requirements in rr.99, 100 & 102, regarding collection of children from premises and excursions	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr. 103-115	duty to accord with requirements in 103-115 regarding facilities at child care service	GMHC, MCCS, EYC	Duty of approved provider
r.116	duty to conduct as assessment of each residence and approved family day care venue and require each family day care educator to advise of certain changes	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.117	duty to comply with glazing requirements in r.117	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.118	duty to designate a suitably qualifies and experienced educational leader	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.119	duty to ensure that family day care educators and assistants are 18 years old or older	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.120	duty to ensure educators under 18 years of age are supervised	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.124	[power to approve a family day care educator to educate and care for more than 7 children or more than 4 preschool age children	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.136	duty to ensure that persons with certain first aid training are in attendance at the service	GMHC, MCCS, EYC	Duty of approved provider
r.144	power to approve a person to assist a family day care educator	GMHC, MCCS, EYC, FDCTL	Power of approved provider
rr.145-152	duty to keep staff and educator records in accordance with rr.145-152	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r.154	duty to keep a record of staff, family day care co-ordinators and assistants engaged by the service	GMHC, MCCS, EYC, FDCTL	Duty of approved provider

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Education and Care Services National Regulations 2011 (NSW) (Also known as "National Law Regulations")			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
rr. 155-156	duty to comply with requirements of rr. 155-156 with respect to interactions with children and relationships in groups	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r. 157	duty to ensure that parents have access to the child care centre premises	GMHC, MCCS, EYC	Duty of approved provider
r. 162	duty to keep immunisation status certificate or exemption for each child enrolled at education and care service	GMHC, MCCS, EYC, FDCTL	Duty of approved provider of an education and care service Duty specifically prescribed in relation to Victoria
rr. 163-166	duty to comply with requirements of rr. 163-166 with respect to residents of family day care premises	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr. 167-172	duty to accord with requirements regarding policies and procedures	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r. 180	duty to keep evidence of prescribed insurance	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r. 181	duty to ensure confidentiality of records	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
rr. 183-184	duty to comply with rr. 183-184 regarding storage of records	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r. 185	duty to ensure that a copy of law and regulations is accessible at child care premises	GMHC, MCCS, EYC	Duty of approved provider
r. 238	duty to prepare and make available a quality improvement plan	GMHC, MCCS, EYC, FDCTL	Duty of approved provider
r. 257	power to apply to the Regulatory Authority for the prescribed regulation to cease to apply in relation to the service	GMHC, MCCS, EYC	Power of approved provider

Instrument of Delegation from Council to Members of Council Staff – Children’s Services

January 2024

Education and Care Services National Regulations 2011 (NSW) (Also known as "National Law Regulations")			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r.273	duty to ensure that the nominated supervisor of the service has completed a course in child protection	GMHC, MCCS, EYC, FDCTL	Duty of approved provider Note: This regulation applies in New South Wales only
r.274	duty to comply with requirements of r.274 with respect to swimming pools at the premises of the service	GMHC, MCCS, EYC, FDCTL	Duty of approved provider Note: This regulation applies in New South Wales only
r.358	duty to read or ensure that the nominated supervisor has read a person's working with children check before they are engaged	GMHC, MCCS, EYC, FDCTL	Duty of approved provider Note: This regulation applies in Victoria only
r.359	duty to read or ensure that the nominated supervisor has read a person's criminal history check before they are engaged	GMHC, MCCS, EYC, FDCTL	Duty of approved provider Note: This regulation applies in Victoria only
Public Health and Wellbeing Act 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s.143B	duty to ensure enrolment of child only confirmed if satisfactory immunisation certificate provided	PCD, GMHC, MCCS, EYC, FDCTL	Duty of person in charge of early childhood service Subject to exceptions contained in s.143C(1)
s.143C(2)	duty to take reasonable steps to ensure immunisation status certificate provided within 16 weeks of child attending service	PCD, GMHC, MCCS, EYC, FDCTL	Duty of person in charge of early childhood service

Instrument of Delegation from Council to Members of Council Staff – Children's Services

January 2024

Public Health and Wellbeing Act 2008			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s. 149(2)	power to rely on immunisation status certificate	PCD, GMHC, MCCS, EYC, FDCTL	Where an exception contained in s. 143C(1) applies Power of person in charge of early childhood service
Working with Children Act 2005 (VIC)			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s. 15(3)	function of receiving notice from Secretary	GMHC, MCCS, EYC	Function of an agency
s. 18	function of receiving notice from Secretary	GMHC, MCCS, EYC	Function of an agency
s. 20(1)	function of receiving notice of a change from worker	PCD, GMHC, MCCS, EYC, FDCTL	Function of an agency
s. 20A(3)	function of receiving notice from Secretary	CHC, GMHC, MCCS, EYC	Function of an agency
s. 21AF	function of receiving notice from Secretary	GMHC, MCCS	Function of an agency
s. 21A(9)	function of receiving notice from Secretary	GMHC, MCCS	Function of an agency
s. 21B(5)	function of receiving notice from Secretary	GMHC, MCCS	Function of an agency
s. 21B(6)	function of receiving notice from Secretary	GMHC, MCCS	Function of an agency
s. 22	function of receiving notice from a holder of a negative notice	PCD, GMHC, MCCS, EYC, FDCTL	Function of an agency
s. 24(4)	function of receiving notice from the Secretary	GMHC, MCCS	Function of an agency
s. 30(2)	function of receiving notice of suspension or cancellation of a person's registration under the Education and Training Reform Act 2006	GMHC, MCCS, EYC	Function of an agency

Instrument of Delegation from Council to Members of Council Staff – Children's Services

January 2024

<b>Working with Children Act 2005 (VIC)</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s.31(2)	function of receiving notice of suspension or dismissal of person with an exemption under the Victoria Police Act 2013	PCD, GMHC, MCCS, EYC, FDCTL	Function of an agency
s.31A(2)	function of receiving notice of suspension or termination of employment of a member of the Australian Federal Police	GMHC, MCCS	Function of an agency
s.36(1)	duty to ensure that an offence against section 36 is not committed	GMHC, MCCS, EYC	Duty of an agency

Instrument of Delegation from Council to Members of Council Staff – Children’s Services

January 2024

## 15.2 ADOPTION OF S6 INSTRUMENT OF DELEGATION

**File Number:** 18/02/05  
**Officer:** General Manager Corporate Performance

### 1. Summary

The purpose of this report is to present the updated S6 Instrument of Delegation for adoption.

### 2. Recommendation

**In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Mildura Rural City Council (Council) resolves that:**

- (i) there be delegated to the members of Council staff holding, acting in 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, subject to the conditions and limitations specified in that Instrument;**
- (ii) the instrument comes into force immediately the common seal of Council is affixed to the instrument;**
- (iii) on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and**
- (iv) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

### 3. Background

In the exercise of the powers conferred by the legislation referred to in the S6 Instrument of Delegation, Council may delegate certain powers, duties and functions directly to members of Council staff. This Instrument of Delegation was last updated in May 2023.

### 4. Consultation Proposed/Undertaken

Consultation was undertaken with General Managers, Managers and Coordinators to ensure provisions are appropriately assigned to Council officers.

## 5. Discussion

Council is currently undergoing an organisational restructure as part of the Organisation Sustainability Review conducted in October 2022.

Due to these changes, all of Council's delegative instruments have received a full review, ensuring all positions have the correct powers, duties and functions and all position titles are correct.

The main changes are listed below:

- General Manager Corporate (GMCS) changed to General Manager Corporate Performance (GMCP)
- General Manager Development (GMD) changed to General Manager Infrastructure and Assets (GMIA)
- General Manager Communities (GMC) changed to General Manager Healthy Communities (GMHC)
- Implementation of the new General Manager Strategy and Growth (MSG)
- Civic Compliance team changed to Local Laws team
- All Planning and Environment items moving from GMIA to MSG
- Addition of Manager Engineering Development and Delivery (MEDD)
- Other minor changes

## 6. Time Frame

The Instrument of Delegation will come into force immediately following a resolution of Council.

## 7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

### Leadership

*Outcome to be achieved:*

- A high performing organisation.
- Effective governance to deliver results in line with community expectations.

## 8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

## 9. Implications

### **Policy**

This Instrument of Delegation forms part of the foundation for Council's policies to enable delivery of services.

### **Legal/Statutory**

This report aligns with legal advice received from Maddocks as the S6 Instrument of Delegation relies on powers of delegation from Council to Staff, from Acts other than the *Local Government Act 2020*.

**Financial**

There are no financial implications associated with this report.

**Environmental**

There are no environmental implications associated with this report.

**Social**

There are no social implications associated with this report.

**Economic**

There are no economic implications associated with this report.

**10. Risk Assessment**

By adopting the recommendation, Council will not be exposed to any significant risk.

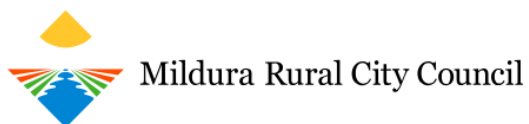
**11. Conflicts of Interest**

No conflicts of interest were declared during the preparation of this report.

**Attachments**

[1](#) S6 Instrument of Delegation - Council to Staff - January 2024

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



**MILDURA RURAL CITY COUNCIL**

**Instrument of Delegation**

**to**

**Members of Council Staff**



## Document Control Page

### Document Information

	Information
TRIM File Number	18/02/05
Document Owner	General Manager Corporate Performance
Last Update	March 2022

### Document History

Version	Issue Date	Changes
1.0	27 May 2010	Inclusion of Cemeteries & Crematoria Act 2003 Name change to Domestic Animals Act 1994 Additions to the Food Act 1984 Delegation of the Health Act 1958 Additions to the Planning & Environment Act 1987 Minor change to the Residential Tenancies Act 1997 Additions to the Road Management Act 2004 Inclusion of the Cemeteries & Crematoria Regulations 2005 Minor amendment to the Planning & Environment (Fees) Regulations 2000 Minor changes to the Residential Tenancies (Caravan Parks & Movable Dwellings Registration & Standards) Regulations 1999
2.0	22 July 2010	Changes to positions to reflect new organisational structure
3.0	25 Nov 2010	Inclusion of Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010. Tidying up of Food Act 1984 delegations Amendments to the Valuation of Land Act 1960 Amendments to the Cemeteries and Crematoria Act 2003 New sections of the Planning and Environment Act 1987 Insertions to Rail Safety Act 2006.
4.0	May 2011	Changes to various Acts & Regulations
5.0	February 2012	Changes to various Acts & Regulations
6.0	July 2012	Minor update to the Food Act 1984
7.0	January 2013	Changes to various Acts & Regulations
8.0	July 2013	Changes to various Acts & Regulations
9.0	February 2014	Maddocks Delegations & Authorisation Update – December 2013
10.0	November 2014	Maddocks Delegations & Authorisation Update – August 2014
11.0	February 2015	Maddocks Delegations & Authorisation Update – February 2015

Version	Issue Date	Changes
12.0	August 2015	Maddocks Delegations & Authorisation Update – June 2015
13.0	September 2016	Maddocks Delegations & Authorisation Update – June 2016
14.0	February 2017	Maddocks Delegations & Authorisation Update – December 2016
15.0	September 2017	Maddocks Delegations & Authorisation Update – June & August 2017
16.0	February 2018	Maddocks Delegations & Authorisation Update – December 2017
17.0	September 2018	Maddocks Delegations & Authorisation Update – June 2018
18.0	October 2018	Update to include Senior Statutory Planner – October 2018
19.0	December 2018	Update to include Engineering Surveyor and Technical Officer – Engineering Services
20.0	March 2019	Maddocks Delegations & Authorisation Update – December 2018
21.0	August 2019	Maddocks Delegations & Authorisation Update – June 2019
22.0	January 2020	Update to include Emergency Roads Recovery Coordinator
23.0	April 2020	Maddocks Delegations & Authorisation Update – January 2020
24.0	August 2020	Maddocks Delegations & Authorisations Update – July 2020
25.0	April 2021	Maddocks Delegations & Authorisation Update – January 2021
26.0	October 2021	Maddocks Delegations & Authorisation Update – July 2021 Updated to include Cemeteries Operations Coordinator Amended condition to s 61(1) of Planning and Environment Act 1987
27.0	March 2022	Maddocks Delegations & Authorisation Update – January 2022
28.0	January 2024	Organisation Review Changes

**Instrument of Delegation**

In the exercise of the powers conferred by 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. records that a reference in the Schedule to:

APS	means	Animal Pound Supervisor
APTL	means	Asset Preservation Team Leader
CEHO	means	Cadet Environmental Health Officer
CEO	means	Chief Executive Officer
COC	means	Cemeteries Operations Coordinator
CTL	Means	Cemetery Team Leader
CTP	means	Cadet Town Planner
DE	means	Drainage Engineer
EDTL	means	Engineering Design Team Leader
EHC	means	Environmental Health Coordinator
EHO	means	Environmental Health Officer
EHTO	means	Environmental Health Technical Officer
ENDTL	means	Engineering Development Team Leader
EO	means	Enforcement Officer
ES	means	Engineering Surveyor
GMCP	means	General Manager Corporate Performance
GMHC	means	General Manager Healthy Communities
GMIA	means	General Manager Infrastructure & Assets
GMSG	means	General Manager Strategy & Growth
GRC	means	Governance & Risk Coordinator
IDO	means	Engineering Development Officer
LLC	means	Local Laws Coordinator
LLO	means	Local Laws Officer
MBS	means	Municipal Building Surveyor
MCC	means	Manager Civic Compliance
MCP	means	Manager Community Partnerships
MEDD	means	Manager Engineering Development & Delivery
MFA	means	Manager Facilities & Assets
MFS	means	Manager Financial Services
MG	Means	Manager Governance
MSP	means	Manager Statutory Planning
MWI	means	Manager Works & Infrastructure
N/A	means	Not Applicable
PSP	means	Principal Statutory Planner
RSO	means	Road Safety Officer
SASC	means	Strategic Asset Systems Coordinator
SDE	means	Senior Development Engineer
SEHO	means	Senior Environmental Health Officer

SLLO	means	Senior Local Laws Officer
SO	means	Subdivisions Officer
SPM	means	Strategic Planning Manager
STE	means	Senior Traffic Engineer
STO-ES	means	Senior Technical Officer - Engineering Services
STP	means	Senior Town Planner
TLSPA	means	Team Leader Statutory Planning Administration
TP	means	Town Planner
TTE	means	Traffic & Transport Engineer

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on Thursday 25 January 2023; and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

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

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

a. policy; or

b. strategy

adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

THE COMMON SEAL of the MILDURA RURAL CITY )  
 COUNCIL was affixed hereto by authority of the )  
 Council in the presence of: )  
 )

..... COUNCILLOR

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

DATE:

**SCHEDULE**

S6 Instrument of Delegation Members of Staff

January 2024

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**S6 Instrument of Delegation - Members of Staff**

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	GMCP, CEO, COC	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	GMCP, CEO, COC	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	GMCP, CEO, COC	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	N/A	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions	N/A	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	GMCP, CEO, COC	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	GMCP, CEO, COC	
s 15(4)	Duty to keep records of delegations	GMCP, CEO, COC	

S6 Instrument of Delegation Members of Staff

January 2024



Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(1)	Power to employ any persons necessary	GMCP, CEO	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	GMCP, CEO	
s 17(3)	Power to determine the terms and conditions of employment or engagement	GMCP, CEO	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	GMCP, CTL, CEO, COC	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	N/A	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	N/A	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	N/A	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	N/A	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	N/A	Where Council is a Class A cemetery trust

S6 Instrument of Delegation Members of Staff

January 2024

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	N/A	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the Financial Management Act 1994	N/A	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	N/A	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	N/A	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	N/A	Where Council is a Class A cemetery trust
s. 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2)	N/A	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	N/A	Where Council is a Class A cemetery trust

S6 Instrument of Delegation Members of Staff

January 2024

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	N/A	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	N/A	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	N/A	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	N/A	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	N/A	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	N/A	Where Council is a Class A cemetery trust

S6 Instrument of Delegation Members of Staff

January 2024

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19	Power to carry out or permit the carrying out of works	GMCP, CTL, CEO, COC	
s 20(1)	Duty to set aside areas for the interment of human remains	GMCP, CTL, CEO	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	GMCP, CEO	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	GMCP, CEO	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	GMCP, CTL, CEO, COC	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	GMCP, CEO	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	GMCP, CEO	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	GMCP, CEO, COC	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	GMCP, CEO	Provided the street was constructed pursuant to the Local Government Act 1989
s 52	Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery	GMCP, MG, COC	

S6 Instrument of Delegation Members of Staff

January 2024

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	GMCP, CEO, COC	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	GMCP, CEO, COC	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	GMCP, CEO, COC	
s 60(2)	Power to charge fees for providing information	GMCP, CEO, COC	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	GMCP, CTL, CEO, COC	
s 64B(d)	Power to permit interments at a reopened cemetery	GMCP, CEO, COC	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	GMCP, CEO	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	GMCP, MFS, CEO, COC	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	GMCP, MFS, CTL, CEO, COC	

S6 Instrument of Delegation Members of Staff

January 2024

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 70(2)	Duty to make plans of existing place of interment available to the public	GMCP, MFS, CTL, CEO, COC	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	GMCP, MFS, CTL, CEO, COC	
s 71(2)	Power to dispose of any memorial or other structure removed	GMCP, MFS, CTL, CEO, COC	
s 72(2)	Duty to comply with request received under s 72	GMCP, MFS, CEO, COC	
s 73(1)	Power to grant a right of interment	GMCP, MFS, CEO, COC	
s 73(2)	Power to impose conditions on the right of interment	GMCP, MFS, CEO, COC	
s 74(3)	Duty to offer a perpetual right of interment	GMCP, COC	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	GMCP, MFS, CTL, CEO, COC	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	GMCP, MFS, CTL, CEO, COC	

S6 Instrument of Delegation Members of Staff

January 2024

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	GMCP, CEO	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	GMCP, MFS, CEO, COC	
s 80(2)	Function of recording transfer of right of interment	GMCP, MFS, CEO, COC	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	GMCP, MFS, CEO, COC	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	GMCP, CTL, CEO, COC	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCP, CEO, COC	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	GMCP, CEO, COC	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	GMCP, COC	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	GMCP, COC	

S6 Instrument of Delegation Members of Staff

January 2024

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 84(4)	Power to exercise the rights of a holder of a right of interment	GMCP, CTL, COC	
s 84(5)	Duty to pay refund to the previous holder or holders of the right of interment	GMCP, COC	
s 84(6)(a)	Power to remove any memorial on the place of interment	GMCP, COC	
s 84(6)(b)	Power to grant right of interment under s 73	GMCP, COC	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	N/A	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	GMCP, CEO, COC	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	GMCP, CEO, COC	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	N/A	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	GMCP, CTL, CEO, COC	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	GMCP, CTL, CEO, COC	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	GMCP, CTL, CEO, COC	
s.86(4)	Power to take action under s.86(4) relating to removing and re-interring cremated human remains	GMCP, CTL, CEO, COC	
s.86(5)	Duty to provide notification before taking action under s.86(4)	GMCP, CTL, CEO, COC	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	GMCP, CTL, CEO, COC	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	N/A	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCP, CEO, COC	
s 91(1)	Power to cancel a right of interment in accordance with s 91	GMCP, CEO, COC	
s 91(3)	Duty to publish notice of intention to cancel right of interment	GMCP, CEO, COC	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	GMCP, CEO, COC	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	GMCP, CEO, COC	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	GMCP, CEO, COC	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	GMCP, CEO, COC	
s 100(1)	Power to require a person to remove memorials or places of interment	GMCP, CEO, COC	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	GMCP, CEO, COC	
s 100(3)	Power to recover costs of taking action under s 100(2)	GMCP, CEO	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCP, CEO	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMCP, CEO	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	GMCP, CEO	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 103(1)	Power to require a person to remove a building for ceremonies	GMCP, CEO	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	GMCP, CEO	
s 103(3)	Power to recover costs of taking action under s 103(2)	GMCP, CEO	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	GMCP, CEO, COC	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	GMCP, CEO	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	GMCP, CEO, COC	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	GMCP, CEO, COC	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCP, CEO	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	GMCP, CEO	
s 108	Power to recover costs and expenses	GMCP, CEO	
s 109(1)(a)	Power to open, examine and repair a place of interment	GMCP, CEO, COC	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	GMCP, CEO, COC	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	GMCP, CTL, CEO, COC	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	GMCP, CTL, CEO, COC	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	GMCP, COC	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	GMCP, CTL, CEO, COC	

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<b>Cemeteries and Crematoria Act 2003</b>			
<b>Provision</b>	<b>Powers and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	GMCP, CEO, COC	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCP, CEO, COC	
s 112	Power to sell and supply memorials	N/A	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	GMCP, CTL, CEO, COC	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCP, CTL, CEO, COC	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCP, CEO, COC	
s 119	Power to set terms and conditions for interment authorisations	GMCP, CEO	
s 131	Function of receiving an application for cremation authorisation	N/A	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	N/A	Subject to s 133(2)

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	GMCP, CEO, COC	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	GMCP, CTL, CEO, COC	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	GMCP, CTL, CEO, COC	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	GMCP, CTL, CEO, COC	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	GMCP, CEO, COC	
s 151	Function of receiving applications to inter or cremate body parts	GMCP, CEO, COC	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	GMCP, CEO, COC	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCP, CEO	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 1 cl 8(8)	Power to regulate own proceedings	GMCP, CEO	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	N/A	Where Council is a Class A cemetery trust Subject to cl 8

Domestic Animals Act 1994			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	GMIA, MCC, LLC, SLLC, CEO	Council may delegate this power to a Council authorised officer

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHO, GMIA, MCC, CEO, SEHO, EHC	If s 19(1) applies

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	EHO, GMIA, MCC, CEO, SEHO, EHC	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHO, GMIA, MCC, CEO, SEHO, EHC	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHO, GMIA, MCC, CEO, SEHO, EHC	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, GMIA, MCC, CEO, SEHO, EHC	If s 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	EHO, GMIA, MCC, CEO, SEHO, EHC	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO, GMIA, MCC, CEO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHO, GMIA, MCC, CEO, SEHO, EHC	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	GMIA, MCC, CEO, EHC	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	MSP, EHO, GMIA, CEO, SEHO, EHC	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	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	GMIA, MCC, CEO, EHC	

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	GMIA, MCC, CEO, EHC	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part III B	EHO, GMIA, MCC, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHO, GMIA, MCC, CEHO, CEO, SEHO, EHC	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	EHO, GMIA, MCC, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
	Power to register or renew the registration of a food premises	GMIA, MCC, CEO, EHC	Where Council is the registration authority
			Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 36B	Duty to pay the charge for use of online portal	GMIA, MCC, CEO, EHC	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	GMIA, MCC, CEO, EHC	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	GMIA, MCC, CEO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	GMIA, MCC, CEO, EHC	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 39A (6)	Duty to comply with a direction of the Secretary	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	GMIA, MCC, EHC	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	GMIA, MCC, CEO, EHC	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	GMIA, MCC, CEO, EHC	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	GMIA, MCC, CEO, EHC	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
s 40F	Power to cancel registration of food premises	GMIA, MCC, CEO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 43	Duty to maintain records of registration	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO, GMIA, MCC, CEO, SEHO, EHC	Where Council is the registration authority
s 45AC	Power to bring proceedings	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHO, GMIA, MCC, CEO, SEHO, EHC	Where Council is the registration authority

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Heritage Act 2017			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	GMHC, GMCP, CEO, GMSG	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO, GMCP, MG	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	SPM, GMHC, CEO, GMSG	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	SPM, MSP, GMHC, CEO, GMSG	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	SPM, MSP, GMHC, CEO, GMSG, SP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4(2)	Duty to make and copy of the Victorian Planning Provisions and other documents available in accordance with public availability requirements	SPM, MSP, GMHC, CEO, GMSG, SP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	SPM, MSP, GMHC, CEO, GMSG	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	SPM, MSP, GMHC, CEO, GMSG, SP	
s 8A(5)	Function of receiving notice of the Minister's decision	SPM, MSP, GMHC, CEO, GMSG	
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	SPM, MSP, GMHC, CEO, GMSG, 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	SPM, MSP, GMHC, CEO, GMSG	
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	SPM, MSP, GMHC, CEO, GMSG, SP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12B(1)	Duty to review planning scheme	SPM, GMHC, CEO, GMSG, SP	
s 12B(2)	Duty to review planning scheme at direction of Minister	SPM, GMHC, CEO, GMSG, SP	
s. 12B(5)	duty to report findings of review of planning scheme to Minister without delay	SPM, GMHC, CEO, GMSG, SP	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	SPM, MSP, GMHC, CEO, GMSG, SP	
s 17(1)	Duty of giving copy amendment to the planning scheme	SPM, MSP, GMHC, CEO, GMSG, SP	
s 17(2)	Duty of giving copy s 173 agreement	SPM, MSP, GMIA, GMHC, PSP, TP, STP, SO, TLSPA, CEO, GMSG, SP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	SPM, MSP, GMHC, CEO, GMSG, SP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 18	Duty to make amendment etc. available in accordance with public availability requirements	SPM, MSP, GMHC, CEO, GMSG, SP	Until the proposed amendment is approved or lapsed
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	SPM, MSP, GMHC, CEO, GMSG, SP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	SPM, MSP, GMHC, CEO, GMSG	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or  Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	SPM, MSP, GMHC, CEO, GMSG	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	SPM, MSP, GMHC, CEO, GMSG, SP	Until the end of 2 months after the amendment comes into operation or lapses

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 21A(4)	Duty to publish notice	SPM, MSP, GMHC, CEO, GMSG, SP	
s 22(1)	Duty to consider all submissions received before the date specified in the notice	SPM, MSP, GMHC, CEO, GMSG, SP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 22(2)	Power to consider a late submission Duty to consider a late submission, if directed by the Minister	SPM, MSP, GMHC, CEO, GMSG, SP	
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	SPM, GMHC, CEO, GMSG, SP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	SPM, MSP, GMHC, CEO, GMSG, SP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	SPM, MSP, GMHC, CEO, GMSG, SP	MSS, MCPs, & MSP to refer matter to GMSG when acting alone Planners may only exercise power subject to prior consultation with SMP.

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	SPM, MSP, GMHC, CEO, GMSG	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	SPM, MSP, GMHC, CEO, GMSG, SP	During the inspection period
s 27(2)	Power to apply for exemption if panel's report not received	SPM, GMHC, CEO, GMSG, SP	
s 28(1)	Duty to notify the Minister if abandoning an amendment	SPM, MSP, GMHC, CEO, GMSG, SP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	SPM, MSP, GMHC, PSP, TLSPA, CEO, GMSG, SP	
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	SPM, MSP, GMHC, PSP, TLSPA, CEO, GMSG, SP	
s 30(4)(a)	Duty to say if amendment has lapsed	SPM, MSP, GMHC, CEO, GMSG, SP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 30(4)(b)	Duty to provide information in writing upon request	SPM, MSP, GMHC, CEO, GMSG, SP	
s 32(2)	Duty to give more notice if required	SPM, MSP, GMHC, CEO, GMSG, SP	
s 33(1)	Duty to give more notice of changes to an amendment	SPM, MSP, GMHC, CEO, GMSG, SP	
s 36(2)	Duty to give notice of approval of amendment	SPM, MSP, GMHC, CEO, GMSG, SP	
s 38(5)	Duty to give notice of revocation of an amendment	SPM, MSP, GMHC, CEO, GMSG, SP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	SPM, MSP, GMHC, CEO, GMSG	
s 40(1)	Function of lodging copy of approved amendment	SPM, MSP, GMHC, CEO, GMSG, SP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	SPM, MSP, GMHC, CEO, GMSG, SP	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	SPM, MSP, GMHC, CEO, MEDD, GMSG, SP	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	SPM, MSP, GMHC, CEO, GMSG, SP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	N/A, GMSG	Where Council is a responsible public entity and is a planning authority  Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	SPM, GMHC, GMCP, CEO, GMSG	Where Council is a responsible public entity

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy	SPM, GMHC, CEO, GMSG	Where Council is a responsible public entity
	Power to endorse the draft Statement of Planning Policy		
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	SPM, MSP, GMHC, PSP, CEO, GMSG, SP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	SPM, MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG, SP	Where Council is a responsible public entity
s 46G(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	SPM, MSP, GMHC, CEO, GMSG	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
			Where Council is a collection agency.
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	SPM, GMHC, GMCP, CEO, GMSG	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	SPM, GMHC, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	SPM, GMHC, CEO, GMSG	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	SPM, GMHC, CEO, GMSG	
s 46GP	Function of receiving a notice under s 46GO	SPM, GMHC, GMCP, CEO, GMSG	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	SPM, GMHC, GMCP, CEO, GMSG	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	SPM, GMIA, GMHC, GMCP, CEO	
s 46GR(2)	Power to consider a late submission  Duty to consider a late submission if directed to do so by the Minister	SPM, GMIA, GMHC, GMCP, CEO	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	SPM, GMHC, GMCP, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	SPM, GMHC, GMCP, CEO, GMSG	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	SPM, GMHC, GMCP, CEO, GMSG	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	SPM, GMHC, GMCP, CEO, GMSG	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	SPM, GMHC, GMCP, CEO, GMSG	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	SPM, GMHC, GMCP, CEO, GMSG	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	SPM, GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	GMHC, GMCP, CEO, GMSG	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	GMHC, GMCP, CEO, GMSG	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	GMHC, GMCP, CEO, GMSG	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	SPM, MSP, GMHC, PSP, STP, CEO, GMSG	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	MSP, GMCP, MFA, MFS, CEO, MWI, GMSG	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	GMHC, GMCP, CEO, GMSG	Where Council is the collecting agency
			Where Council is a collection agency.
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	MFA, CEO, MWI, GMSG	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	GMCP, MFA, MFS, CEO, MWI, MEED, GMSG	Where Council is the collecting agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	GMCP, MFA, MFS, CEO, MWI, MEDD, GMSG	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	GMCP, MFA, MFS, CEO, MWI, MEDD, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	GMHC, GMCP, MFS, CEO, GMSG	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	GMHC, GMCP, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency  Where Council is a collection agency.

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Function of receiving the monetary component	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
			Must be done in accordance with Local Government Act 1989.

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	GMHC, GMCP, MFS, CEO, GMSG	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Function of receiving the fee simple in the land	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	GMHC, GMCP, MFS, CEO, GMSG	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	GMCP, MFS, CEO, GMSG	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	GMHC, GMCP, MFS, CEO, GMSG	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the development agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
			Where Council is a collection agency.
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Function of receiving proceeds of sale	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collection agency under an approved infrastructure contributions plan
			This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	GMHC, GMCP, MFS, CEO, GMSG	Where Council is the collecting agency under an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZL	Duty to prepare and give a report to the Minister at the times required by the Minister	SPM, GMHC, GMCP, CEO, GMSG	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	GMHC, GMCP, MFS, CEO, GMSG	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	MFA, CEO, MWI, GMSG	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	SPM, MSP, GMHC, CEO, GMSG	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	SPM, MSP, GMHC, CEO, GMSG	Requires consideration of requirements from MAS and Development Contributions Plan
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMHC, CEO, GMSG	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and 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	MBS, SPM, MSP, GMHC, CEO, GMSG	Requires consideration of requirement from MAS, MDS, MCF and Development Contributions Plan
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMHC, CEO, GMSG	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	SPM, MSP, GMHC, CEO, GMSG	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMHC, CEO, GMSG	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46Q(1)	Duty to keep proper accounts of levies paid	GMCP, MFS, CEO, GMSG	To be based on information supply by the Development Services Unit
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	SPM, MSP, GMHC, MFA, CEO, MWI, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	GMHC, GMCP, CEO, GMSG	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMHC, CEO, GMSG	Only applies when levy is paid to Council as a 'development agency'  Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
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)	GMHC, GMCP, CEO, GMSG	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	SPM, MSP, GMHC, CEO, GMSG	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	GM/A, GMHC, CEO	With the consent of, and in the manner approved by, the Minister

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46QC	Power to recover any amount of levy payable under Part 3B	GMHC, GMCP, CEO, GMSG	
s 46QD	Duty to prepare report and give a report to the Minister	MSP, GMHC, CEO, GMSG	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period	N/A, GMSG	Where Council is a collection agency or development agency.
s 46V(4)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period	N/A, GMSG	
s 46V(5)	Duty to keep a copy of the approved strategy plan incorporating all amendments to it	N/A, GMSG	
s 46V(6)	Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements	N/A, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Y	Duty to carry out works in conformity with the approved strategy plan	N/A, GMSG	
s 47	Power to decide that an application for a planning permit does not comply with that Act	SPM, MSP, GMHC, CEO, GMSG	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	MSP, GMHC, PSP, STP, CEO, GMSG	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	MSP, GMHC, CEO, GMSG	
s 50(4)	Duty to amend application	MSP, GMHC, PSP, STP, CEO, GMSG	
s 50(5)	Power to refuse to amend application	MSP, GMHC, PSP, STP, CEO, GMSG	
s 50(6)	Duty to make note of amendment to application in register	MSP, PSP, TP, STP, SO, TLSPA, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 50A(1)	Power to make amendment to application	MSP, GMHC, PSP, STP, CEHO, CEO, GMSG	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	MSP, GMHC, PSP, STP, CEHO, CEO, GMSG	
s 50A(4)	Duty to note amendment to application in register	MSP, GMHC, PSP, STP, CEO, GMSG	
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
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	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	SPM, MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
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	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
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	SPM, MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	SPM, MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 52(3)	Power to give any further notice of an application where appropriate	MSP, GMHC, PSP, STP, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	MSP, GMHC, PSP, STP, CEO, GMSG	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 54(1)	Power to require the applicant to provide more information	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 54(1B)	Duty to specify the lapse date for an application	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	MSP, GMHC, PSP, STP, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	MSP, GMHC, PSP, STP, CEO, GMSG	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MSP, GMHC, PSP, STP, CEO, GMSG	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	MSP, GMHC, CEO, GMSG	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57A(5)	Power to refuse to amend application	MSP, GMHC, PSP, STP, CEO, GMSG	
s 57A(6)	Duty to note amendments to application in register	MSP, GMHC, PSP, STP, CEO, GMSG	
s 57B(1)	Duty to determine whether and to whom notice should be given	MSP, GMHC, PSP, STP, CEO, GMSG	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	MSP, GMHC, PSP, STP, CEO, GMSG	
s 57C(1)	Duty to give copy of amended application to referral authority	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 58	Duty to consider every application for a permit	MSP, GMHC, PSP, STP, CEO, GMSG	
s 58A	Power to request advice from the Planning Application Committee	MSP, GMHC, PSP, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 60	Duty to consider certain matters	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 60(1A)	Duty to consider certain matters	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	MSP, GMHC, PSP, TP, STP, TLSPA, CTP, CEO, GMSG	
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	MSP, GMHC, PSP, STP, CEO, GMSG	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006  Where 7 or more objections are received, applications must be referred to Council.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	SPM, MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	SPM, MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	N/A, GMSG	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	N/A, GMSG	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MSP, GMHC, CEO, GMSG	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 62(2)	Power to include other conditions	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	MSP, GMHC, PSP, STP, CEO, GMSG	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	MSP, GMHC, PSP, STP, CEO, GMSG	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	MSP, GMHC, PSP, STP, CEO, GMSG	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	MSP, GMHC, PSP, STP, CEO, GMSG	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	MSP, GMHC, PSP, STP, CEO, GMSG	This provision applies also to a decision to grant an amendment to a permit - see s 75

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 64(5)	Duty to give each objector a copy of an exempt decision	MSP, CEO, GMSG	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	MSP, PSP, STP, CEO, GMSG	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	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	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	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

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	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	MSP, GMHC, PSP, STP, CEO, GMSG	
s 69(1A)	Function of receiving application for extension of time to complete development	MSP, GMHC, PSP, STP, CEO, GMSG	
s 69(2)	Power to extend time	MSP, GMHC, PSP, STP, CEO, GMSG	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 71(1)	Power to correct certain mistakes	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 71(2)	Duty to note corrections in register	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 73	Power to decide to grant amendment subject to conditions	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 74	Duty to issue amended permit to applicant if no objectors	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	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

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	MSP, GMHC, PSP, STP, CEO, GMSG	
s 83	Function of being respondent to an appeal	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 83B	Duty to give or publish notice of application for review	MSP, GMHC, PSP, STP, CEO, GMSG	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MSP, GMHC, PSP, STP, CEO, GMSG	
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	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 84(6)	Duty to issue permit on receipt of advice within 3 business days	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 84AB	Power to agree to confining a review by the Tribunal	MSP, CEO, GMSG	
s 86	Duty to issue a permit at order of Tribunal within 3 business days	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	MSP, CEO, GMSG	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	MSP, GMHC, PSP, STP, CEO, GMSG	
s 91(2)	Duty to comply with the directions of VCAT	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 93(2)	Duty to give notice of VCAT order to stop development	MSP, GMHC, PSP, STP, CEO, GMSG	
s 95(3)	Function of referring certain applications to the Minister	MSP, GMHC, PSP, STP, CEO, GMSG	
s 95(4)	Duty to comply with an order or direction	MSP, GMHC, PSP, STP, CEO, GMSG	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	CEO, GMSG	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, GMSG	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	MSP, GMHC, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	MSP, GMHC, PSP, STP, CEO, GMSG	
s 96F	Duty to consider the panel's report under s 96E	MSP, GMHC, CEO, GMSG	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996	CEO, GMSG	
s 96H(3)	Power to give notice in compliance with Minister's direction	MSP, GMHC, CEO, GMSG	
s 96J	Duty to issue permit as directed by the Minister	CEO, GMSG	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	CEO, GMSG	
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	MSP, GMHC, CEO, GMSG	
s 97C	Power to request Minister to decide the application	GMHC, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	MSP, GMHC, PSP, STP, CEO, GMSG	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	MSP, GMHC, PSP, STP, CEO, GMSG	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	MSP, GMHC, PSP, STP, CEO, GMSG	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	GMHC, CEO, GMSG	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	MSP, GMHC, PSP, STP, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MSP, GMHC, PSP, STP, CEO, GMSG	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 97Q(4)	Duty to comply with directions of VCAT	MSP, GMHC, PSP, STP, CEO, GMSG	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	MSP, GMHC, PSP, STP, CEO, GMSG	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	GMHC, CEO, GMSG	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	GMHC, CEO, GMSG	
s 101	Function of receiving claim for expenses in conjunction with claim	MSP, GMHC, CEO, GMSG	
s 103	Power to reject a claim for compensation in certain circumstances	GMHC, CEO, GMSG	
s.107(1)	Function of receiving claim for compensation	GMHC, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 107(3)	Power to agree to extend time for making claim	CEO, GMSG	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	MSP, MFA, GMSG	
s 114(1)	Power to apply to the VCAT for an enforcement order	MSP, GMHC, PSP, STP, CEO, GMSG	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	MSP, EO, GMHC, PSP, STP, CEO, GMSG	
s 123(1)	Power to carry out work required by enforcement order and recover costs	CEO, MEED, GMSG	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	CEO, GMSG	Except Crown Land
s 129	Function of recovering penalties	GMCP, MFS, CEO, GMSG	
s 130(5)	Power to allow person served with an infringement notice further time	MSP, GMHC, CEO, GMSG	
s 149A(1)	Power to refer a matter to the VCAT for determination	MSP, GMHC, CEO, GMSG	

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Planning and Environment Act 1987		
Provision	Powers and Functions Delegated	Conditions and Limitations
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s. 173 agreement	MSP, GMHC, CEO, GMSG  SPC in consultation with GMD and MDS
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	MSP, GMHC, CEO, GMSG  Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	MSP, GMHC, CEO, GMSG
s 171(2)(g)	Power to grant and reserve easements	MSP, GMHC, CEO, GMSG
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	GMHC, GMCP, CEO, GMSG  Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	GMHC, GMCP, CEO, GMSG  Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	GMHC, GMCP, CEO, GMSG  Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	GMHC, GMCP, CEO, GMSG

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	GMHC, GMCP, CEO, GMSG	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	MSP, GMHC, CEO, GMSG	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	MSP, GMHC, CEO, GMSG	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	MSP, GMHC, CEO, GMSG	
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	GMHC, GMCP, CEO, GMSG	
s 178A(1)	Function of receiving application to amend or end an agreement	CEO, GMSG	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	MSP, PSP, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MSP, PSP, CEO, GMSG	
s 178A(5)	Power to propose to amend or end an agreement	CEO, GMSG	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	MSP, PSP, CEO, GMSG	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	MSP, PSP, CEO, GMSG	
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	MSP, PSP, CEO, GMSG	
s 178C(4)	Function of determining how to give notice under s 178C(2)	MSP, PSP, CEO, GMSG	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	MSP, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMSG	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, GMSG	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	CEO, GMSG	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	CEO, GMSG	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	CEO, GMSG	After considering objections, submissions and matters in s 178B
s. 178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	CEO, GMSG	After considering objections, submissions and matters in s.178B

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178E(3)(d)	Power to refuse to amend or end the agreement	CEO, GMSG	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	MSP, PSP, TP, STP, TLSPA, CEO, GMSG	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	MSP, PSP, TP, STP, TLSPA, CEO, GMSG	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	MSP, CEO, GMSG	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	CEO, GMSG	
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	MSP, PSP, CEO, GMSG	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MSP, PSP, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	MSP, GMHC, PSP, TP, STP, SO, TLSPA, CEO, GMSG	
s 181	Duty to apply to the Registrar of Titles to record the agreement	MSP, GMHC, PSP, TP, STP, SO, TLSPA, CEO, GMSG	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	MSP, GMHC, PSP, TP, STP, SO, TLSPA, CEO, GMSG	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	MSP, GMHC, PSP, TP, STP, SO, TLSPA, CEO, GMSG	
s 182	Power to enforce an agreement	MSP, EO, GMHC, CEO, GMSG	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	MSP, GMHC, PSP, STP, CEO, GMSG	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	CEO, GMSG	
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	MSP, CEO, GMSG	
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	MSP, CEO, GMSG	
s 184G(2)	Duty to comply with a direction of the Tribunal	MSP, EO, PSP, TP, STP, SO, TLSPA, CEO, GMSG	
s 184G(3)	Duty to give notice as directed by the Tribunal	MSP, PSP, TP, STP, SO, TLSPA, CEO, GMSG	
s 185B(1)	Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice	MSP, GMHC, CEO, GMSG	
s 198(1)	Function to receive application for planning certificate	MSP, GMHC, PSP, TP, STP, SO, TLSPA, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 199(1)	Duty to give planning certificate to applicant	MSP, GMHC, PSP, TP, STP, SO, TLSPA, CEO, GMSG	
s 201(1)	Function of receiving application for declaration of underlying zoning	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
s 201(3)	Duty to make declaration	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
	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	GMHC, CEO, GMSG	
	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	MSP, GMHC, PSP, STP, CEO, GMSG	
	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	MSP, GMHC, PSP, STP, CEO, GMSG	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	Power to give written authorisation in accordance with a provision of a planning scheme	MSP, GMHC, CEO, GMSG	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	MSP, GMHC, CEO, GMSG	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	MSP, GMHC, CEO, GMSG	

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO, GMIA, MCC, CEO, SEHO, EHC	
s 522(1)	Power to give a compliance notice to a person	EHO, GMIA, MCC, CEO, SEHO, EHC	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	GMIA, MCC, CEO, EHC	

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Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
S 525 (4)	Duty to issue identity card to authorised officers	GMCP, MG, GRC, CEO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MBS, GMIA, MCC, CEO, EHC	
s 526A(3)	Function of receiving report of inspection	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	GMIA, MCC, CEO, EHC	

Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMIA, MFA, CEO, MEDD	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	GMCP, MG, MFS, CEO, MC&P	
s 11(9)(b)	Duty to advise Registrar	GMIA, GMCP, MG, MFA, MFS, CEO, MC&P, MEDD	

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMIA, MFA, CEO, MEDD	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMIA, MFA, CEO, MEDD	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	GMIA, GMCP, MG, MFA, CEO, MC&P, MEDD	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	GMIA, GMCP, MG, MFA, CEO, MC&P, MEDD	Power of coordinating road authority where it is the discontinuing body
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMIA, CEO	Unless s 12(11) applies Duty of coordinating road authority where it is the discontinuing body
s 12(6)	Function of hearing a person in support of their written submission	GMIA, CEO	Unless s 12(11) applies Function of coordinating road authority where it is the discontinuing body

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	GMIA, CEO	Duty of coordinating road authority where it is the discontinuing body  Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	GMIA, MFA, CEO, MEDD	Duty of coordinating road authority where it is the discontinuing body  Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMIA, MFA, CEO, MEDD	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	GMIA, CEO, MWI, MEDD	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMIA, CEO, MWI, MEDD	
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	GMIA, MFA, CEO, MEDD	

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMIA, MFA, CEO, MEDD	
s 15(2)	Duty to include details of arrangement in public roads register	GMIA, MFA, CEO, MEDD	
s 16(7)	Power to enter into an arrangement under s 15	GMIA, MFA, CEO, MEDD	
s 16(8)	Duty to enter details of determination in public roads register	GMIA, MFA, CEO, MEDD	
s 17(2)	Duty to register public road in public roads register	GMIA, MFA, CEO, MEDD	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	GMIA, MFA, CEO, MEDD	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	GMIA, MFA, CEO, MEDD	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	GMIA, MFA, CEO, MEDD	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	GMIA, MFA, CEO, MEDD	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMIA, MFA, CEO, MEDD	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	GMIA, MFA, CEO, MEDD	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	GMIA, MFA, CEO, MEDD	
s 19(4)	Duty to specify details of discontinuance in public roads register	GMIA, MFA, CEO, MEDD	
s 19(5)	Duty to ensure public roads register is available for public inspection	GMIA, MFA, CEO, MEDD	
s 21	Function of replying to request for information or advice	GMIA, MFA, CEO, MEDD	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	GMIA, MFA, CEO, MEDD	

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMCP, CEO	
s 22(5)	Duty to give effect to a direction under s 22	GMIA, CEO	
s 40(1)	Duty to inspect, maintain and repair a public road.	GMIA, MFA, CEO, MWI, MEED	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	GMIA, MFA, CEO, MWI, MEED	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMIA, MFA, CEO, MWI, MEED	
s 42(1)	Power to declare a public road as a controlled access road	GMIA, MFA, CEO	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GMIA, MFA, CEO	Power of coordinating road authority and sch 2 also applies

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GMIA, MFA, CEO, MWI, MEED	Where Council is the coordinating road authority  If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	GMIA, MFA, CEO, MWI, MEED	Where Council is the coordinating road authority  If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMIA, MFA, CEO, MWI, MEED	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	GMIA, MFA, CEO, MWI, MEED	
s 49	Power to develop and publish a road management plan	GMIA, MFA, CEO, MWI, MEED	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMIA, MFA, CEO, MWI, MEED	

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMIA, MFA, CEO, MEDD	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMIA, MFA, CEO, MWI, MEDD	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMIA, MFA, CEO, MWI, MEDD	
s 54(6)	Power to amend road management plan	GMIA, MFA, CEO, MWI, MEDD	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMIA, MFA, CEO, MWI, MEDD	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMIA, MFA, CEO, MWI, MEDD	
s 63(1)	Power to consent to conduct of works on road	STO-ES, APTL, EDTL, SDE, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, MEDD	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	STO-ES, APTL, EDTL, SDE, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, MEDD	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	STO-ES, SDE, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, MEDD	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	STO-ES, EDTL, SDE, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, MEDD	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	GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority
s 67(3)	Power to request information	SASC, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, MEDD	Where Council is the coordinating road authority
s 68(2)	Power to request information	SASC, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, MEDD	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, MEDD	

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 72	Duty to issue an identity card to each authorised officer	GMIA, GMCP, MG, MFA, CEO, MWI, MC&P, MEDD	
s 85	Function of receiving report from authorised officer	GMIA, MFA, CEO, MWI, MEDD	
s 86	Duty to keep register re s 85 matters	GMIA, MFA, CEO, MWI, MEDD	
s 87(1)	Function of receiving complaints	STO-ES, SDE, GMIA, MG, MFA, ENDTL, TTE, STE, CEO, MWI, MC&P, MEDD	
s 87(2)	Duty to investigate complaint and provide report	GMIA, MG, MFA, CEO, MWI, MC&P, MEDD	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	SDE, GMIA, MWI, MEDD	
s 112(2)	Power to recover damages in court	GMIA, GMCP, MFA, MFS, CEO, MWI, MEDD	
s 116	Power to cause or carry out inspection	GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, MEDD	

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
s 119(2)	Function of consulting with the Head, Transport for Victoria	STO-ES, SDE, GMIA, CEO, MWI, MEDD	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMIA, CEO, MWI, MEDD	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	GMIA, CEO, MWI, MEDD	
s 121(1)	Power to enter into an agreement in respect of works	GMIA, MFA, CEO, MWI, MEDD	
s 122(1)	Power to charge and recover fees	GMIA, GMCP, MFA, MFS, CEO, MWI, MEDD	
s 123(1)	Power to charge for any service	GMIA, GMCP, MFS, CEO, MWI	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMIA, MFA, CEO, MWI, MEDD	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	GMIA, MFA, CEO, MWI, MEDD	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMIA, MFA, CEO, MWI, MEDD	

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	GMIA, CEO, MWI, MEDD	
sch 2 cl 5	Duty to publish notice of declaration	GMIA, MFA, CEO, MWI, MEDD	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	STO-ES, APTL, EDTL, SDE, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, IDO, MEDD	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	STO-ES, APTL, EDTL, SDE, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, IDO, MEDD	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	STO-ES, APTL, EDTL, SDE, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, IDO, MEDD	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	STO-ES, APTL, EDTL, SDE, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, IDO, MEDD	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	STO-ES, APTL, EDTL, SDE, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, IDO, MEDD	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, IDO, MEDD	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, IDO, MEDD	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	STO-ES, APTL, EDTL, SDE, GMIA, MFA, ENDTL, TTE, STE, CEO, MWI, IDO, MEDD	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	GMIA, GMCP, MFA, MFS, CEO, MWI, MEDD	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	APTL, SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	APTL, SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	APTL, SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	APTL, SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	APTL, SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	APTL, SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	APTL, SDE, GMIA, GMCP, MFA, MFS, CEO, MWI, MEDD	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	STO-ES, APTL, SDE, GMIA, MFA, RSO, ENDTL, TTE, ES, CEO, MWI, DE, IDO, MEDD	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	SDE, GMIA, MFA, ENDTL, CEO, MWI, MEDD	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMIA, MFA, CEO, MWI, MEDD	Where Council is the responsible road authority

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Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions & Limitations
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	GMIA, MFA, CEO, MWI, MEED	Where Council is the responsible road authority
sch 7A cl 3(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	GMIA, MFA, CEO, MWI, MEED	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	GMCP, CTL, CEO, COC	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	GMCP, CTL, CEO, COC	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	GMCP, CTL, CEO, COC	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	GMCP, CTL, CEO, COC	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	GMCP, CTL, CEO, COC	

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Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	GMCP, CTL, CEO, COC	
r 30(2)	Power to release cremated human remains to certain persons	GMCP, CTL, CEO, COC	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	GMCP, CTL, CEO, COC	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	GMCP, CTL, CEO, COC	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	GMCP, CEO, COC	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	GMCP, CTL, CEO, COC	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	GMCP, CEO, COC	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	GMCP, CTL, CEO, COC	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	GMCP, CTL, CEO, COC	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	GMCP, CTL, CEO, COC	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	GMCP, CEO, COC	

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Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 40	Power to approve a person to play sport within a public cemetery	GMCP, CEO, COC	
r 41(1)	Power to approve fishing and bathing within a public cemetery	GMCP, CEO, COC	
r 42(1)	Power to approve hunting within a public cemetery	GMCP, CEO, COC	
r 43	Power to approve camping within a public cemetery	GMCP, CEO, COC	
r 45(1)	Power to approve the removal of plants within a public cemetery	GMCP, CTL, CEO, COC	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	GMCP, CTL, CEO, COC	
r 47(3)	Power to approve the use of fire in a public cemetery	GMCP, CTL, CEO, COC	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	GMCP, CTL, CEO, COC	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	N/A	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	GMCP, CTL, CEO, COC	See note above regarding model rules

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Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	GMCP, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	GMCP, CEO, COC	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	GMCP, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	GMCP, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	GMCP, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	GMCP, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	GMCP, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	GMCP, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	GMCP, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	GMCP, CEO	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	GMCP, CEO	See note above regarding model rules

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Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	GMCP, CTL, CEO, COC	See note above regarding model rules

Planning and Environment Regulations 2015			
Provision	Powers and Functions 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	SPM, MSP, GMHC, CEO, GMSG, 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.
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	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	MSP, GMHC, CEO, GMSG	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 in accordance with the public availability requirements	MSP, GMHC, CEO, GMSG	Where Council is not the responsible authority but the relevant land is within Council's municipal district

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Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
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	SPM, MSP, GMHC, CEO, GMSG, 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.

Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	SPM, GMCP, CEO	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MSP, CEO, GMSG	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	SPM, MSP, GMCP, MCC, CEO, GMSG	

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions & 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	SPM, MSP, GMHC, CEO, GMSG, 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.
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	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	
r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	MSP, GMHC, CEO, GMSG	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 in accordance with the public availability requirements	MSP, GMHC, CEO, GMSG	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	SPM, MSP, GMHC, CEO, GMSG, 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.
r.7	Function of entering into a written agreement with a caravan park owner	EHO, GMIA, MCC, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

January 2024



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions & Limitations
r 10	Function of receiving application for registration	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
r 11	Function of receiving application for renewal of registration	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHO, GMIA, MCC, SEHO, EHC	
r 12(4) & (5)	Duty to issue certificate of registration	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
r 14(1)	Function of receiving notice of transfer of ownership	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

January 2024

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions & Limitations
r 14(3)	Power to determine where notice of transfer is displayed	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 15(1)	Duty to transfer registration to new caravan park owner	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
r 15(2)	Duty to issue a certificate of transfer of registration	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	N/A	Statutory set and ratified by Council resolution
r 17	Duty to keep register of caravan parks	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
r 18(6)	Power to determine where certain information is displayed	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

January 2024

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions & Limitations
r 22(2)	Duty to consult with relevant emergency services agencies	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
r 25(3)	Duty to consult with relevant floodplain management authority	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 26	Duty to have regard to any report of the relevant fire authority	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHO, GMIA, MCC, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

January 2024

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions & Limitations
r 41(4)	Function of receiving installation certificate	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHO, GMIA, MCC, CEO, SEHO, EHC	
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHO, GMIA, LLO, MCC, APS, LLC, SLO, CEO, SEHO, EHC	

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions & 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	SPM, MSP, GMHC, CEO, GMSG, 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.
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	MSP, GMHC, PSP, TP, STP, TLSPA, CEO, GMSG	

S6 Instrument of Delegation Members of Staff

January 2024

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions & Limitations
r.25(a)	Duty to make copy of matter considered under section 60(1A)(g) in accordance with the public availability requirements	MSP, GMHC, CEO, GMSG	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 in accordance with the public availability requirements	MSP, GMHC, CEO, GMSG	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	SPM, MSP, GMHC, CEO, GMSG, 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.
r 7	Function of entering into a written agreement with a caravan park owner	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 10	Function of receiving application for registration	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
r 11	Function of receiving application for renewal of registration	EHO, GMIA, MCC, EHTO, CEHO, SEHO, EHC	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHO, GMIA, MCC, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

January 2024

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions & Limitations
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHO, GMIA, MCC, SEHO, EHC	
r 12(4) & (5)	Duty to issue certificate of registration	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
r 14(1)	Function of receiving notice of transfer of ownership	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
r 14(3)	Power to determine where notice of transfer is displayed	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 15(1)	Duty to transfer registration to new caravan park owner	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
r 15(2)	Duty to issue a certificate of transfer of registration	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

January 2024

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions & Limitations
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	N/A	Statutory set and ratified by Council resolution
r 17	Duty to keep register of caravan parks	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
r 18(4)	Power to determine where the emergency contact person's details are displayed	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
r 18(6)	Power to determine where certain information is displayed	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
r 22(2)	Duty to consult with relevant emergency services agencies	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	EHO, GMIA, MCC, EHTO, CEHO, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

January 2024

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions & Limitations
r 25(3)	Duty to consult with relevant floodplain management authority	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 26	Duty to have regard to any report of the relevant fire authority	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	EHO, GMIA, MCC, CEO, SEHO, EHC	
r 41(4)	Function of receiving installation certificate	EHO, GMIA, MCC, EHTO, CEO, SEHO, EHC	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	EHO, GMIA, MCC, CEO, SEHO, EHC	

S6 Instrument of Delegation Members of Staff

January 2024



Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions & Limitations
sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	EHO, GMIA, LLO, MCC, APS, LLC, SLO, CEO, SEHO, EHC	
r 8(1)	Duty to conduct reviews of road management plan	GMIA, MFA, CEO, MWI, MEEDD	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMIA, CEO, MWI, MEEDD	
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)	SASC, GMIA, CEO, MWI, MEEDD	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	GMIA, MFA, CEO, MWI, MEEDD	
r 13(1)	Duty to publish notice of amendments to road management plan	SASC, GMIA, MFA, CEO, MWI, MEEDD	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	GMIA, MFA, CEO, MEEDD	
r 16(3)	Power to issue permit	STO-ES, APTL, SDE, GMIA, MFA, CEO, MWI, MEEDD	Where Council is the coordinating road authority

S6 Instrument of Delegation Members of Staff

January 2024

Road Management (General) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions & Limitations
r 18(1)	Power to give written consent re damage to road	STO-ES, APTL, SDE, GMIA, MFA, CEO, MWI, MEDD	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	SDE, GMIA, CEO, MWI, MEDD	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	STO-ES, APTL, SASC, SDE, GMIA, CEO, MWI, MEDD	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	STO-ES, APTL, SDE, GMIA, CEO, MWI, MEDD	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	GMIA, CEO	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMIA, GMCP, MFS, CEO	

S6 Instrument of Delegation Members of Staff

January 2024

Road Management (Works and Infrastructure) Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	GMIA, MFA, CEO, MWI, MEED	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	GMIA, MFA, CEO, MWI, MEED	Where Council is the coordinating road authority

S6 Instrument of Delegation Members of Staff

January 2024

## 15.3 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

**File Number:** 18/02/05  
**Officer:** General Manager Corporate Performance

### 1. Summary

The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation. This report seeks Council's adoption of a new S11A Instrument. This instrument also allows the officer to commence legal proceedings in Council's name.

### 2. Recommendation

**That Council adopt the S11A Instrument of Appointment and Authorisation document as presented for Pauline Maltzis, Town Planner.**

### 3. Background

The *Planning and Environment Act 1987* was previously included in the S11 Instrument of Appointment which is delegated from the Chief Executive Officer to staff.

Council's solicitors have advised that these should be an individual instrument adopted by the Council.

### 4. Consultation Proposed/Undertaken

Consultation has been undertaken with Senior Management in the development of this instrument of delegation.

### 5. Discussion

Council's solicitor, Maddocks has provided Council with an S11A Instrument of Appointment and Authorisation document which requires Council to appoint officers by resolution, to be an authorised officer under the *Planning and Environment Act 1987* and also to be an authorised officer to commence proceedings in Council's name.

Adoption of the S11A Instrument of Appointment and Authorisation allows Council officers to conduct their normal business in relation to the *Planning and Environment Act 1987* and act in Council's name.

### 6. Time Frame

If adopted by Council the documents would come into force once the Common Seal is affixed.

**7. Strategic Plan Links**

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

*Outcome to be achieved:*

- Effective governance to deliver results in line with community expectations.

**8. Asset Management Policy/Plan Alignment**

There are no asset management implications associated with this report.

**9. Implications****Policy**

There are no policy implications associated with this report.

**Legal/Statutory**

This report aligns with section 313 of the Local Government Act 2020.

**Financial**

There are no financial implications associated with this report.

**Environmental**

There are no environmental implications associated with this report.

**Social**

There are no social implications associated with this report.

**Economic**

There are no economic implications associated with this report.

**10. Risk Assessment**

By adopting the recommendation, Council will not be exposed to any significant risk.

**11. Conflicts of Interest**

No conflicts of interest were declared during the preparation of this report.

**Attachments**

- 1↓ S11A Instrument of Appointment and Authorisation - Pauline Maltzis - Town Planner - January 2024

***S11A. Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)***



Mildura Rural City Council

**Mildura Rural City Council**

**Instrument of Appointment and Authorisation  
(*Planning and Environment Act 1987* only)**

for

**PAULINE MALTZIS  
TOWN PLANNER  
JANUARY 2024**

**Instrument of Appointment and Authorisation**

In this Instrument "**officer**" means -

**Pauline Maltzis**

By this Instrument of Appointment and Authorisation **Mildura Rural City Council** –

- 1. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the Regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and Regulations described in this Instrument.

**It is declared that** this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked; and
- (c) until the Officer ceases to be employed by Council.

This Instrument is authorised by a resolution of the Council on 25 January 2024

**THE COMMON SEAL** of the **MILDURA RURAL CITY** )  
**COUNCIL** was affixed hereto by authority of the )  
Council in the presence of: )  
)

..... **COUNCILLOR**

..... **COUNCILLOR**

..... **CHIEF EXECUTIVE OFFICER**

**DATE:**

S11A – Instrument of Appointment and Authorisation  
*Planning and Environment Act 1987*

## 15.4 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

**File Number:** 18/02/05  
**Officer:** General Manager Corporate Performance

### 1. Summary

The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation. This report seeks Council's adoption of a new S11A Instrument. This instrument also allows the officer to commence legal proceedings in Council's name.

### 2. Recommendation

**That Council adopt the S11A Instrument of Appointment and Authorisation document as presented for Tihana Kljajic, Town Planner.**

### 3. Background

The *Planning and Environment Act 1987* was previously included in the S11 Instrument of Appointment which is delegated from the Chief Executive Officer to staff.

Council's solicitors have advised that these should be an individual instrument adopted by the Council.

### 4. Consultation Proposed/Undertaken

Consultation has been undertaken with Senior Management in the development of this instrument of delegation.

### 5. Discussion

Council's solicitor, Maddocks has provided Council with an S11A Instrument of Appointment and Authorisation document which requires Council to appoint officers by resolution, to be an authorised officer under the *Planning and Environment Act 1987* and also to be an authorised officer to commence proceedings in Council's name.

Adoption of the S11A Instrument of Appointment and Authorisation allows Council officers to conduct their normal business in relation to the *Planning and Environment Act 1987* and act in Council's name.

### 6. Time Frame

If adopted by Council the documents would come into force once the Common Seal is affixed.



**7. Strategic Plan Links**

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

*Outcome to be achieved:*

- Effective governance to deliver results in line with community expectations.

**8. Asset Management Policy/Plan Alignment**

There are no asset management implications associated with this report.

**9. Implications**

**Policy**

There are no policy implications associated with this report.

**Legal/Statutory**

This report aligns with section 313 of the Local Government Act 2020.

**Financial**

There are no financial implications associated with this report.

**Environmental**

There are no environmental implications associated with this report.

**Social**

There are no social implications associated with this report.

**Economic**

There are no economic implications associated with this report.

**10. Risk Assessment**

By adopting the recommendation, Council will not be exposed to any significant risk.

**11. Conflicts of Interest**

No conflicts of interest were declared during the preparation of this report.

**Attachments**

- 1 [↓](#) S11A Instrument of Appointment and Authorisation - Tihana Kljajic - Town Planner - January 2024

***S11A. Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)***



Mildura Rural City Council

**Mildura Rural City Council**

**Instrument of Appointment and Authorisation  
(*Planning and Environment Act 1987* only)**

for

**TIHANA KLJAJIC  
TOWN PLANNER  
JANUARY 2024**

**Instrument of Appointment and Authorisation**

In this Instrument "officer" means -

**Tihana Kljajic**

By this Instrument of Appointment and Authorisation **Mildura Rural City Council** –

- 1. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the Regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and Regulations described in this Instrument.

**It is declared that** this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked; and
- (c) until the Officer ceases to be employed by Council.

This Instrument is authorised by a resolution of the Council on 25 January 2024

**THE COMMON SEAL** of the **MILDURA RURAL CITY** )

**COUNCIL** was affixed hereto by authority of the )

Council in the presence of: )

)

..... **COUNCILLOR**

..... **COUNCILLOR**

..... **CHIEF EXECUTIVE OFFICER**

**DATE:**

S11A – Instrument of Appointment and Authorisation  
*Planning and Environment Act 1987*

## 15.5 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

**File Number:** 18/02/05  
**Officer:** General Manager Corporate Performance

### 1. Summary

The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation. This report seeks Council's adoption of a new S11A Instrument. This instrument also allows the officer to commence legal proceedings in Council's name.

### 2. Recommendation

**That Council adopt the S11A Instrument of Appointment and Authorisation document as presented for Peter Shadwick, Principal Statutory Planner.**

### 3. Background

The *Planning and Environment Act 1987* was previously included in the S11 Instrument of Appointment which is delegated from the Chief Executive Officer to staff.

Council's solicitors have advised that these should be an individual instrument adopted by the Council.

### 4. Consultation Proposed/Undertaken

Consultation has been undertaken with Senior Management in the development of this instrument of delegation.

### 5. Discussion

Council's solicitor, Maddocks has provided Council with an S11A Instrument of Appointment and Authorisation document which requires Council to appoint officers by resolution, to be an authorised officer under the *Planning and Environment Act 1987* and also to be an authorised officer to commence proceedings in Council's name.

Adoption of the S11A Instrument of Appointment and Authorisation allows Council officers to conduct their normal business in relation to the *Planning and Environment Act 1987* and act in Council's name.

### 6. Time Frame

If adopted by Council the documents would come into force once the Common Seal is affixed.

**7. Strategic Plan Links**

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

*Outcome to be achieved:*

- Effective governance to deliver results in line with community expectations.

**8. Asset Management Policy/Plan Alignment**

There are no asset management implications associated with this report.

**9. Implications**

**Policy**

There are no policy implications associated with this report.

**Legal/Statutory**

This report aligns with section 313 of the Local Government Act 2020.

**Financial**

There are no financial implications associated with this report.

**Environmental**

There are no environmental implications associated with this report.

**Social**

There are no social implications associated with this report.

**Economic**

There are no economic implications associated with this report.

**10. Risk Assessment**

By adopting the recommendation, Council will not be exposed to any significant risk.

**11. Conflicts of Interest**

No conflicts of interest were declared during the preparation of this report.

**Attachments**

- 1↓ S11A Instrument of Appointment and Authorisation - Peter Shadwick - Principal Statutory Planner - January 2024

***S11A. Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)***



Mildura Rural City Council

**Mildura Rural City Council**

**Instrument of Appointment and Authorisation  
(*Planning and Environment Act 1987* only)**

for

**PETER SHADWICK  
PRINCIPAL STATUTORY PLANNER**

**JANUARY 2024**

**Instrument of Appointment and Authorisation**

In this Instrument "**officer**" means -

**Peter Shadwick**

By this Instrument of Appointment and Authorisation **Mildura Rural City Council** –

- 1. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the Regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and Regulations described in this Instrument.

**It is declared that** this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked; and
- (c) until the Officer ceases to be employed by Council.

This Instrument is authorised by a resolution of the Council on 25 January 2024.

**THE COMMON SEAL** of the **MILDURA RURAL CITY** )

**COUNCIL** was affixed hereto by authority of the )

Council in the presence of: )

)

..... **COUNCILLOR**

..... **COUNCILLOR**

..... **CHIEF EXECUTIVE OFFICER**

**DATE:**

S11A – Instrument of Appointment and Authorisation  
*Planning and Environment Act 1987*

## 15.6 ADOPTION OF S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION

**File Number:** 18/02/05  
**Officer:** General Manager Corporate Performance

### 1. Summary

The *Planning and Environment Act 1987* requires Council to appoint authorised officers by way of a S11A Instrument of Appointment and Authorisation. This report seeks Council's adoption of a new S11A Instrument. This instrument also allows the officer to commence legal proceedings in Council's name.

### 2. Recommendation

**That Council adopt the S11A Instrument of Appointment and Authorisation document as presented for Zebb McGlashan, Senior Town Planner.**

### 3. Background

The *Planning and Environment Act 1987* was previously included in the S11 Instrument of Appointment which is delegated from the Chief Executive Officer to staff.

Council's solicitors have advised that these should be an individual instrument adopted by the Council.

### 4. Consultation Proposed/Undertaken

Consultation has been undertaken with Senior Management in the development of this instrument of delegation.

### 5. Discussion

Council's solicitor, Maddocks has provided Council with an S11A Instrument of Appointment and Authorisation document which requires Council to appoint officers by resolution, to be an authorised officer under the *Planning and Environment Act 1987* and also to be an authorised officer to commence proceedings in Council's name.

Adoption of the S11A Instrument of Appointment and Authorisation allows Council officers to conduct their normal business in relation to the *Planning and Environment Act 1987* and act in Council's name.

### 6. Time Frame

If adopted by Council the documents would come into force once the Common Seal is affixed.



**7. Strategic Plan Links**

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

*Outcome to be achieved:*

- Effective governance to deliver results in line with community expectations.

**8. Asset Management Policy/Plan Alignment**

There are no asset management implications associated with this report.

**9. Implications****Policy**

There are no policy implications associated with this report.

**Legal/Statutory**

This report aligns with section 313 of the Local Government Act 2020.

**Financial**

There are no financial implications associated with this report.

**Environmental**

There are no environmental implications associated with this report.

**Social**

There are no social implications associated with this report.

**Economic**

There are no economic implications associated with this report.

**10. Risk Assessment**

By adopting the recommendation, Council will not be exposed to any significant risk.

**11. Conflicts of Interest**

No conflicts of interest were declared during the preparation of this report.

**Attachments**

- 1 [↓](#) S11A Instrument of Appointment and Authorisation - Zebb McGlashan - Senior Town Planner - January 2024

***S11A. Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)***



Mildura Rural City Council

**Mildura Rural City Council**

**Instrument of Appointment and Authorisation  
(*Planning and Environment Act 1987* only)**

for

**ZEBB MCGLASHAN  
SENIOR TOWN PLANNER**

**JANUARY 2024**

**Instrument of Appointment and Authorisation**

In this Instrument "officer" means -

**Zebb McGlashan**

By this Instrument of Appointment and Authorisation **Mildura Rural City Council** –

- 1. under section 147(4) of the *Planning and Environment Act 1987* – appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the Regulations made under that Act; and
- 2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and Regulations described in this Instrument.

**It is declared that** this Instrument –

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked; and
- (c) until the Officer ceases to be employed by Council.

This Instrument is authorised by a resolution of the Council on 25 January 2024

**THE COMMON SEAL** of the **MILDURA RURAL CITY** )  
**COUNCIL** was affixed hereto by authority of the )  
Council in the presence of: )  
)

..... **COUNCILLOR**

..... **COUNCILLOR**

..... **CHIEF EXECUTIVE OFFICER**

**DATE:**

S11A – Instrument of Appointment and Authorisation  
*Planning and Environment Act 1987*

## 15.7 ADOPTION OF INFRASTRUCTURE DESIGN POLICY CP032

**File Number:** 18/02/01  
**Officer:** General Manager Infrastructure & Assets

### 1. Summary

The purpose of this report is to present the Infrastructure Design Policy CP032 and seek Council's resolution to adopt the updated policy.

### 2. Recommendation

**That Council adopt the updated Infrastructure Design Policy CP032 reviewed in December 2023 as presented.**

### 3. Background

The purpose of this policy is to detail Council's infrastructure design requirements through the adoption of Council Standard Drawings.

The primary objectives of this Policy are to:

- Clearly document Council's requirements for the design and development of infrastructure that is or will become Council infrastructure
- Standardise development applications to expedite Council's Engineering approvals.

Ensure that design criteria are met for the development of infrastructure.

### 4. Consultation Proposed/Undertaken

Consultation has been undertaken with Council's Strategic Management Team.

### 5. Discussion

Council policies are developed and approved by Council to help govern how the organisation operates. They outline organisational decision-making processes and protocols for service delivery and civic administration.

Council has previously subscribed to the Infrastructure Design Manual (IDM) which was a joint initiative of Victorian rural and regional Councils working together to formulate and maintain a set of consistent requirements and standards for the design and development of infrastructure. Mildura Council has moved away from the standards drawings in the IDM and continue to develop our own standards appropriate our Council.

### 6. Time Frame

The updated policy will come into force if adopted by Council and will be reviewed every three years.

**7. Strategic Plan Links**

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

*Outcome to be achieved:*

- Accountable, trustworthy and efficient governance and operations that serve the interest of community

**8. Asset Management Policy/Plan Alignment**

There are no asset management implications associated with this report.

**9. Implications****Policy**

This report updates the current Infrastructure Design Policy CP032.

**Legal/Statutory**

This policy complies with all requirements under the *Local Government Act 2020*.

**Financial**

There are no financial implications associated with this report.

**Environmental**

There are no environmental implications associated with this report.

**Social**

There are no social implications associated with this report.

**Economic**

There are no economic implications associated with this report.

**10. Risk Assessment**

By adopting the recommendation, Council will not be exposed to any significant risk.

**11. Conflicts of Interest**

No conflicts of interest were declared during the preparation of this report.

**Attachments**

1 [↓](#) Infrastructure Design Policy CP032



Mildura Rural City Council

**Infrastructure Design Policy**

**Policy – CP032**

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Engineering Development & Delivery	Strategic Leadership Team	Council	December 2023	
<b>Trim File: 18/02/01</b>		<b>To be reviewed: December 2026</b>		
<b>Document Owner: Manager Engineering Development &amp; Delivery</b>		<b>Review Frequency: 3 years</b>		

**1. The purpose of this policy is**

To detail Council's infrastructure design requirements through the adoption of Council Standard Drawings.

**2. Policy Statement**

The primary objectives of this Policy are to:

- clearly document Council's requirements for the design and development of infrastructure that is or will become Council infrastructure
- standardise development applications to expedite Council's Engineering approvals
- ensure that design criteria is met for the development of infrastructure.

**3. Principles**

Council's standard drawings have been established to clearly document the requirements for the design and development of public infrastructure. The drawings also assist to expedite Council Engineering approvals and ensure that design criteria are met.

The Standard Drawings for civil works can be viewed, downloaded, and printed from Councils website. All drawings are presented in Adobe Acrobat format (PDF).

Standard Drawings for Civil Works will be updated and developed from time to time as required.

All Standard Drawings will have a date of the revision and the drawing number. It is the responsibility of the user to keep any copies up to date with the latest revision.

Mildura Rural City Council will not provide copies of standard drawings with contract documentation. It is the contractors' responsibility to obtain and maintain up-to-date copies of the standard drawings.

This Policy will:

- provide clarity and understanding of the standards required.
- provide transparency in the application of Council Infrastructure Standards
- ensuring infrastructure is fit for purpose and does not financially disadvantage the community.

**4. Implementation?**

- Manager Engineering Development & Delivery

**5. Definitions**

Developer(s)	The person or company that is responsible for the construction of development infrastructure
Development	The carrying out of building, engineering, mining or other operations on, over or under land or the making of any material change in the use of any building or other land
Infrastructure	Physical works including, but not limited to, roads, paths, playground and recreation equipment, landscaping and drainage systems (including retardation and treatment) and ancillary assets such as signs

**6. Legislation and other references**

**6.1 Legislation**

For further information related to this policy see:

- Victorian Planning and Environment Act 1987
- Victorian Subdivision Act 1988
- Victorian Road Management Act 2004

**6.2 Documents**

This Policy is implemented in conjunction with the following documents:

- Council's Asset Management Policy CP031
- Council's Asset Management Strategy 2020
- Mildura Planning Scheme

**6.3 Risk Assessment Reference**

*Please tick the corporate risk(s) that this policy is addressing.*

<b>Risk Category</b>	✓	<b>Risk Category</b>	✓
Asset Management	✓	Financial Sustainability	✓
Committees	✓	Human Resource Management	✓
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	✓
Contract Management	✓	Occupational Health & Safety	✓
Contract Tendering & Procurement	✓	Organisational Risk Management	✓
Corporate Governance	✓	Project Management	✓
Environmental Sustainability	✓	Public Image and Reputation	✓



## 15.8 ADOPTION OF REVISED DESIGN PLAN - DEAKIN AVENUE MEDIAN REDEVELOPMENT SEVENTH TO EIGHTH STREET

**File Number:** PROJ/1843  
**Officer:** General Manager Infrastructure & Assets

### 1. Summary

The purpose of this report is to approve the revised design plans of the Deakin Avenue Median Project between Seventh and Eighth Streets.

### 2. Recommendation

**That Council approve the revised design plans as presented for Deakin Avenue Median Redevelopment between Seventh and Eighth Street.**

### 3. Background

Deakin Avenue is a significant local landscape feature well known to both residents and visitors to the region.

In July 2006 Council adopted the final draft of the Deakin Avenue Masterplan. The Masterplan was intended to guide the ongoing development and management of the median and verge of Deakin Avenue from Seventh Street to Seventeenth Street. Further extrapolation of the masterplan was undertaken in 2011 and an amended and revised was subsequently adopted by Council.

The development of the plan was guided by a community-based steering committee in conjunction with community consultation. The master plan guides the long-term development and management of the avenue including garden beds, trees, monuments, sculptures, nature strips and landscape features.

The objectives of this project are to develop the central median to:

- Ensure the significance and character of the avenue is maintained,
- Mitigate the risk to the public from aging sugar gum trees,
- Protect and enhance existing memorials and statues,
- Renew an asset that is aging,
- Installation of historical “waypoint” signage and information,
- Preservation of historical items

### 4. Consultation Proposed/Undertaken

During the establishment and subsequent formalisation of the Deakin Avenue Masterplan Council has undertaken an extensive community consultation process.

Broad consultation was previously undertaken during the development of the Deakin Avenue Masterplan prior to adoption in 2006. A stakeholder engagement strategy was prepared by Hansen Partnership in consultation with the Project Control Group to determine how key stakeholders would be engaged to provide input into the design process. The final concept design proposed for Deakin Avenue from Seventh Street

to Tenth Street was placed on public exhibition for 28 days during August 2011. Eleven submissions were received, including a petition of approximately 97 residents which was reported to Council in October 2011.

## 5. Discussion

The scope of this project to align with the Deakin Avenue Masterplan includes:

- Replacement of existing trees and construction of a new central footpath with a focus on introducing colour through new plantings
- Feature lighting design in line with previous Deakin Avenue works
- Relocation of existing services (water, power, and optic fibre)
- A completed centre median from kerb line to kerb line including instant turf and mature plants and landscape features.
- Installation of a footpath similar to dimensions and specifications in the Deakin Avenue redevelopment between Ninth and Tenth Streets
- Installation of street furniture as required in line with previous design guidelines from previous sections of the Deakin Avenue redevelopment.
- Refurbishment of existing limestone structures in consultation with user groups
- Retention and rehabilitation of historically significant structures within the sections
- Installation of all infrastructure that will allow for access for people of all abilities.
- Replacement of the Public Toilet facility
- Provision of space for public art (either permanent or temporary displays)

Additions to the scope that is not detailed in the Deakin Avenue Masterplan:

- Inclusion of the Art Vault signage into the landscape



The landscaping consultant has been contacted to provide comment on the proposed exclusions regarding the final design and alignment with the approved masterplan.

Exclusions (Post Tender)	Architect Commentary	Council Response
Gallagher Lane crossing point – retain existing crossroad with minor works on kerb and channel to suit	There is need to do a review of the pedestrian crossing of this road as it will not be pedestrian priority. There may need to be extra signs, a formal crossing and/or tactile paving setback further from the kerb.	Engineering to undertake a review and redesign of the pedestrian crossing in accordance with the relevant standards.
Removed pergola	The reduced scope is similar to that of the removed items for the previous stage 8th-9th street. This was done with the possibility of installing various items later in the future. This does not compromise the integrity of the master plan and still demonstrates alignment with its intent	Noted.
Landscaping – reduced the number of plants from 3,400 to 1,600 plantings	Reduce the overall number of plantings. Be mindful to maintain density to reduce weeds.	Agreed and noted.
Reduce the number of palm tree replacements from 5 to 1 Replaced compacted gravel with grass areas	This is acceptable – furniture will need to be relocated to suit.  Add a palm tree to complete the exiting pattern, but leave the remaining palms in situ	Layout of the seating to be re-considered and altered to suit.  Agreed and noted.
Replaced unit pavers with acid etched concrete	Agreed, match up the path with the previous section using the acid etched concrete.	Noted.
Reduced the scope of works required in the water fountain (material selection and removal of the lighting)	Council was to ensure a minimal depth of water to the fountain pond. The needs to be maintained.	Changes are in the materials used and minimum water depth has been maintained in accordance with safety requirements.

**6. Time Frame**

Date	Milestone
2 January 2024	Council staff design briefing
18 January 2024	Councillor briefing and adoption of final design
25 January 2024	Adoption of the final design for Seventh to Eighth Streets

**7. Strategic Plan Links**

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Place

*Outcome to be achieved:*

- Diverse open spaces and public facilities that are well connected, accessible, resilient and promotes active healthy lifestyles.

**8. Asset Management Policy/Plan Alignment**

The proposed works are in accordance with the 2011 Deakin Avenue Masterplan.

**9. Implications**

**Policy**

The tender process for this contract has been undertaken in accordance with Council’s Procurement of Goods, Services and Works Policy.

**Legal/Statutory**

Section 186 of the Local Government Act 1989 requires contracts with a value exceeding \$150,000 for goods and services, and \$200,000 for works to be tendered.

**Financial**

The approved budget for this project is allocated from funding source as follows:

Funding Source	Amount
2023/24 Capital Works Program	\$767,530
Local Roads and Community Infrastructure Program – Phase 3	\$1,219,635
<b>TOTAL AVAILABLE</b>	<b>\$1,987,165</b>

**Environmental**

Environmental implications were outlined in the specification and have been taken into consideration during the evaluation process. The project will introduce sustainable water measures for the irrigation of trees, lawn, fountains and garden beds where required.

**Social**

Local content implications were outlined in the specification and have been taken into consideration during the evaluation process. Deakin Avenue is a significant local landscape feature, well known to both local residents and visitors to the region. The

landscape features along the median include a broad range of tree species, feature garden beds, memorials and statues. Council recognised the need to develop a Landscape Master Plan for the Avenue to guide management and development of the median to ensure the significance and character of the Avenue is maintained for future generations.

**Economic**

Economic implications were outlined in the specification and have been taken into consideration during the evaluation process.

**10. Risk Assessment**

By adopting the recommendation, Council will not be exposed to any significant risk.

**11. Conflicts of Interest**

No conflicts of interest were declared during the preparation of this report.

**Attachments**

- 1 [↓](#) Revised Design Plan - Deakin Avenue Median Redevelopment Seventh to Eighth Street



## 16 URGENT BUSINESS

Nil

## 17 COMMUNITY QUESTIONS

## 18 CONFIDENTIAL BUSINESS

### Recommendation

That Council resolve to move into confidential business to deal with the following matters as pursuant to Section 66(2) of the *Local Government Act 2020*:

### 18.1 ASSET ACQUISITION CONSIDERATIONS

Section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

Pursuant to section 66(5)(b) of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice the commercial position of Council, as various negotiations remain pending.

### 18.2 TENDER AWARD - DEAKIN AVENUE REDEVELOPMENT SEVENTH TO EIGHTH STREET - CONTRACT 2024/129

Section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

Pursuant to section 66(5)(a) of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this Agenda item, may prejudice the commercial position of Council, as various negotiations remain pending.

### 18.3 LIGHTSTATE CONTRACTUAL MATTERS

Section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that-

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

Pursuant to section 66(5)(b) of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this agenda item, may release private commercial information of the business subject to this report.

**19 CLOSURE**