

S13. Instrument of Delegation of CEO powers, duties and functions

Whitehorse City Council

Instrument of Delegation

by

the Chief Executive Officer

Instrument of Delegation of CEO powers, duties and functions

By this instrument of delegation, in exercise of the power conferred by s 47(2) of the *Local Government Act 2020*, I, Simon McMillan as Chief Executive Officer of Whitehorse City Council -

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

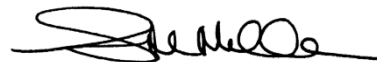
Abbreviation	means	Position Title
AMSTP		Assistant Manager Statutory Planning
Coords		Coordinators
CCI		Coordinator Corporate Information
CSTRP		Coordinator Strategic Planning
Ds		Directors
DCD		Director City Development
DCOR		Director Corporate Services
GPO		Governance Project Officer
Mgers		Managers
MCP&D		Manager City Planning & Development
MCS		Manager Community Safety
MD&BT		Manager Digital & Business Technology
MF&CP		Manager Finance & Corporate Performance
MH&FS		Manager Health & Family Services
MP&C		Manager People & Culture
MP&L		Manager Property & Leasing
MSC&CS		Manager Strategic Communications & Customer Service
MCHN		Maternal Child Health Nurse
MEMO		Municipal Emergency Management Officer
PDC		Protected Disclosure Coordinator

RA		Rates Administrator
RH&SL		Risk, Health & Safety Lead
SRAO		Senior Rates Administration Officer
TLECS		Team Leader Early Childhood Services
TLEH		Team Leader Environmental Health
TLG		Team Leader Governance
TLMCH		Team Leader Maternal Child Health
TLSTP		Team Leader Statutory Planning

3. record that on the coming into force of this Instrument of Delegation each delegation under the Instrument of Delegation dated 8 February 2021 and executed by Simon McMillan is revoked;
4. declare that this Instrument of Delegation -
 - 4.1 comes into force immediately upon its execution;
 - 4.2 remains in force until varied or revoked; and
 - 4.3 is subject to any conditions and limitations set out in paragraph 5, and in the Schedule; and
5. declare that the delegate must not determine the issue, take the action or do the act or thing if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation.

This instrument of delegation is dated 17 May 2021 and is made by the Chief Executive Officer.

SIGNED by the Chief Executive Officer of)
Whitehorse City Council)



Simon McMillan

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CHILD WELLBEING AND SAFETY ACT 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s 29(2)	Function of receiving written notice and consenting to inspection of relevant premises by the Commission for Children and Young People.	MH&FS, TLECS and TLMCH.	
s 29(3)	Power to consent to inspection of relevant premises without written notice by the Commission for Children and Young People.	MH&FS, TLECS and TLMCH.	
s 36	Duty to ensure that the Commission for Children and Young People is given any assistance reasonably required to perform functions.	MH&FS, TLECS and TLMCH.	
s 43	Function of receiving birth notice in certain circumstances.	MCHN.	
s 45	Duty to send a copy of birth notice to a nurse or the Secretary.	MCHN.	
s 46K(1)(g)	Power to authorise, in writing, a person employed or engaged by Council, in relation to childhood services implementation or policy, as a Child Link user.	MH&FS.	
s 46K(1)(h)	Power to authorise, in writing, a nurse employed or engaged by Council, to provide maternal and child health programs for a Maternal and Child Health Service, as a Child Link user.	MH&FS.	

EMERGENCY MANAGEMENT ACT 2013			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s 54(1)(a)(vii)	Power to nominate a person, position or role to be a member of the Regional Emergency Management Planning Committee.	Not delegated.	
s 59B(1)(b)	Power to nominate a member of Council staff to be the chairperson of the Municipal Emergency Management Planning Committee.	Not delegated.	
s 74E(3)	Function of receiving a copy of any Orders made by Governor in Council under this section.	MEMO.	

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50AC	Function of consulting with Sustainability Victoria prior to submission of State-wide Waste and Resource Infrastructure Plan to the Minister.	Not delegated.	The function remains with the CEO.
s 50BC	Function of consulting with Waste and Resource Recovery Group prior to submission of Regional Waste and Resource Recovery Implementation Plan to Sustainability Victoria.	Not delegated.	The function remains with the CEO.

FINES REFORM ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 175(1)(b)	Power to certify that exceptional circumstances apply requiring Council not to provide required information.	MCS.	Where Council is a 'specified agency'.

FIRE SERVICES PROPERTY LEVY ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66	Power to disclose information in capacity as a collection agency unless that information will or is likely to identify a particular person.	MF&CP and RA.	s 66 does not apply if the disclosure is permitted by, or is necessary for the administration of, this Act.
s 68	Power to authorise the secondary disclosure of information obtained under, or in relation to the administration of, this Act.	MF&CP and RA.	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50AB	Function of signing a certificate under this Act.	TLEH.	

FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 6W(4)	Duty to ensure that all officers and employees are informed about requirements of the professional standards.	TLG and GPO.	
s 8(2)	Duty to make certain documents available for inspection and purchase.	TLG and GPO.	
s 8(3)	Duty to cause to be prepared a corresponding document, altered only to the extent necessary to exclude exempt matter.	TLG and GPO.	
s 8(5)	Duty to cause the fact of the existence of a document to be published.	TLG and GPO.	
s 61E	Duty to co-operate with the Information Commissioner in dealing with a complaint.	TLG and GPO.	
s 61G	Function of consulting with the Information Commissioner.	TLG and GPO.	
s 61GA(1)(a)	Function of processing or identifying a reasonable sample of the documents upon notice from the Information Commissioner.	TLG and GPO.	Where the Information Commissioner (IC) believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents - subject of complaint under s 25A(1) or s 25A(5).

FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61GA(1)(b)	Function to undertake a further search, or cause a further search to be undertaken, for documents in the possession, custody or control of the agency or Minister, upon notice from the I C.	TLG and GPO.	Where the I C believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision.
s 61GA(2)	Duty to comply with requests under s 61GA(1) within the reasonable time stated in I C's notice, being not less than 10 business days.	TLG and GPO.	
s 61GA(3)	Power to apply for extension.	TLG and GPO.	
s 61H	Power to reach an agreement with a complaint.	TLG and GPO.	
s 61I(2)	Power to make submissions in relation to complaint.	TLG and GPO.	
s 61L(5)	Power to comment on and response to a draft recommendation or draft comment.	TLG and GPO.	
s 61R(4)	Power to respond to adverse material.	TLG.	
s 63BA(1)	Power to apply to Supreme Court for determination.	Not delegated.	The power remains with the CEO.
s 63BA(4)(a)	Power to make an application.	Not delegated.	The power remains with the CEO.
s 63E(3)(b)	Power to give written consent to a disclosure.	TLG and GPO.	
s 64B	Duty to give the Information Commissioner any information referred to in s 64(2).	TLG and GPO.	

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 41	Power of receiving information acquired by the Independent Broad-based Anti-corruption Commission (IBAC).	Not delegated.	The power remains with the CEO.
s 57	Duty to notify IBAC of any matter believed to constitute corrupt conduct.	Not delegated.	Subject to any exemption notices issued under s 57B.
s 57A(5)	Duty to comply with Directions made by IBAC under s 57A.	Not delegated.	The duty remains with the CEO.
s 59D(2)	Duty to comply with request by IBAC under s 59D for relevant information.	Not delegated.	The duty remains with the CEO.
s 73	Power of receiving a complaint pertaining to Council staff, under circumstances in which it would be more appropriate for Council to conduct the investigation.	Not delegated.	The power remains with the CEO.
s 159	Power of receiving IBAC recommendations about the action to be taken following an IBAC investigation.	Not delegated.	The power remains with the CEO.
s 162	Power of receiving and responding to an IBAC special report that includes matters pertaining to Council.	Not delegated.	The power remains with the CEO.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 163(3)	Power of receiving written information about the commencement, conduct or results of an IBAC investigation pertaining to Council.	Not delegated.	The power remains with the CEO.
s 165	Power of receiving and responding to IBAC material that includes matters pertaining to Council, to be published in the IBAC annual report.	Not delegated.	The power remains with the CEO.

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 32(4)(a)	Duty to ensure that the Councillor induction training is available to be taken by a Councillor from the day the Councillor takes the oath or affirmation of office.	Not delegated.	
s 32(4)(b)	Duty to provide reasonable assistance to a Councillor to enable them to access the Councillor induction training.	Not delegated.	
s 46(1)(a)	Function of supporting the Mayor and the Councillors in the performance of their roles.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(1)(b)	Function of ensuring the effective and efficient management of the day to day operations of the Council.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(3)(a)	Duty of establishing and maintaining an organisational structure for Council.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Responsibility for appointing, directing, managing and dismissing Council staff and for all other issues relating to Council staff.	Not delegated.	Note: This provision commences on 1 July 2021. Subject to s 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office.

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(3)(b)	Power to approve the filling of vacancies or creation, reclassification or abolition of positions within budget.	Ds and Mgers.	To approve the filling of vacancies only. Note: This provision commences on 1 July 2021. Subject to s 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office.
s 46(3)(b)	Power to fix salaries for vacant positions.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to approve the appointment, engagement or promotion of full time, part time and casual staff.	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021. Subject to s 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office.
s 46(3)(b)	Power to approve position descriptions.	MP&C.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to create or approve creation of new positions.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to conduct disciplinary action under relevant awards and policies.	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021.

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(3)(b)	Power to terminate or suspend the employment of, or to suspend from duty, a member of Council staff.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to conduct interviews for staff annual review.	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to authorise sick, annual and family leave.	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to authorise long service leave and compassionate leave.	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to authorise all forms of study and training leave and educational assistance.	Ds.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to approve leave without pay.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to authorise time sheets, higher duties, time-in-lieu, overtime and travel expense claims	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021. Approval for travel expense claims, remains with CEO.
s 46(3)(b)	Power to approve attendance at conferences and seminars by staff.	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021.

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(3)(b)	Power to approve attendance at training programs by staff.	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to give approval for staff to travel.	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021. Approval for interstate and overseas travel, remains with CEO.
s 46(3)(b)	Power to approve travel accommodation for staff.	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021. Approval for interstate and overseas accommodation, remains with CEO.
s 46(3)(b)	Power to sign Notice of Injury and Work Injury Form.	Ds, Mgers and Coords.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to approve claims under WorkCover excess.	RH&SL.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to approve expenses relating to an approved course of study for staff.	DCOR.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to approve staff engaging in other employment.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to determine acceptance or denial of liability in the event of a WorkCover claim.	Note delegated.	Note: This provision commences on 1 July 2021.

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(3)(b)	Power to sign Letter of Acceptance of Resignation.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to provide references on Council letterhead.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(3)(b)	Power to authorise access to a staff member's personal file.	MP&C.	Note: This provision commences on 1 July 2021.
s 46(4)(a)	Duty to develop and maintain a workforce plan that describes the organisational structure of the Council and specifies the projected staffing requirements for a period of at least 4 years and sets out measures to seek to ensure gender equality, diversity and inclusiveness.	MP&C.	Note: This provision commences on 1 July 2021.
s 46(4)(b)	Duty to inform the Council before an organisational restructure will affect the capacity of the Council to deliver the Council Plan is implemented.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(4)(c)	Duty to consult members of Council affected by a proposed organisational restructure, before the organisational restructure is implemented.	Not delegated.	Note: This provision commences on 1 July 2021.
s 46(5)	Duty to, in giving effect to gender equality, diversity and inclusiveness, comply with any processes and requirements prescribed by the regulations for the purposes of this section of this Act.	Not delegated.	Note: This provision commences on 1 July 2021.

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(6)	Duty to ensure that the Mayor, Deputy Mayor, Councillors and members of Council staff have access to the workforce plan.	Not delegated.	Note: This provision commences on 1 July 2021.
s 47(6)	Duty to submit an annual report to the Council in relation to the activities and performance of a Community Asset Committee in respect of which the members have been given a delegation under this section.	Not delegated.	
s 47(7)	Duty to keep a register of delegation under section 47 of this Act.	TLG and GPO.	
s 48(1)	Duty to appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be performed.	Not delegated.	Note: This provision commences on 1 July 2021. Subject to s 48(6) prohibiting appointment of person who has been a Cr of the Council within 2yrs after person ceases to hold office.
s 48(2)	Duty to adopt and maintain a recruitment policy addressing the matters listed in s 48(2).	MP&C.	Note: This provision commences on 1 July 2021.
s 49(1)	Duty to develop and implement a code of conduct for members of Council staff.	Not delegated.	Must develop/ implement first code of conduct within 6 mths of start of section. Note: This provision commences on 1 July 2021

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 49(4)	Duty to ensure that members of Council staff have access to the code of conduct for members of Council staff.	MP&C.	Note: This provision commences on 1 July 2021.
s 54(6)	Duty to ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee.	DCOR.	
s 97(1)	Duty to ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.	DCOR and MF&CP.	
s 109(2)	Duty to ensure that any report of the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.	DCOR and MF&CP.	Note: This provision commences on 1 July 2021.
s 121	Function of receiving application for land information certificate.	RA.	Note: This provision commences on 1 July 2021.
s 122	Function of receiving acquisition notice.	RA.	Note: This provision commences on 1 July 2021

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 130(7)	Duty to notify the Chief Municipal Inspector as soon as practicable after the CEO becomes aware that a relevant person, who is a member of Council staff, has failed to disclose a conflict of interest.	Not delegated.	
s 130(8)	Duty to notify the Council if a relevant person, who is not a Councillor or member of Council staff, fails to disclose a conflict of interest and make a recommendation to the Council as to the action that is to be taken.	Not delegated.	
s 132(1)	Power to nominate a 'nominated officer'.	Not delegated.	
s 133	Function of receiving an initial personal interest return.	TLG.	
s 134	Function of receiving a biannual personal interest return.	TLG.	
s 135(1)	Duty to prepare a summary of the personal interests information disclosed in the last personal interest return lodged with the CEO.	TLG.	
s 135(3)	Duty to ensure the summary of personal interests is published on the Council's Internet site and available for inspection at the Council office.	TLG.	

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 136(1)	Duty to ensure that personal interests return are kept in accordance with the Public Records Act 1973.	CCI.	
s 136(2)	Duty to ensure that only the “specified persons’ have access to or can inspect a personal interests return.	TLG.	
s 150(1)	Duty to appoint the Cr Conduct Officer and notify the Principal Cr Conduct Registrar of the appointment.	Not delegated.	
s 230(16)	Duty to summon a Council meeting within 14 days after the public declaration of the election result.	Not delegated.	
s 240(10)	Duty to send notice.	MF&CP and RA.	
s 240(11)	Duty to send notice.	MF&CP and RA.	
s 240(12)	Duty to send notice.	MF&CP and RA.	
s 246(1)	Duty to enrol a person following receipt of a written application for enrolment unless she or he believes the person is not entitled to be enrolled.	MF&CP and RA.	
s 246(2)	Power to refuse enrolment and duty to give written reasons for refusal application for enrolment.	MF&CP and RA.	

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 246(3)	Power to request information orally or in writing to enable her or him to determine a person's eligibility for enrolment.	MF&CP and RA.	
s 246(4)	Power to require information to be given in writing and signed by the person giving the information.	MF&CP and RA.	
s 247(3)	Power to decide whether address should be placed on voters' roll and to then take action accordingly.	MF&CP and RA.	
s 247(4)	Duty to notify the person in writing of a decision to grant or refuse a request to remove the person's address from Council voters' roll,	MF&CP and RA.	
s 248(1)	Duty to supply to VEC list of voters who appear to be entitled to be enrolled as ratepayers or corporation representatives and any information required by VEC to compile or amend the voters roll.	MF&CP and RA.	
s 248(2)	Power to include in list supplied to VEC people that address on rate notice is outside of municipal district.	MF&CP and RA.	For the purposes of s 243.
s 254(1)	Power to use the Council voters' roll for communicating or consulting the local community on the performance of the Council functions.	MF&CP and RA.	Subject to s 254(2)(a) and (b).
s 254(2)	Duty to obtain undertaking.	MF&CP and RA.	

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 254(4)	Power to request VEC provide a copy of voters' roll.	MF&CP and RA.	
s 258(8)	Duty to notify the Minister and VEC that an extraordinary vacancy has occurred within 3 days of receiving a written resignation from a Councillor or becoming aware of an extraordinary vacancy.	Not delegated.	
s 306(1)	Function of receiving election campaign donation return.	Not delegated.	
s 307(1)(a)	Duty to submit a report to the Minister specifying details of the candidates in the election and who submitted an election campaign donation return within 14 days after the period specified in s 360(1).	Not delegated.	
s 307(2)	Duty to provide a summary of each election campaign donation return given to CEO on the council's Internet site.	TLG and GPO.	
s 307(3)	Duty to ensure that a summary of the return is made available on the Council's Internet.	TLG and GPO.	
s 308(2)	Duty to ensure that a summary of an election campaign donation return is made available on the Council's Internet site until the close of the roll for the next general election.	TLG and GPO.	

LOCAL GOVERNMENT ACT 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 308(3)	Duty to ensure that a copy of an election campaign donation return is available for inspection at the Council's office for a period of 4 years from the date specified in s 360(1).	TLG and GPO.	
s 313(2)	Power to represent the Council in all respects as though the person was the party concerned in any proceedings in which the Council is a party or has an interest.	Not delegated.	
s 324(2)	Power to sign a certificate certifying any matter relating to the contents of any document kept by a Council.	DCOR.	Subject to limitations below: <ul style="list-style-type: none"> • Documents in relation to proceedings under Domestic Animals Act 1994; • Documents in relation to proceedings under Food Act 1984, Tobacco Act 1987 and Public Health and Wellbeing Act 2008; remains with CEO.

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 94A(2)	Power to appoint members of Council staff to enable the statutory functions of Council or the Chief Executive Officer to be carried-out.	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Responsibility for appointing, directing, managing and dismissing Council staff and for all other issues relating to Council staff.	Ds, Mgers and Coords. Not delegated.	Note: This provision will be repealed on 1 July 2021. To dismiss Council staff remains with the CEO.
s 94A(3)	Power to approve the filling of vacancies or the creation, reclassification, or abolition of positions within budget.	Ds and Mgers. Not delegated.	Note: This provision will be repealed on 1 July 2021. To approve the creation, reclassification, or abolition of positions within budget, remains with the CEO.
s 94A(3)	Power to fix salaries for vacant positions.	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to approve the appointment, engagement or promotion of full time, part time and casual staff.	Ds, Mgers and Coords.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to approve position descriptions.	MP&C.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to create or approve creation of new positions.	Not delegated.	Note: This provision will be repealed on 1 July 2021.

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 94A(3)	Power to conduct disciplinary action under relevant awards and policies.	Ds, Mgers and Coords.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to terminate or suspend the employment of, or to suspend from duty, a member of Council staff.	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to conduct interviews for staff annual review.	Ds, Mgers and Coords.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to authorise sick, annual and family leave.	Ds, Mgers and Coords.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to approve long service leave and compassionate leave.	Ds, Mgers and Coords.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to authorise all forms of study and training leave and educational assistance.	Ds.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to approve leave without pay.	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to authorise time sheets, higher duties, time-in-lieu, overtime and travel expense claims.	Ds, Mgers and Coords. Not delegated.	Note: This provision will be repealed on 1 July 2021. To authorise travel expense claims remains with the CEO.

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 94A(3)	Power to approve attendance at conferences and seminars.	Ds, Mgers and Coords.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to approve attendance at training programs.	Ds, Mgers and Coords. Not delegated.	Note: This provision will be repealed on 1 July 2021. For attendance at interstate or overseas training programs, this power remains with the CEO.
s 94A(3)	Power to give approval for officers to travel.	Ds, Mgers and Coords. Not delegated.	Note: This provision will be repealed on 1 July 2021. For travel interstate and overseas, this power remains with the CEO.
s 94A(3)	Power to approve travel accommodation.	Ds, Mgers and Coords. Not delegated.	Note: This provision will be repealed on 1 July 2021. For travel interstate and overseas, this power remains with the CEO.
s 94A(3)	Power to sign Notice of Injury and Work Injury Form.	Ds, Mgers and Coords.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to approve claims under WorkCover excess.	RH&SL.	Note: This provision will be repealed on 1 July 2021.

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 94A(3)	Power to approve expenses relating to an approved course of study.	DCOR.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to approve staff engaging in other employment.	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to determine acceptance or denial of liability in the event of a WorkCover claim.	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to sign Letter of Acceptance of Resignation.	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to provide references on Council letterhead.	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 94A(3)	Power to authorise access to a staff member's personal file.	MP&C.	Note: This provision will be repealed on 1 July 2021.
s 94A(3A)	Responsibility for managing interactions between Council staff and Councillors, including by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between Council staff and Councillors.	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 94B(1)	Power to appoint a senior officer.	Not delegated.	Note: This provision will be repealed on 1 July 2021. Subject to prescribed notice requirements.

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			Notice requirements do not apply when appointing an acting senior officer for a period of less than 12 months (s 94B(2)).
s 94B(3)	Duty to ensure that a person who has filled a senior officer's position on an acting basis for 12 months is not remunerated in any way for anything the person does in respect of that position after that 12 month period (unless subsection (1) applies).	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 94D	Duty to give Council staff an opportunity to apply for any vacant permanent full-time Council staff position.	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 95AA(1)	Duty to develop and implement a code of conduct for Council staff in accordance with 'any matters which are prescribed for the purposes of this section' (s 95AA(2)).	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 95AA(3)	Duty to ensure members of Council staff have access to the code of conduct for Council staff.	MP&C.	Note: This provision will be repealed on 1 July 2021.
s 95B(5)	Duty to comply with a notice under s 95B(3)(b).	Not delegated.	Note: This provision will be repealed on 1 July 2021.
s 95B(6)	Duty to employ a person on an acting basis where the Council or the Chief Executive officer is forbidden to fill a vacancy by a notice.	Not delegated.	Note: This provision will be repealed on 1 July 2021.

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97A(2)	Duty to review the performance of every senior officer at least once each year.	Ds	Note: This provision will be repealed on 1 July 2021.
s 181G	Duty to ensure that quarterly statement prepared under s 138 of <i>Local Government Act 1989</i> includes relevant details of environmental upgrades and charges.	MF&CP.	
s 229(2)(b)	Function of receiving an application for a land information certificate.	RA.	Note: This provision will be repealed on 1 July 2021.
s 230	Function of receiving notice in relation to the disposition of any land.	RA.	Note: This provision will be repealed on 1 July 2021.
s 231	Function of receiving notice in relation to the acquisition of any land.	RA.	Note: This provision will be repealed on 1 July 2021.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 140	Power to certify copies of instruments, documents, maps or plans under this Act.	DCD, MCP&D, AMSTP, STPTL and CSTRP.	Where the Council is the relevant responsible authority.
s 141	Power to provide evidentiary statement pertaining to land use and permits under this Act.	DCD, MCP&D, AMSTP, STPTL and CSTRP.	Where the Council is the relevant responsible authority.
s 143	Power to provide evidentiary statement pertaining to s 173 agreements under this Act.	DCD, MCP&D, AMSTP, STPTL and CSTRP.	Where the Council is the relevant responsible authority.

PUBLIC HEALTH AND WELLBEING ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 226(2)	Power to sign evidentiary certificates under this Act.	Not delegated.	Note: Refers to an application for an injunction.

PUBLIC INTEREST DISCLOSURES ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(2)	Function of receiving a disclosure	PDC.	

ROOMING HOUSE OPERATORS ACT 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4	Function of liaising with Business Licensing Authority.	TLEH.	
s 15(1)	Duty to provide information to Business Licensing Authority on request.	TLEH.	
s 15(2)	Duty to give a report to Business Licensing Authority on inquiries made in response to request under s 15(1).	TLEH.	
s 24(2)	Duty to give a report to Business Licensing Authority on inquiries made in response to request under s 24(1).	TLEH.	

SERVICE VICTORIA ACT 2018			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			The purpose of this Act are to provide for: a) the delivery of Government services to the public by Service Victoria; and b) a regulatory framework for the provision of identity verification functions by the Service Victoria CEO.
s 5(2)	Function of receiving a copy of the agreement made under s 5(1).	DCOR.	
s 5(4)	Function of receiving a copy of a notice under s 5(3).	DCOR.	
s 6	Duty to use best endeavours to give effect to a notice under s 5(3) which applies to Council.	DCOR.	
s 7(3)	Function of receiving a copy of the agreement made under s 7(1).	DCOR.	
s 7(4)	Function of receiving a copy of a notice under s 7(3).	DCOR.	
s 8(2)	Power to delegate the transferred customer service function to any person or class of person employed by, or acting on behalf of, the service agency from which the function is transferred.	Not delegated.	Where Council's CEO has been transferred a transferred customer service function.

SERVICE VICTORIA ACT 2018			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 10(2)	Function of receiving a copy of the agreement made under s 10(1).	DCOR.	
s 10(4)	Function of receiving a copy of a notice under s 10(3).	DCOR.	
s 11	Duty to use best endeavours to give effect to a notice under s 10(3) which applies to Council.	DCOR.	
s 12(3)	Function of receiving a copy of the agreement made under s 12(1).	DCOR.	
s 12(4)	Function of receiving a copy of a notice under s 12(2).	DCOR.	
s 13(2)	Power to delegate the transferred identity verification function to any person or class of person employed by, or acting on behalf of, the service agency from which the function is transferred.	Not delegated.	Where Council's CEO has been transferred a transferred identity verification function.

SHERIFF ACT 2009			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54	Power to exempt Council from providing information to the Sheriff otherwise authorised by a warrant if exceptional circumstances apply.	MCS.	

VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 3(5)(ba)	Power to request valuations of land.	MP&L.	

VICTORIAN DATA SHARING ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8(1)	Function of receiving a written notice to provide the Chief Data Officer with data held by Council and data that is specified in the Chief Data Officer's notice.	DCOR and MD&BT.	
s 11(1)	Function of receiving a written notice to provide information about Council's data holding.	DCOR and MD&BT.	
s 15(1)	Power to disclose identifiable data to the Chief Data Officer in response to a request under s 8.	DCOR and MD&BT.	In accordance with s 5.
s 15(2)	Power to disclose identifiable data to a data analytics body for the purpose of data integration.	DCOR and MD&BT.	In accordance with s 5.
s 21	Duty to inform the Chief Data Officer of the secrecy provisions which apply to the disclosed data.	DCOR and MD&BT.	Where the CEO is aware of secrecy provisions that apply to data that they have disclosed in accordance with this Act.

VICTORIAN INSPECTORATE ACT 2011			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 87(2)	Function of responding to adverse material the Victorian Inspectorate intends to include in a report.	Not delegated.	The function remains with the CEO.
s 91(2)	Function of responding to adverse material the Victorian Inspectorate intends to include in annual report.	Not delegated.	The function remains with the CEO.

LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2020			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15(1)	Duty to provide details of a person's entitlement to be enrolled as a ratepayer on the voters' roll.	RA and SRAO.	
r 15(2)	Power to exchange relevant information to enrolment entitlements with the VEC.	RA and SRAO.	
r 18	Duty to maintain a list of silent voters.	RA and SRAO.	
r 19	Duty to ensure that only authorised persons have access to details of silent voters.	RA and SRAO.	
r 33	Duty to cause the Local Government Candidate Training to be conducted.	TLG.	
r 34	Function of receiving prescribed information from person undertaking Local Government Candidate Training.	TLG.	
r 35	Duty to keep a register of attendance.	TLG.	
r 36(2)	Duty to comply with notice under subsection (1).	TLG.	
r 83	Duty to submit report on election received by the VEC to Council.	TLG.	

LOCAL GOVERNMENT (GOVERNANCE AND INTEGRITY) REGULATIONS 2020			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 5(b)	Power to approve the taking of the oath or affirmation of office by means of an audio visual link for the purposes of s 30 of the <i>Local Government Act 2020</i> .	Not delegated.	The power remains with the CEO.