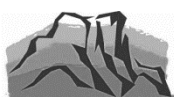


# AUDIT & RISK COMMITTEE CHARTER



**Horsham Rural City**  
Council urban rural balance

# AUDIT & RISK COMMITTEE CHARTER

## Contents

|  |   |
|--|---|
| 1. PURPOSE OF CHARTER .....                        | 2 |
| 2. COMMITTEE’S DUTIES AND RESPONSIBILITIES .....   | 2 |
| Financial Reporting.....                           | 2 |
| External Audit.....                                | 3 |
| System of Internal Control .....                   | 3 |
| Internal Audit .....                               | 3 |
| Risk Management.....                               | 4 |
| Ethical Behaviour.....                             | 5 |
| Matters Referred to the Committee by Council ..... | 5 |
| 3. COMMITTEE OPERATIONS .....                      | 5 |
| Meetings.....                                      | 5 |
| Reporting.....                                     | 6 |
| 4. COMMITTEE GOVERNANCE .....                      | 6 |
| Membership .....                                   | 6 |
| Terms of Appointment .....                         | 7 |
| Performance Evaluation.....                        | 8 |
| Conduct .....                                      | 8 |
| Review of Committee Charter.....                   | 9 |

## 1. PURPOSE OF CHARTER

The Audit & Risk Committee (the 'Committee') is an independent advisory committee to Council established under section 53 of the *Local Government Act 2020* (the Act).

The Committee Charter (the 'Charter') has been developed with regard to '*Audit Committees – A Guide to Good Practice for Local Government*', January 2011 issued by the Minister for Local Government and Victorian Auditor-General's report on *Audit Committee Governance* issued in August 2016 and under section 54 of the Act.

The Charter sets out the Committee's objectives, authority, composition and tenure, roles and responsibilities and reporting, administrative and governance arrangements.

The Committee's objective is to provide appropriate independent advice and recommendations to Council on matters relevant to the Committee's Charter in order to facilitate decision-making by Council in relation to the discharge of Council's accountability requirements.

The Committee is an Advisory Committee and does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The Committee will provide oversight and guidance on the following matters:

- Council financial performance reporting;
- Compliance of Council policies and procedures with the Act, particularly the governance principles;
- The effectiveness of the management and reporting of Council's risk management and fraud and corruption prevention;
- The effectiveness of Council's system of internal controls;
- The effectiveness of the internal and external audit functions; and
- The provision of an effective means of communication between the external auditor, internal audit, management and the Council.

The Committees has an established Annual Work Program to enable it to discharge its responsibilities effectively pursuant to the requirements of the Charter and reviews the Annual Work Program at least once yearly.

## 2. COMMITTEE'S DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Committee include:

### Financial Reporting

---

The Committee will:

2.1 Review Council's draft annual financial report and annual performance statement, focusing on:

- The reporting requirements of accounting policies and Approved Accounting Standards;
- Changes in accounting policies and Approved Accounting Standards (the 'Standards');
- The assumptions used and processes applied in making significant accounting estimates;
- Significant adjustments to the financial report (if any) arising from the audit process;
- Compliance with Standards and other reporting requirements of financial and non-financial information; and

- Significant changes to the content of reports, the operating results, financial position and performance indicators in comparison to the previous year.
- 2.2 Review and recommend adoption of the Annual Financial and Performance Statements to Council and review any significant changes and the reasons for the changes that may arise subsequent to any such recommendation but before the financial report is signed.
- 2.3 Review the completeness of corporate governance processes as prescribed in the Governance and Management Checklist of the Local Government (Planning and Reporting) Regulations 2014.

## External Audit

---

The Committee will:

- 2.4 Be briefed at least annually by the External Auditor on the audit strategy prior to the commencement of each year's audit process.
- 2.5 Discuss and review with the External Auditor the scope and the planning of the audit.
- 2.6 Discuss and review with the External Auditor issues arising from the external audit, including all significant Management Letter items and the potential impact of those items on Council's system of internal control.
- 2.7 Ensure significant findings and recommendations made by the external auditor and management's responses are received, discussed and appropriately actioned by management.
- 2.8 Review on an annual basis the performance of the External Auditor.

## System of Internal Control

---

The Committee will:

- 2.9 Maintain an awareness of local government performance audits undertaken by VAGO and any other relevant reviews undertaken by Australian and Victorian public sector integrity bodies, including the Independent Broad-Based Anti-Corruption Commission (IBAC), the Local Government Inspectorate and the Victorian Ombudsman and consider relevant recommendations for action or implementation where appropriate.
- 2.10 Confirm that management are aware of these external reviews and have considered the relevant recommendations for action or implementation.
- 2.11 Review the adequacy and effectiveness of key systems and controls as a basis for providing a sound internal control framework.
- 2.12 Ensuring that key policies, procedures, systems and controls are reviewed regularly and updated where required.

## Internal Audit

---

The Committee will:

- 2.13 Be kept informed by Council Officers of any process to appoint or terminate the Council's internal audit service provider.



- 2.14 Recommend to Council the approval of the Internal Audit Plan for the coming year.
- 2.15 Review the level of resources allocated to internal audit and the scope of its authority.
- 2.16 Review the scope of the Internal Audit Plan and the effectiveness of the function. This review should consider whether, over a period of three (3) years the Internal Audit Plan systemically addresses:
  - 2.16.1 Internal controls over significant areas of risk, including non-financial management control systems;
  - 2.16.2 Internal controls over revenue, expenditure assets and liability processes;
  - 2.16.3 The efficiency, effectiveness and economy of significant Council programs; and
  - 2.16.4 Compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
- 2.17 Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or the Chief Executive Officer.
- 2.18 Review internal audit reports and monitor the implementation of recommendations by management.
- 2.19 Facilitate liaison between the Internal and External Auditors to promote compatibility, to the extent appropriate, between their audit programs.
- 2.20 Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's Charter. Review management's response to, and actions taken as a result of, the issues raised.
- 2.21 Review on an annual basis the performance of the Internal Auditor, including adherence to appropriate, professional and quality standards, and where performance is not considered satisfactory, report to Council and make recommendations, which may, in extreme cases, include a recommendation that Council terminate the Internal Audit contract and undertake a tender process for the appointment of a new internal auditor.
- 2.22 Ensure that a representative(s) of the Committee and a member of Council's Executive Management Team (EMT) not directly involved in the management of the internal audit contract are included on the tender evaluation panel tasked with making recommendations to Council for the appointment of a new Internal Auditor.

## Risk Management

---

The Committee will:

- 2.23 Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems in place to report to Councils risk profile and changes to it.
- 2.24 Monitor reported related party transactions, monitor the implementation of recommendations arising from reports presented and review the effectiveness of Council's internal control systems.
- 2.25 Provide oversight of Council's Risk Management Framework and activities conducted by the Internal and External Auditors and any other assurance providers to give assurance over that framework.
- 2.26 Escalate to Council when the Committee feels that management is not responding as it should on concerns about the Risk Management Framework.

## Ethical Behaviour

---

The Committee will:

- 2.27 Receive updates from management of any suspected cases of fraud, corruption or serious misconduct impacting Council without jeopardising the privacy of any parties (where appropriate).
- 2.28 Recommend any specific measures or investigations identified as necessary or desirable by the Committee to the Council and / or management.
- 2.29 Monitor any breaches of ethical standards and monitor the implementation of recommendations arising from reports presented to the Committee.
- 2.30 Monitor and provide advice on fraud prevention systems and controls.
- 2.31 Receive reports on any subsequent investigation, including the investigation of any suspected cases of fraud, corruption, serious misconduct or breaches of conflict of interest.
- 2.32 Review the findings of any examinations by regulatory or other independent agencies, and any auditor (internal or external) observations and confirm that management have taken appropriate action as a result of the findings.

## Matters Referred to the Committee by Council

---

- 2.33 The Committee will address issues brought to its attention, including responding to requests from Council for advice.

## 3. COMMITTEE OPERATIONS

### Meetings

---

The following requirements will apply to meetings of the Committee:

- 3.1 The Committee shall meet as required, but at least quarterly, each year.
- 3.2 The Chief Executive Officer and Internal Auditor should attend all meetings, except when the Committee chooses to meet in camera.
- 3.3 Other members of Council or Council staff may be invited to attend at the discretion of the Committee and Chief Executive Officer to advise and provide information when required.
- 3.4 The Committee, without management present, will meet separately with the Internal Auditor and the External Auditor as available, for every meeting, but not less than annually, to discuss any issues of relevant interest.
- 3.5 Representatives of the External Auditor will attend a meeting to consider the draft annual financial report and results of the external audit and may be invited to attend other meetings at the discretion of the Committee.
- 3.6 A schedule of meetings will be developed and agreed by members. As an indicative guide, meetings will be arranged to coincide with relevant Council reporting deadlines.
- 3.7 Additional meetings shall be convened at the discretion of the Chair or at the written request of any two members of the Committee; the Internal Auditor; or the External Auditor.

- 3.8 The agenda and supporting documentation will be circulated to members of the Committee at least one (1) week in advance or each meeting.
- 3.9 Minutes will be prepared within one (1) week of the meeting for approval by the Chair and shall be distributed to Committee members within two (2) weeks of the meeting. Any items designated as “Confidential” by the Committee (which must only be on the basis that the item is considered to be confidential pursuant to the Local Government Act 2020) will be noted in separate Confidential Minutes of the Committee.
- 3.10 The Chair will sign the minutes following confirmation of the minutes at a subsequent meeting.
- 3.11 The unconfirmed minutes will be reported to the Council within two months of the Committee meeting, with any Confidential Minutes reported to a Confidential Council meeting.
- 3.12 The Corporate Services Directorate shall provide secretarial and administrative support to the Committee.

## Reporting

---

- 3.13 The Committee may report to Council on any matters of significance as determined by the Committee.
- 3.14 The Committee will undertake an annual assessment of its performance against the Audit and Risk Committee Charter and provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting.
- 3.15 The Committee Chair must provide a biannual report to the Chief Executive Officer which:
  - 3.15.1 Summarises the activities of the Committee during the past six (6) months;
  - 3.15.2 Provides any findings and recommendations in relation to the functions of the Committee; and
  - 3.15.3 Requests that the Chief Executive Officer table this report at the next Council meeting.
- 3.16 The Chair is entitled to attend any Council Briefings meeting at any other time to bring any particular matters to the attention of Councillors which the Chair or Committee sees fit. Such meetings may be held with or without management present at the determination of the Chair following consultation with the Mayor.
- 3.17 The Committee Charter and details of its members will be published on Council’s website.
- 3.18 Council’s Annual Report will contain information on the composition of the Committee, the number of meetings held and attended by Committee members, audit processes, details of any remuneration paid to independent members during the reporting period and a summary of work completed by the Internal and External Auditors during the year.

## 3 COMMITTEE GOVERNANCE

### Membership

---

- 4.1 The Committee will be comprised of five members:
  - One (1) independent Chair;
  - Two (2) independent members; and
  - Two (2) Councillors (one of whom is the Mayor)

All members will have full and equal voting rights unless a member is unable to vote due to a conflict of interest.

The following requirements will apply to members and the appointment thereof:

- 4.2 Council will appoint Committee members and the appointment thereof;
- 4.3 A quorum of any meeting will be at least two independent members (which may include the Chair) and at least one Councillor member;
- 4.4 Committee members can attend the meeting via dial-in or video conference, and will be included as part of the quorum; and
- 4.5 The Chair will be an independent member of the Committee and will have a casting vote on occasions where there is an equal tally of votes on a matter. In the absence of the appointed Chair from a meeting, the Committee will appoint an Acting Chair from the independent members present.

## Terms of Appointment

---

- 4.6 New independent member appointments will be publicly advertised in the local newspapers, Council's website, online 'Directorships Opportunities' listing provided by the Australian Institute of Company Directors and other channels.
- 4.7 The Recruitment and Selection process for appointment to the Committee will consist of:
  - 4.7.1 In the case of the Councillor members:  
Appointment and selection by the Council
  - 4.7.2 In the case of the Committee Chair:  
Appointment by the Council on recommendation of the Committee
  - 4.7.3 In the case of the Independent members:  
A selection panel will be formed comprising the Chair and two Councillor representatives and will make a recommendation to the Council on a suitable candidate to be appointed. If the vacancy is the Chair then another independent member will serve on the selection panel.
- 4.8 Applications for membership will be assessed against appropriate criteria. The criteria will fall within the areas of:
  - 4.8.1 Level and breadth of senior business, management, finance and accounting and / or audit experience and qualifications;
  - 4.8.2 Level of familiarity with Local Government operations, including financial reporting, auditing requirements, risk management, business ethics and corporate governance; and
  - 4.8.3 Previous Audit and / or Risk Committee experience.
- 4.9 Independent members should also have the ability to provide Councillors, the Chief Executive Officer and Council's administration with well-rounded and professional advice concerning the adequacy of Council's administrative, operational, financial and accounting systems and controls, performance reporting regimes, and risk management processes.
- 4.10 Independent members (including the Chair) shall be appointed for a term of up to three years. At the conclusion of their first term, existing members will be eligible to apply to be re-appointed with acceptance at the discretion of Council.

- 4.11 A person can only serve in the positions of independent member of Chair for a maximum of six consecutive years / two terms.
- 4.12 A person who has been an independent member for up to six years is eligible to serve as Chair providing that the total length of combined continued service in both roles does not exceed nine years / three terms.
- 4.13 The terms of each member should be arranged so that there is an orderly rotation of membership and avoidance of more than one member retiring at the same time.
- 4.14 In the event of an independent member resigning / retiring before the expiry of their term, the vacancy will be filled at the discretion of the Council. Further, should the resignation / retirement of two or three of the independent members coincide, the Council may extend one members' term by one year to ensure continuity.
- 4.15 If the Council proposes to remove a member of the Committee, it must give written notice to the members of its intention to do so and provide that member with the opportunity to be heard at a Council meeting.
- 4.16 Remuneration will be paid to each independent member of the Committee as determined by Council. Annual increases in the remuneration of Committee members will be limited to increases in the Consumer Price Index (CPI All Groups Melbourne) and adjusted annually on 1 July.
- 4.17 The Committee may from time to time ask the Chief Executive Officer for a Subject Matter Expert (SME) to attend a meeting. Any Councillors may attend meetings in an "ex officio" capacity.

## Performance Evaluation

---

- 4.18 The Committee will evaluate its own performance on an annual basis using a self-assessment tool which will be reviewed, adopted and completed by the Committee.

## Conduct

---

Members of the Committee are required to comply with the following Sections from the *Local Government Act 2020*: Sections, 123, 125 and Part 6 Division 2: Sections 126-131, among other things the following requirements:

- 4.19 Submit six monthly Interest Returns on the form specified by Council, noting this is in accordance with good governance practices rather than a legislative requirement under the Act
- 4.20 Declare and manage any conflicts of interest which arise in accordance with the Act;
- 4.21 Not misuse their position on the Committee for personal benefit or to the detriment of Horsham Rural City Council; and
- 4.22 Not disclose confidential information obtained through their role on the Committee.

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

Members of the Committee must also be fully aware of the statutory definitions of general and material conflicts of interest as set out in Part 6 Division 2 of the Act.

Failure to comply with the provisions of the Act with regard to conflicts of interest may result in prosecution and the member's appointment being terminated by the Council.

## Review of Committee Charter

---

The Committee will review the Charter on a biennial basis, or as required following relevant changes to the Act or other related Acts & Regulations, and recommend any changes to Council for approval.

**The next review date will be September 2022**

**Audit & Risk Committee - Annual Work Program for 2020/2021**

| MEETINGS SCHEDULED FOR:  | Sept | Dec | March | June |
|--|------|-----|-------|------|
| <b>Financial &amp; Performance Reporting</b>   |      |     |       |      |
| Review the significant accounting and reporting issues   | ✓    |     |       |      |
| Review and recommend adoption of the Annual Financial and Performance Statements to Council  | ✓    |     |       |      |
| Review the results of the external audit   | ✓    |     |       |      |
| <b>Internal Control Environment</b>  |      |     |       |      |
| Consider the effectiveness of HRCC's internal control system, and maintain an awareness of local government audits undertaken by VAGO and other relevant reviews undertaken by public sector integrity bodies. |      |     |       | ✓    |
| Ensure key policies, procedures, systems and controls are reviewed regularly   | ✓    | ✓   | ✓     | ✓    |
| Review significant changes to key systems and consider impacts of changes on Councils risk profile   |      |     |       | ✓    |
| <b>Risk Management</b>   |      |     |       |      |
| Review effectiveness of Council's risk management framework  |      |     | ✓     |      |
| Review Council's risk appetite statement   |      |     | ✓     |      |
| Review HRCC's risk profile and significant changes   |      |     | ✓     |      |
| Review Council's treatment plan for significant risks  |      |     | ✓     |      |
| Review BCP framework and testing regime  |      |     | ✓     |      |
| Review internal controls over significant areas of risk, including non-financial management control systems  |      |     | ✓     |      |
| Review Council's Insurance program   |      |     | ✓     |      |
| <b>Fraud Prevention Systems &amp; Controls</b>   |      |     |       |      |
| Monitor and provide advice on Council's Fraud prevention policy and controls   |      |     | ✓     |      |
| Review Council's fraud control plan and awareness program  |      |     | ✓     |      |
| Review reports on any instances of unethical behaviour, fraud and corruption   |      |     | ✓     |      |
| Review actions taken to report any incidents of fraudulent or corrupt behaviour  |      |     | ✓     |      |
| <b>Internal Audit</b>  |      |     |       |      |
| Review the level of resources allocated to internal audit and the scope of its authority   | ✓    |     |       |      |
| Review and recommend to Council the annual internal audit plan for the coming year   |      |     |       | ✓    |
| Review the level of resources allocated to internal audit and the scope of its authority   |      |     |       | ✓    |
| Review internal audit plan and ensure it is linked to the HRCC's risk Profile  |      |     |       | ✓    |
| Review reports on internal audit reviews and monitor implementation of recommendations by management   |      |     | ✓     |      |
| Meet with internal auditor in the absence of management  |      |     | ✓     |      |
| Review on an annual basis the performance of the Internal Auditor  |      | ✓   |       |      |
| Provide an opportunity for the audit & risk committee to meet with internal audit function   | ✓    | ✓   | ✓     | ✓    |
| Be informed by Council Officers of any process to appoint or terminate Council's Internal Audit Service provider   | ✓    |     |       |      |

| MEETINGS SCHEDULED FOR:  | Sept | Dec | March | June |
|--|------|-----|-------|------|
| <b>External Audit</b>  |      |     |       |      |
| Review and approve the external auditors' audit scope and plan   |      |     |       | ✓    |
| Be briefed at least annually by the External Auditor on the audit strategy   | ✓    |     |       |      |
| Consider external auditors' view on the control environment and management letters   |      |     |       | ✓    |
| Ensure that management responses to any audit findings are appropriate and timely  | ✓    |     |       |      |
| Provide an opportunity for the audit & risk committee to meet with external auditor without management   | ✓    |     |       |      |
| Review on an annual basis the performance of external auditor  |      | ✓   |       |      |
| Review other VAGO reports for impacts on Council   | ✓    | ✓   | ✓     | ✓    |
| <b>Compliance Management</b>   |      |     |       |      |
| Obtain regular updates on compliance matters   | ✓    | ✓   | ✓     | ✓    |
| Review the systems and processes for monitoring compliance with legislation and regulations and management follow up of instances on non-compliance  |      | ✓   |       |      |
| Review processes for communicating Council's Employee Code of Conduct to employees and contractors and for monitoring compliance   |      |     | ✓     |      |
| Obtain reports on any breaches of compliance   | ✓    | ✓   | ✓     | ✓    |
| Be informed on how management monitors the effectiveness of its compliance and ethics program  | ✓    | ✓   | ✓     | ✓    |
| Review Gifts, Benefits and Hospitality reports   |      | ✓   |       | ✓    |
| Consider reports by regulatory and integrity agencies on investigations and relevance for Council  | ✓    | ✓   | ✓     | ✓    |
| <b>Reporting Responsibilities</b>  |      |     |       |      |
| Provide Minutes to Council   | ✓    | ✓   | ✓     | ✓    |
| Monitor that open communication between the internal auditor, the external auditors and HRCC occurs  | ✓    | ✓   | ✓     | ✓    |
| Report annually through Council's Annual Report  |      | ✓   |       |      |
| Consider the findings and recommendations of relevant Audits   | ✓    | ✓   | ✓     | ✓    |
| Provide bi-annual report to Council which summarises the activities of the Committee over the past six months  | ✓    |     | ✓     |      |
| <b>Assessment of Financial Information</b>   |      |     |       |      |
| Review significant accounting and reporting issues   | ✓    | ✓   | ✓     | ✓    |
| Periodically compare actual outcomes, achievement of milestones and other KPIs as compared with the Council Plan, Annual Report and Budget<br>-Strategic indicators for monitoring the achievement of the strategic objectives |      | ✓   |       |      |
| Review and discuss any reports concerning evidence of material violation of breaches of fiduciary duty   | ✓    | ✓   | ✓     | ✓    |
| <b>Governance</b>  |      |     |       |      |
| Provide oversight and guidance on compliance of Council Policies and Procedures with the LGA Act 2020, particularly the Governance Principles  | ✓    | ✓   | ✓     | ✓    |
| Review Internal Governance Framework Report  | ✓    |     | ✓     |      |
| <b>General</b>   |      |     |       |      |
| Establish number of meetings for forthcoming year  |      | ✓   |       |      |
| Effectiveness of Secretariat support performance   |      | ✓   |       |      |
| Perform an assessment of the Committee's performance annually  |      | ✓   |       |      |



**APPENDIX 9.4B**

| MEETINGS SCHEDULED FOR:  | Sept | Dec | March | June |
|--|------|-----|-------|------|
| Review and assess the adequacy of the audit committee charter on a biennial basis and recommend any changes to Council for approval  | ✓    |     |       |      |
| Review Annual Work Program Annually  | ✓    |     |       |      |
| Confirm annually that all responsibilities outlined in this charter have been carried out  |      | ✓   |       |      |
| The Committee, without management to meet separately with the Internal Auditor and the External Auditor, as available for every meeting, but not less than annually to discuss any issues of relevant interest | ✓    | ✓   | ✓     | ✓    |
| Membership Renewal (Councillor Members) – following Council elections  |      | ✓   |       |      |
| Review Property & Public Liability Audits  |      |     | ✓     |      |
| Committee Appointment and Induction  |      | ✓   |       |      |
| Annual appointment of Chair by Council   |      | ✓   |       |      |



## 1. PURPOSE

To provide Councillors and delegated committee members with a framework and guidance for the reimbursement of expenses to enable them to undertake their role in the community without disadvantage.

## 2. INTRODUCTION

Under Section 40 of the *Local Government Act 2020*, Councillors and members of delegated committees are entitled to reimbursement of expenses reasonably incurred in the performance of their duties.

Councillor duties are those performed by a Councillor as a necessary part of their role in achieving the objectives of Council. These duties may include, but are not limited to:

- Attendance at meetings of Council and its committees
- Attendance at Council briefing meetings, workshops, civic events or functions convened by Council
- Attendance at conferences, workshops and training programs relating to the role of Councillor or Mayor
- Attendance at meetings, events or functions representing Council
- Duties in relation to constituents concerning Council business.

Members of delegated committees exercise the powers of Councillors under delegation.

This policy ensures that reimbursement of expenses for Councillors and delegated committee members is in accordance with the *Local Government Act 2020* and meets the principles of public transparency, achieving the best outcomes for the municipal community, and ensuring the ongoing financial viability of Council.

## 3. SCOPE

This policy applies to Councillors and members of delegated committees of Horsham Rural City Council.

## 4. PRINCIPLES

### 4.1 General Matters

4.1.1 Councillors and members of delegated committees will be reimbursed for out-of-pocket expenses that:

- Are bona fide expenses and
- Have been reasonably incurred in the performance of their role and
- Are reasonably necessary to perform their role.

4.1.2 Councillors and members of delegated committees will be provided with the necessary resources and facilities so that they can serve, engage and act in the community's best interests. Wherever possible, all associated expenses and arrangements (travel, accommodation, registration fees, etc) should be confirmed, finalised and authorised by the Chief Executive Officer or relevant Director (for delegated committee members) beforehand.

4.1.3 Council facilities and services will not be made available for use by members of a Councillor or delegated committee member's family, unless:

- The use directly relates to attendance at a civic function or another aspect of the Councillor or delegated committee member's civic duties
- The use results in no additional expense for Council (for example, a partner/family member accompanies a Councillor or delegated committee member in a vehicle or accommodation provided for their use)
- The Chief Executive Officer authorises the arrangements.



- 4.1.4 Councillors must ensure that the benefits outlined in this policy are not used as part of any election campaign.
- 4.1.5 If a Councillor or member of a delegated committee does not claim a particular expense or use a particular facility, it cannot be offset against a claim for an additional amount of another expense or facility.
- 4.1.6 Claims for facilities and expenses by a Councillor or member of a delegated committee other than those expressly listed in this policy must be subject to a Council resolution.

#### 4.2 Carer and Dependent-Related Expenses

Council will provide reimbursement of costs where the provision of childcare is reasonably required for a Councillor or member of a delegated committee to perform their role [*Local Government Act 2020 s41(2)(c)*].

This applies to the care of a dependent, while the Councillor or delegated committee member is undertaking their official duties, and may include expenses such as hourly fees and booking fees, if applicable.

Council will provide reimbursement of costs where the provision of carer services is reasonably required when a Councillor or delegated committee member who is a carer (*Carers Recognition Act 2012, s4*) incurs reasonable expenses in the performance of their duties [*Local Government Act 2020 s41(2)(d)*].

Payments for carer and childcare services will not be made to a person:

- Who resides with the Councillor or delegated committee member
- Has any financial or pecuniary interest with the Councillor or delegated committee member
- Has a relationship with the Councillor, delegated committee member or their partner.

Councillors and delegated committee members seeking reimbursement for carer and dependent-related costs, should complete and submit the Councillor/Delegated Committee Member Expense Reimbursement Claim Form, together with all receipts/tax invoices, to the Chief Executive Officer for approval.

#### 4.3 Private Vehicle Usage

Councillors and members of delegated committees should seek to utilise a Council-owned vehicle before use of a private vehicle for Council purposes, particularly for travel outside the municipal district. This should be arranged through the Executive Assistant to the Chief Executive Officer and Councillors.

Councillors and members of delegated committees are entitled to reimbursement for expenses incurred in the use of their own private vehicle for Council purposes for travel outside the Horsham urban area, and for travel to Council meetings from outside the urban area. Reimbursement will be at the rate as determined by Council's Enterprise Agreement and specified in Council's Travel Reimbursement Guidelines.

Council will not reimburse or fund any expense arising from a breach of road, traffic, parking or other regulations or laws, or for damage or loss of a private vehicle.

Reimbursement will not be provided in circumstances where a Councillor or delegated committee member chooses to attend a function or event, but they are not the nominated Council representative.

#### 4.4 Remote Area Travel Allowance

Council is required to pay a remote area travel allowance if a Councillor or delegated committee member resides more than 50 kilometres, by the shortest road route, from the Council Chamber. This payment is as specified in Council's Travel Expenses Guidelines.

Councillors and delegated committee members seeking the Remote Area Travel Allowance should complete and submit the Councillor/Delegated Committee Member Travel Reimbursement Claim Form to the Chief Executive Officer.



#### 4.5 Meetings, Seminars, Conferences and Training

Councillors and delegated committee members are entitled to reimbursement for relevant expenses incurred in attending pre-approved meetings, seminars, conferences and training that are directly relevant to their role on Council outside the municipality. This may include public transport, meals (excluding alcohol), conference, seminar or training costs, parking and reasonable minor incidentals (as determined by the Chief Executive Officer), up to the maximum rates as applicable under Council's Travel Expenses Guidelines.

All arrangements for attendance at meetings, seminars, conferences and training by Councillors and delegated committee members should be made through the Executive Assistant to the Chief Executive Officer and Councillors.

Councillors and delegated committee members seeking reimbursement for expenses associated with their attendance at meetings, seminars, conferences and training, should complete and submit the Councillor/Delegated Committee Member Expense Reimbursement Claim Form, together with all receipts/tax invoices, to the Chief Executive Officer for approval.

#### 4.6 Functions and Events

Where a Councillor or delegated committee member is the designated Council representative to perform an official duty at a function or event, Council will meet costs associated with their attendance. This may include public transport, meals (excluding alcohol), conference or seminar costs, parking and reasonable minor incidentals (as determined by the Chief Executive Officer), up to the maximum rates as applicable under Council's Travel Expenses Guidelines. If their partner is invited, Council will meet the cost of their attendance also.

Where a Councillor or delegated committee member and their partner are invited to a function or event and no official duties are required, the Chief Executive Officer has the discretion to determine whether Council will meet the cost of their attendance. Approval must be sought prior to the function or event.

For formal local functions and events supported by Council, the Chief Executive Officer has the discretion to determine whether Council will meet the cost of attendance for Councillors or delegated committee members and their partners. Approval must be sought prior to the function or event.

Councillors and delegated committee members seeking reimbursement for expenses associated with performing an official duty at a function or event should complete and submit the Councillor/Delegated Committee Member Expense Reimbursement Claim Form, together with all receipts/tax invoices, to the Chief Executive Officer or relevant Director for approval.

#### 4.7 Communication Tools

Each Councillor will be provided with a fully maintained mobile phone, computer, relevant software, email and access to the internet for use during their Council term. The Mayor will also be provided with a landline office phone. Councillors will not be reimbursed for call costs from personal phones or any additional costs associated with personal electronic devices as these costs are considered to be covered by the Councillor Allowance.

Delegated committee members may be reimbursed for reasonably incurred phone calls where it has been necessary to use these tools to perform their role. Delegated committee members seeking reimbursement for these costs should complete and submit the Councillor/Delegated Committee Member Expense Reimbursement Claim Form and associated receipts to the Chief Executive Officer or relevant Director for approval.

#### 4.8 Memberships or Subscriptions to Professional Associations

Council will not meet the costs of any memberships or subscriptions to professional associations by a Councillor or delegated committee member unless there is a specific resolution of Council or it is in accordance with a Council policy.



#### 4.9 Legal Expenses

Council will not meet the costs of any legal expenses incurred by a Councillor or delegated committee member unless there is a specific resolution of Council or it is in accordance with a Council policy.

#### 4.10 Mayor and Councillor Allowances

The *Local Government Act 2020* currently provides for the Mayor and Councillors to receive an allowance from Council in accordance with a Determination of the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*. Despite the repeal of sections 73B and 74 to 74B of the *Local Government Act 1989*, these arrangements remain in place until the first determination of the Tribunal [*Local Government Act 2020, s39(6)*].

#### 4.11 Mayoral Resources and Support

To assist the Mayor to undertake their role, Council will provide the following during their Mayoral term:

- A fully equipped office exclusively for their use, along with access to meeting space, printers and phones at the Civic Centre
- Administrative support via the Executive Assistant to the CEO and Councillors
- A Council mobile phone
- Vehicle for the Mayor of a type similar to that of the Chief Executive Officer
- A Council vehicle for their full private use in accordance with Council's Vehicle Usage Policy
- A procurement (credit) card with a \$5,000 limit to facilitate purchase of goods and services whilst on Council business, in accordance with Council's Procurement Card Use Policy.

#### 4.12 Monitoring, Evaluation and Review

Quarterly reports of all Councillor and delegated committee member expenses will be provided as part of the Quarterly Performance Report to Council and the Audit and Risk Committee. Details will also be published in the Annual Report.

These reports will include:

- Expenses incurred by Councillors and delegated committee members during the quarter
- Reimbursement claims made by Councillor and delegated committee members during the quarter
- Reimbursements made by Councillors and delegated committee members during the quarter.

### 5. COMMUNICATION

This policy will be available on the Horsham Rural City Council website and intranet. It will also be discussed at Council Briefing meetings and delegated committee meetings, and will form part of the induction training for new Councillors and delegated committee members.

### 6. RESPONSIBILITY

**Policy Owner:** Director Corporate Services



## 7. DEFINITIONS

| Definition          | Meaning  |
|---------------------|--|
| Carer               | A person who provides care for another person who has a disability, is younger, has a mental illness or an ongoing medical condition (including a terminal or chronic illness or dementia) ( <i>Carers Recognition Act 2012</i> , section 4)   |
| Civic duties        | Duties or activities in relation to the municipality undertaken on behalf of Council   |
| Civic Functions     | Functions in the municipality undertaken by Council  |
| Delegated committee | A committee established by Council which must include at least two Councillors and may include any other persons appointed to the delegated committee by the Council who are entitled to vote ( <i>Local Government Act 2020</i> , section 63) |

## 8. SUPPORTING DOCUMENTS

| Document  | Location  |
|---|---|
| <i>Carers Recognition Act 2012</i> (section 4)  | Internet  |
| <i>Gender Equity Act 2020</i>   | Internet  |
| <i>Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019</i> | Internet  |
| <i>Local Government Act 2020</i> (sections 40 and 41)   | Website   |
| Horsham Rural City Council – Councillor Code of Conduct   | Website, intranet                                     |
| Horsham Rural City Council – Council Procurement Card Use Policy (A04/034)                        | Intranet  |
| Horsham Rural City Council – Information Privacy Policy (A04/039)                                 | Website, intranet                                     |
| Horsham Rural City Council – Public Transparency Policy   | Website, intranet                                     |
| Horsham Rural City Council – Terms of Reference (for each individual delegated committee)         | Website, intranet                                     |
| Horsham Rural City Council – Travel Expenses Guidelines (G04/003)                                 | Intranet  |
| Horsham Rural City Council – Vehicle Usage Policy (A04/011)                                       | Intranet  |
| Councillor/Delegated Committee Member Expense Reimbursement Claim Form (F04/112)                  | Intranet, Councillors Room, EA to CEO and Councillors |
| Councillor/Delegated Committee Member Travel Reimbursement Claim Form (F04/111)                   | Intranet, Councillors Room, EA to CEO and Councillors |

## 9. DOCUMENT CONTROL

| Version Number | Approval Date    | Approval By | Amendment  | Review Date    |
|----------------|------------------|-------------|--|----------------|
| 01             | 21 October 2013  | Council     | <ul style="list-style-type: none"> <li>Replaces Councillors reimbursement of Expenses Policy</li> </ul>  |                |
| 02             | 19 December 2016 | Council     | <ul style="list-style-type: none"> <li>Reviewed and updated</li> </ul>   |                |
| 03             | 27 August 2018   | Council     | <ul style="list-style-type: none"> <li>Reviewed and updated</li> </ul>   | 27 August 2022 |
| 04             |                  | Council     | <ul style="list-style-type: none"> <li>Replaces Councillor Allowances, Reimbursement and Support Policy to reflect requirements of the new <i>Local Government Act 2020</i></li> </ul> |                |

**Horsham Rural City Council**

**Instrument of Delegation  
by the Chief Executive Officer  
to the Community Halls Asset Committee**

In exercise of the power conferred by s 47(1)(b) of the *Local Government Act 2020 (Act)*, I, as Chief Executive Officer of Horsham Rural City Council, by this Instrument of Delegation –

1. delegate to each person who is from time to time appointed as a member of the Community Asset Committee, established by resolution of Council passed on **24 August 2020** and known as Community Halls Asset Committee” (**Community Asset Committee**), each power and/or function and/or duty set out in the Schedule;
2. declare that a delegate can only exercise the delegations contained in this Instrument of Delegation while acting as a member of the Community Asset Committee at a meeting of the Community Asset Committee;
3. declare that this Instrument of Delegation –
  - 3.1 comes into force immediately upon its execution;
  - 3.2 remains into force until varied or revoked; and
  - 3.3 is subject to the conditions and limitations set out in the Schedule ;
4. declare that the delegate must comply with specified governance requirements to ensure appropriate standards of probity are met and monitor and report on the activities and performance of the Community Asset Committee;
5. declare that the delegate must not determine the issue, take 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, whether on account of s 47 of the Act or otherwise.

**This Instrument of Delegation** is dated **25 August 2020** and is made by the Chief Executive Officer.

Signed by the Chief Executive Officer of Council in     )  
the presence of:   )

.....  
Witness

## SCHEDULE

### Table of Contents

|     |  |    |
|-----|--|----|
| 1.  | The Committee .....                          | 3  |
| 2.  | Objectives .....                             | 3  |
| 3.  | Power/Functions/Duties.....                  | 3  |
| 4.  | Use of the Hall .....                        | 4  |
| 5.  | Exceptions, conditions and limitations.....  | 4  |
| 6.  | Committee Membership .....                   | 4  |
| 7.  | Meetings .....                               | 5  |
| 8.  | Finance.....                                 | 6  |
| 9.  | Charges .....                                | 7  |
| 10. | Staff.....                                   | 7  |
| 11. | Reporting to Council .....                   | 8  |
| 12. | Land and Buildings, Plant and Equipment..... | 8  |
| 13. | Insurance .....                              | 8  |
| 14. | Licensing Provisions .....                   | 9  |
| 15. | Review .....                                 | 9  |
| 16. | Revocation .....                             | 9  |
| 17. | Dissolution .....                            | 9  |
| 18. | Communications.....                          | 10 |
| 19. | Correspondence .....                         | 10 |
| 20. | The Hall .....                               | 10 |
|     | Appendices.....                              | 11 |



## 1. The Committee

The management and control of community halls (as defined in Section 20 of this schedule and hereinafter referred to as “community halls”, is hereby delegated to the Community Halls Asset Committee (hereinafter referred to as “the Committee”).

## 2. Objectives

The Committee, on behalf of the Horsham Rural City Council (hereafter referred to as “Council”) is to:

- (a) Co-ordinate, manage, and develop for community benefit, council-owned halls identified within this Instrument,
- (b) Raise and contribute funds for and towards the expenses for objective (a) above,
- (c) Advise and liaise with Council and council staff in relation to the achievement of the foregoing objectives and in the planning of works and programs thereon,

## 3. Powers/Functions/Duties

The Committee shall be empowered on behalf of the Council to:

- (a) Establish Administrative sub-committees from the elected Committee, for the purpose of managing the day to day operations and requirements of each of the community halls as defined in Section 20 and as depicted in Appendix 3,
- (b) Enter into contracts, not exceeding the value of \$10,000 and incur expenditure, for the specific purpose of maintaining the community halls and their related operations;
- (c) Establish individual bank accounts for each of the Administrative sub-committees,
- (d) Act as a forum for the sharing of information, ideas and knowledge regarding the management of community halls,
- (e) Develop and present an annual plan of desired improvements for each of the community halls and proposed usage charges, for input to council’s budget process,
- (f) Liaise and consult with designated council officers and staff to provide strategic input into the usage and development of community halls.
- (g) Do all things necessary or convenient to be done for or in connection with the performance of those functions, duties and powers.

The Administrative sub-committees shall be empowered on behalf of the Committee to:

- (i) Implement recommendations regarding the hire, usage and maintenance of each community hall,
- (ii) Receive applications for the use of the community hall under the management of the relevant Administrative sub-committee and allocate times for the use of such halls amongst the member organisations, individuals or individual organisations,

- (iii) Adhere to Council's policies that include but are not limited to: use of Council facilities, Human Rights, Records Management and Occupational Health and Safety,
- (iv) Raise funds, receive rental fees, admission charges, donations and any other contributions and expend same to carry out the objectives listed above,
- (v) Prepare and distribute publicity, promotional material or guidance and advice for the improved use of the community hall,
- (vi) Manage the finances and bank account for the relevant community hall.

#### **4. Use of Community Halls**

- a) Community halls may be used for appropriate recreation, leisure or sporting activities, exhibitions and entertainment, which are approved by the Administrative sub-committees, if each user pays the charges fixed in Section 9 of this Instrument,
- b) Administrative sub-committees will ensure there is equitable allocation of use of their particular hall,
- c) Administrative sub-committees may for good cause and in accordance with Council policies, recommend that a particular group be prohibited from using the relevant hall.

#### **5. Exceptions, conditions and limitations**

- a) The Committee or any of the Administrative sub-committees are not empowered to:
  - i) Borrow money external to council (including the issue of debentures and promissory notes);
  - ii) Incur any bank overdraft; or
  - iii) Carry out, or permit to be carried out, any act which would or would be likely to render Council's insurance policies invalid.
- b) The Committee or any of the Administrative sub-committees are not empowered to do any of the following things without the written approval of the Council:
  - i) Enter into a contract with a value exceeding \$10,000,
  - ii) Incur expenditure, for an amount which exceeds the approved budget
  - ii) Make alterations or additions to the Hall.
- c) The Committee or any of the Administrative sub-committees shall not issue any media releases relating to funding announcements without the approval of the Chief Executive Officer, and shall not issue any media releases critical of Council.

#### **6. Committee Membership**

- a) The Committee shall comprise of:
  - i) Up to 10 community members representing each of the designated halls
  - ii) One council officer (Ex-Officio)  
The council officer will liaise with the Committee and as required members of the Administrative sub-committees.

Council officers from the Building Services Department, Grants Officer, Recreation and Open Space, Risk Management and others as required, will attend meetings from time to time for information and communication purposes.

- b) Members will be appointed to the Committee in name, by Council resolution for a two year term. The Council shall, in making appointments, adopt the following approach:
  - i) Expressions of interest will be sought by way of a Public Notice in the local newspaper, selected media outlets and on the Council webpage,
  - ii) Applicants will be required to demonstrate direct involvement with the activities of the particular hall and/or the community surrounding the vicinity of the hall.
- c) All members of the Administrative sub-committees may attend Committee meetings, however only the named Committee representative from each Administrative sub-committee shall have voting rights,
- d) If an appointed member from the Administrative sub-committee is not able to attend a meeting, they can request prior to the meeting via email or in writing, that a proxy representative be entitled to vote at the meeting,
- e) The Council may from time to time remove from the Committee any member and appoint another person in place thereof,
- f) The Council shall, in filling a casual vacancy in the Committee, maintain the representation of interests referred to in Section 6 (a),
- g) The Council shall appoint members to the Committee as soon as reasonably practicable after the date upon which the Annual Meeting referred to in Section 7 is held,
- h) Administrative sub-committees will be formed under the direction of the Committee and will be comprised of members with a direct interest and involvement with the relevant hall.

## **7. Meetings**

### **7.1 Annual Meeting**

- a) Council shall give notice of an annual meeting at least 21 days prior to the proposed meeting day. Council will insert a notice in a local newspaper and on Council website at least 14 days prior to the meeting.
- b) The Committee will hold an annual meeting between 1 July and 30 November each year on a date fixed by the Committee. At the annual meeting the Committee will:
  - i) Receive reports from members regarding the activities of the previous year for each of the halls and the program of activities proposed for the coming year,
  - ii) Receive an annual financial summary of the operation of each of the community halls,
  - iii) Receive the minutes of the previous annual meeting,
  - iv) Every second year, receive nominations for membership on the Committee and forward these nominations to Council for appointment.
- c) Office bearers:
  - i) The Committee shall elect a member to undertake the role of Chairperson

- ii) The (ex officio) council officer will be the minute taker and provide administrative support to the Committee.

**7.2 Ordinary Meetings**

- a) The Committee shall hold ordinary meetings during the year as deemed necessary,
- b) The council officer will liaise with the Chairperson in the calling of meetings and will give reasonable notice of all meetings by distributing a notice of the meeting to all members at least seven days prior to the meeting,
- c) If a member fails to attend at least two consecutive meetings of the Committee without tendering an apology, or without having had a proxy attend in accordance with clause 6 (e), the Committee may refer the absence to the Chief Executive Officer.

**7.3 Administrative Sub-committee Meetings**

- a) Administrative sub-committee meetings will be determined by the Chairperson of the sub-committee and at least 7 days' notice will be given to the members,
- b) The number of meetings held each year is at the discretion of each of the Administrative sub-committees.

**7.4 Meeting Procedures**

- a) The quorum at any Committee or Administrative sub-committee meeting is a majority of members who are eligible to vote. No business will be conducted by the Committee or Administrative sub-committee unless a quorum exists,
- b) Meeting procedures should follow Council's "Meeting Procedure" as set out in Councils Governance Rules.

**8. Finance**

- a) The Committee will adopt 1 July to 30 June in each year as the financial year and all accounting functions will conform with applicable Accounting Standards, the Local Government Act 2020 and relevant regulations made under that Act,
- b) Each year, the financial accounts of the Administrative sub-committees will be audited by council,
- c) All money received by any Administrative sub-committee will be promptly deposited into the Administrative sub-committee's bank account,
- d) Payments made by the Administrative sub-committees shall be authorised with a minimum of two signatories,
- e) All money received by the Administrative sub-committees will be used for the maintenance and operations of the respective community hall and any other expenses incurred by the Administrative sub-committee in its management of the hall,
- f) Administrative sub-committees may obtain an Australian Business Number (ABN),

- g) Individual Administrative sub-committees shall determine if they wish to register for the Goods and Services Tax (GST). The Administrative sub-committees must meet its own GST obligations and shall not purchase items in the name of Horsham Rural City Council,
- h) Administrative sub-committees may use funds in accordance with the responsibilities outlined in Appendix 2 (Routine Maintenance Responsibilities). The funds may be used for the following purposes with respect to the relevant community hall:
  - i) purchase of plant, equipment, fittings and furniture for the hall;
  - ii) maintenance and repair of buildings, fences and other improvements associated with the hall.
  - iii) implementing programs and services as appropriate with the objectives of the hall;
  - iv) general administrative expenses of the Administrative sub-committee;
  - v) with the written consent of the council, the erection of further amenities or alterations and improvements at the hall,
  - vi) such other purposes as may from time to time be approved by the Administrative sub-committee in meeting its objectives.
- i) The Committee shall as required, make its minutes and all other papers or documents available for inspection or audit by the council's auditor, or other municipal officers authorised by council,
- j) Committee members representing Administrative sub-committees shall ensure that a financial report is presented at the annual meeting of the Committee.

## **9. Charges**

The Committee shall at least once in each financial year recommend to Council a scale of charges for the use of the community halls.

## **10. Staff**

- a) The Committee shall not employ staff without the written approval of the Council's Chief Executive Officer. Should approval be granted, the Committee will be responsible for payment of all overheads associated with such employment, including all appropriate insurances,
- b) Any proposal by the Committee to employ staff will be submitted in writing to the Chief Executive Officer for consideration.

## **11. Reporting to Council**

The Committee is responsible for ensuring the following:

- a) A copy of the draft unsigned, minutes is forwarded to the Chief Executive Officer within 14 days after each meeting,
- b) The Committee shall submit at its annual meeting a report including the annual summary of accounts. The Chairperson is responsible for ensuring that the report is lodged with the Chief Executive Officer by 30 November each year, so that the Chief Executive Officer can complete an annual report to Council,

- c) The Chief Executive Officer must be advised in writing as soon as possible of the resignation of any member of the Committee,
- d) The Committee through the Administrative sub-committees will maintain a personal injury and loss/damage register and advise council officers as soon as practical of any incidents which might give rise to legal proceedings,
- e) The Committee through the Administrative sub-committees shall, as soon as practical, report to council officers any accidental and/or intentional damage to the halls,
- f) The Committee through the Administrative sub-committees shall, as soon as practical, report to council officers any attempted and/or successful break-ins into halls.

**12. Land and Buildings, Plant and Equipment**

- a) Council retains the right to access the hall,
- b) The Committee through the Administrative sub-committees shall be responsible for the maintenance and operation of buildings, plant and equipment, as per Appendix 2, (Routine Maintenance Responsibilities)
- c) Where equipment or the building is damaged, the Committee may recoup such reasonable costs as are necessary to replace such equipment or maintain the building from the person or persons or group responsible for such damage but no legal proceedings shall be issued without the written approval of the Council,
- d) The Committee in association with council staff shall conduct annual risk assessments of the halls and surrounding grounds,
- e) The Committee will submit to council staff recommendations for alternations or additional buildings or for improvements to the halls generally.

**13. Insurance**

- a) Public Liability Insurance shall be provided by Council to members of Administrative sub-committees to cover the sub-committee's activities in managing the halls. Public liability insurance applies while sub-committee members are acting within the scope of their duties for and on behalf of Council, subject at all times to the terms and conditions of Council's Liability policy,
- b) Building insurance shall be provided by Council under Council's industrial Special Risk Insurance Policy,
- c) Insurance of contents owned or provided by the Administrative sub-committees, shall be the responsibility of, and managed through the Administrative sub-committees. User groups are responsible for insuring their own contents. Council may provide contents insurance upon request at a nominal fee,
- d) Administrative sub-committees shall ensure each user group provides evidence of Public Liability insurance cover,
- e) Administrative sub-committee will ensure casual users not covered under Council's occasional use policy, provide evidence of Public Liability insurance cover. Council may provide Public Liability insurance upon request at a nominal fee.

#### 14. Licensing Provisions

The sale and supply of alcoholic beverages must comply with relevant Liquor Licensing requirements, and be in accordance with any rules laid down by the Committee and/or Council.

#### 15. Review

Within 12 months of a Council election, the Instrument of Delegation for the Community Halls Assets Committee will be reviewed. The review will consider and evaluate both the existence and purpose of the Committee and the existence and purpose of the Administrative sub-committees and the subsequent detail of the Instrument.

#### 16. Revocation

- a) Notwithstanding Clause 15, this Instrument of Delegation may be revoked at any time by the Chief Executive Officer. Factors relevant to the issue of revocation include whether, in the view of Chief Executive Officer, the Committee is managing the halls in the best interest of user groups, the community and the Council, or if Council policy or strategic direction alters significantly.
- c) In the event of revocation, the Chief Executive Officer shall, no later than the date upon which revocation takes effect, arrange for:
- d) A report to Council detailing why the Committee has been revoked and if applicable, recommending an alternate governance arrangement.

#### 17. Dissolution

- a) The Committee or Administrative sub-committee may separately disband. This would occur by either each member of relevant Administrative sub-committee resigning or by members of the Community Halls Asset Committee resigning. Resignation is by written notice provided to the Chief Executive Officer.
- b) In the event of dissolution, the Chairperson of the relevant Administrative sub-committee shall, no later than the date upon which such dissolution would become effective, arrange for:
  - i) A financial statement to be prepared, audited and presented to the Chief Executive Officer;
  - ii) The Administrative sub-committee's bank account to be closed and the balance paid to council;
  - iii) All contents owned by the Administrative sub-committee to be removed from the community hall;
  - iv) All keys to the hall to be handed back to council.

#### 18. Communications

Appendix 1 forms the basis of communication between the Committee / Administrative sub-committees and council.

## 19. Correspondence

Unless otherwise stated, all correspondence with Chief Executive Officer is via the Executive Assistant to the Director Corporate Services.

## 20. Community Halls

The Community Halls comprise of the following:

|  |  |
|--|--|
| Dadswell's Bridge Hall                       | Western Highway, Dadswell's Bridge Vic 3385        |
| Hamilton Lamb Memorial Hall                  | 13 Kalkee Rd, Horsham Vic 3400                     |
| Jung Hall                                    | 51 Baker St, Jung Vic 3399                         |
| Laharum Hall                                 | 1586 Northern Grampians Rd, Laharum Vic 3401       |
| Mitre Hall                                   | 1429 Natimuk Frances Rd, Mitre Vic 3409            |
| Natimuk Community Centre (NC2)               | 60 Main St, Natimuk Vic 3409                       |
| Natimuk and District Soldiers' Memorial Hall | Main St, Natimuk Vic 3409                          |
| Sailors' Home Hall                           | 2472 Blue Ribbon Rd, Murra Warra, Vic 3401         |
| Taylor's Lake Hall                           | 2032 Horsham-Lubeck Rd, St Helen's Plains Vic 3401 |
| Telangatuk East Hall                         | 278 Dunstan's Rd, Telangatuk East, Vic 3401        |

and as depicted in Appendix 3.



## APPENDIX 1 – COMMUNICATIONS

Horsham Rural City Council is committed to working in an open and harmonious way with the community. As such Council will:

- a) Seek to manage service delivery to meet the expectations of the community within the resources available; and
- b) Be open and transparent in its dealings with the community.

### **Council will:**

- Assist the Committee in the development and implementation of capital works and significant maintenance programs,
- Assist Committee with identifying funding opportunities,
- Assist Committee with annual maintenance schedules and programs,
- Respond to requests/letters from the Committee within fifteen working days,
- Advise Committee within 24 hours of any decisions of matters that will restrict or impinge on the use of their facilities,
- Provide the Committee with a list of designated council officers authorised to be the contact person for specific matters and concerns,
- Meet with Committee formally once per year to discuss matters of interest and concern to both parties,
- Explain any decisions that affect the Committee in respect to maintenance and capital works,
- Advise the Committee of the results of the maintenance inspections,
- Assist the Committee with the development of media releases,
- Provide training to assist the Committee as required.

### **The Community Halls Asset Committee will:**

- Advise council's Executive Assistant to the Director of Corporate Services of the contact details of Committee members,
- Discuss any matters regarding the Instrument of Delegation with council's Executive Assistant to the Director of Corporate Services,
- Raise with council's Building Assets and Maintenance Officer any concerns or matters relating to maintenance schedules and programs,
- Liaise with council's Grant's Officer on any funding application that the Committee may apply/plan for,
- Refer any requests for major capital works or projects to Council's Chief Executive Officer,
- Not obstruct council contractors or council staff when carrying out their duties at any of the halls.

If the Committee is dissatisfied with communications they may discuss their concerns with the Director Corporate Services on 5382 9785.

If after these discussions with the Committee is still dissatisfied with that outcome they can then write to the:

Chief Executive Officer  
Horsham Rural City Council  
PO Box 511  
HORSHAM, VIC, 3402.

## APPENDIX 2 - ROUTINE MAINTENANCE RESPONSIBILITIES

The maintenance schedule relates to the relevant space, and is only applicable to shared space where specified in the comments.

### DEFINITIONS:

|                         |  |
|-------------------------|--|
| <b><i>Maintain</i></b>  | Involves operational and functional checks, servicing, repairing or replacing if necessary |
| <b><i>Replace</i></b>   | Replace with new or of equivalent condition.   |
| <b><i>Undertake</i></b> | Carry out a specific activity.   |
| <b><i>N/A</i></b>       | Not applicable to this location  |

### Qualifications:

1. Prior to commencing any building works, a representative of the Committee must contact the Facilities Maintenance Unit via phone: 5382 9777 (if urgent) or by lodging a service request via [www.hrcc.vic.gov.au](http://www.hrcc.vic.gov.au)
2. No major works are to be undertaken without the written approval of Council.
3. Work undertaken by the Committee must be in accordance with Australian Standards and where required, completed by a registered tradesperson.
4. Misuse by users would require them to rectify and undertake the repair at their expense.
5. Unless otherwise stated, this document refers only to Council fixtures and fittings.
6. Items marked as maintain/replace by Council will be subject to Council's preventative, statutory, and condition-based maintenance works schedules and our Building Condition Assessment program. Reactive (unplanned) maintenance will be completed at Council's discretion over the immediate, medium, and long term, as required.

| ASPECT                     | LICENSEE           | COUNCIL            | COMMENTS   |
|----------------------------|--------------------|--------------------|--|
| <b>STRUCTURAL</b>          |                    |                    |  |
| External Wall Frames       |                    | Maintain / Replace |  |
| Internal Wall Frames       |                    | Maintain / Replace |  |
| Sub-Floor                  |                    | Maintain / Replace |  |
| Roof Frame                 |                    | Maintain / Replace |  |
| <b>ROOFING</b>             |                    |                    |  |
| Cladding                   |                    | Maintain / Replace |  |
| Guttering                  |                    | Maintain / Replace | Includes cleaning  |
| Downpipes                  |                    | Maintain / Replace |  |
| <b>WALL CLADDING</b>       |                    |                    |  |
| External Cladding          |                    | Maintain / Replace |  |
| Internal Cladding          | Maintain           | Replace            | Includes painting, replacing damaged tiles, woodwork, plaster, etc.  |
| <b>CEILING</b>             |                    |                    |  |
| Plaster                    |                    | Maintain / Replace |  |
| Suspended Ceiling          |                    | Maintain / Replace |  |
| Acoustic Tiles             |                    | Maintain / Replace |  |
| <b>WINDOWS</b>             |                    |                    |  |
| External – Frames          | Maintain           | Replace            |  |
| External - Glazing         | Replace            | Replace            | Licensee to replace any windows broken by user groups, including private hires. Council responsible for other repairs.                               |
| External – Flywire Screens | Maintain / Replace |                    |  |
| Internal – Frames          | Maintain           | Replace            |  |
| Internal - Glazing         | Replace            |                    |  |
| <b>DOORS</b>               |                    |                    |  |
| External – Door Integrity  |                    | Maintain / Replace |  |
| External – Locks / Keys    |                    | Maintain / Replace | Licensee shall be issued two keys. Further keys may be requested and will charged rate set by Council. All locks must be on Council's Master system. |
| Internal – Door Integrity  | Maintain           | Maintain / Replace |  |
| Internal – Locks / Keys    |                    | Maintain / Replace | All locks must be on Council's Master system.  |
| <b>WATER</b>               |                    |                    |  |
| Main to Meter              |                    | Maintain / Replace |  |
| Meter to within Building   |                    | Maintain / Replace |  |

| ASPECT                                 | LICENSEE         | COUNCIL            | COMMENTS  |
|--|------------------|--------------------|---|
| Usage Charges                          | Undertake        |                    | All costs for internal use in buildings – see also re grounds               |
| Backflow Prevention Servicing          |                  | Maintain / Replace |   |
| Water Tanks / Pumps                    |                  | Maintain / Replace |   |
| Minor Fixtures                         | Maintain         | Replace            | Such as taps, washes, etc.  |
| Major Fixtures                         | Maintain         | Replace            | Such as toilet suites, basins etc.  |
| Stormwater                             | Maintain         | Replace            | To point of legal discharge.  |
| Septic / Treatment System              |                  | Maintain / Replace | Includes servicing  |
| Wastewater                             |                  | Maintain / Replace |   |
| <b>ELECTRICITY / COMMUNICATION</b>     |                  |                    |   |
| Supply Mains                           |                  | Maintain / Replace |   |
| Electricity Meters                     |                  | Maintain / Replace |   |
| Distribution Board                     |                  | Maintain / Replace |   |
| Internal Wiring                        |                  | Maintain / Replace |   |
| Telephone Line to Building             |                  | Undertake          |   |
| GPO Outlets                            |                  | Maintain / Replace | Copies of all Certificates of Electrical Safety must be provided to Council |
| Usage Charges                          | Undertake        |                    |   |
| Testing and Tagging                    |                  | Undertake          | Council Owned   |
| Testing and Tagging                    | Undertake        |                    | Licensee Owned  |
| <b>GAS</b>                             |                  |                    |   |
| Supply Mains (Natural Gas)             |                  | Maintain / Replace |   |
| Supply (LPG)                           | Maintain Replace |                    |   |
| Usage Charges                          | Undertake        |                    |   |
| <b>LIGHTING</b>                        |                  |                    |   |
| Internal – Fixture                     |                  | Maintain / Replace |   |
| Internal - Lamp Replacement            |                  | Replace            |   |
| Internal – New                         | Undertake        |                    | Council approval required   |
| External – Fixture                     |                  | Maintain / Replace | Attached to building.   |
| External - Lamp Replacement            |                  | Replace            | Licensee to report any lights out to Council.                               |
| External – New                         |                  | Undertake          |   |
| Carpark and Surrounds                  |                  | Maintain / Replace | Licensee to report lights out to Council.                                   |
| <b>ESSENTIAL SAFETY MEASURES (ESM)</b> |                  |                    |   |
| Annual Compliance Audit                |                  | Undertake          |   |
| Path of Egress Inspections             |                  | Undertake          | Ensure that all paths to an exit are kept clear at all times. Ongoing       |
| Fire Extinguishers                     |                  | Maintain / Replace | Annual inspection and replacement   |
| Fire Blankets                          |                  | Maintain / Replace |   |

| ASPECT                          | LICENSEE             | COUNCIL            | COMMENTS   |
|---------------------------------|----------------------|--------------------|--|
| Hose reels                      |                      | Maintain / Replace |  |
| Emergency Exit Signs            |                      | Maintain / Replace | Report globe replacement   |
| Fire and Smoke Detectors        |                      | Maintain / Replace | Hard wired only  |
| Security System                 |                      | Maintain / Replace | If system already installed.   |
| Asbestos Audits                 |                      | Undertake          |  |
| <b>MECHANICAL PLANT</b>         |                      |                    |  |
| Air Conditioner - Split System  |                      | Maintain / Replace |  |
| Air Conditioner – Wall          |                      | Maintain / Replace |  |
| Heaters                         |                      | Maintain / Replace |  |
| Ceiling Fans                    |                      | Replace            |  |
| Hot Water Systems               |                      | Maintain / Replace |  |
| <b>FLOOR COVERINGS</b>          |                      |                    |  |
| Carpet                          | Maintain             | Replace            |  |
| Vinyl                           | Maintain             | Replace            |  |
| Timber                          | Maintain             | Replace            |  |
| Tiles                           | Maintain             | Replace            |  |
| <b>WINDOW COVERINGS</b>         |                      |                    |  |
| Curtains / Drapes / Blinds      | Maintain             | Replace            |  |
| Roller Shutters                 | Maintain             | Replace            |  |
| External Awnings                | Maintain             | Replace            |  |
| <b>PAINTING</b>                 |                      |                    |  |
| External                        | Maintain             | Undertake          | Council to repaint as per asset management cycle                                 |
| Internal                        | Maintain / Undertake |                    | Council to repaint as per asset management cycle                                 |
| <b>CLEANING</b>                 |                      |                    |  |
| External Walls                  | Undertake            |                    |  |
| External Windows                | Undertake            |                    |  |
| Internal Windows                | Undertake            |                    |  |
| Internal Floor Coverings        | Undertake            |                    |  |
| Cleaning of Toilets / Buildings | Undertake            |                    | Contribute to cleaning of shared spaces  |
| Litter                          | Undertake            |                    |  |
| Graffiti – External             |                      | Undertake          | For example, extensive spray painting  |
| Graffiti – Internal             | Undertake            |                    |  |
| Rubbish Removal                 | Undertake            | Undertake          | Licensee to place in appropriate receptacle and position for pick up by Council. |
| <b>PEST CONTROL</b>             |                      |                    |  |

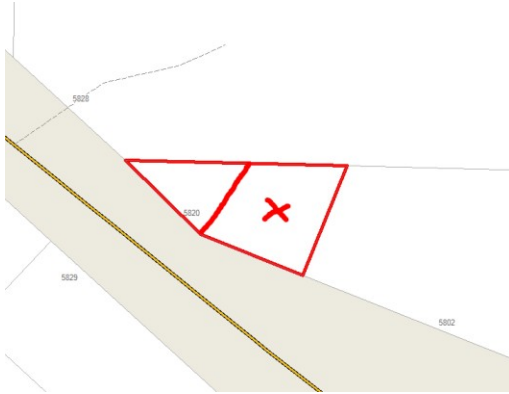
| ASPECT  | LICENSEE           | COUNCIL            | COMMENTS  |
|---|--------------------|--------------------|---|
| Termites  |                    | Undertake          | Annual inspection   |
| Termites  |                    | Undertake          | Annual treatment  |
| Rodents   | Undertake          |                    | For example, mice and rats  |
| Any other pests                                 | Undertake          |                    | For example, ants, possums, spiders, bees   |
| <b>FIT OUT</b>                                  |                    |                    |   |
| Fixtures / Fittings                             | Maintain           | Replace            | Kitchen appliances  |
| Internal Cupboards                              | Maintain           | Replace            |   |
| <b>SIGNAGE</b>                                  |                    |                    |   |
| Council Corporate Signage                       |                    | Maintain / Replace |   |
| Site Specific Signage                           | Maintain / Replace |                    | Must be approved by Council.  |
| <b>MISCELLANEOUS</b>                            |                    |                    |   |
| Public Liability (\$20,000,000)                 | Undertake          |                    | Council must be named as an interested party.                                     |
| Insurance - Buildings                           |                    | Undertake          |   |
| Contents Insurance                              |                    | Undertake          | Council's equipment, fixtures, and fittings.                                      |
| Contents Insurance                              | Undertake          |                    | Licensee's equipment, fixtures, and fittings.                                     |
| Site Inspection                                 | Undertake          |                    | Complete inspection checklist provided and report to Council every year.          |
| Fencing   | Maintain           | Replace            |   |
| Shade Structures                                | Maintain           | Replace            |   |
| Shade Structures                                |                    | Undertake          | Annual Safety Inspection  |
| <b>GARDEN AREAS (Associated with Buildings)</b> |                    |                    |   |
| Maintain Garden                                 | Undertake          |                    |   |
| Water Charges                                   | Undertake          |                    |   |
| Lawn Maintenance / Mowing                       | Undertake          |                    |   |
| Dangerous Tree Inspection / Removal             |                    | Undertake          | Committee to report any tree they reasonably consider to be dangerous to Council. |
| Driveways / Parking Areas                       | Undertake          |                    |   |
| <b>SPORTS PLAYING FIELDS</b>                    |                    |                    |   |

| ASPECT                                    | LICENSEE           | COUNCIL            | COMMENTS  |
|---|--------------------|--------------------|---|
| Lawn Mowing / Ground Maintenance          | Undertake          |                    | Council will provide an annual allocation to assist with these costs. |
| Water Charges                             | Undertake          |                    | Council will provide an annual allocation to assist with these costs. |
| Fixtures and Equipment                    | Maintain / Replace |                    | Tennis Nets, Netball Poles/ Rings, Nets, Fencing around facilities.   |
| Playing Surface – General Maintenance     | Undertake          |                    | Line-marking, surface patching, etc                                   |
| Playing Surface - Renewal                 | Undertake          | Undertake          | Joint responsibility  |
| Playing Fields – Lighting Maintenance     |                    | Maintain / Replace |   |
| Playing Fields Lighting renewal / upgrade | Undertake          | Undertake          | Joint responsibility, Council approval required                       |
| Playground Equipment                      | Maintain           |                    |   |
| Barbecues - Installation                  | Undertake          | Undertake          | Joint responsibility, Council approval required                       |
| Barbecue - Maintenance                    | Maintain           |                    |   |

| Version | Approval Date   | Approval By                       | Amendment  |
|---------|-----------------|-----------------------------------|------------|
| 01      | 1 December 2018 | Coordinator Facilities Management | New Policy |
| 02      | 1 February 2019 | Coordinator Facilities Management | Modified   |
| 03      | 1 August 2020   | Coordinator Facilities Management | Modified   |

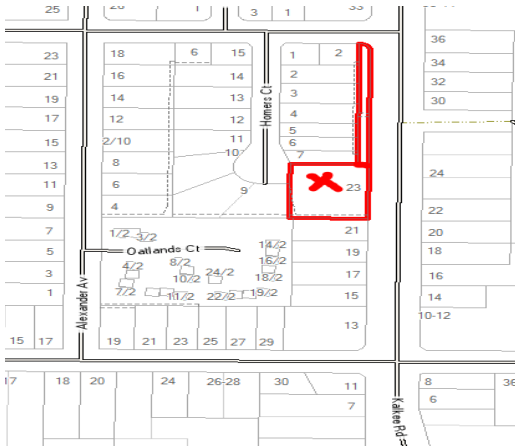
**APPENDIX 3 – INDIVIDUAL HALL SITE PLANS**

**Dadswells’ Bridge Hall – 5820 Western Highway, Dadswell’s Bridge**



Note: Committee responsibility is for a section (shown as x) of the identified area

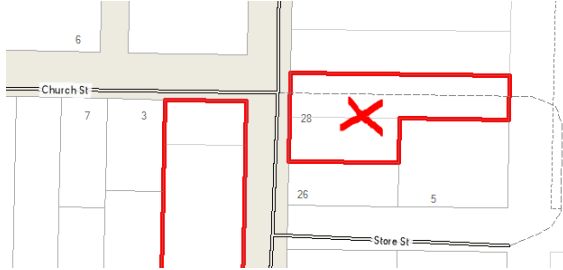
**Hamilton Lamb Memorial Hall – 13 Kalkee Road, Horsham**



The Committee is responsible for the area marked in red – but not the verge along Kalkee Road.

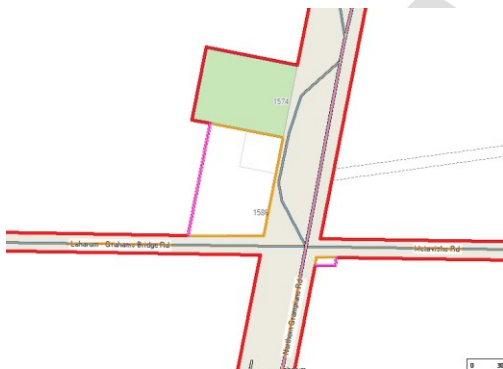


**Jung Hall – 28 Baker Street, Jung**



Note: the Committee is responsible for the area (shown as x) – but not the park.

**Laharum Hall – 1586 Northern Grampian’s Road, Laharum**



Note: The Committee is responsible for the area outlined by red.

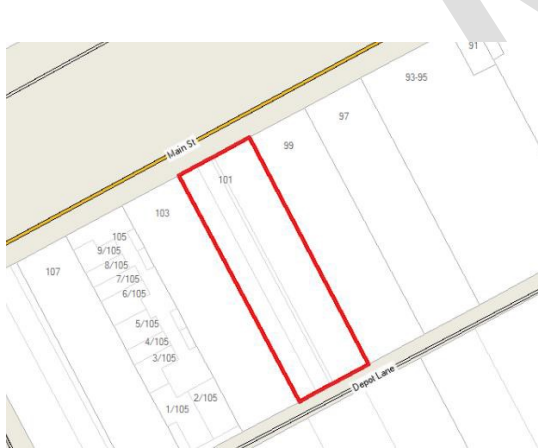
**Mitre Hall – 1429 Natimuk Frances Road, Mitre**



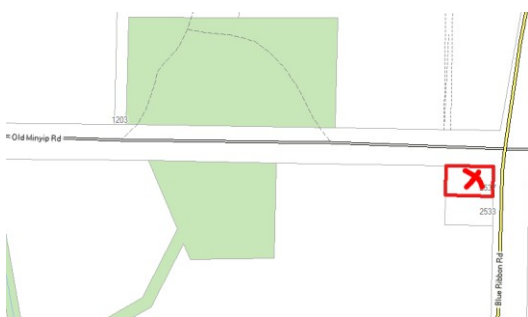
**Natimuk Community Centre (NC2) – 60 Main Street, Natimuk**



**Natimuk and District Soldiers' Memorial Hall – Main Street, Natimuk**



**Sailors' Home Hall – 2472 Blue Ribbon Road, Murra Warra**



**Taylor's Lake Hall – 2032 Horsham-Lubeck Road, St Helen's Plains**



**Telangatuk East Hall – 278 Dunstan's Road Telangatuk**



**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**CEMETERIES AND CREMATORIA ACT 2003**

| Provision       | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                                      |
|-----------------|--|--|--------------|--|
| <b>s. 12(1)</b> | <b>function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act</b> |  |              | where Council is a Class B cemetery trust                |
|                 | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| <b>s. 12(2)</b> | <b>duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions</b>  |  |              | where Council is a Class B cemetery trust                |
|                 | CISS - Co-ordinator Civil Works  |  | 26/08/2019   |  |
|                 | MOD - Human Resources Lead   |  | 4/11/2013    |  |
|                 | RA - Senior Rates Officer  |  | 27/08/2018   |  |
|                 | TLUI - Team Leader Urban Infrastructure  |  | 27/08/2018   |  |
| <b>s. 13</b>    | <b>duty to do anything necessary or convenient to enable it to carry out its functions</b>   |  |              |  |
|                 | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| <b>s. 14</b>    | <b>power to manage multiple public cemeteries as if they are one cemetery</b>  |  |              |  |
|                 | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| <b>s. 15(4)</b> | <b>duty to keep records of delegations</b>   |  |              |  |
|                 | DCORPS - Director Corporate Services   |  | 4/11/2013    |  |
| <b>s. 17(1)</b> | <b>power to employ any persons necessary</b>   |  |              |  |
|                 | CEO - Chief Executive Officer  |  | 4/11/2013    |  |
| <b>s. 17(2)</b> | <b>power to engage any professional technical or other assistance considered necessary</b>   |  |              |  |
|                 | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| <b>s. 17(3)</b> | <b>power to determine the terms and conditions of employment or engagement</b>   |  |              | subject to any guidelines or directions of the Secretary |
|                 | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| <b>s. 18(3)</b> | <b>duty to comply with a direction from the Secretary</b>  |  |              |  |
|                 | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| <b>s. 19</b>    | <b>power to carry out or permit the carrying out of works</b>  |  |              |  |
|                 | MOD - Human Resources Lead   |  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA ACT 2003

| Provision | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                                   |
|-----------|--|--|--------------|---|
| s. 20(1)  | <b>duty to set aside areas for the interment of human remains</b>  |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 20(2)  | <b>power to set aside areas for the purposes of managing a public cemetery</b>   |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 20(3)  | <b>power to set aside areas for those things in paragraphs (a) – (e)</b>   |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 24(2)  | <b>power to apply to the Secretary for approval to alter the existing distribution of land</b>   |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 40     | <b>duty to notify Secretary of fees and charges fixed under s.39</b>   |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 57(1)  | <b>duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act</b>                  |  |              | report must contain the particulars listed in s.57(2) |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 59     | <b>duty to keep records for each public cemetery</b>   |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 60(1)  | <b>duty to make information in records available to the public for historical or research purposes</b>                                 |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 60(2)  | <b>power to charge fees for providing information</b>  |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 64(4)  | <b>duty to comply with a direction from the Secretary under s.64(3)</b>  |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 64B(d) | <b>power to permit interments at a reopened cemetery</b>   |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 69     | <b>duty to take reasonable steps to notify of conversion to historic cemetery park</b>   |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| s. 70(1)  | <b>duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed</b> |  |              |   |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |   |



**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**CEMETERIES AND CREMATORIA ACT 2003**

| Provision       | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|-----------------|---|--|--------------|---------------------|
| <b>s. 70(2)</b> | <b>duty to make plans of existing place of interment available to the public</b>  |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 71(1)</b> | <b>power to remove any memorials or other structures in an area to which an approval to convert applies</b>   |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 71(2)</b> | <b>power to dispose of any memorial or other structure removed</b>  |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 72(2)</b> | <b>duty to comply with request received under section 72</b>  |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 73(1)</b> | <b>power to grant a right of interment</b>  |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 73(2)</b> | <b>power to impose conditions on the right of interment</b>   |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 75</b>    | <b>power to grant the rights of interment set out in s.75(a) and (b)</b>  |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 76(3)</b> | <b>duty to allocate a piece of interment if an unallocated right is granted</b>   |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 77(4)</b> | <b>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</b> |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 80(1)</b> | <b>function of receiving notification and payment of transfer of right of interment</b>   |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 80(2)</b> | <b>function of recording transfer of right of interment</b>   |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 82(2)</b> | <b>duty to pay refund on the surrender of an unexercised right of interment</b>   |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |
| <b>s. 83(2)</b> | <b>duty to pay refund on the surrender of an unexercised right of interment (sole holder)</b>   |  |              |                     |
|                 | MOD - Human Resources Lead  |  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA ACT 2003

| Provision   | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-------------|--|--|--------------|--|
| s. 83(3)    | <b>power to remove any memorial and grant another right of interment for a surrendered right of interment</b>  |  |              |  |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| s. 84(1)    | <b>function of receiving notice of surrendering an entitlement to a right of interment</b>   |  |              |  |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| s. 85(1)    | <b>duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry</b>  |  |              | the notice must be in writing and contain the requirements listed in s.85(2)   |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| s. 85(2)(b) | <b>duty to notify holder of 25 year right of interment of expiration of right at lease 12 months before expiry</b>   |  |              | does not apply where right of interment relates to remains of a deceased veteran<br><br>does not apply where right of interment relates to remains of a deceased veteran   |
|             | MOD - Human Resources Lead   |  | 15/02/2016   |  |
| s. 85(2)(c) | <b>power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or;</b><br><br><b>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.</b> |  |              | may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment<br><br>applies where Council appointed to manage cemetery as though it were a cemetery trust. |
|             | MOD - Human Resources Lead   |  | 15/02/2016   |  |
| s. 86       | <b>power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified</b>  |  |              |  |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA ACT 2003

| Provision   | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|-------------|--|--|--------------|---------------------|
| s. 86(2)    | <b>power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment</b>                        |  |              |                     |
|             | MOD - Human Resources Lead   |  | 3/08/2015    |                     |
| s. 86(3)(a) | <b>power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment</b>         |  |              |                     |
|             | MOD - Human Resources Lead   |  | 3/08/2015    |                     |
| s. 86(3)(b) | <b>power to remove interred cremated human remains and take further action in accordance with S.86(3)(b)</b>   |  |              |                     |
|             | MOD - Human Resources Lead   |  | 3/08/2015    |                     |
| s. 86(4)    | <b>power to take action under s.86(4) relating to removing and re-interring cremated human remains</b>   |  |              |                     |
|             | MOD - Human Resources Lead   |  | 3/08/2015    |                     |
| s. 86(5)    | <b>duty to provide notification before taking action under s.86(4)</b>   |  |              |                     |
|             | MOD - Human Resources Lead   |  | 3/08/2015    |                     |
| s. 86A      | <b>duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)</b>   |  |              |                     |
|             | MOD - Human Resources Lead   |  | 3/08/2015    |                     |
| s. 87(3)    | <b>duty if requested to extend the right for a further 25 years or convert the right to a perpetual right of interment</b>                                   |  |              |                     |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s. 88       | <b>function to receive applications to carry out a lift and re-position procedure at a place of interment</b>  |  |              |                     |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s. 91(1)    | <b>power to cancel a right of interment in accordance with s.91</b>  |  |              |                     |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s. 91(3)    | <b>duty to publish notice of intention to cancel right of interment</b>  |  |              |                     |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s. 92       | <b>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</b> |  |              |                     |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |                     |



S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

**CEMETERIES AND CREMATORIA ACT 2003**

| Provision | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|-----------|--|--|--------------|---------------------|
| s. 98(1)  | <b>function of receiving application to establish or alter a memorial or a place of interment</b>  |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s. 99     | <b>power to approve or refuse an application made under s.98 or to cancel an approval</b>  |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s. 99(4)  | <b>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</b> |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s.100(1)  | <b>power to require a person to remove memorials or places of interment</b>  |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s.100(2)  | <b>power to remove and dispose a memorial or place of interment or remedy a persons failure to comply with s.100(1)</b>  |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s.100(3)  | <b>power to recover costs of taking action under section 100(2)</b>  |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s.101     | <b>function of receiving applications to establish or alter a building for ceremonies in the cemetery</b>  |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s.103(3)  | <b>power to recover costs of taking action under s.103(2)</b>  |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s.106(1)  | <b>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</b>      |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s.106(2)  | <b>power to require the holder of the right of interment to provide for an examination</b>   |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| s.106(3)  | <b>power to open and examine the place of interment if s.106(2) not complied with</b>  |  |              |                     |
|           | MOD - Human Resources Lead   |  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA ACT 2003

| Provision   | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-------------|--|--|--------------|--|
| s.106(4)    | <b>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</b> |  |              |  |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| s.107(1)    | <b>power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs</b>  |  |              |  |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| s.107(2)    | <b>power to repair or take down remove and dispose any building for ceremonies if notice under s.107(1) is not complied with</b>   |  |              |  |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| s.108       | <b>power to recover costs and expenses</b>   |  |              |  |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| s.109(1)(a) | <b>power to open examine and repair a place of interment</b>   |  |              | where the holder of right of interment or responsible person cannot be found |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| s.109(1)(b) | <b>power to repair a memorial or with the Secretarys consent take down remove and dispose of a memorial</b>  |  |              | where the holder of right of interment or responsible person cannot be found |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| s.109(2)    | <b>power to repair the building for ceremonies or with the consent of the Secretary take down remove and dispose of a building for ceremonies</b>                              |  |              | where the holder of right of interment or responsible person cannot be found |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |
| s.110(1)    | <b>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</b>        |  |              |  |
|             | MOD - Human Resources Lead   |  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA ACT 2003

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                      |
|-----------|---|--|--------------|--|
| s.110(2)  | <b>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</b>                                      |  |              |  |
|           | MOD - Human Resources Lead  |  | 4/11/2013    |  |
| s.110A    | <b>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</b> |  |              |  |
|           | MOD - Human Resources Lead  |  | 3/08/2015    |  |
| s.111     | <b>power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment</b>   |  |              |  |
|           | MOD - Human Resources Lead  |  | 4/11/2013    |  |
| s.112     | <b>power to sell and supply memorials</b>   |  |              |  |
|           | MOD - Human Resources Lead  |  | 4/11/2013    |  |
| s.116(4)  | <b>duty to notify the Secretary of an interment authorisation granted</b>   |  |              |  |
|           | MOD - Human Resources Lead  |  | 4/11/2013    |  |
| s.116(5)  | <b>power to require an applicant to produce evidence of the right of interment holders consent to application</b>   |  |              |  |
|           | MOD - Human Resources Lead  |  | 4/11/2013    |  |
| s.118     | <b>power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met</b>   |  |              |  |
|           | MOD - Human Resources Lead  |  | 4/11/2013    |  |
| s.119     | <b>power to set terms and conditions for interment authorisations</b>   |  |              |  |
|           | MOD - Human Resources Lead  |  | 4/11/2013    |  |
| s.145     | <b>duty to comply with an order made by the Magistrates Court or a coroner</b>  |  |              |  |
|           | MOD - Human Resources Lead  |  | 4/11/2013    |  |
| s.146     | <b>power to dispose of bodily remains by a method other than interment or cremation</b>   |  |              | subject to the approval of the Secretary |
|           | MOD - Human Resources Lead  |  | 4/11/2013    |  |
| s.147     | <b>power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation</b>  |  |              |  |
|           | MOD - Human Resources Lead  |  | 4/11/2013    |  |

**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**CEMETERIES AND CREMATORIA ACT 2003**

| Provision             | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                       |
|-----------------------|--|--|--------------|---|
| <b>s.149</b>          | <b>duty to cease using method of disposal if approval revoked by the Secretary</b>   |  |              |   |
|                       | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| <b>s.150 + 152(1)</b> | <b>power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met</b>                          |  |              |   |
|                       | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| <b>s.151</b>          | <b>function of receiving applications to inter or cremate body parts</b>   |  |              |   |
|                       | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| <b>s.152(2)</b>       | <b>power to impose terms and conditions on authorisation granted under s.150.</b>  |  |              |   |
|                       | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| <b>sch 1 Cl 8(8)</b>  | <b>power to regulate own proceedings</b>   |  |              | subject to clause 8                       |
|                       | MOD - Human Resources Lead   |  | 4/11/2013    |   |
| <b>sch 1A Cl 8(3)</b> | <b>power to permit members to participate in a particular meeting by telephone closed-circuit television or any other means of communication</b> |  |              | Where Council is a Class A cemetery trust |
|                       | MOD - Human Resources Lead   |  | 4/11/2013    |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA REGULATIONS 2015

| Provision | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information             |
|-----------|--|--|--------------|---------------------------------|
| r. 24     | <b>duty to ensure that cemetery complies with depth of burial requirements</b>   |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 25     | <b>duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves</b>  |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 27     | <b>power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)</b>                                  |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 28(1)  | <b>power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator</b> |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 28(2)  | <b>duty to ensure any fittings removed of are disposed in an appropriate manner</b>  |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 29     | <b>power to dispose of any metal substance or non-human substance recovered from a cremator</b>  |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 30(2)  | <b>power to release cremated human remains to certain persons</b>  |  |              | subject to any order of a court |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 31(1)  | <b>duty to make cremated human remains available for collection within 2 working days after the cremation</b>  |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 31(2)  | <b>duty to hold cremated human remains for at least 12 months from the date of cremation</b>   |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 31(3)  | <b>power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation</b>                               |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 31(4)  | <b>duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month</b>                                     |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |
| r. 32     | <b>duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)</b>   |  |              |                                 |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                                 |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

CEMETERIES AND CREMATORIA REGULATIONS 2015

| Provision | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|-----------|--|--|--------------|---------------------|
| r. 33(1)  | <b>duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)</b> |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 33(2)  | <b>duty to ensure that remains are interred in accordance with paragraphs (a)-(b)</b>                                      |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 34     | <b>duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)</b>                     |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 36     | <b>duty to provide statement that alternative vendors or supplier of monuments exist</b>                                   |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 40     | <b>power to approve a person to play sport within a public cemetery</b>  |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 41(1)  | <b>power to approve fishing and bathing within a public cemetery</b>   |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 42(1)  | <b>power to approve hunting within a public cemetery</b>   |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 43     | <b>power to approve camping within a public cemetery</b>   |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 45     | <b>power to approve the removal of plants within a public cemetery</b>   |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 46     | <b>power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)</b>                     |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 47(3)  | <b>power to approve the use of fire in a public cemetery</b>   |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |
| r. 48(2)  | <b>power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area</b>   |  |              |                     |
|           | MOD - Human Resources Lead   |  | 15/02/2016   |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

DOMESTIC ANIMALS ACT 1994

| Provision | Provision Details                                  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|-----------|--|--|--------------|---|
| s. 41A(1) | <b>power to declare a dog to be a menacing dog</b> |  |              | Council may delegate this power to a Council authorised officer |
|           | CEO - Chief Executive Officer                      |  | 19/03/2018   |   |
|           | DCW - Director Communities and Place               |  | 24/08/2020   |   |
|           | MRS - Man Com Safety & Environmental Health        |  | 19/03/2018   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ENVIRONMENT PROTECTION ACT 1970

| Provision       | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                                       |
|-----------------|--|--|--------------|---|
| <b>s.53M(3)</b> | <b>power to require further information</b>                              |  |              |   |
|                 | CEH - Co-ordinator Environmental Health                                  |  | 4/11/2013    |   |
|                 | EHO2 - Environmental Health Officer                                      |  | 4/11/2013    |   |
| <b>s.53M(4)</b> | <b>duty to advise applicant that application is not to be dealt with</b> |  |              |   |
|                 | CEH - Co-ordinator Environmental Health                                  |  | 4/11/2013    |   |
|                 | EHO2 - Environmental Health Officer                                      |  | 4/11/2013    |   |
| <b>s.53M(5)</b> | <b>duty to approve plans issue permit or refuse permit</b>               |  |              | refusal must be ratified by Council or it is of no effect |
|                 | CEH - Co-ordinator Environmental Health                                  |  | 4/11/2013    |   |
|                 | EHO2 - Environmental Health Officer                                      |  | 4/11/2013    |   |
| <b>s.53M(6)</b> | <b>power to refuse to issue septic tank permit</b>                       |  |              | refusal must be ratified by Council or it is of no effect |
|                 | CEH - Co-ordinator Environmental Health                                  |  | 4/11/2013    |   |
|                 | EHO2 - Environmental Health Officer                                      |  | 4/11/2013    |   |
| <b>s.53M(7)</b> | <b>duty to refuse to issue a permit in circumstances in (a)-(c)</b>      |  |              | refusal must be ratified by Council or it is of no effect |
|                 | CEH - Co-ordinator Environmental Health                                  |  | 4/11/2013    |   |
|                 | EHO2 - Environmental Health Officer                                      |  | 4/11/2013    |   |



S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

FOOD ACT 1984

| Provision  | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|------------|---|--|--------------|---|
| ---        | <b>power to register renew or transfer registration</b>   |  |              | where Council is the registration authority, refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s.58A(2)) |
|            | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|            | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |
| s.19(2)(a) | <b>power to direct by written order that the food premises be put into a clean and sanitary condition</b>   |  |              | If s.19(1) applies  |
|            | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|            | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |
| s.19(2)(b) | <b>power to direct by written order that specified steps be taken to ensure that food prepared sold or handled is safe and suitable</b>   |  |              | If s.19(1) applies  |
|            | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|            | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |
| s.19(3)    | <b>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 (contd)</b> |  |              | If s.9(1) applies<br>Only in relation to temporary food premises or mobile food premises  |
|            | CEH - Co-ordinator Environmental Health   |  | 2/10/2017    |   |
| s.19(4)(a) | <b>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</b>   |  |              | if s.19(1) applies  |
|            | CEH - Co-ordinator Environmental Health   |  | 2/10/2017    |   |
| s.19(6)(a) | <b>duty to revoke any order under section 19 if satisfied that an order has been complied with</b>  |  |              | If section 19(1) applies  |
|            | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|            | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |
| s.19(6)(b) | <b>duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with</b>   |  |              | If section 19(1) applies  |
|            | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|            | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

FOOD ACT 1984

| Provision         | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-------------------|---|--|--------------|--|
| s.19AA(2)         | <b>power to direct by written order that a person must take any of the actions described in (a)-(c).</b>  |  |              | where Council is the registration authority  |
|                   |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |  |
|                   |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |  |
| s.19AA(4)(c)      | <b>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</b> |  |              | 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 |
|                   |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |  |
|                   |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |  |
| s.19AA(7)         | <b>duty to revoke order issued under s.19AA and give written notice of revocation if satisfied that that order has been complied with</b>                                       |  |              | where Council is the registration authority  |
|                   |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |  |
|                   |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |  |
| s.19CB(4)(b)      | <b>power to request copy of records</b>   |  |              | where Council is the registration authority  |
|                   |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |  |
|                   |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |  |
| s.19E(1)(d)       | <b>power to request a copy of the food safety program</b>   |  |              | where Council is the registration authority  |
|                   |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |  |
|                   |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |  |
| s.19GB            | <b>power to request proprietor to provide written details of the name qualification or experience of the current food safety supervisor</b>                                     |  |              | where Council is the registration authority  |
|                   |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |  |
|                   |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |  |
| s.19M(4)(a) + (5) | <b>power to conduct a food safety audit and take actions where deficiencies are identified</b>  |  |              | where Council is the registration authority  |
|                   |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |  |
|                   |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

FOOD ACT 1984

| Provision   | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|-------------|---|--|--------------|---|
| s.19NA(1)   | <b>power to request food safety audit reports</b>   |  |              | where Council is the registration authority   |
|             | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|             | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |
| s.19U(3)    | <b>power to waive and vary the costs of a food safety audit if there are special circumstances</b>  |  |              |   |
|             | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|             | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |
| s.19UA      | <b>power to charge fees for conducting a food safety assessment or inspection</b>   |  |              | except for an assessment required by a declaration under section 19C or an inspection under ss.38B(1)(c) or 39. |
|             | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|             | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |
| s.19W       | <b>power to direct a proprietor of a food premises to comply with any requirement under Part IIIB</b>   |  |              | where Council is the registration authority   |
|             | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|             | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |
| s.19W(3)(a) | <b>power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction</b>  |  |              | where Council is the registration authority   |
|             | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|             | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |
| s.19W(3)(b) | <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</b> |  |              | where Council is the registration authority   |
|             | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|             | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |
| s.38A(4)    | <b>power to request a copy of a completed food safety program template</b>  |  |              | where council is the registration authority   |
|             | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |   |
|             | EHO2 - Environmental Health Officer   |  | 4/11/2013    |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

FOOD ACT 1984

| Provision   | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                         |
|-------------|---|--|--------------|---|
| s.38AA(5)   | <b>power to (a) request further information- or (b) advise the proprietor that the premises must be registered if the premises are not exempt</b> |  |              | where Council is the registration authority |
|             |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |   |
|             |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |   |
| s.38AB(4)   | <b>power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under s.38AB(1)</b>                   |  |              | where Council is the registration authority |
|             |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |   |
|             |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |   |
| s.38B(1)(a) | <b>duty to assess the application and determine which class of food premises under s.19C the food premises belongs</b>                            |  |              | where Council is the registration authority |
|             |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |   |
|             |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |   |
| s.38B(1)(b) | <b>duty to ensure proprietor has complied with requirements of s.38A</b>  |  |              | where Council is the registration authority |
|             |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |   |
|             |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |   |
| s.38B(2)    | <b>duty to be satisfied of the matters in s.38B(2)(a)-(b)</b>   |  |              | where Council is the registration authority |
|             |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |   |
|             |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |   |
| s.38D(1)    | <b>duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by s.39</b>                       |  |              | where Council is the registration authority |
|             |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |   |
|             |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |   |
| s.38D(2)    | <b>duty to be satisfied of the matters in s.38D(2)(a)-(d)</b>   |  |              | where Council is the registration authority |
|             |   | CEH - Co-ordinator Environmental Health              | 4/11/2013    |   |
|             |   | EHO2 - Environmental Health Officer                  | 4/11/2013    |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

FOOD ACT 1984

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-----------|---|--|--------------|--|
| s.38D(3)  | <b>power to request copies of any audit reports</b>   |  |              | where Council is the registration authority  |
|           | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |  |
|           | EHO2 - Environmental Health Officer   |  | 4/11/2013    |  |
| s.38E(2)  | <b>power to register the food premises on a conditional basis</b>   |  |              | where Council is the registration authority; not exceeding the prescribed time limit defined under s.38E(5). |
|           | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |  |
|           | EHO2 - Environmental Health Officer   |  | 4/11/2013    |  |
| s.38E(4)  | <b>duty to register the food premises when conditions are satisfied</b>   |  |              | where Council is the registration authority  |
|           | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |  |
|           | EHO2 - Environmental Health Officer   |  | 4/11/2013    |  |
| s.39A     | <b>power to register renew or transfer food premises despite minor defects</b>  |  |              | where Council is the registration authority, only if satisfied of matters in s.39A(2)(a)-(c)                 |
|           | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |  |
|           | EHO2 - Environmental Health Officer   |  | 4/11/2013    |  |
| s.40(2)   | <b>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</b> |  |              |  |
|           | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |  |
|           | EHO2 - Environmental Health Officer   |  | 4/11/2013    |  |
| s.40C(2)  | <b>power to grant or renew the registration of food premises for a period of less than 1 year</b>   |  |              | where Council is the registration authority  |
|           | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |  |
|           | EHO2 - Environmental Health Officer   |  | 4/11/2013    |  |
| s.40D(1)  | <b>power to suspend or revoke the registration of food premises</b>   |  |              | where Council is the registration authority  |
|           | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |  |
|           | EHO2 - Environmental Health Officer   |  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

FOOD ACT 1984

| Provision | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                         |
|-----------|--|--|--------------|---|
| s.43F(6)  | <b>duty to be satisfied that registration requirements under Division 3 have been met prior to registering transferring or renewing registration of a component of a food business</b>   |  |              | where Council is the registration authority |
|           |  | CEH - Co-ordinator Environmental Health              | 4/11/2013    |   |
|           |  | EHO2 - Environmental Health Officer                  | 4/11/2013    |   |
| s.43F(7)  | <b>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</b>   |  |              | where Council is the registration authority |
|           |  | CEH - Co-ordinator Environmental Health              | 4/11/2013    |   |
|           |  | EHO2 - Environmental Health Officer                  | 4/11/2013    |   |
| s.46(5)   | <b>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 (contd)</b> |  |              | (contd) against the person first charged    |
|           |  |  |              | Where Council is the registration authority |
|           |  |  |              | where council is the registration authority |
|           |  | CEH - Co-ordinator Environmental Health              | 4/11/2013    |   |
|           |  | EHO2 - Environmental Health Officer                  | 4/11/2013    |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

HERITAGE ACT 2017

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|-----------|---|--|--------------|---|
| s.116     | <b>power to sub-delegate Executive Director's functions, duties or powers</b> |  |              | 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 |
|           | SSTP - Co-ord Statutory Planning & Building                                   |  | 26/08/2019   |   |
|           | STP - Senior Statutory Town Planner   |  | 27/08/2018   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2020

| Provision       | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                                       |
|-----------------|--|--|--------------|---|
| <b>r. 35</b>    | <b>Duty to keep a register of attendance</b>   |  |              | Note: this provision will come into force on 13 July 2020 |
|                 | DCORPS - Director Corporate Services   |  | 24/08/2020   |   |
|                 | MGIS - Manager Governance & Information Service  |  | 24/08/2020   |   |
| <b>r. 15(1)</b> | <b>Duty to provide details of a person's entitlement to be enrolled as a ratepayer on the voters' roll</b> |  |              | Note: this provision will come into force on 13 July 2020 |
|                 | DCORPS - Director Corporate Services   |  | 24/08/2020   |   |
|                 | MGIS - Manager Governance & Information Service  |  | 24/08/2020   |   |
| <b>r. 15(2)</b> | <b>Power to exchange relevant information to enrolment entitlements with the VEC</b>                       |  |              | Note: this provision will come into force on 13 July 2020 |
|                 | DCORPS - Director Corporate Services   |  | 24/08/2020   |   |
|                 | MGIS - Manager Governance & Information Service  |  | 24/08/2020   |   |
| <b>r. 18</b>    | <b>Duty to maintain a list of silent voters</b>  |  |              | Note: this provision will come into force on 13 July 2020 |
|                 | DCORPS - Director Corporate Services   |  | 24/08/2020   |   |
|                 | MGIS - Manager Governance & Information Service  |  | 24/08/2020   |   |
| <b>r. 19</b>    | <b>Duty to ensure that only authorised persons have access to details of silent voters</b>                 |  |              | Note: this provision will come into force on 13 July 2020 |
|                 | DCORPS - Director Corporate Services   |  | 24/08/2020   |   |
|                 | MGIS - Manager Governance & Information Service  |  | 24/08/2020   |   |
| <b>r. 33</b>    | <b>Duty to cause the Local Government Candidate Training to be conducted</b>                               |  |              | Note: this provision will come into force on 13 July 2020 |
|                 | DCORPS - Director Corporate Services   |  | 24/08/2020   |   |
|                 | MGIS - Manager Governance & Information Service  |  | 24/08/2020   |   |
| <b>r. 36(2)</b> | <b>Duty to comply with notice under subsection (1)</b>   |  |              | Note: this provision will come into force on 13 July 2020 |
|                 | DCORPS - Director Corporate Services   |  | 24/08/2020   |   |
|                 | MGIS - Manager Governance & Information Service  |  | 24/08/2020   |   |



S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2020

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                                       |
|-----------|---|--|--------------|---|
| r. 83     | <b>Duty to submit report on election received by the VEC to Council</b> |  |              | Note: this provision will come into force on 13 July 2020 |
|           | DCORPS - Director Corporate Services                                    |  | 24/08/2020   |   |
|           | MGIS - Manager Governance & Information Service                         |  | 24/08/2020   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016

| Provision   | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-------------|---|--|--------------|----------------------|
| <b>r.19</b> | <b>power to waive or rebate a fee relating to an amendment of a planning scheme</b>   |  |              | Expires October 2015 |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |                      |
|             | MIAG - Manager Investment, Attractions & Growth   |  | 24/08/2020   |                      |
| <b>r.20</b> | <b>power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme</b>                                |  |              |                      |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |                      |
|             | MIAG - Manager Investment, Attractions & Growth   |  | 24/08/2020   |                      |
| <b>r.21</b> | <b>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</b> |  |              | Expires October 2015 |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |                      |
|             | MIAG - Manager Investment, Attractions & Growth   |  | 24/08/2020   |                      |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information           |
|-----------|---|--|--------------|-------------------------------|
| -         | <b>power to give written authorisation in accordance with a provision of a planning scheme</b>                      |  |              |                               |
|           | DCW - Director Communities and Place  |  | 24/08/2020   |                               |
|           | MIAG - Manager Investment, Attractions & Growth   |  | 24/08/2020   |                               |
|           | MRS - Man Com Safety & Environmental Health   |  | 25/02/2019   |                               |
|           | MRS - Man Com Safety & Environmental Health   |  | 25/02/2019   |                               |
|           | SSTP - Co-ord Statutory Planning & Building   |  | 27/08/2018   |                               |
|           | SSTP - Co-ord Statutory Planning & Building   |  | 26/08/2019   |                               |
|           | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                               |
|           | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                               |
| s. 4B     | <b>power to prepare an amendment to the Victorian Planning Provisions</b>   |  |              | if authorised by the Minister |
|           | DCW - Director Communities and Place  |  | 24/08/2020   |                               |
| s. 4G     | <b>function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister</b> |  |              |                               |
|           | DCW - Director Communities and Place  |  | 24/08/2020   |                               |
|           | MIAG - Manager Investment, Attractions & Growth   |  | 24/08/2020   |                               |
| s. 4H     | <b>duty to make amendment to Victorian Planning Provisions available</b>  |  |              |                               |
|           | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                               |
|           | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                               |
| s. 4I     | <b>duty to keep Victorian Planning Provisions and other documents available</b>                                     |  |              |                               |
|           | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                               |
|           | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                               |
| s. 8A(2)  | <b>power to prepare amendment to the planning scheme where the Minister has given consent under s.8A</b>            |  |              |                               |
|           | DCW - Director Communities and Place  |  | 24/08/2020   |                               |
| s. 8A(3)  | <b>power to apply to Minister to prepare an amendment to the planning scheme</b>                                    |  |              |                               |
|           | DCW - Director Communities and Place  |  | 24/08/2020   |                               |
| s. 8A(5)  | <b>function of receiving notice of the Minister's decision</b>  |  |              |                               |
|           | DCW - Director Communities and Place  |  | 24/08/2020   |                               |

**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**PLANNING AND ENVIRONMENT ACT 1987**

| Provision        | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|------------------|--|--|--------------|---------------------|
| <b>s. 8A(7)</b>  | <b>power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days</b>                                     |  |              |                     |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
| <b>s. 8B(2)</b>  | <b>power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district</b>  |  |              |                     |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
| <b>s. 12(3)</b>  | <b>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</b>                  |  |              |                     |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
|                  |  | MIAG - Manager Investment, Attractions & Growth      | 24/08/2020   |                     |
| <b>s. 12A(1)</b> | <b>duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s.19 of the Planning and Environment (Planning Schemes) Act 1996)</b> |  |              |                     |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
| <b>s. 12B(1)</b> | <b>duty to review planning scheme</b>  |  |              |                     |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
| <b>s. 12B(2)</b> | <b>duty to review planning scheme at direction of Minister</b>   |  |              |                     |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
| <b>s. 12B(5)</b> | <b>duty to report findings of review of planning scheme to Minister without delay</b>  |  |              |                     |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
| <b>s. 14</b>     | <b>duties of a Responsible Authority as set out in s.14 (a) to (d)</b>   |  |              |                     |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
| <b>s. 17(1)</b>  | <b>duty of giving copy amendment to the planning scheme</b>  |  |              |                     |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|-----------|--|--|--------------|---|
| s. 17(2)  | <b>duty of giving copy s.173 agreement</b>   |  |              |   |
|           | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|           | MIAG - Manager Investment, Attractions & Growth  |  | 24/08/2020   |   |
| s. 17(3)  | <b>duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days</b>  |  |              |   |
|           | DCW - Director Communities and Place   |  | 24/08/2020   |   |
| s. 18     | <b>duty to make amendment etc. available</b>   |  |              |   |
|           | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |   |
|           | STP - Senior Statutory Town Planner  |  | 4/11/2013    |   |
| s. 19     | <b>function of receiving notice of preparation of an amendment to a planning scheme</b>  |  |              | where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br>where the amendment will amend the planning scheme to designate Council as an acquiring authority |
|           | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|           | MIAG - Manager Investment, Attractions & Growth  |  | 24/08/2020   |   |
|           | SSTP - Co-ord Statutory Planning & Building  |  | 7/04/2014    |   |
| s. 19     | <b>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</b> |  |              |   |
| s. 19     |  |  |              |   |
|           | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|           | MIAG - Manager Investment, Attractions & Growth  |  | 24/08/2020   |   |
|           | SSTP - Co-ord Statutory Planning & Building  |  | 7/04/2014    |   |
| s. 20(1)  | <b>power to apply to Minister for exemption from the requirements of section 19</b>  |  |              |   |
|           | Not Delegated -  |  | 24/08/2020   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision          | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|--------------------|---|--|--------------|--|
| <b>s. 21(2)</b>    | <b>duty to make submissions available</b>   |  |              |  |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |  |
|                    |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |  |
| <b>s. 21A(4)</b>   | <b>duty to publish notice in accordance with section</b>  |  |              |  |
|                    |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|                    |   | MIAG - Manager Investment, Attractions & Growth      | 24/08/2020   |  |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 26/08/2019   |  |
| <b>s. 22</b>       | <b>duty to consider all submissions</b>   |  |              | except submissions which request a change to the items in s.22(5)(1) and (b) |
|                    |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|                    |   | MIAG - Manager Investment, Attractions & Growth      | 24/08/2020   |  |
| <b>s. 23(1)(b)</b> | <b>duty to refer submissions which request a change to the amendment to a panel</b>   |  |              |  |
|                    |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|                    |   | MIAG - Manager Investment, Attractions & Growth      | 24/08/2020   |  |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 7/04/2014    |  |
| <b>s. 23(2)</b>    | <b>power to refer to a panel submissions which do not require a change to the amendment</b>                                 |  |              |  |
|                    |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
| <b>s. 24</b>       | <b>function to represent Council and present a submission at a panel hearing (including a hearing referred to in s.96D)</b> |  |              |  |
|                    |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|                    |   | MIAG - Manager Investment, Attractions & Growth      | 24/08/2020   |  |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |  |
|                    |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |  |
| <b>s. 26(1)</b>    | <b>power to make report available for inspection</b>  |  |              |  |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |  |
|                    |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision   | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-------------|---|--|--------------|--|
| s. 26(2)    | <b>duty to keep report of panel available for inspection</b>  |  |              |  |
|             | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |  |
|             | STP - Senior Statutory Town Planner   |  | 4/11/2013    |  |
| s. 27(2)    | <b>power to apply for exemption if panels report not received</b>   |  |              |  |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 28       | <b>duty to notify the Minister if abandoning an amendment</b>   |  |              | Note: the power to make a decision to abandon an amendment cannot be delegated |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 30(4)(a) | <b>duty to say if amendment has lapsed</b>  |  |              |  |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 30(4)(b) | <b>duty to provide information in writing upon request</b>  |  |              |  |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 32(2)    | <b>duty to give more notice if required</b>   |  |              |  |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 33(1)    | <b>duty to give more notice of changes to an amendment</b>  |  |              |  |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 36(2)    | <b>duty to give notice of approval of amendment</b>   |  |              |  |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 38(5)    | <b>duty to give notice of revocation of an amendment</b>  |  |              |  |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 39       | <b>function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT</b> |  |              |  |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 40(1)    | <b>function of lodging copy of approved amendment</b>   |  |              |  |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 41       | <b>duty to make approved amendment available</b>  |  |              |  |
|             | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |  |
|             | STP - Senior Statutory Town Planner   |  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision   | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                          |
|-------------|--|--|--------------|--|
| s. 42       | <b>duty to make copy of planning scheme available</b>  |  |              |  |
|             | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |  |
|             | STP - Senior Statutory Town Planner  |  | 4/11/2013    |  |
| s. 46AS(ac) | <b>power to request the Victorian Planning Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria</b>  |  |              |  |
|             | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| s. 46AW     | <b>function of being consulted by the Minister</b>   |  |              | where Council is a responsible public entity |
|             | CSLP - Co-ordinator Strategic Planning   |  | 27/08/2018   |  |
|             | DCW - Director Communities and Place   |  | 24/08/2020   |  |
|             | MIAG - Manager Investment, Attractions & Growth  |  | 27/08/2018   |  |
| s. 46AX     | <b>function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy</b>   |  |              | where Council is a responsible public entity |
|             | <b>power to endorse the draft Statement of Planning Policy</b>   |  |              |  |
|             | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| s. 46AZC(2) | <b>duty to comply with directions issued by the Minister</b>   |  |              | where Council is a responsible public entity |
|             | <b>duty not to prepare an amendment to a declared area</b>   |  |              |  |
|             | <b>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</b>                                       |  |              |  |
|             | CSLP - Co-ordinator Strategic Planning   |  | 27/08/2018   |  |
|             | DCW - Director Communities and Place   |  | 24/08/2020   |  |
|             | MIAG - Manager Investment, Attractions & Growth  |  | 27/08/2018   |  |
| s. 46AZK    | <b>duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)</b>  |  |              | where Council is a responsible public entity |
|             | <b>duty not to act inconsistently</b>  |  |              |  |
|             | <b>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</b> |  |              |  |
|             | DCW - Director Communities and Place   |  | 24/08/2020   |  |
|             | SSTP - Co-ord Statutory Planning & Building  |  | 27/08/2018   |  |
|             | STP - Senior Statutory Town Planner  |  | 27/08/2018   |  |



**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**PLANNING AND ENVIRONMENT ACT 1987**

| Provision         | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-------------------|---|--|--------------|--|
| <b>s. 46GF</b>    | <b>duty to comply with directions issued by the Minister</b>  |  |              |  |
|                   | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| <b>s. 46GG</b>    | <b>duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)</b>   |  |              |  |
|                   | SSTP - Co-ord Statutory Planning & Building   |  | 15/02/2016   |  |
|                   | STP - Senior Statutory Town Planner   |  | 15/02/2016   |  |
| <b>s. 46GH(1)</b> | <b>power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction</b>   |  |              | where council is a collection agency                             |
|                   | DCW - Director Communities and Place  |  | 24/08/2020   |  |
|                   | DI - Director Infrastructure  |  | 15/02/2016   |  |
| <b>s. 46GH(2)</b> | <b>power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable</b>   |  |              | where council is a collection agency                             |
|                   | DCW - Director Communities and Place  |  | 24/08/2020   |  |
|                   | DI - Director Infrastructure  |  | 15/02/2016   |  |
| <b>s. 46GH(3)</b> | <b>duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant</b> |  |              | where council is a collection agency                             |
|                   | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| <b>s. 46GI(1)</b> | <b>duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the Planning and Environment Act 1987</b>  |  |              | must be done in accordance with <i>Local Government Act 1989</i> |
|                   | DCW - Director Communities and Place  |  | 24/08/2020   |  |
|                   | FM - Manager Finance  |  | 15/02/2016   |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision        | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|------------------|--|--|--------------|---|
| s. 46GI(2)       | <b>duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency</b>  |  |              |   |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
|                  |  | FM - Manager Finance                                 | 15/02/2016   |   |
| s. 46GI(2)(b)(i) | <b>power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction 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 where council is a collecting agency</b> |  |              | where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency |
|                  |  | CSLP - Co-ordinator Strategic Planning               | 27/08/2018   |   |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
| s. 46GI(3)       | <b>duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)</b>   |  |              |   |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
|                  |  | FM - Manager Finance                                 | 15/02/2016   |   |
| s. 46GI(4)       | <b>power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the Planning and Environment Act 1987 if satisfied that the development is not to proceed</b>  |  |              |   |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
| s. 46GI(5)       | <b>duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.</b>   |  |              |   |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
| s. 46GJ(1)       | <b>function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans</b>   |  |              |   |
|                  |  | CSLP - Co-ordinator Strategic Planning               | 27/08/2018   |   |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
| s. 46GK          | <b>duty to comply with a Minister's direction that applies to Council as the planning authority</b>  |  |              |   |
|                  |  | CSLP - Co-ordinator Strategic Planning               | 27/08/2018   |   |
|                  |  | DCW - Director Communities and Place                 | 24/08/2020   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision  | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|------------|---|--|--------------|--|
| s. 46GL    | <b>power to recover any amount of infrastructure levy as a debt due to Council</b>  |  |              | where council is a collecting agency                       |
|            | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 46GM    | <b>duty to prepare report and give a report to the Minister</b>   |  |              | where council is a collecting agency or development agency |
|            | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 46GN(1) | <b>duty to arrange for estimates of values of inner public purpose land</b>   |  |              |  |
|            | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |  |
|            | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 46GO(1) | <b>duty to give notice to owners of certain inner public purpose land</b>   |  |              |  |
|            | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |  |
|            | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 46GP    | <b>function of receiving a notice under s.46GO</b>  |  |              | WHERE Council is the collecting agency                     |
|            | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |  |
|            | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 46GQ    | <b>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</b> |  |              |  |
|            | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |  |
|            | DCW - Director Communities and Place  |  | 24/08/2020   |  |
|            | MIAG - Manager Investment, Attractions & Growth   |  | 27/08/2018   |  |
| s. 46GR(1) | <b>duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO</b>   |  |              |  |
|            | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |  |
|            | DCW - Director Communities and Place  |  | 24/08/2020   |  |
|            | MIAG - Manager Investment, Attractions & Growth   |  | 27/08/2018   |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision  | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|------------|---|--|--------------|---------------------|
| s. 46GR(2) | <b>power to consider a late submission</b>  |  |              |                     |
|            | <b>duty to consider a late submission if directed to do so by the Minister</b>  |  |              |                     |
|            |   | CSLP - Co-ordinator Strategic Planning               |              | 27/08/2018          |
|            |   | DCW - Director Communities and Place                 |              | 24/08/2020          |
|            | MIAG - Manager Investment, Attractions & Growth   |  | 27/08/2018   |                     |
| s. 46GS(1) | <b>power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ</b>   |  |              |                     |
|            |   | CSLP - Co-ordinator Strategic Planning               |              | 27/08/2018          |
|            |   | DCW - Director Communities and Place                 |              | 24/08/2020          |
|            |   | MIAG - Manager Investment, Attractions & Growth      |              | 27/08/2018          |
| s. 46GS(2) | <b>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</b> |  |              |                     |
|            |   | CSLP - Co-ordinator Strategic Planning               |              | 27/08/2018          |
|            |   | DCW - Director Communities and Place                 |              | 24/08/2020          |
|            |   | MIAG - Manager Investment, Attractions & Growth      |              | 27/08/2018          |
| s. 46GT(2) | <b>duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference</b>   |  |              |                     |
|            |   | CSLP - Co-ordinator Strategic Planning               |              | 27/08/2018          |
|            |   | DCW - Director Communities and Place                 |              | 24/08/2020          |
|            |   | MIAG - Manager Investment, Attractions & Growth      |              | 27/08/2018          |
| s. 46GT(4) | <b>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</b>                                     |  |              |                     |
|            |   | CSLP - Co-ordinator Strategic Planning               |              | 27/08/2018          |
|            |   | DCW - Director Communities and Place                 |              | 24/08/2020          |
|            |   | MIAG - Manager Investment, Attractions & Growth      |              | 27/08/2018          |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision     | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                                  |
|---------------|---|--|--------------|--|
| s. 46GT(6)    | <b>function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)</b>  |  |              |  |
|               |   | CSLP - Co-ordinator Strategic Planning               | 27/08/2018   |  |
|               |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|               |   | MIAG - Manager Investment, Attractions & Growth      | 27/08/2018   |  |
| s. 46GU       | <b>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 (contd)</b> |  |              | (contd) the criteria in s.46GU(1)(a) and (b) are met |
|               |   | CSLP - Co-ordinator Strategic Planning               | 27/08/2018   |  |
|               |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|               |   | MIAG - Manager Investment, Attractions & Growth      | 27/08/2018   |  |
| s. 46GV(3)    | <b>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</b>  |  |              | where Council is the collecting agency               |
|               |   | SSTP - Co-ord Statutory Planning & Building          | 27/08/2018   |  |
|               |   | STP - Senior Statutory Town Planner                  | 27/08/2018   |  |
| s. 46GV(3)(b) | <b>power to enter into an agreement with the applicant</b>  |  |              | where Council is the collecting agency               |
|               |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|               |   | MIAG - Manager Investment, Attractions & Growth      | 27/08/2018   |  |
| s. 46GV(4)(a) | <b>function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)</b>   |  |              | where Council is the development agency              |
|               |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|               |   | MRS - Man Com Safety & Environmental Health          | 25/02/2019   |  |
|               |   | SSTP - Co-ord Statutory Planning & Building          | 27/08/2018   |  |
|               |   | STP - Senior Statutory Town Planner                  | 27/08/2018   |  |
| s. 46GV(4)(b) | <b>function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)</b>   |  |              | where Council is the collecting agency               |
|               |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|               |   | SSTP - Co-ord Statutory Planning & Building          | 27/08/2018   |  |
|               |   | STP - Senior Statutory Town Planner                  | 27/08/2018   |  |

**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**PLANNING AND ENVIRONMENT ACT 1987**

| Provision              | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|------------------------|---|--|--------------|---|
| <b>s. 46GV(7)</b>      | <b>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</b>   |  |              |   |
|                        | SSTP - Co-ord Statutory Planning & Building   |  | 27/08/2018   |   |
|                        | STP - Senior Statutory Town Planner   |  | 27/08/2018   |   |
| <b>s. 46GV(9)</b>      | <b>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</b>  |  |              | where Council is the collecting agency  |
|                        | SSTP - Co-ord Statutory Planning & Building   |  | 27/08/2018   |   |
|                        | STP - Senior Statutory Town Planner   |  | 27/08/2018   |   |
| <b>s. 46GX(1)</b>      | <b>power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable</b>   |  |              | where Council is the collecting agency  |
|                        | DI - Director Infrastructure  |  | 27/08/2018   |   |
| <b>s. 46GX(2)</b>      | <b>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</b> |  |              | where Council is the collecting agency  |
|                        | DI - Director Infrastructure  |  | 27/08/2018   |   |
| <b>s. 46GY(1)</b>      | <b>duty to keep proper and separate accounts and records</b>  |  |              | where Council is the collecting agency  |
|                        | FM - Manager Finance  |  | 27/08/2018   |   |
| <b>s. 46GY(2)</b>      | <b>duty to keep the accounts and records in accordance with the Local Government Act 1989</b>   |  |              | where Council is the collecting agency  |
|                        | FM - Manager Finance  |  | 27/08/2018   |   |
| <b>s. 46GZ(2)(a)-1</b> | <b>function of receiving the monetary component</b>   |  |              | where the Council is the planning authority<br>this duty does not apply where Council is also the collecting agency |
|                        | FM - Manager Finance  |  | 27/08/2018   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision       | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-----------------|---|--|--------------|--|
| s. 46GZ(2)(a)-2 | <b>duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs</b><br><b>where Council is the collecting agency under an approved infrastructure contributions plan</b><br><b>this duty does not apply where Council is that planning authority</b> |  |              | where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that planning authority                   |
|                 | FM - Manager Finance  |  | 27/08/2018   |  |
| s. 46GZ(2)(b)-1 | <b>function of receiving the monetary component</b>   |  |              | where Council is the development agency under an approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency          |
|                 | FM - Manager Finance  |  | 27/08/2018   |  |
| s. 46GZ(2)(b)-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</b>   |  |              | 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 |
|                 | FM - Manager Finance  |  | 27/08/2018   |  |
| s. 46GZ(4)      | <b>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)</b>  |  |              | where Council is the collecting agency under an approved infrastructure contributions plan   |
|                 | FM - Manager Finance  |  | 27/08/2018   |  |
| s. 46GZ(5)      | <b>function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land</b>   |  |              | 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  |
|                 | FM - Manager Finance  |  | 27/08/2018   |  |
|                 | MIAG - Manager Investment, Attractions & Growth   |  | 24/08/2020   |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision    | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|--------------|--|--|--------------|--|
| s. 46GZ(5)-2 | <b>duty to forward any part of a land equalisation amount required for the acquisition of infrastructure of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency</b> |  |              | 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   |
|              |  | FM - Manager Finance                                 | 27/08/2018   |  |
| s. 46GZ(7)   | <b>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</b>   |  |              | where Council is the collecting agency under an approved infrastructure contributions plan   |
|              |  | FM - Manager Finance                                 | 27/08/2018   |  |
| s. 46GZ(9)   | <b>duty to transfer the estate in fee simple in the land to to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land</b>  |  |              | if any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s.46GV(4) where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency |
|              |  | DCW - Director Communities and Place                 | 24/08/2020   |  |
|              |  | MIAG - Manager Investment, Attractions & Growth      | 24/08/2020   |  |
| s. 46GZ(9)-1 | <b>function of receiving the fee simple in the land</b>  |  |              | where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency   |
|              |  | DCW - Director Communities and Place                 | 24/08/2020   |  |



S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision   | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|-------------|---|--|--------------|---|
| s. 46GZA(1) | <b>duty to keep proper and separate accounts and records</b>  |  |              | where Council is a development agency under an approved infrastructure contributions plan   |
|             | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |   |
|             | MIAG - Manager Investment, Attractions & Growth   |  | 27/08/2018   |   |
| s. 46GZA(2) | <b>duty to keep the accounts and records in accordance with the Local Government Act 2020</b>   |  |              | where Council is a development agency under an approved infrastructure contributions plan   |
|             | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |   |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |   |
|             | MIAG - Manager Investment, Attractions & Growth   |  | 27/08/2018   |   |
| s. 46GZB(3) | <b>duty to follow the steps set out in s.46GZB(3)(a) – (c)</b>  |  |              | where Council is a development agency under an approved infrastructure contributions plan   |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |   |
|             | MIAG - Manager Investment, Attractions & Growth   |  | 27/08/2018   |   |
| s. 46GZB(4) | <b>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</b> |  |              | 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 |
|             | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |   |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |   |
|             | MIAG - Manager Investment, Attractions & Growth   |  | 27/08/2018   |   |
| s. 46GZD(2) | <b>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)</b>   |  |              | where Council is the development agency under an approved infrastructure contributions plan   |
|             | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |   |
|             | DCW - Director Communities and Place  |  | 24/08/2020   |   |
|             | MIAG - Manager Investment, Attractions & Growth   |  | 27/08/2018   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision     | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|---------------|--|--|--------------|---|
| s. 46GZD(3)   | <b>duty to follow the steps set out in s.46GZD(3)(a) and (b)</b>   |  |              | where Council is the collecting agency under an approved infrastructure contributions plan  |
|               | CSLP - Co-ordinator Strategic Planning   |  | 27/08/2018   |   |
|               | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|               | MIAG - Manager Investment, Attractions & Growth  |  | 27/08/2018   |   |
| s. 46GZD(5)   | <b>duty to make payments under s.46GZD(3) in accordance with ss.46GZD(5)(a) and (46GZD(5)(b)</b>   |  |              | where Council is the collecting agency under an approved infrastructure contributions plan  |
|               | CSLP - Co-ordinator Strategic Planning   |  | 27/08/2018   |   |
|               | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|               | MIAG - Manager Investment, Attractions & Growth  |  | 27/08/2018   |   |
| s. 46GZE(2)   | <b>function of receiving the unexpended land equalisation amount</b>   |  |              | where Council is the collecting agency under an approved infrastructure contributions plan  |
|               |  |  |              | this duty does not apply where Council is also the development agency   |
|               | MIAG - Manager Investment, Attractions & Growth  |  | 24/08/2020   |   |
| s. 46GZE(2)-1 | <b>function of receiving the unexpended land equalisation amount</b>   |  |              | where Council is the collecting agency under an approved infrastructure contributions plan<br>this duty does not apply where Council is also the development agency |
|               | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|               | MIAG - Manager Investment, Attractions & Growth  |  | 27/08/2018   |   |
| s. 46GZE(2)-2 | <b>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</b> |  |              | where Council is the development agency under an approved infrastructure contributions plan<br>this duty does not apply where Council is also the collecting agency |
|               | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|               | MIAG - Manager Investment, Attractions & Growth  |  | 27/08/2018   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision     | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|---------------|--|--|--------------|---|
| s. 46GZE(3)   | <b>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)</b>   |  |              | where Council is the collecting agency under an approved infrastructure contributions plan  |
|               |  | CSLP - Co-ordinator Strategic Planning               | 27/08/2018   |   |
|               |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
|               |  | MIAG - Manager Investment, Attractions & Growth      | 27/08/2018   |   |
| s. 46GZF(2)   | <b>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</b> |  |              | where Council is the development agency under an approved infrastructure contributions plan   |
|               |  | DI - Director Infrastructure                         | 27/08/2018   |   |
| s. 46GZF(3)-1 | <b>s.46GZF(3)(a) function of receiving proceeds of sale</b>  |  |              | where Council is the collection agency under an approved infrastructure contributions plan this provision does not apply where Council is also the development agency |
|               |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
|               |  | MIAG - Manager Investment, Attractions & Growth      | 27/08/2018   |   |
| s. 46GZF(3)-2 | <b>duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)</b>   |  |              | where Council is the development agency under an approved infrastructure contributions plan   |
|               |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
|               |  | MIAG - Manager Investment, Attractions & Growth      | 27/08/2018   |   |
| s. 46GZF(4)   | <b>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)</b>      |  |              | where Council is the collecting agency under an approved infrastructure contributions plan  |
|               |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
|               |  | MIAG - Manager Investment, Attractions & Growth      | 27/08/2018   |   |
| s. 46GZF(6)   | <b>duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)</b>   |  |              | where Council is the collecting agency under an approved infrastructure contributions plan  |
|               |  | DCW - Director Communities and Place                 | 24/08/2020   |   |
|               |  | MIAG - Manager Investment, Attractions & Growth      | 27/08/2018   |   |

**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**PLANNING AND ENVIRONMENT ACT 1987**

| Provision                  | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|----------------------------|---|--|--------------|--|
| <b>s. 46GZH</b>            | <b>where Council is the collecting agency under an approved infrastructure contributions plan</b>   |  |              | where Council is the collecting agency under an approved infrastructure contributions plan |
|                            | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| <b>s. 46GZI</b>            | <b>duty to prepare and give a report to the Minister at the times required by the Minister</b>  |  |              | where Council is a collecting agency or development agency                                 |
|                            | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |  |
|                            | MIAG - Manager Investment, Attractions & Growth   |  | 27/08/2018   |  |
| <b>s. 46GZK</b>            | <b>power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council</b>   |  |              | where Council is a collecting agency or development agency                                 |
|                            | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| <b>s. 46LB(3)</b>          | <b>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)</b> |  |              |  |
|                            | CSLP - Co-ordinator Strategic Planning  |  | 27/08/2018   |  |
|                            | MIAG - Manager Investment, Attractions & Growth   |  | 27/08/2018   |  |
| <b>s. 46N(1)</b>           | <b>duty to include condition in permit regarding payment of development infrastructure levy</b>   |  |              |  |
|                            | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |  |
|                            | STP - Senior Statutory Town Planner   |  | 4/11/2013    |  |
| <b>s. 46N(2)(c)</b>        | <b>function of determining time and manner for receipt of development contributions levy</b>  |  |              |  |
|                            | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |  |
|                            | STP - Senior Statutory Town Planner   |  | 4/11/2013    |  |
| <b>s. 46N(2)(d)</b>        | <b>power to enter into an agreement with the applicant regarding payment of development infrastructure levy</b>   |  |              |  |
|                            | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| <b>s. 46O(1)(a)+(2)(a)</b> | <b>power to ensure that community infrastructure levy is paid or agreement is in place prior to issuing building permit</b>   |  |              |  |
|                            | MBS - Municipal Building Surveyor   |  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision           | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|---------------------|--|--|--------------|---|
| s. 46O(1)(d)+(2)(d) | <b>power to enter into agreement with the applicant regarding payment of community infrastructure levy</b>   |  |              |   |
|                     | DCW - Director Communities and Place   |  | 24/08/2020   |   |
| s. 46P(1)           | <b>power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured</b>  |  |              |   |
|                     | DCW - Director Communities and Place   |  | 24/08/2020   |   |
| s. 46P(2)           | <b>power to accept provision of land works services or facilities in part or full payment of levy payable</b>  |  |              |   |
|                     | DCW - Director Communities and Place   |  | 24/08/2020   |   |
| s. 46Q(1)           | <b>duty to keep proper accounts of levies paid</b>   |  |              |   |
|                     | FM - Manager Finance   |  | 4/11/2013    |   |
| s. 46Q(1A)          | <b>duty to forward to development agency part of levy imposed for carrying out works services or facilities on behalf of development agency or plan preparatin costs incurred by a development agency or plan preparation costs incurred by a development agency</b> |  |              |   |
|                     | FM - Manager Finance   |  | 4/11/2013    |   |
| s. 46Q(2)           | <b>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</b>   |  |              |   |
|                     | FM - Manager Finance   |  | 4/11/2013    |   |
| s. 46Q(3)           | <b>power to refund any amount of levy paid if it is satisfied the development is not to proceed</b>  |  |              | only applies when levy is paid to Council as a 'development agency'   |
|                     | DCW - Director Communities and Place   |  | 24/08/2020   |   |
| s. 46Q(4)(c)        | <b>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 (contd)</b>  |  |              | (contd) or facilities in an area under s.46Q(4)(a)<br><br>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 |
|                     | DCW - Director Communities and Place   |  | 24/08/2020   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision    | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|--------------|---|--|--------------|--|
| s. 46Q(4)(d) | <b>duty to submit to the Minister an amendment to the approved development contributions plan</b>     |  |              | must be done in accordance with Part 3                           |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 46Q(4)(e) | <b>duty to expend that amount on other works etc.</b>   |  |              | with the consent of, and in the manner approved by, the Minister |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 46QC      | <b>power to recover any amount of levy payable under Part 3B</b>                                      |  |              |  |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 46QD      | <b>duty to prepare report and give a report to the Minister</b>                                       |  |              | where Council is a collecting agency or development agency       |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 47        | <b>power to decide that an application for a planning permit does not comply with that Act</b>        |  |              |  |
|              | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |  |
|              | STP - Senior Statutory Town Planner   |  | 4/11/2013    |  |
| s. 49(1)     | <b>duty to keep a register of all applications for permits and determinations relating to permits</b> |  |              |  |
|              | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |  |
|              | STP - Senior Statutory Town Planner   |  | 4/11/2013    |  |
| s. 49(2)     | <b>duty to make register available for inspection</b>   |  |              |  |
|              | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |  |
|              | STP - Senior Statutory Town Planner   |  | 4/11/2013    |  |
| s. 50(4)     | <b>duty to amend application</b>  |  |              |  |
|              | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |  |
|              | STP - Senior Statutory Town Planner   |  | 4/11/2013    |  |
| s. 50(5)     | <b>power to refuse to amend application</b>   |  |              |  |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |  |
| s. 50(6)     | <b>duty to make note of amendment to application in register</b>                                      |  |              |  |
|              | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |  |
|              | STP - Senior Statutory Town Planner   |  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision    | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|--------------|--|--|--------------|---------------------|
| s. 50A(1)    | <b>power to make amendment to application</b>  |  |              |                     |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 50A(3)    | <b>power to require applicant to notify owner and make a declaration that notice has been given</b>  |  |              |                     |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 50A(4)    | <b>duty to note amendment to application in register</b>   |  |              |                     |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 51        | <b>duty to make copy of application available for inspection</b>   |  |              |                     |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 52(1)(a)  | <b>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</b> |  |              |                     |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 52(1)(b)  | <b>duty to give notice of the application to other municipal Council where appropriate</b>   |  |              |                     |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 52(1)(c)  | <b>duty to give notice of the application to all persons required by the planning scheme</b>   |  |              |                     |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 52(1)(ca) | <b>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</b>                     |  |              |                     |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |

**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**PLANNING AND ENVIRONMENT ACT 1987**

| Provision           | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|---------------------|---|--|--------------|---------------------|
| <b>s. 52(1)(cb)</b> | <b>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</b> |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                     | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 52(1)(d)</b>  | <b>duty to give notice of the application to other persons who may be detrimentally effected</b>  |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                     | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 52(1AA)</b>   | <b>duty to give notice of an application to remove or vary a registered restrictive covenant</b>  |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                     | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 52(3)</b>     | <b>power to give any further notice of an application where appropriate</b>   |  |              |                     |
|                     | DCW - Director Communities and Place  |  | 24/08/2020   |                     |
|                     | MIAG - Manager Investment, Attractions & Growth   |  | 24/08/2020   |                     |
| <b>s. 53(1)</b>     | <b>power to require the applicant to give notice under section 52(1) to persons specified by it</b>   |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                     | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 53(1A)</b>    | <b>power to require the applicant to give the notice under section 52(1AA)</b>  |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                     | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 54(1)</b>     | <b>power to require the applicant to provide more information</b>   |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                     | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 54(1A)</b>    | <b>duty to give notice in writing of information required under section 54(1)</b>   |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                     | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |



**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**PLANNING AND ENVIRONMENT ACT 1987**

| Provision        | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|------------------|---|--|--------------|---------------------|
| <b>s. 54(1B)</b> | <b>duty to specify the lapse date for an application</b>  |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 54A(3)</b> | <b>power to decide to extend time or refuse to extend time to give required information</b>           |  |              |                     |
|                  | DCW - Director Communities and Place  |  | 24/08/2020   |                     |
|                  | MRS - Man Com Safety & Environmental Health   |  | 4/11/2013    |                     |
| <b>s. 54A(4)</b> | <b>duty to give written notice of decision to extend or refuse to extend time und s.54A(3)</b>        |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 55(1)</b>  | <b>duty to give copy application to every referral authority specified in the planning scheme</b>     |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 57(2A)</b> | <b>power to reject objections considered made primarily for commercial advantage for the objector</b> |  |              |                     |
|                  | DCW - Director Communities and Place  |  | 24/08/2020   |                     |
| <b>s. 57(3)</b>  | <b>function of receiving name and address of persons to whom notice of decision is to go</b>          |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 57(5)</b>  | <b>duty to make available for inspection copy of all objections</b>                                   |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 57A(4)</b> | <b>duty to amend application in accordance with applicants request subject to s.57A(5)</b>            |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 57A(5)</b> | <b>power to refuse to amend application</b>   |  |              |                     |
|                  | DCW - Director Communities and Place  |  | 24/08/2020   |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision   | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|-------------|--|--|--------------|---------------------|
| s. 57A(6)   | <b>duty to note amendments to application in register</b>  |  |              |                     |
|             | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|             | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 57B(1)   | <b>duty to determine whether and to whom notice should be given</b>  |  |              |                     |
|             | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|             | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 57B(2)   | <b>duty to consider certain matters in determining whether notice should be given</b>                            |  |              |                     |
|             | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|             | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 57C(1)   | <b>duty to give copy of amended application to referral authority</b>  |  |              |                     |
|             | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|             | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 58       | <b>duty to consider every application for a permit except for a development assessment committee application</b> |  |              |                     |
|             | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|             | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 58A      | <b>power to request advice from the Planning Application Committee</b>   |  |              |                     |
|             | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| s. 60       | <b>duty to consider certain matters</b>  |  |              |                     |
|             | DCW - Director Communities and Place   |  | 4/11/2013    |                     |
|             | MIAG - Manager Investment, Attractions & Growth  |  | 24/08/2020   |                     |
|             | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|             | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 60(1)(a) | <b>power to consider certain matters before deciding on application</b>  |  |              |                     |
|             | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|             | MIAG - Manager Investment, Attractions & Growth  |  | 24/08/2020   |                     |
|             | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|             | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision        | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|------------------|---|--|--------------|---|
| <b>s. 60(1B)</b> | <b>duty to consider number of objectors in considering whether use or development may have significant social effect</b>  |  |              |   |
|                  |   | DCW - Director Communities and Place                 | 24/08/2020   |   |
|                  |   | MIAG - Manager Investment, Attractions & Growth      | 24/08/2020   |   |
|                  |   | SSTP - Co-ord Statutory Planning & Building          | 5/09/2016    |   |
|                  |   | STP - Senior Statutory Town Planner                  | 5/09/2016    |   |
| <b>s. 61(1)</b>  | <b>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</b> |  |              | If there are two or more objectors to a permit application, the matter must be referred to Council for determination. Also the permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006. |
|                  |   | DCW - Director Communities and Place                 | 24/08/2020   |   |
|                  |   | MIAG - Manager Investment, Attractions & Growth      | 24/08/2020   |   |
|                  |   | SSTP - Co-ord Statutory Planning & Building          | 7/04/2014    |   |
|                  |   | STP - Senior Statutory Town Planner                  | 7/04/2014    |   |
| <b>s. 61(2)</b>  | <b>duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit</b>                                       |  |              |   |
|                  |   | DCW - Director Communities and Place                 | 24/08/2020   |   |
|                  |   | SSTP - Co-ord Statutory Planning & Building          | 7/04/2014    |   |
|                  |   | STP - Senior Statutory Town Planner                  | 7/04/2014    |   |
| <b>s. 61(2A)</b> | <b>power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit</b>                                 |  |              |   |
|                  |   | DCW - Director Communities and Place                 | 24/08/2020   |   |
|                  |   | SSTP - Co-ord Statutory Planning & Building          | 7/04/2014    |   |
|                  |   | STP - Senior Statutory Town Planner                  | 7/04/2014    |   |
| <b>s. 61(4)</b>  | <b>duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant</b>  |  |              |   |
|                  |   | DCW - Director Communities and Place                 | 24/08/2020   |   |
|                  |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |   |
|                  |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision   | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|-------------|---|--|--------------|---------------------|
| s. 62(1)    | <b>duty to include certain conditions in deciding to grant a permit</b>   |  |              |                     |
|             |   | DCW - Director Communities and Place                 | 24/08/2020   |                     |
|             |   | SSTP - Co-ord Statutory Planning & Building          | 26/08/2019   |                     |
|             |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |                     |
| s. 62(2)    | <b>power to include other conditions</b>  |  |              |                     |
|             |   | DCW - Director Communities and Place                 | 24/08/2020   |                     |
|             |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |                     |
| s. 62(4)    | <b>duty to ensure conditions are consistent with paragraphs (a)(b) and (c)</b>  |  |              |                     |
|             |   | DCW - Director Communities and Place                 | 24/08/2020   |                     |
|             |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |                     |
| s. 62(5)(a) | <b>power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan</b> |  |              |                     |
|             |   | DCW - Director Communities and Place                 | 24/08/2020   |                     |
|             |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |                     |
| s. 62(5)(b) | <b>power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement</b>  |  |              |                     |
|             |   | DCW - Director Communities and Place                 | 24/08/2020   |                     |
|             |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |                     |
| s. 62(5)(c) | <b>power to include a permit condition that specified works be provided or paid for by the applicant</b>  |  |              |                     |
|             |   | DCW - Director Communities and Place                 | 24/08/2020   |                     |
|             |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |                     |
|             |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision          | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|--------------------|---|--|--------------|--|
| <b>s. 62(6)(a)</b> | <b>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)</b>   |  |              |  |
|                    |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |  |
|                    |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |  |
| <b>s. 62(6)(b)</b> | <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)</b> |  |              |  |
|                    |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |  |
|                    |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |  |
| <b>s. 63</b>       | <b>duty to issue the permit where made a decision in favour of the application (if no one has objected)</b>   |  |              |  |
|                    |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |  |
|                    |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |  |
| <b>s. 64(1)</b>    | <b>duty to give notice of decision to grant a permit to applicant and objectors</b>   |  |              | this provision applies also to a decision to grant an amendment to a permit - see section 75 |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |  |
|                    |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |  |
|                    |   |  |              |  |
| <b>s. 64(3)</b>    | <b>duty not to issue a permit until after the specified period</b>  |  |              | this provision applies also to a decision to grant an amendment to a permit - see s.75       |
|                    |   | DCW - Director Communities and Place                 | 24/08/2020   |  |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |  |
|                    |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |  |
| <b>s. 64(5)</b>    | <b>duty to give each objector a copy of an exempt decision</b>  |  |              | this provision applies also to a decision to grant an amendment to a permit - see s.75       |
|                    |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |  |
|                    |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |  |
|                    |   |  |              |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision       | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|-----------------|--|--|--------------|---|
| <b>s. 64A</b>   | <b>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</b> |  |              | this provision applies also to a decision to grant an amendment to a permit - see s.75A   |
|                 | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 7/04/2014    |   |
|                 | STP - Senior Statutory Town Planner  |  | 7/04/2014    |   |
| <b>s. 65(1)</b> | <b>duty to give notice of refusal to grant permit to applicant and objector</b>  |  |              |   |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |   |
|                 | STP - Senior Statutory Town Planner  |  | 4/11/2013    |   |
| <b>s. 66(1)</b> | <b>duty to give notice under s.64 or s.65 and copy permit to referral authorities</b>  |  |              |   |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |   |
|                 | STP - Senior Statutory Town Planner  |  | 4/11/2013    |   |
| <b>s. 66(2)</b> | <b>duty to give a recommending referral authority notice of its decision to grant a permit</b>   |  |              |   |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 7/04/2014    |   |
|                 | STP - Senior Statutory Town Planner  |  | 7/04/2014    |   |
| <b>s. 66(4)</b> | <b>duty to give a recommending referral authority notice of its decision to refuse a permit</b>  |  |              | if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 7/04/2014    |   |
|                 | STP - Senior Statutory Town Planner  |  | 7/04/2014    |   |
| <b>s. 66(6)</b> | <b>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</b>  |  |              | if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 7/04/2014    |   |
|                 | STP - Senior Statutory Town Planner  |  | 7/04/2014    |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|-----------|--|--|--------------|---------------------|
| s. 69(1)  | <b>function of receiving application for extension of time of permit</b>               |  |              |                     |
|           | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|           | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 69(1A) | <b>function of receiving application for extension of time to complete development</b> |  |              |                     |
|           | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| s. 69(2)  | <b>power to extend time</b>  |  |              |                     |
|           | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| s. 70     | <b>duty to make copy permit available for inspection</b>                               |  |              |                     |
|           | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|           | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 71(1)  | <b>power to correct certain mistakes</b>   |  |              |                     |
|           | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|           | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|           | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 71(2)  | <b>duty to note corrections in register</b>  |  |              |                     |
|           | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|           | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 73     | <b>power to decide to grant amendment subject to conditions</b>                        |  |              |                     |
|           | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|           | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|           | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| s. 74     | <b>duty to issue amended permit to applicant if no objectors</b>                       |  |              |                     |
|           | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|           | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|           | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision        | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|------------------|---|--|--------------|---|
| <b>s. 76</b>     | <b>duty to give applicant and objectors notice of decision to refuse to grant amendment to permit</b>   |  |              |   |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |   |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |   |
| <b>s. 76A(1)</b> | <b>duty to give relevant determining referral authorities copy of amended permit and copy of notice</b>   |  |              |   |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 7/04/2014    |   |
|                  | STP - Senior Statutory Town Planner   |  | 7/04/2014    |   |
| <b>s. 76A(2)</b> | <b>duty to give a recommending referral authority notice of its decision to grant an amendment to a permit</b>  |  |              | if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 7/04/2014    |   |
|                  | STP - Senior Statutory Town Planner   |  | 7/04/2014    |   |
| <b>s. 76A(4)</b> | <b>duty to give a recommending referral authority notice of its decision to refuse a permit</b>   |  |              | if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit                             |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 7/04/2014    |   |
|                  | STP - Senior Statutory Town Planner   |  | 7/04/2014    |   |
| <b>s. 76A(6)</b> | <b>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</b> |  |              | if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit                             |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 7/04/2014    |   |
|                  | STP - Senior Statutory Town Planner   |  | 7/04/2014    |   |
| <b>s. 76D</b>    | <b>duty to comply with direction of Minister to issue amended permit</b>  |  |              |   |
|                  | DCW - Director Communities and Place  |  | 24/08/2020   |   |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |   |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |   |



S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision       | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|-----------------|--|--|--------------|---------------------|
| <b>s. 83</b>    | <b>function of being respondent to an appeal</b>   |  |              |                     |
|                 | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                 | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s. 83B</b>   | <b>duty to give or publish notice of application for review</b>  |  |              |                     |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                 | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s. 84(1)</b> | <b>power to decide on an application at any time after an appeal is lodged against failure to grant a permit</b>                             |  |              |                     |
|                 | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                 | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s. 84(2)</b> | <b>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</b>    |  |              |                     |
|                 | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                 | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s. 84(3)</b> | <b>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</b> |  |              |                     |
|                 | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                 | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s. 84(6)</b> | <b>duty to issue permit on receipt of advice within 3 working days</b>   |  |              |                     |
|                 | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                 | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                 | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision        | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|------------------|---|--|--------------|---------------------|
| <b>s. 84AB</b>   | <b>power to agree to confining a review by the Tribunal</b>   |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 27/08/2018   |                     |
|                  | STP - Senior Statutory Town Planner   |  | 27/08/2018   |                     |
| <b>s. 86</b>     | <b>duty to issue a permit at order of Tribunal within 3 working days</b>  |  |              |                     |
|                  | DCW - Director Communities and Place  |  | 24/08/2020   |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 87(3)</b>  | <b>power to apply to VCAT for the cancellation or amendment of a permit</b>                                       |  |              |                     |
|                  | DCW - Director Communities and Place  |  | 24/08/2020   |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 90(1)</b>  | <b>function of being heard at hearing of request for cancellation or amendment of a permit</b>                    |  |              |                     |
|                  | DCW - Director Communities and Place  |  | 24/08/2020   |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 91(2)</b>  | <b>duty to comply with the directions of VCAT</b>   |  |              |                     |
|                  | DCW - Director Communities and Place  |  | 24/08/2020   |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 91(2A)</b> | <b>duty to issue amended permit to owner if Tribunal so directs</b>   |  |              |                     |
|                  | DCW - Director Communities and Place  |  | 24/08/2020   |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |
| <b>s. 92</b>     | <b>duty to give notice of cancellation-amendment of permit by VCAT to persons entitled to be heard under s.90</b> |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building   |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner   |  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision        | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                  |
|------------------|--|--|--------------|--------------------------------------|
| <b>s. 93(2)</b>  | <b>duty to give notice of VCAT order to stop development</b>   |  |              |                                      |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                                      |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                                      |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                                      |
| <b>s. 95(3)</b>  | <b>function of referring certain applications to the Minister</b>  |  |              |                                      |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                                      |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                                      |
| <b>s. 95(4)</b>  | <b>duty to comply with an order or direction</b>   |  |              |                                      |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                                      |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                                      |
| <b>s. 96(1)</b>  | <b>duty to obtain a permit from the Minister to use and develop its land</b>   |  |              |                                      |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                                      |
| <b>s. 96(2)</b>  | <b>function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land</b>   |  |              |                                      |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                                      |
| <b>s. 96A(2)</b> | <b>power to agree to consider an application for permit concurrently with preparation of proposed amendment</b>  |  |              |                                      |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                                      |
| <b>s. 96C</b>    | <b>power to give notice to decide not to give notice to publish notice and to exercise any other power under s.96C</b>   |  |              |                                      |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                                      |
| <b>s. 96F</b>    | <b>duty to consider the panels report under s.96E</b>  |  |              |                                      |
|                  | Not Delegated -  |  | 4/11/2013    |                                      |
| <b>s. 96G(1)</b> | <b>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 (contd)</b> |  |              | (contd) (Planning Schemes) Act 1996) |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                                      |
| <b>s. 96H(3)</b> | <b>power to give notice in compliance with Ministers direction</b>   |  |              |                                      |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                                      |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                                      |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision        | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|------------------|--|--|--------------|---------------------|
| <b>s. 96J</b>    | <b>power to issue permit as directed by the Minister</b>   |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s. 96K</b>    | <b>duty to comply with direction of the Minister to give notice of refusal</b>   |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s. 96Z</b>    | <b>duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate</b>     |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                  | MIAG - Manager Investment, Attractions & Growth  |  | 24/08/2020   |                     |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 26/08/2019   |                     |
| <b>s. 97C</b>    | <b>power to request Minister to decide the application</b>   |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s. 97D(1)</b> | <b>duty to comply with directions of Minister to supply any document or assistance relating to application</b>                     |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s. 97G(3)</b> | <b>function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister</b> |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s. 97G(6)</b> | <b>duty to make a copy of permits issued under section 97F available for inspection</b>  |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s. 97L</b>    | <b>duty to include Ministerial decisions in a register kept under section 49</b>   |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision    | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|--------------|--|--|--------------|---|
| s. 97MI      | <b>duty to contribute to the costs of the Planning Application Committee or subcommittee</b>                                     |  |              |   |
|              | DCW - Director Communities and Place   |  | 24/08/2020   |   |
| s. 97P(3)    | <b>duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate</b> |  |              |   |
|              | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |   |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |   |
| s. 97Q(2)    | <b>function of being heard by VCAT at hearing of request for amendment or cancellation of certificate</b>                        |  |              |   |
|              | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |   |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |   |
| s. 97Q(4)    | <b>duty to comply with directions of VCAT</b>  |  |              |   |
|              | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |   |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |   |
| s. 97R       | <b>duty to keep register of all applications for certificate of compliance and related decisions</b>                             |  |              |   |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |   |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |   |
| s. 98(1)+(2) | <b>function of receiving claim for compensation in certain circumstances</b>   |  |              |   |
|              | DCW - Director Communities and Place   |  | 24/08/2020   | <b>REPORTING REQUIREMENTS: Must maintain a register and make this available to Council as required.</b> |
| s. 98(4)     | <b>duty to inform any person of the name of the person from whom compensation can be claimed</b>                                 |  |              |   |
|              | DCW - Director Communities and Place   |  | 24/08/2020   |   |
|              | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |   |
|              | STP - Senior Statutory Town Planner  |  | 4/11/2013    |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision          | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|--------------------|--|--|--------------|---------------------|
| <b>s.101</b>       | <b>function of receiving claim for expenses in conjunction with claim</b>                    |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.103</b>       | <b>power to reject a claim for compensation in certain circumstances</b>                     |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.107(1)</b>    | <b>function of receiving claim for compensation</b>  |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.107(3)</b>    | <b>power to agree to extend time for making claim</b>  |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.114(1)</b>    | <b>power to apply to the VCAT for an enforcement order</b>                                   |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                    | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                    | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s.117(1)(a)</b> | <b>function of making a submission to the VCAT where objections are received</b>             |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                    | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                    | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s.120(1)</b>    | <b>power to apply for an interim enforcement order where s.114 application has been made</b> |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                    | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                    | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s.123(1)</b>    | <b>power to carry out work required by enforcement order and recover costs</b>               |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                    | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                    | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s.123(2)</b>    | <b>power to sell buildings materials etc salvaged in carrying out work under s.123(1)</b>    |  |              | except Crown Land   |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision          | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|--------------------|--|--|--------------|--|
| <b>s.129</b>       | <b>function of recovering penalties</b>  |  |              |  |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| <b>s.130(5)</b>    | <b>power to allow person served with an infringement notice further time</b>   |  |              |  |
|                    | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |  |
|                    | STP - Senior Statutory Town Planner  |  | 4/11/2013    |  |
| <b>s.149A(1)</b>   | <b>power to refer a matter to the VCAT for determination</b>   |  |              |  |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |  |
|                    | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |  |
|                    | STP - Senior Statutory Town Planner  |  | 4/11/2013    |  |
| <b>s.149A(1A)</b>  | <b>power to apply to VCAT for the determination of a matter relating to the interpretation of a S.173 agreement</b>  |  |              |  |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| <b>s.156</b>       | <b>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 (contd)</b> |  |              | (contd) 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)<br><br>where Council is the relevant planning authority |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| <b>s.171(2)(f)</b> | <b>power to carry out studies and commission reports</b>   |  |              |  |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| <b>s.171(2)(g)</b> | <b>power to grant and reserve easements</b>  |  |              |  |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| <b>s.172C</b>      | <b>power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan</b>   |  |              | where Council is a development agency specified in an approved infrastructure contributions plan   |
|                    | Not Delegated -  |  | 26/08/2019   |  |
| <b>s.172D(1)</b>   | <b>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)</b>   |  |              | where Council is a collecting agency specified in an approved infrastructure contributions plan  |
|                    | Not Delegated -  |  | 26/08/2019   |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision     | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|---------------|--|--|--------------|--|
| s.172D(2)     | <b>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)</b>           |  |              | where Council is the development agency specified in an approved infrastructure contributions plan |
|               | Not Delegated -  |  | 26/08/2019   |  |
| s.173 Deleg 1 | <b>power to decide whether something is to the satisfaction of Council where an agreement made under section 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority</b> |  |              |  |
|               | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| s.173 Deleg 2 | <b>power to give consent on behalf of Council where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority</b>           |  |              |  |
|               | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| s.173(1)      | <b>power to enter into agreement covering matters set out in s.174</b>   |  |              |  |
|               | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| s.173(1A)     | <b>power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing</b>   |  |              | where Council is the relevant responsible authority (comes in to force 1 June 18)                  |
|               | CEO - Chief Executive Officer  |  | 19/03/2018   |  |
|               | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| s.177(2)      | <b>power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 Part 9</b>   |  |              |  |
|               | DCW - Director Communities and Place   |  | 24/08/2020   |  |
| s.178         | <b>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</b>  |  |              |  |
|               | DCW - Director Communities and Place   |  | 24/08/2020   |  |



S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision           | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|---------------------|---|--|--------------|---|
| <b>s.178A(1)</b>    | <b>function of receiving application to amend or end an agreement</b>   |  |              |   |
|                     | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| <b>s.178A(3)</b>    | <b>function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)</b>   |  |              |   |
|                     | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| <b>s.178A(4)</b>    | <b>function of notifying the applicant and the owner as to whether it agrees in principle to the proposal</b> |  |              |   |
|                     | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| <b>s.178A(5)</b>    | <b>power to propose to amend or end an agreement</b>  |  |              |   |
|                     | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| <b>s.178B(1)</b>    | <b>duty to consider certain matters when considering proposal to amend an agreement</b>                       |  |              |   |
|                     | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| <b>s.178B(2)</b>    | <b>duty to consider certain matters when considering proposal to end an agreement</b>                         |  |              |   |
|                     | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| <b>s.178E(1)</b>    | <b>duty not to make decision until after 14 days after notice has been given</b>                              |  |              |   |
|                     | DCW - Director Communities and Place  |  | 24/08/2020   |   |
|                     | SSTP - Co-ord Statutory Planning & Building   |  | 27/08/2018   |   |
|                     | STP - Senior Statutory Town Planner   |  | 27/08/2018   |   |
| <b>s.178E(2)(a)</b> | <b>power to amend or end the agreement in accordance with the proposal</b>                                    |  |              | if no objections are made under s.178D<br>Must consider matters in s.178B |
|                     | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| <b>s.178E(2)(b)</b> | <b>power to amend or end the agreement in a manner that is not substantively different from the proposal</b>  |  |              | if no objections are made under s.178D<br>Must consider matters in s.178B |
|                     | DCW - Director Communities and Place  |  | 24/08/2020   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision    | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|--------------|---|--|--------------|---|
| s.178E(2)(c) | <b>power to refuse to amend or end the agreement</b>  |  |              | if no objections are made under s.178D<br>Must consider matters in s.178B |
|              | Not Delegated -   |  | 27/08/2018   |   |
| s.178E(3)(a) | <b>power to amend or end the agreement in accordance with the proposal</b>  |  |              | after considering objections, submissions and matters in s.178B           |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| s.178E(3)(b) | <b>power to amend or end the agreement in a manner that is not substantively different from the proposal</b>  |  |              | after considering objections, submissions and matters in s.178B           |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| s.178E(3)(c) | <b>power to amend or end the agreement in a manner that is substantively different from the proposal</b>  |  |              | after considering objections, submissions and matters in s.178B           |
|              | Not Delegated -   |  | 27/08/2018   |   |
| s.178E(3)(d) | <b>power to refuse to amend or end the agreement</b>  |  |              | after considering objections, submissions and matters in s.178B           |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| s.178F(1)    | <b>duty to give notice of its decision under s.178E(3)(a) or (b)</b>  |  |              |   |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| s.178F(2)    | <b>duty to give notice of its decision under s.178E(2)(c) or (3)(d)</b>   |  |              |   |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |   |
| s.178F(4)    | <b>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</b> |  |              |   |
|              | DCW - Director Communities and Place  |  | 24/08/2020   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision           | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|---------------------|--|--|--------------|---------------------|
| <b>s.178G</b>       | <b>duty to sign amended agreement and give copy to each other party to the agreement</b>   |  |              |                     |
|                     | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.178H</b>       | <b>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</b> |  |              |                     |
|                     | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.178I(3)</b>    | <b>duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land</b>                             |  |              |                     |
|                     | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.179(2)</b>     | <b>duty to make available for inspection copy agreement</b>  |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                     | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s.181</b>        | <b>duty to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General</b>                 |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                     | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s.181(1A)(a)</b> | <b>power to apply to the Registrar of Titles to record the agreement</b>   |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building  |  | 7/04/2014    |                     |
|                     | STP - Senior Statutory Town Planner  |  | 7/04/2014    |                     |
| <b>s.181(1A)(b)</b> | <b>duty to apply to the Registrar of Titles, without delay, to record the agreement</b>  |  |              |                     |
|                     | SSTP - Co-ord Statutory Planning & Building  |  | 7/04/2014    |                     |
|                     | STP - Senior Statutory Town Planner  |  | 7/04/2014    |                     |
| <b>s.182</b>        | <b>power to enforce an agreement</b>   |  |              |                     |
|                     | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.183</b>        | <b>duty to tell Registrar of Titles of ending-amendment of agreement</b>   |  |              |                     |
|                     | DCW - Director Communities and Place   |  | 24/08/2020   |                     |

**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**PLANNING AND ENVIRONMENT ACT 1987**

| Provision        | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|------------------|--|--|--------------|---------------------|
| <b>s.184F(1)</b> | <b>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</b>   |  |              |                     |
|                  | Not Delegated -  |  | 7/04/2014    |                     |
| <b>s.184F(2)</b> | <b>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</b>                                   |  |              |                     |
|                  | Not Delegated -  |  | 7/04/2014    |                     |
| <b>s.184F(3)</b> | <b>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</b> |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.184F(5)</b> | <b>function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision</b>  |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 7/04/2014    |                     |
|                  | STP - Senior Statutory Town Planner  |  | 7/04/2014    |                     |
| <b>s.184G(2)</b> | <b>duty to comply with a direction of the Tribunal</b>   |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.184G(3)</b> | <b>duty to give notice as directed by the Tribunal</b>   |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.198(1)</b>  | <b>function to receive application for planning certificate</b>  |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |
| <b>s.199(1)</b>  | <b>duty to give planning certificate to applicant</b>  |  |              |                     |
|                  | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                  | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT ACT 1987

| Provision          | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|--------------------|--|--|--------------|---------------------|
| <b>s.201(1)</b>    | <b>function of receiving application for declaration of underlying zoning</b>  |  |              |                     |
|                    |  | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |                     |
|                    |  | STP - Senior Statutory Town Planner                  | 4/11/2013    |                     |
| <b>s.201(3)-1</b>  | <b>duty to make declaration</b>  |  |              |                     |
|                    |  | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |                     |
|                    |  | STP - Senior Statutory Town Planner                  | 4/11/2013    |                     |
| <b>s.201(3)-2</b>  | <b>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</b>  |  |              |                     |
|                    |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
|                    |  | SSTP - Co-ord Statutory Planning & Building          | 27/08/2018   |                     |
|                    |  | STP - Senior Statutory Town Planner                  | 27/08/2018   |                     |
| <b>s.201(3)-3</b>  | <b>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</b> |  |              |                     |
|                    |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
|                    |  | SSTP - Co-ord Statutory Planning & Building          | 27/08/2018   |                     |
|                    |  | STP - Senior Statutory Town Planner                  | 4/11/2013    |                     |
| <b>s.201(3)-4</b>  | <b>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</b>         |  |              |                     |
|                    |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |
|                    |  | SSTP - Co-ord Statutory Planning & Building          | 27/08/2018   |                     |
|                    |  | STP - Senior Statutory Town Planner                  | 27/08/2018   |                     |
| <b>s.201UAB(1)</b> | <b>function of providing the Victorian Planning Authority with information relating to any land within municipal district</b>                              |  |              |                     |
|                    |  | DCW - Director Communities and Place                 | 24/08/2020   |                     |

**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**PLANNING AND ENVIRONMENT ACT 1987**

| Provision          | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|--------------------|--|--|--------------|---------------------|
| <b>s.201UAB(2)</b> | <b>duty to provide the Victorian Planning Authority with information requested under s.201UAB(1) as soon as possible</b>   |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.224(8)</b>    | <b>duty to provide information requested by Victorian Planning Authority under s.201UAB(1) not yet provided to Growth Area Authority to Victorian Planning Authority</b> |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
| <b>s.970</b>       | <b>duty to consider application and issue or refuse to issue certificate of compliance</b>   |  |              |                     |
|                    | DCW - Director Communities and Place   |  | 24/08/2020   |                     |
|                    | SSTP - Co-ord Statutory Planning & Building  |  | 4/11/2013    |                     |
|                    | STP - Senior Statutory Town Planner  |  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT REGULATIONS 2015

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|-----------|---|--|--------------|---|
| r. 2      | <b>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</b>  |  |              | where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br>where the amendment will amend the planning scheme to designate Council as an acquiring authority |
|           |   | DCW - Director Communities and Place                 | 24/08/2020   |   |
|           |   | SSTP - Co-ord Statutory Planning & Building          | 7/04/2014    |   |
| r. 6      | <b>function of receiving notice, under s.19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme</b>   |  |              | where Council is not the planning authority and the amendment affects land within Council's municipal district; or<br>where the amendment will amend the planning scheme to designate Council as an acquiring authority |
|           |   | DCW - Director Communities and Place                 | 24/08/2020   |   |
|           |   | SSTP - Co-ord Statutory Planning & Building          | 7/04/2014    |   |
| r.21      | <b>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 (contd)</b> |  |              | (contd) information provided under s.54 of the Act  |
|           |   | DCW - Director Communities and Place                 | 24/08/2020   |   |
|           |   | SSTP - Co-ord Statutory Planning & Building          | 4/11/2013    |   |
|           |   | STP - Senior Statutory Town Planner                  | 4/11/2013    |   |
| r.25(a)   | <b>duty to make copy of matter considered under s.60(1A)(g) available for inspection free of charge</b>   |  |              | where Council is the responsible authority  |
|           |   | DCW - Director Communities and Place                 | 24/08/2020   |   |
|           |   | SSTP - Co-ord Statutory Planning & Building          | 3/08/2015    |   |
|           |   | STP - Senior Statutory Town Planner                  | 3/08/2015    |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

PLANNING AND ENVIRONMENT REGULATIONS 2015

| Provision      | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|----------------|--|--|--------------|--|
| <b>r.25(b)</b> | <b>function of receiving a copy of any document considered under s.60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge</b>                              |  |              | where Council is not the responsible authority but the relevant land is within Council's municipal district  |
|                |  | DCW - Director Communities and Place                 | 24/08/2020   |  |
|                |  | SSTP - Co-ord Statutory Planning & Building          | 3/08/2015    |  |
|                |  | STP - Senior Statutory Town Planner                  | 3/08/2015    |  |
| <b>r.42</b>    | <b>function of receiving notice under s.96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice or a permit application</b> |  |              | 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 |
|                |  | DCW - Director Communities and Place                 | 24/08/2020   |  |
|                |  | SSTP - Co-ord Statutory Planning & Building          | 5/09/2016    |  |



**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010**

|                          |  |            |
|--------------------------|--|------------|
| <b>r. 7</b>              | <b>function of entering into a written agreement with a caravan park owner</b>                           |            |
|                          | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                          | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.11</b>              | <b>function of receiving application for registration</b>  |            |
|                          | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                          | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.13(1)</b>           | <b>duty to grant the registration if satisfied that the caravan park complies with these regulations</b> |            |
|                          | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                          | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.13(2)</b>           | <b>duty to renew the registration if satisfied that the caravan park complies with these regulations</b> |            |
|                          | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                          | CEH - Co-ordinator Environmental Health  | 2/02/2015  |
|                          | DCW - Director Communities and Place   | 24/08/2020 |
|                          | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.13(4) &amp; (5)</b> | <b>duty to issue certificate of registration</b>   |            |
|                          | CEH - Co-ordinator Environmental Health  | 7/04/2014  |
|                          | EHO2 - Environmental Health Officer  | 7/04/2014  |
| <b>r.15(1)</b>           | <b>function of receiving notice of transfer of ownership</b>   |            |
|                          | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                          | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.15(3)</b>           | <b>power to determine where notice of transfer is displayed</b>  |            |
|                          | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                          | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.16(1)</b>           | <b>duty to transfer registration to new caravan park owner</b>   |            |
|                          | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                          | EHO2 - Environmental Health Officer  | 4/11/2013  |

**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010**

|                 |   |           |
|-----------------|---|-----------|
| <b>r.16(2)</b>  | <b>duty to issue a certificate of transfer of registration</b>  |           |
|                 | CEH - Co-ordinator Environmental Health   | 4/11/2013 |
|                 | EHO2 - Environmental Health Officer   | 4/11/2013 |
| <b>r.17(1)</b>  | <b>power to determine the fee to accompany applications for registration or applications for renewal of registration</b>                              |           |
|                 | CEH - Co-ordinator Environmental Health   | 4/11/2013 |
|                 | EHO2 - Environmental Health Officer   | 4/11/2013 |
| <b>r.18</b>     | <b>duty to keep register of caravan parks</b>   |           |
|                 | CEH - Co-ordinator Environmental Health   | 4/11/2013 |
|                 | EHO2 - Environmental Health Officer   | 4/11/2013 |
| <b>r.19(4)</b>  | <b>power to determine where the emergency contact persons details are displayed</b>   |           |
|                 | CEH - Co-ordinator Environmental Health   | 4/11/2013 |
|                 | EHO2 - Environmental Health Officer   | 4/11/2013 |
| <b>r.19(6)</b>  | <b>power to determine where certain information is displayed</b>  |           |
|                 | CEH - Co-ordinator Environmental Health   | 4/11/2013 |
|                 | EHO2 - Environmental Health Officer   | 4/11/2013 |
| <b>r.22A(1)</b> | <b>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</b> |           |
|                 | CEH - Co-ordinator Environmental Health   | 7/04/2014 |
|                 | EHO2 - Environmental Health Officer   | 7/04/2014 |
| <b>r.22A(2)</b> | <b>duty to consult with relevant emergency services agencies</b>  |           |
|                 | CEH - Co-ordinator Environmental Health   | 7/04/2014 |
|                 | EHO2 - Environmental Health Officer   | 7/04/2014 |
| <b>r.23</b>     | <b>power to determine places in which caravan park owner must display a copy of emergency procedures</b>  |           |
|                 | CEH - Co-ordinator Environmental Health   | 4/11/2013 |
|                 | EHO2 - Environmental Health Officer   | 4/11/2013 |

**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010**

|                      |  |            |
|----------------------|--|------------|
| <b>r.24</b>          | <b>power to determine places in which caravan park owner must display copy of public emergency warnings</b>              |            |
|                      | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                      | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.25(3)</b>       | <b>duty to consult with relevant floodplain management authority</b>   |            |
|                      | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                      | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.26</b>          | <b>duty to have regard to any report of the relevant fire authority</b>  |            |
|                      | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                      | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.28(c)</b>       | <b>power to approve system for the collection removal and disposal of sewage and waste water from a movable dwelling</b> |            |
|                      | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                      | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.39</b>          | <b>function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe</b>           |            |
|                      | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                      | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.39(b)</b>       | <b>power to require notice of proposal to install unregistrable movable dwelling or rigid annexe</b>                     |            |
|                      | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                      | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.40(4)</b>       | <b>function of receiving installation certificate</b>  |            |
|                      | CEH - Co-ordinator Environmental Health  | 4/11/2013  |
|                      | EHO2 - Environmental Health Officer  | 4/11/2013  |
| <b>r.42</b>          | <b>power to approve use of a non-habitable structure as a dwelling or part of a dwelling</b>                             |            |
|                      | DCW - Director Communities and Place   | 24/08/2020 |
| <b>sch 3 Cl 4(3)</b> | <b>power to approve the removal of wheels and axles from unregistrable movable dwelling</b>                              |            |
|                      | MBS - Municipal Building Surveyor  | 4/11/2013  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

RESIDENTIAL TENANCIES ACT 1997

| Provision    | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|--------------|---|--|--------------|--|
| s. 142D      | <b>function of receiving notice regarding an unregistered rooming house</b>             |  |              |  |
|              | CEH - Co-ordinator Environmental Health   |  | 4/11/2013    |  |
|              | EHO2 - Environmental Health Officer   |  | 4/11/2013    |  |
| s. 206AZA(2) | <b>Function of receiving written notification</b>                                       |  |              |  |
|              | CEH - Co-ordinator Environmental Health   |  | 11/05/2020   |  |
|              | MRS - Man Com Safety & Environmental Health   |  | 11/05/2020   |  |
| s. 207ZE(2)  | <b>Function of receiving written notification</b>                                       |  |              |  |
|              | CEH - Co-ordinator Environmental Health   |  | 11/05/2020   |  |
|              | MRS - Man Com Safety & Environmental Health   |  | 11/05/2020   |  |
| s. 91ZU(1)   | <b>Power to give a renter a notice to vacate rented premises</b>                        |  |              | Where Council is a public statutory authority engaged in the provision of housing.                     |
|              | CEH - Co-ordinator Environmental Health   |  | 11/05/2020   |  |
|              | MRS - Man Com Safety & Environmental Health   |  | 11/05/2020   |  |
| s. 91ZZC(1)  | <b>Power to give a renter a notice to vacate rented premises</b>                        |  |              | Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes |
|              | CEH - Co-ordinator Environmental Health   |  | 11/05/2020   |  |
|              | MRS - Man Com Safety & Environmental Health   |  | 11/05/2020   |  |
| s. 91ZZE(1)  | <b>Power to give a renter a notice to vacate rented premises</b>                        |  |              | Where Council is a public statutory authority engaged in the provision of housing                      |
|              | CEH - Co-ordinator Environmental Health   |  | 11/05/2020   |  |
|              | MRS - Man Com Safety & Environmental Health   |  | 11/05/2020   |  |
| s. 91ZZE(3)  | <b>Power to publish Council's criteria for eligibility for the provision of housing</b> |  |              | Where Council is a public statutory authority engaged in the provision of housing                      |
|              | CEH - Co-ordinator Environmental Health   |  | 11/05/2020   |  |
|              | MRS - Man Com Safety & Environmental Health   |  | 11/05/2020   |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

RESIDENTIAL TENANCIES ACT 1997

| Provision   | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|-------------|--|--|--------------|---------------------|
| s.142G(1)   | <b>duty to enter required information in Rooming House Register for each rooming house in municipal district</b>                                   |  |              |                     |
|             | CEH - Co-ordinator Environmental Health  |  | 7/04/2014    |                     |
|             | EHO2 - Environmental Health Officer  |  | 7/04/2014    |                     |
| s.142G(2)   | <b>power to enter certain information in the Rooming House Register</b>  |  |              |                     |
|             | CEH - Co-ordinator Environmental Health  |  | 7/04/2014    |                     |
|             | EHO2 - Environmental Health Officer  |  | 7/04/2014    |                     |
| s.142I(2)   | <b>power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry</b>                          |  |              |                     |
|             | CEH - Co-ordinator Environmental Health  |  | 7/04/2014    |                     |
|             | EHO2 - Environmental Health Officer  |  | 7/04/2014    |                     |
| s.311A(2)   | <b>Function of receiving written notification</b>  |  |              |                     |
|             | CEH - Co-ordinator Environmental Health  |  | 11/05/2020   |                     |
|             | MRS - Man Com Safety & Environmental Health  |  | 11/05/2020   |                     |
| s.317ZDA(2) | <b>Function of receiving written notification</b>  |  |              |                     |
|             | CEH - Co-ordinator Environmental Health  |  | 11/05/2020   |                     |
|             | MRS - Man Com Safety & Environmental Health  |  | 11/05/2020   |                     |
| s.518F      | <b>power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements</b> |  |              |                     |
|             | CEH - Co-ordinator Environmental Health  |  | 4/11/2013    |                     |
|             | EHO2 - Environmental Health Officer  |  | 4/11/2013    |                     |
| s.522(1)    | <b>power to give a compliance notice to a person</b>   |  |              |                     |
|             | CEH - Co-ordinator Environmental Health  |  | 4/11/2013    |                     |
|             | EHO2 - Environmental Health Officer  |  | 4/11/2013    |                     |
| s.525(2)    | <b>power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)</b>  |  |              |                     |
|             | DCW - Director Communities and Place   |  | 4/11/2013    |                     |

**S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020**

**RESIDENTIAL TENANCIES ACT 1997**

| Provision        | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|------------------|--|--|--------------|---------------------|
| <b>s.525(4)</b>  | <b>duty to issue identity card to authorised officers</b>  |  |              |                     |
|                  | MOD - Human Resources Lead   |  | 4/11/2013    |                     |
| <b>s.526(5)</b>  | <b>duty to keep record of entry by authorised officer under s.526</b>                                  |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 4/11/2013    |                     |
| <b>s.526A(3)</b> | <b>function of receiving report of inspection</b>  |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 4/11/2013    |                     |
| <b>s.527</b>     | <b>power to authorise a person to institute proceedings (either generally or in a particular case)</b> |  |              |                     |
|                  | DCW - Director Communities and Place   |  | 4/11/2013    |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

**ROAD MANAGEMENT (GENERAL) REGULATIONS 2016**

| Provision       | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                              |
|-----------------|---|--|--------------|--|
| <b>r. 8(1)</b>  | <b>duty to conduct reviews of road management plan</b>  |  |              |  |
|                 | DI - Director Infrastructure  |  | 15/02/2016   |  |
|                 | MSAM - Manager Strategic Asset Management   |  | 27/08/2018   |  |
| <b>r. 9(2)</b>  | <b>duty to produce written report of review of road management plan and make report available</b>   |  |              |  |
|                 | DI - Director Infrastructure  |  | 15/02/2016   |  |
|                 | MSAM - Manager Strategic Asset Management   |  | 27/08/2018   |  |
| <b>r. 9(3)</b>  | <b>Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)</b> |  |              | where Council is the coordinating road authority |
|                 | DI - Director Infrastructure  |  | 5/09/2016    |  |
|                 | MSAM - Manager Strategic Asset Management   |  | 27/08/2018   |  |
| <b>r. 10</b>    | <b>duty to give notice of amendment which relates to standard of construction inspection maintenance or repair under s.41 of the Act.</b>           |  |              |  |
|                 | MI - Manager Engineering Services   |  | 4/11/2013    |  |
|                 | MSAM - Manager Strategic Asset Management   |  | 27/08/2018   |  |
| <b>r. 13(1)</b> | <b>Duty to publish notice of amendments to road management plan</b>   |  |              | where Council is the coordinating road authority |
|                 | DI - Director Infrastructure  |  | 5/09/2016    |  |
|                 | MSAM - Manager Strategic Asset Management   |  | 27/08/2018   |  |
| <b>r. 13(3)</b> | <b>duty to record on road management plan the substance and date of effect of amendment</b>   |  |              |  |
|                 | DI - Director Infrastructure  |  | 15/02/2016   |  |
|                 | MSAM - Manager Strategic Asset Management   |  | 27/08/2018   |  |
| <b>r. 16(3)</b> | <b>power to issue permit</b>  |  |              | where Council is the coordinating road authority |
|                 | DI - Director Infrastructure  |  | 4/11/2013    |  |
|                 | MI - Manager Engineering Services   |  | 27/08/2018   |  |
|                 | MO - Manager Operations   |  | 27/08/2018   |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016

| Provision       | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                              |
|-----------------|---|--|--------------|--|
| <b>r. 18(1)</b> | <b>power to give written consent re damage to road</b>  |  |              | where Council is the coordinating road authority |
|                 |   | DI - Director Infrastructure                         | 4/11/2013    |  |
|                 |   | MI - Manager Engineering Services                    | 27/08/2018   |  |
|                 |   | MO - Manager Operations                              | 27/08/2018   |  |
|                 | MSAM - Manager Strategic Asset Management   | 27/08/2018   |              |  |
| <b>r. 23(2)</b> | <b>power to make submission to Tribunal</b>   |  |              | where Council is the coordinating road authority |
|                 |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| <b>r. 23(4)</b> | <b>power to charge a fee for application under s.66(1) Road Management Act</b>  |  |              | where Council is the coordinating road authority |
|                 |   | DI - Director Infrastructure                         | 5/09/2016    |  |
| <b>r. 25(1)</b> | <b>power to remove objects refuse rubbish or other material deposited or left on road</b>                                 |  |              | where Council is the responsible road authority  |
|                 |   | MI - Manager Engineering Services                    | 27/08/2018   |  |
|                 |   | MO - Manager Operations                              | 4/11/2013    |  |
| <b>r. 25(2)</b> | <b>power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))</b> |  |              | where Council is the responsible road authority  |
|                 |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| <b>r. 25(5)</b> | <b>power to recover in the Magistrates Court expenses from person responsible</b>   |  |              |  |
|                 |   | DI - Director Infrastructure                         | 4/11/2013    |  |



S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

**ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015**

| Provision | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|-----------|--|--|--------------|---|
| r. 15     | <b>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</b> |  |              | where council is the coordinating road authority and where consent given under s.63(1) of the Act |
|           |  | DI - Director Infrastructure                         | 15/02/2016   |   |
| r. 22(2)  | <b>power to waive whole or part of fee in certain circumstances</b>  |  |              | where council is the coordinating road authority  |
|           |  | DI - Director Infrastructure                         | 15/02/2016   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision   | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-------------|--|--|--------------|--|
| s. 11(1)    | <b>power to declare a road by publishing a notice in the Government Gazette</b>                            |  |              | obtain consent in circumstances specified in s.11(2)   |
|             | DI - Director Infrastructure   |  | 4/11/2013    |  |
| s. 11(10)   | <b>duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.</b> |  |              | clause subject to s.11(10A)  |
|             | AME - Co-ordinator Assets  |  | 26/08/2019   |  |
|             | MI - Manager Engineering Services  |  | 26/08/2019   |  |
| s. 11(10A)  | <b>duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person</b> |  |              | where Council is the coordinating road authority   |
|             | DI - Director Infrastructure   |  | 4/11/2013    |  |
| s. 11(8)    | <b>power to name a road or change the name of a road by publishing notice in Government Gazette</b>        |  |              |  |
|             | CEO - Chief Executive Officer  |  | 4/11/2013    |  |
| s. 11(9)(b) | <b>duty to advise Registrar</b>  |  |              |  |
|             | AME - Co-ordinator Assets  |  | 26/08/2019   |  |
|             | MI - Manager Engineering Services  |  | 26/08/2019   |  |
| s. 12(10)   | <b>duty to notify of decision made</b>   |  |              | 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 |
|             | DI - Director Infrastructure   |  | 4/11/2013    |  |
| s. 12(2)    | <b>power to discontinue road or part of a road</b>   |  |              | were Council is the coordinating road authority  |
|             | Not Delegated -  |  | 26/08/2019   |  |
| s. 12(4)    | <b>power to publish and provide copy notice of proposed discontinuance</b>                                 |  |              | power of coordinating road authority where it is the discontinuing body, unless s.12(11) applies   |
|             | DI - Director Infrastructure   |  | 4/11/2013    |  |
| s. 12(5)    | <b>duty to consider written submissions received within 28 days of notice</b>                              |  |              | duty of coordinating road authority where it is the discontinuing body, unless s.12(11) applies  |
|             | DI - Director Infrastructure   |  | 4/11/2013    |  |
| s. 12(6)    | <b>function of hearing a person in support of their written submission</b>                                 |  |              | function of coordinating road authority where it is the discontinuing body, unless s.12(11) applies  |
|             | DI - Director Infrastructure   |  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-----------|---|--|--------------|--|
| s. 12(7)  | <b>duty to fix day time and place of meeting under subsection (6) and to give notice</b>  |  |              | duty of coordinating road authority where it is the discontinuing body, unless s.12(11) applies  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 13(1)  | <b>power to fix the boundary of a road by publishing notice in Government Gazette</b>   |  |              | power of coordinating road authority and obtain consent under s.13(3) and s.13(4) as appropriate |
|           |   | Not Delegated -                                      | 26/08/2019   |  |
| s. 14(4)  | <b>function of receiving notice from the Head, Transport for Victoria</b>   |  |              |  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 14(7)  | <b>Power to appeal against decision of the Head, Transport for Victoria</b>   |  |              |  |
|           |   | Not Delegated -                                      | 11/05/2020   |  |
| s. 15(1)  | <b>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</b> |  |              |  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 15(1A) | <b>power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority</b>   |  |              |  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 15(2)  | <b>duty to include details of arrangement in public roads register</b>  |  |              |  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 16(7)  | <b>power to enter into an arrangement under s.15</b>  |  |              |  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 16(8)  | <b>duty to enter details of determination in public roads register</b>  |  |              |  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 17(2)  | <b>duty to register public road in public roads register</b>  |  |              | where Council is the coordinating road authority   |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-----------|---|--|--------------|--|
| s. 17(3)  | <b>duty to register a road reasonably required for general public use in public roads register</b>              |  |              | where Council is the coordinating road authority   |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
|           | MSAM - Manager Strategic Asset Management   |  | 27/08/2018   |  |
| s. 17(4)  | <b>duty to remove road no longer reasonably required for general public use from public roads register</b>      |  |              | where Council is the coordinating road authority   |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
|           | Not Delegated -   |  | 26/08/2019   |  |
| s. 18(1)  | <b>power to designate ancillary area</b>  |  |              | where Council is the coordinating road authority, and obtain consent in circumstances specified in s.18(2) |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 18(3)  | <b>duty to record designation in public roads register</b>  |  |              | where Council is the coordinating road authority   |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 19(1)  | <b>duty to keep register of public roads in respect of which it is the coordinating road authority</b>          |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 19(4)  | <b>duty to specify details of discontinuance in public roads register</b>                                       |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 19(5)  | <b>duty to ensure public roads register is available for public inspection</b>                                  |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 21     | <b>function of replying to request for information or advice</b>  |  |              | obtain consent in circumstances specified in section 11(2)   |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 22(2)  | <b>function of commenting on proposed direction</b>   |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 22(4)  | <b>duty to publish a copy or summary of any direction made under s.22 by the Minister in its annual report.</b> |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 22(5)  | <b>duty to give effect to a direction under s.22.</b>   |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-----------|---|--|--------------|--|
| s. 40(1)  | <b>duty to inspect maintain and repair a public road.</b>   |  |              |  |
|           |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|           |   | MO - Manager Operations                              | 4/11/2013    |  |
|           |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |  |
| s. 40(5)  | <b>power to inspect maintain and repair a road which is not a public road</b>   |  |              |  |
|           |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|           |   | MI - Manager Engineering Services                    | 15/02/2016   |  |
|           |   | MO - Manager Operations                              | 4/11/2013    |  |
|           |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |  |
| s. 41(1)  | <b>power to determine the standard of construction inspection maintenance and repair</b>  |  |              |  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 42(1)  | <b>power to declare a public road as a controlled access road</b>   |  |              | power of coordinating road authority and sch 2 also applies  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 42(2)  | <b>power to amend or revoke declaration by notice published in Government Gazette</b>   |  |              | power of coordinating road authority and sch 2 also applies  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 42A(3) | <b>duty to consult with VicRoads before road is specified</b>   |  |              | where Council is the coordinating road authority, if road is a municipal road or part thereof  |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 42A(4) | <b>power to approve Ministers decision to specify a road as a specified freight road</b>  |  |              | 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 |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |  |
| s. 48EA   | <b>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)</b> |  |              | where Council is the responsible road authority, infrastructure manager or works manager   |
|           |   | MO - Manager Operations                              | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information |
|-----------|---|--|--------------|---------------------|
| s. 48M(3) | <b>function of consulting with the relevant authority for purposes of developing guidelines under s.48M</b>             |  |              |                     |
|           |   | DI - Director Infrastructure                         | 15/02/2016   |                     |
|           |   | MI - Manager Engineering Services                    | 4/11/2013    |                     |
|           |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |                     |
| s. 49     | <b>power to develop and publish a road management plan</b>  |  |              |                     |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |                     |
| s. 51     | <b>power to determine standards by incorporating the standards in a road management plan</b>                            |  |              |                     |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |                     |
| s. 53(2)  | <b>power to cause notice to be published in Government Gazette of amendment etc of document in road management plan</b> |  |              |                     |
|           |   | DI - Director Infrastructure                         | 15/02/2016   |                     |
|           |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |                     |
| s. 54(2)  | <b>duty to give notice of proposal to make a road management plan</b>   |  |              |                     |
|           |   | DI - Director Infrastructure                         | 15/02/2016   |                     |
|           |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |                     |
| s. 54(5)  | <b>duty to conduct a review of road management plan at prescribed intervals</b>   |  |              |                     |
|           |   | DI - Director Infrastructure                         | 15/02/2016   |                     |
|           |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |                     |
| s. 54(6)  | <b>power to amend road management plan</b>  |  |              |                     |
|           |   | DI - Director Infrastructure                         | 4/11/2013    |                     |
|           |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |                     |
| s. 54(7)  | <b>duty to incorporate the amendments into the road management plan</b>   |  |              |                     |
|           |   | DI - Director Infrastructure                         | 15/02/2016   |                     |
|           |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |                     |
| s. 55(1)  | <b>duty to cause notice of road management plan to be published in Government Gazette and newspaper</b>                 |  |              |                     |
|           |   | DI - Director Infrastructure                         | 15/02/2016   |                     |
|           |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |                     |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision          | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|--------------------|---|--|--------------|--|
| <b>s. 63(1)</b>    | <b>power to consent to conduct of works on road</b>   |  |              | where Council is the coordinating road authority             |
|                    |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|                    |   | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                    |   | MO - Manager Operations                              | 27/08/2018   |  |
| <b>s. 63(2)(e)</b> | <b>power to conduct or to authorise the conduct of works in on under or over a road in an emergency</b>     |  |              | where Council is the infrastructure manager                  |
|                    |   | DI - Director Infrastructure                         | 4/11/2013    |  |
|                    |   | MO - Manager Operations                              | 26/08/2019   |  |
| <b>s. 64(1)</b>    | <b>duty to comply with cl 13 of Sch 7</b>   |  |              | where Council is the infrastructure manager or works manager |
|                    |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|                    |   | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                    |   | MO - Manager Operations                              | 4/11/2013    |  |
| <b>s. 66(1)</b>    | <b>power to consent to structure etc</b>  |  |              | where Council is the coordinating road authority             |
|                    |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|                    |   | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                    |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |  |
| <b>s. 67(2)</b>    | <b>function of receiving the name + address of the person responsible for distributing the sign or bill</b> |  |              | where Council is the coordinating road authority             |
|                    |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|                    |   | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                    |   | MO - Manager Operations                              | 27/08/2018   |  |
| <b>s. 67(3)</b>    | <b>power to request information</b>   |  |              | where Council is the coordinating road authority             |
|                    |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|                    |   | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                    |   | MO - Manager Operations                              | 27/08/2018   |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                              |
|-----------|---|--|--------------|--|
| s. 68(2)  | <b>power to request information</b>                                 |  |              | where Council is the coordinating road authority |
|           | DI - Director Infrastructure  |  | 15/02/2016   |  |
|           | MI - Manager Engineering Services                                   |  | 4/11/2013    |  |
|           | MO - Manager Operations   |  | 27/08/2018   |  |
| s. 71(3)  | <b>power to appoint an authorised officer</b>                       |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 72     | <b>duty to issue an identity card to each authorised officer</b>    |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 85     | <b>function of receiving report from authorised officer</b>         |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 86     | <b>duty to keep register re s.85 matters</b>                        |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 87(1)  | <b>function of receiving complaints</b>                             |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s. 87(2)  | <b>duty to investigate complaint and provide report</b>             |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s.112(2)  | <b>power to recover damages in court</b>                            |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s.116     | <b>power to cause or carry out inspection</b>                       |  |              |  |
|           | CRHR - Business Partner Risk & HR                                   |  | 4/11/2013    |  |
|           | DI - Director Infrastructure  |  | 27/08/2018   |  |
|           | MI - Manager Engineering Services                                   |  | 27/08/2018   |  |
|           | MO - Manager Operations   |  | 27/08/2018   |  |
|           | MSAM - Manager Strategic Asset Management                           |  | 27/08/2018   |  |
| s.119(2)  | <b>function of consulting with the Head, Transport for Victoria</b> |  |              |  |
|           | DI - Director Infrastructure  |  | 4/11/2013    |  |
|           | MI - Manager Engineering Services                                   |  | 26/08/2019   |  |



S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision     | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|---------------|---|--|--------------|--|
| s.120(1)      | <b>power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)</b>                             |  |              |  |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s.120(2)      | <b>duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s.120(1)</b>                 |  |              |  |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s.121(1)      | <b>power to enter into an agreement in respect of works</b>   |  |              |  |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s.122(1)      | <b>power to charge and recover fees</b>   |  |              |  |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |
| s.123(1)      | <b>power to charge for any service</b>  |  |              |  |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |
| sch 2 Cl 2(1) | <b>power to make a decision in respect of controlled access roads</b>   |  |              |  |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |
| sch 2 Cl 3(1) | <b>duty to make policy about controlled access roads</b>  |  |              |  |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |
| sch 2 Cl 3(2) | <b>power to amend revoke or substitute policy about controlled access roads</b>   |  |              |  |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |
| sch 2 Cl 4    | <b>function of receiving details of proposal from the Head, Transport for Victoria and power to make a submission</b>                                     |  |              |  |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |
| sch 2 Cl 5    | <b>duty to publish notice of declaration</b>  |  |              |  |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |
| sch 7 Cl 7(1) | <b>duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve</b> |  |              | where Council is the infrastructure manager or works manager |
|               | DI - Director Infrastructure  |  | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision             | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information  |
|-----------------------|--|--|--------------|--|
| <b>sch 7 Cl 8(1)</b>  | <b>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</b> |  |              | where Council is the infrastructure manager or works manager   |
|                       | DI - Director Infrastructure   |  | 4/11/2013    |  |
| <b>sch 7 Cl 9(1)</b>  | <b>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 (contd)</b>        |  |              | (contd) technical advice or assistance in conduct of works<br><br>where Council is the infrastructure manager or works manager responsible for non-road infrastructure |
|                       | DI - Director Infrastructure   |  | 15/02/2015   |  |
|                       | MI - Manager Engineering Services  |  | 4/11/2013    |  |
|                       | MO - Manager Operations  |  | 4/11/2013    |  |
|                       | MSAM - Manager Strategic Asset Management  |  | 27/08/2018   |  |
| <b>sch 7 Cl 9(2)</b>  | <b>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</b>                        |  |              | where Council is the infrastructure manager or works manager   |
|                       | DI - Director Infrastructure   |  | 15/02/2016   |  |
|                       | MI - Manager Engineering Services  |  | 4/11/2013    |  |
|                       | MO - Manager Operations  |  | 4/11/2013    |  |
|                       | MSAM - Manager Strategic Asset Management  |  | 27/08/2018   |  |
| <b>sch 7 Cl 10(2)</b> | <b>where sch 7 cl 10(1) applies duty to where possible conduct appropriate consultation with persons likely to be significantly affected</b>   |  |              | where Council is the infrastructure manager or works manager   |
|                       | DI - Director Infrastructure   |  | 15/02/2016   |  |
|                       | MI - Manager Engineering Services  |  | 4/11/2013    |  |
|                       | MO - Manager Operations  |  | 4/11/2013    |  |
|                       | MSAM - Manager Strategic Asset Management  |  | 27/08/2018   |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision                  | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                              |
|----------------------------|--|--|--------------|--|
| sch 7 Cl 12(2)             | <b>power to direct infrastructure manager or works manager to conduct reinstatement works</b>                            |  |              | where Council is the coordinating road authority |
|                            |  | DI - Director Infrastructure                         | 15/02/2016   |  |
|                            |  | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                            |  | MO - Manager Operations                              | 4/11/2013    |  |
| sch 7 Cl 12(3)             | <b>power to take measures to ensure reinstatement works are completed</b>  |  |              | where Council is the coordinating road authority |
|                            |  | DI - Director Infrastructure                         | 15/02/2016   |  |
|                            |  | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                            |  | MO - Manager Operations                              | 4/11/2013    |  |
| sch 7 Cl 12(4)             | <b>duty to ensure that works are conducted by an appropriately qualified person</b>                                      |  |              | where Council is the coordinating road authority |
|                            |  | DI - Director Infrastructure                         | 15/02/2016   |  |
|                            |  | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                            |  | MO - Manager Operations                              | 4/11/2013    |  |
| sch 7 Cl 12(5)             | <b>power to recover costs</b>  |  |              | where Council is the coordinating road authority |
|                            |  | DI - Director Infrastructure                         | 15/02/2016   |  |
|                            |  | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                            |  | MO - Manager Operations                              | 4/11/2013    |  |
| sch 7 Cl 13(1)<br>cl 13(2) | <b>duty to notify relevant coordinating road authority within 7 days that works have been completed subject to sch 7</b> |  |              | where Council is the works manager               |
|                            |  | DI - Director Infrastructure                         | 15/02/2016   |  |
|                            |  | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                            |  | MO - Manager Operations                              | 4/11/2013    |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision             | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|-----------------------|--|--|--------------|---|
| <b>sch 7 Cl 13(2)</b> | <b>power to vary notice period</b>   |  |              | where Council is the coordinating road authority  |
|                       |  | DI - Director Infrastructure                         | 15/02/2016   |   |
|                       |  | MI - Manager Engineering Services                    | 4/11/2013    |   |
|                       |  | MO - Manager Operations                              | 4/11/2013    |   |
|                       |  | MSAM - Manager Strategic Asset Management            | 27/08/2018   |   |
| <b>sch 7 Cl 13(3)</b> | <b>duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)</b> |  |              | where Council is the infrastructure manager   |
|                       |  | DI - Director Infrastructure                         | 15/02/2016   |   |
|                       |  | MI - Manager Engineering Services                    | 4/11/2013    |   |
|                       |  | MO - Manager Operations                              | 4/11/2013    |   |
|                       |  | MSAM - Manager Strategic Asset Management            | 27/08/2018   |   |
| <b>sch 7 Cl 16(1)</b> | <b>power to consent to proposed works</b>  |  |              | where Council is the coordinating road authority  |
|                       |  | DI - Director Infrastructure                         | 15/02/2016   |   |
|                       |  | MI - Manager Engineering Services                    | 4/11/2013    |   |
|                       |  | MO - Manager Operations                              | 4/11/2013    |   |
|                       |  | MSAM - Manager Strategic Asset Management            | 27/08/2018   |   |
| <b>sch 7 Cl 16(4)</b> | <b>duty to consult</b>   |  |              | where Council is the coordinating road authority, responsible authority or infrastructure manager |
|                       |  | DI - Director Infrastructure                         | 15/02/2016   |   |
|                       |  | MI - Manager Engineering Services                    | 4/11/2013    |   |
|                       |  | MO - Manager Operations                              | 4/11/2013    |   |
|                       |  | MSAM - Manager Strategic Asset Management            | 27/08/2018   |   |
| <b>sch 7 Cl 16(5)</b> | <b>power to consent to proposed works</b>  |  |              | where Council is the coordinating road authority  |
|                       |  | DI - Director Infrastructure                         | 15/02/2016   |   |
|                       |  | MI - Manager Engineering Services                    | 4/11/2013    |   |
|                       |  | MO - Manager Operations                              | 4/11/2013    |   |
|                       |  | MSAM - Manager Strategic Asset Management            | 27/08/2018   |   |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision             | Provision Details   | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information                              |
|-----------------------|---|--|--------------|--|
| <b>sch 7 Cl 16(6)</b> | <b>power to set reasonable conditions on consent</b>                        |  |              | where Council is the coordinating road authority |
|                       |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|                       |   | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                       |   | MO - Manager Operations                              | 4/11/2013    |  |
|                       |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |  |
| <b>sch 7 Cl 16(8)</b> | <b>power to include consents and conditions</b>                             |  |              | where Council is the coordinating road authority |
|                       |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|                       |   | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                       |   | MO - Manager Operations                              | 4/11/2013    |  |
|                       |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |  |
| <b>sch 7 Cl 17(2)</b> | <b>power to refuse to give consent and duty to give reasons for refusal</b> |  |              | where Council is the coordinating road authority |
|                       |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|                       |   | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                       |   | MO - Manager Operations                              | 4/11/2013    |  |
|                       |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |  |
| <b>sch 7 Cl 18(1)</b> | <b>power to enter into an agreement</b>                                     |  |              | where Council is the coordinating road authority |
|                       |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|                       |   | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                       |   | MO - Manager Operations                              | 4/11/2013    |  |
|                       |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |  |
| <b>sch 7 Cl 19(1)</b> | <b>power to give notice requiring rectification of works</b>                |  |              | where Council is the coordinating road authority |
|                       |   | DI - Director Infrastructure                         | 15/02/2016   |  |
|                       |   | MI - Manager Engineering Services                    | 4/11/2013    |  |
|                       |   | MO - Manager Operations                              | 4/11/2013    |  |
|                       |   | MSAM - Manager Strategic Asset Management            | 27/08/2018   |  |

S.6 - Instrument of Delegation - To Staff - adopted by Council 24 August 2020

ROAD MANAGEMENT ACT 2004

| Provision          | Provision Details  | Delegate - Initials, Position Name, Current Employee | Last Updated | Further Information   |
|--------------------|--|--|--------------|---|
| sch 7 Cl 19(2)+(3) | <b>power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred</b>    |  |              | where Council is the coordinating road authority  |
|                    | DI - Director Infrastructure   |  | 15/02/2016   |   |
|                    | MI - Manager Engineering Services  |  | 4/11/2013    |   |
|                    | MO - Manager Operations  |  | 4/11/2013    |   |
|                    | MSAM - Manager Strategic Asset Management  |  | 27/08/2018   |   |
| sch 7 Cl 20(1)     | <b>power to require removal relocation replacement or upgrade of existing non-road infrastructure</b>  |  |              | where Council is the coordinating road authority  |
|                    | DI - Director Infrastructure   |  | 15/02/2016   |   |
|                    | MI - Manager Engineering Services  |  | 4/11/2013    |   |
|                    | MO - Manager Operations  |  | 4/11/2013    |   |
|                    | MSAM - Manager Strategic Asset Management  |  | 27/08/2018   |   |
| sch 7A Cl 3(1)(d)  | <b>duty to pay installation and operation costs of street lighting - where road is not an arterial road</b>                                  |  |              | where Council is the responsible road authority   |
|                    | DI - Director Infrastructure   |  | 4/11/2013    |   |
| sch 7A Cl 3(1)(e)  | <b>duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas</b> |  |              | where Council is the responsible road authority   |
|                    | DI - Director Infrastructure   |  | 4/11/2013    |   |
| sch 7A Cl 2        | <b>power to cause street lights to be installed on roads</b>   |  |              | power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road                                  |
|                    | DI - Director Infrastructure   |  | 4/11/2013    |   |
| sch 7A Cl(3)(1)(f) | <b>duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4</b>  |  |              | duty of Council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs) |
|                    | DI - Director Infrastructure   |  | 4/11/2013    |   |



# GOVERNANCE RULES

(DRAFT V3) AUGUST 2020

GRAEME HARRISON  
ADOPTED BY COUNCIL : << INSERT DATE >>

## GOVERNANCE RULES

### Introduction

#### 1. Nature of Rules

These are the Governance Rules of **Horsham Rural City** Council, made in accordance with section 60 of the *Local Government Act 2020*.

#### 2. Date of Commencement

These Governance Rules commence on 1 September 2020.

#### 3. Contents

These Governance Rules are divided into the following Chapters:

| Chapter   | Name   |
|-----------|--|
| Chapter 1 | Governance Framework                             |
| Chapter 2 | Meeting Procedure for Council Meetings           |
| Chapter 3 | Meeting Procedure for Delegated Committees       |
| Chapter 4 | Meeting Procedure for Community Asset Committees |
| Chapter 5 | Disclosure of Conflicts Of Interest              |
| Chapter 6 | Miscellaneous                                    |
| Chapter 7 | Election Period Policy                           |

#### 4. Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

*Act* means the *Local Government Act 2020*.

*Chief Executive Officer* includes an Acting Chief Executive Officer.

*Community Asset Committee* means a Community Asset Committee established under section 65 of the Act.

*Council* means **Horsham Rural City** Council.

*Council meeting* has the same meaning as in the Act.

*Delegated Committee* means a Delegated Committee established under section 63 of the Act.

*Mayor* means the Mayor of *Council*.

*these Rules* means these Governance Rules.



## Chapter 1 – Governance Framework

### 1. Context

*These Rules* should be read in the context of and in conjunction with:

- (a) the overarching governance principles specified in section 9(2) of the *Act*; and
- (b) the following documents adopted or approved by *Council*:
  - (i) Council Plan
  - (ii) Councillor Code of Conduct

### 2. Decision Making

- (a) In any matter in which a decision must be made by *Council* (including persons acting with the delegated authority of *Council*), *Council* must consider the matter and make a decision:
  - (i) fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
  - (ii) on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- (b) *Council* must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of *Council* is entitled to communicate their views and have their interests considered).
- (c) Without limiting anything in paragraph (b) of this sub-Rule:
  - (i) before making a decision that will directly affect the rights of a person, *Council* (including any person acting with the delegated authority of *Council*) must identify the person or persons whose rights will be directly affected, give notice of the decision which *Council* must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;
  - (ii) if a report to be considered at a *Council meeting* concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered;
  - (iii) if a report to be considered at a *Delegated Committee* meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has or persons have been provided with an opportunity to communicate their views and have their interests considered; and
  - (iv) if a member of Council staff proposes to make a decision under delegation and that decision will directly affect the rights of a person or persons, the member of Council staff must, when making that decision, complete a Delegate Report that records that notice of the decision to be made was given to the person or persons and such person or persons were provided with an opportunity to communicate their views and their interests considered.

## Chapter 2 – Meeting Procedure for Council Meetings

### Contents

|  |           |
|--|-----------|
| <b>Part A – Introduction</b> .....   | <b>1</b>  |
| 1. Title .....   | 1         |
| 2. Purpose of this Chapter .....   | 1         |
| 3. Definitions and Notes.....  | 1         |
| <b>Part B – Election of Mayor, Deputy Mayor and Chairs of Delegated Committees</b> ..... | <b>2</b>  |
| 4. Election of the <i>Mayor</i> .....  | 2         |
| 5. Method of Voting.....   | 2         |
| 6. Determining the election of the <i>Mayor</i> .....                                    | 2         |
| 7. Election of Deputy Mayor and Chairs of Delegated Committees .....                     | 3         |
| 8. Appointment of Acting Mayor .....   | 3         |
| 9. Ceremonial Mayoral Speeches .....   | 3         |
| <b>Part C – Meetings Procedure</b> .....   | <b>4</b>  |
| <b>Division 1 – Notices of Meetings and Delivery of Agendas</b> .....                    | <b>4</b>  |
| 10. Dates and Times of Meetings Fixed by <i>Council</i> .....                            | 4         |
| 11. <i>Council</i> May Alter Meeting Dates .....   | 4         |
| 12. Meetings Not Fixed by <i>Council</i> .....   | 4         |
| 13. Notice Of Meeting .....  | 4         |
| <b>Division 2 – Quorums</b> .....  | <b>5</b>  |
| 14. Inability To Obtain A Quorum .....   | 5         |
| 15. Inability To Maintain A Quorum .....   | 5         |
| 16. Adjourned Meetings.....  | 5         |
| 17. Time limits for Meetings.....  | 5         |
| 18. Cancellation or Postponement of a Meeting .....                                      | 5         |
| <b>Division 3 – Business of Meetings</b> .....   | <b>6</b>  |
| 19. Agenda and the Order Of Business.....  | 6         |
| 20. Change To Order Of Business .....  | 6         |
| 21. Urgent Business .....  | 6         |
| <b>Division 4 – Motions and Debate</b> .....   | <b>6</b>  |
| 22. Councillors May Propose <i>Notices Of Motion</i> .....                               | 6         |
| 23. Notice Of Motion .....   | 6         |
| 24. Chair’s Duty .....   | 7         |
| 25. Introducing a Report .....   | 7         |
| 26. Introducing A Motion or an Amendment .....   | 7         |
| 27. Right Of Reply .....   | 8         |
| 28. Moving An Amendment .....  | 8         |
| 29. Who May Propose An Amendment .....   | 8         |
| 30. How Many Amendments May Be Proposed.....   | 8         |
| 31. An Amendment Once Carried .....  | 9         |
| 32. Foreshadowing Motions.....   | 9         |
| 33. Withdrawal Of Motions.....   | 9         |
| 34. Separation Of Motions .....  | 9         |
| 35. <i>Chair</i> May Separate Motions .....  | 9         |
| 36. Priority of address.....   | 9         |
| 37. Motions In Writing .....   | 10        |
| 38. Repeating Motion and/or Amendment.....   | 10        |
| 39. Debate Must Be Relevant To The Motion .....  | 10        |
| 40. Speaking Times .....   | 10        |
| 41. Addressing the Meeting.....  | 10        |
| 42. Right to Ask Questions .....   | 11        |
| <b>Division 5 – Procedural Motions</b> .....   | <b>11</b> |

|   |  |           |
|---|--|-----------|
| 43.   | Procedural Motions.....                          | 11        |
| <b>Division 6 – Rescission Motions.....</b>                 |  | <b>13</b> |
| 44.   | Notice of Rescission .....                       | 13        |
| 45.   | If Lost .....                                    | 14        |
| 46.   | If Not Moved .....                               | 14        |
| 47.   | May Be Moved By Any Councillor .....             | 14        |
| 48.   | When Not Required .....                          | 14        |
| <b>Division 7 – Points of Order .....</b>                   |  | <b>14</b> |
| 49.   | <i>Chair</i> To Decide.....                      | 14        |
| 50.   | <i>Chair</i> May Adjourn To Consider .....       | 14        |
| 51.   | Dissent From <i>Chair's</i> Ruling.....          | 14        |
| 52.   | Procedure For Point Of Order .....               | 15        |
| 53.   | Valid Points Of Order.....                       | 15        |
| <b>Division 8 – Public Question Time.....</b>               |  | <b>15</b> |
| 54.   | Question Time .....                              | 15        |
| <b>Division 9 – Petitions and Joint Letters .....</b>       |  | <b>17</b> |
| 55.   | Petitions and Joint Letters .....                | 17        |
| <b>Division 10 – Voting .....</b>                           |  | <b>18</b> |
| 56.   | How Motion Determined .....                      | 18        |
| 57.   | Silence .....                                    | 18        |
| 58.   | Recount .....                                    | 18        |
| 59.   | Casting Vote .....                               | 18        |
| 60.   | By Show Of Hands .....                           | 18        |
| 61.   | Procedure For A Division.....                    | 18        |
| 62.   | No Discussion Once Declared.....                 | 18        |
| <b>Division 11 – Minutes .....</b>                          |  | <b>19</b> |
| 63.   | Confirmation of Minutes.....                     | 19        |
| 64.   | No Debate on Confirmation Of Minutes.....        | 20        |
| 65.   | Deferral Of Confirmation Of Minutes .....        | 20        |
| 66.   | Form and Availability of Minutes.....            | 20        |
| <b>Division 12 – Behaviour .....</b>                        |  | <b>21</b> |
| 67.   | Public Addressing The Meeting.....               | 21        |
| 68.   | <i>Chair</i> May Remove .....                    | 21        |
| 69.   | <i>Chair</i> may adjourn disorderly meeting..... | 22        |
| 70.   | Removal from Chamber.....                        | 22        |
| <b>Division 13 – Additional Duties of <i>Chair</i>.....</b> |  | <b>22</b> |
| 71.   | The <i>Chair's</i> Duties And Discretions.....   | 22        |
| <b>Division 14 – Suspension of Standing Orders .....</b>    |  | <b>22</b> |
| 72.   | Suspension of Standing Orders.....               | 22        |
| <b>Division 15 – Miscellaneous .....</b>                    |  | <b>23</b> |
| 73.   | Meetings Conducted Remotely .....                | 23        |
| 74.   | Procedure not provided in this Chapter .....     | 23        |
| 75.   | Criticism of members of Council staff .....      | 23        |

## Part A – Introduction

### 1. Title

This Chapter will be known as the "Meeting Procedure Local Law".

### 2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of *Council meetings*.

### 3. Definitions and Notes

#### 3.1 In this Chapter:

"*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting;

"*Chair*" means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the *Act*;

"*minute book*" means the collective record of proceedings of *Council*;

"*municipal district*" means the municipal district of *Council*;

"*notice of motion*" means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting;

"*notice of rescission*" means a *notice of motion* to rescind a resolution made by *Council*; and

"*written*" includes duplicated, lithographed, photocopied, printed and typed, and extends to both hard copy and soft copy form, and *writing* has a corresponding meaning.

#### 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

## Part B – Election of Mayor, Deputy Mayor and Chairs of Delegated Committees

**Introduction:** This Part is concerned with the annual election of the *Mayor*. It describes how the *Mayor* is to be elected.

### 4. Election of the *Mayor*

The *Chief Executive Officer* must facilitate the election of the *Mayor* in accordance with the provisions of the *Act*.

### 5. Method of Voting

The election of the *Mayor* must be carried out by a show of hands.

### 6. Determining the election of the *Mayor*

6.1 The *Chief Executive Officer* must open the meeting at which the *Mayor* is to be elected, and invite nominations for the office of *Mayor*.

6.2 Any nominations for the office of *Mayor* must be:

6.2.1 in writing and in a form prescribed by the *Chief Executive Officer*; and

6.2.2 seconded by another Councillor.

6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;

6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

6.3.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;

6.3.5 if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

6.3.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

(a) a defeated candidate; and

(b) duly elected

the declaration will be determined by lot.

- 6.3.7 if a lot is conducted, the *Chief Executive Officer* will have the conduct of the lot and the following provisions will apply:
- (a) each candidate will draw one lot;
  - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
  - (c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).

## **7. Election of Deputy Mayor and Chairs of Delegated Committees**

Any election for:

- 7.1 any office of Deputy Mayor; or
- 7.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

- 7.3 *Chief Executive Officer* is a reference to the *Mayor*; and
- 7.4 *Mayor* is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).

## **8. Appointment of Acting Mayor**

If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

- 8.1 resolving that a specified Councillor be so appointed; or
- 8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.

## **9. Ceremonial Mayoral Speeches**

- 9.1 Upon being elected, the Mayor and outgoing Mayor may make a ceremonial speech.
- 9.2 The purpose of the ceremonial Mayoral speeches is to highlight priorities for the year ahead and the previous year.

## Part C – Meetings Procedure

**Introduction:** This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

### Division 1 – Notices of Meetings and Delivery of Agendas

#### 10. Dates and Times of Meetings Fixed by *Council*

Subject to Rule 12, *Council* must from time to time fix the date, time and place of all *Council meetings*.

#### 11. *Council* May Alter Meeting Dates

*Council* may change the date, time and place of any *Council meeting* which has been fixed by it and must provide reasonable notice of the change to the public.

#### 12. Meetings Not Fixed by *Council*

12.1 The *Mayor* or at least 3 Councillors may by a *written* notice call a *Council meeting*.

12.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.

12.3 The *Chief Executive Officer* must convene the *Council meeting* as specified in the notice.

12.4 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.

#### 13. Notice Of Meeting

13.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 96 hours before the meeting.

13.2 Notwithstanding sub-Rule 13.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of his or her absence.

13.3 That the agenda be made available to members of the public by 5pm 4 days prior to the meeting via the website.

13.4 Reasonable notice of each *Council meeting* must be provided to the public. *Council* may do this:

13.4.1 for *meetings* which it has fixed by preparing a schedule of meetings annually, twice yearly or from time to time, and arranging publication of such schedule in a newspaper generally circulating in the *municipal district* either at various times throughout the year, or prior to each such *Council meeting*; and

13.4.2 for any meeting by giving notice on its website and:

(a) in each of its Customer Service Centres; and/or

- (b) in at least one newspaper generally circulating in the *municipal district*.

## Division 2 – Quorums

### 14. Inability To Obtain A Quorum

If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:

- 14.1 the meeting will be deemed to have lapsed;
- 14.2 the *Mayor* must convene another *Council meeting*, the *agenda* for which will be identical to the *agenda* for the lapsed meeting; and
- 14.3 the *Chief Executive Officer* must give all Councillors *written* notice of the meeting convened by the *Mayor*.

### 15. Inability To Maintain A Quorum

- 15.1 If during any *Council meeting*, a quorum cannot be maintained then Rule 14 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 15.2 Sub-Rule 15.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

### 16. Adjourned Meetings

- 16.1 *Council* may adjourn any meeting to another date or time but cannot in the absence of disorder or a threat to the safety of any Councillor or member of Council staff adjourn a meeting in session to another place.
- 16.2 The *Chief Executive Officer* must give *written* notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 16.3 If it is impracticable for the notice given under sub-Rule 16.2 to be in *writing*, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

### 17. Time limits for Meetings

- 17.1 A *Council meeting* must not continue after 9:30pm unless a majority of Councillors present vote in favour of it continuing.
- 17.2 A meeting cannot be continued for more than 30 minutes (or a further 30 minutes, if a majority of Councillors has already voted to continue it for 30 minutes).
- 17.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 16.2 and 16.3 apply.

### 18. Cancellation or Postponement of a Meeting

- 18.1 The *Chief Executive Officer* following consultation with the Mayor if possible may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.



- 18.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a *written* report on any exercise of the power conferred by sub-Rule 18.1.

### Division 3 – Business of Meetings

#### 19. Agenda and the Order Of Business

The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.

#### 20. Change To Order Of Business

Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered with the consent of *Council*.

#### 21. Urgent Business

If the *agenda* for an *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

- 21.1 relates to or arises out of a matter which has arisen since distribution of the *agenda*; and
- 21.2 cannot safely or conveniently be deferred until the next *Council meeting*.

### Division 4 – Motions and Debate

#### 22. Councillors May Propose *Notices Of Motion*

Councillors may ensure that an issue is listed on an *agenda* by lodging a *Notice of Motion*.

#### 23. Notice Of Motion

- 23.1 A *notice of motion* must be in *writing* signed by a Councillor, and be lodged with or sent to the *Chief Executive Officer* at least 24 hours before the Agenda is finalised and distributed to allow sufficient time for him or her to include the *notice of motion* in agenda papers for a *Council meeting*.
- 23.2 The *Chief Executive Officer* following consultation with the Mayor if possible may reject any *notice of motion* which:
- 23.2.1 is vague or unclear in intention
- 23.2.2 it is beyond *Council's* power to pass; or
- 23.2.3 if passed would result in *Council* otherwise acting invalidly
- but must:
- 23.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and
- 23.2.5 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.
- 23.3 The full text of any *notice of motion* accepted by the *Chief Executive Officer* must be included in the *agenda*.

- 23.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 23.5 Except by leave of *Council*, each *notice of motion* before any meeting must be considered in the order in which they were entered in the notice of motion register.
- 23.6 If a Councillor who has given a *notice of motion* is absent from the meeting or fails to move the motion when called upon by the *Chair*, any other Councillor may move the motion.
- 23.7 If a *notice of motion* is not moved at the *Council meeting* at which it is listed, it lapses
- 23.8 Unless the Council resolves to relist at a future meeting a Notice of Motion which has been lost or not moved, a similar motion must not be put before the Council for at least three (3) months from the date it was lost.

#### **24. Chair's Duty**

Any motion which is determined by the *Chair* to be:

- 24.1 defamatory;
- 24.2 objectionable in language or nature;
- 24.3 vague or unclear in intention;
- 24.4 outside the powers of *Council*; or
- 24.5 irrelevant to the item of business on the *agenda* and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

#### **25. Introducing a Report**

- 25.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of Council staff may introduce the report by indicating in not more than 2 minutes:
- 25.1.1 its background; or
- 25.1.2 the reasons for any recommendation which appears.
- 25.2 Unless *Council* resolves otherwise, a member of Council staff need not read any written report to *Council* in full.

#### **26. Introducing A Motion or an Amendment**

The procedure for moving any motion or amendment is:

- 26.1 the mover must state the motion without speaking to it;
- 26.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 26.3 if a motion or an amendment is moved and seconded the *Chair* must ask:

"Is the motion or amendment opposed? Does any Councillor wish to speak to the motion or amendment?"

- 26.4 if no Councillor indicates opposition or a desire to speak to it, the *Chair* may declare the motion or amendment carried without discussion;
- 26.5 if a Councillor indicates opposition or a desire to speak to it, then the *Chair* must call on the mover to address the meeting;
- 26.6 after the mover has addressed the meeting, the seconder may address the meeting;
- 26.7 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
- 26.8 if, after the mover has addressed the meeting, the *Chair* has invited debate and no Councillor speaks to the motion, then the *Chair* must put the motion to the vote.

## **27. Right Of Reply**

- 27.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 27.2 After the right of reply has been taken but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

## **28. Moving An Amendment**

- 28.1 Subject to sub-Rule 28.2 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 28.2 A motion to confirm a previous resolution of *Council* cannot be amended.
- 28.3 An amendment must not be directly opposite to the motion.

## **29. Who May Propose An Amendment**

- 29.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 29.2 Any one Councillor cannot move more than two amendments in succession.

## **30. How Many Amendments May Be Proposed**

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

**31. An Amendment Once Carried**

- 31.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.
- 31.2 The mover of the original motion retains the right of reply to that motion.

**32. Foreshadowing Motions**

- 32.1 At any time during debate a Councillor may foreshadow a motion so as to inform *Council* of his or her intention to move a motion at a later stage in the meeting dealing with the same subject matter, but this does not extend any special right to the foreshadowed motion.
- 32.2 A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the *Chair* being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- 32.3 The *Chief Executive Officer* or person taking the minutes of the meeting is not expected to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- 32.4 The *Chair* is not obliged to accept foreshadowed motions.

**33. Withdrawal Of Motions**

- 33.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of *Council*.
- 33.2 If the majority of Councillors objects to the withdrawal of the motion, it may not be withdrawn.

**34. Separation Of Motions**

Where a motion contains more than one part, a Councillor may request the *Chair* to put the motion to the vote in separate parts.

**35. Chair May Separate Motions**

The *Chair* may decide to put any motion to the vote in several parts.

**36. Priority of address**

After a motion is seconded and the mover has addressed the meeting, the seconder may address the meeting or reserve their address until later in the debate. The Chairperson may then call upon any Councillor who wishes to speak against the motion, then any other Councillors for and against the motion then debate in turn.

Except for the purposes of proposing an amendment or for the purposes of raising a point of order no Councillor may speak more than once on any motion.

In the case of competition for the right of speak, the Chair must decide the order in which the Councillors concerned will be heard.

**37. Motions In Writing**

- 37.1 The *Chair* may require that a complex or detailed motion be in writing.
- 37.2 *Council* may adjourn the meeting while the motion is being *written* or *Council* may defer the matter until the motion has been *written*, allowing the meeting to proceed uninterrupted.

**38. Repeating Motion and/or Amendment**

The *Chair* may request the person taking the minutes of the *Council meeting* to read the motion or amendment to the meeting before the vote is taken.

**39. Debate Must Be Relevant To The Motion**

- 39.1 Debate must always be relevant to the motion before the Chair, and, if not, the *Chair* must request the speaker to confine debate to the motion.
- 39.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the *Chair* may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.
- 39.3 A speaker to whom a direction has been given under sub-Rule 39.2 must comply with that direction.

**40. Speaking Times**

A Councillor must not speak longer than the time set out below, unless granted an extension by the *Chair*:

- 40.1 the mover of a motion or an amendment which has been opposed: 5 minutes;
- 40.2 any other Councillor: 3 minutes; and
- 40.3 the mover of a motion exercising a right of reply: 2 minutes.

**41. Addressing the Meeting**

If the *Chair* so determines:

- 41.1 any person addressing the *Chair* must refer to the *Chair* as:

41.1.1 Madam Mayor; or

41.1.2 Mr Mayor; or

41.1.3 Madam Chair; or

41.1.4 Mr Chair

as the case may be;

- 41.2 all Councillors, other than the *Mayor*, must be addressed as

**Cr .....(name).**

- 41.3 all members of Council staff, must be addressed as Mr or Ms

.....(name) as appropriate or by their official title.

**42. Right to Ask Questions**

- 42.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- 42.2 The *Chair* has the right to limit questions and direct that debate be commenced or resumed.

**Division 5 – Procedural Motions****43. Procedural Motions**

- 43.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the *Chair*.
- 43.2 Procedural motions require a seconder.
- 43.3 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

---

**PROCEDURAL MOTIONS TABLE**


---

| <b>Procedural Motion</b>                           | <b>Form</b>  | <b>Mover &amp; Seconder</b>   | <b>When Motion Prohibited</b>  | <b>Effect if Carried</b>   | <b>Effect if Lost</b>       | <b>Debate Permitted on Motion</b> |
|--|--|---|--|--|-----------------------------|-----------------------------------|
| 1. Adjournment of debate to later hour and/or date | That this matter be adjourned to *am/pm and/or *date | Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion | (a) During the election of a <i>Chair</i> ;<br>(b) When another Councillor is speaking   | Motion and amendment is postponed to the stated time and/or date   | Debate continues unaffected | Yes                               |
| 2. Adjournment of debate indefinitely              | That this matter be adjourned until further notice   | Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion | (a) During the election of a <i>Chair</i> ;<br>(b) When another Councillor is speaking;<br>(c) When the matter is one in respect of which a call of the <i>Council</i> has been made for that meeting in accordance with section 85 of the <i>Act</i> , or<br>(d) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement | Motion and any amendment postponed but may be resumed at any later meeting if on the agenda  | Debate continues unaffected | Yes                               |
| 3. The closure                                     | That the motion be now put                           | Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion | During nominations for <i>Chair</i>  | Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion | Debate continues unaffected | No                                |

---

## Division 6 – Rescission Motions

### 44. Notice of Rescission

- 44.1 A Councillor may propose a *notice of rescission* provided:
- 44.1.1 it has been signed and dated by at least three Councillors;
  - 44.1.2 the resolution proposed to be rescinded has not been acted on; and
  - 44.1.3 the *notice of rescission* is delivered to the *Chief Executive Officer* within 24 hours of the resolution having been made setting out -
    - (a) the resolution to be rescinded; and
    - (b) the meeting and date when the resolution was carried.

*It should be remembered that a notice of rescission is a form of notice of motion.*

*Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.*

- 44.2 A resolution will be deemed to have been acted on if:
- 44.2.1 its contents have or substance has been communicated in *writing* to a person whose interests are materially affected by it; or
  - 44.2.2 a statutory process has been commenced
- so as to vest enforceable rights in or obligations on *Council* or any other person.
- 44.3 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which:
- 44.3.1 has not been acted on; and
  - 44.3.2 is the subject of a *notice of rescission* which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 44.1.3,
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

*By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).*

*In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.*



*Sub-Rule 44.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.*

**45. If Lost**

If a motion for rescission is lost, a similar motion may not be put before *Council* for at least three months from the date it was last lost, unless *Council* resolves that the *notice of motion* be re-listed at a future meeting.

**46. If Not Moved**

If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

**47. May Be Moved By Any Councillor**

A motion for rescission listed on an *agenda* may be moved by any Councillor present but may not be amended.

**48. When Not Required**

48.1 Unless sub-Rule 48.2 applies, a motion for rescission is not required where *Council* wishes to change policy.

48.2 The following standards apply if *Council* wishes to change policy:

48.2.1 if the policy has been in force in its original or amended form for less than 12 months, a *notice of rescission* must be presented to *Council*; and

48.2.2 any intention to change a *Council* policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

**Division 7 – Points of Order**

**49. Chair To Decide**

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

**50. Chair May Adjourn To Consider**

50.1 The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

50.2 All other questions before the meeting are suspended until the point of order is decided.

**51. Dissent From Chair's Ruling**

51.1 A Councillor may move that the meeting disagree with the *Chair's* ruling on a point of order, by moving:

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

- 51.2 When a motion in accordance with this Rule is moved and seconded, the *Chair* must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, temporary *Chair* elected by the meeting) must take his or her place.
- 51.3 The Deputy Mayor or temporary *Chair* must invite the mover to state the reasons for his or her dissent and the *Chair* may then reply.
- 51.4 The Deputy Mayor or temporary *Chair* must put the motion in the following form:  
"That the *Chair's* ruling be dissented from."
- 51.5 If the vote is in the negative, the *Chair* resumes the Chair and the meeting proceeds.
- 51.6 If the vote is in the affirmative, the *Chair* must then resume the Chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- 51.7 The defeat of the *Chair's* ruling is in no way a motion of censure or non- confidence in the *Chair*, and should not be so regarded by the meeting.

## 52. Procedure For Point Of Order

A Councillor raising a point of order must:

- 52.1 state the point of order; and
- 52.2 state any section, Rule, paragraph or provision relevant to the point of order before resuming his or her seat.

## 53. Valid Points Of Order

A point of order may be raised in relation to:

- 53.1 a motion, which, under Rule 24, or a question which, under Rule 54, should not be accepted by the *Chair*;
- 53.2 a question of procedure; or
- 53.3 any act of disorder.

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

## Division 8 – Public Question Time

### 54. Question Time

- 54.1 There must be a public question time at every *Council meeting* fixed under Rule 0 to enable members of the public to submit questions to *Council*.
- 54.2 Sub-Rule 54.1 does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the *Act*.

- 54.3 Public question time will not exceed 15 minutes in duration, however the Council may determine an extensions of a further 15 minutes.
- 54.4 Questions submitted to *Council* must be:
- 54.4.1 in *writing*, state the name and address of the person submitting the question and generally be in a form approved or permitted by *Council*; and
  - 54.4.2 placed in the receptacle designated for the purpose at the place of the meeting prior to 5pm on the day of the *Council meeting*, or be lodged electronically at the prescribed email address prior to 5pm on the Friday prior to the day of the *Council meeting*.
- 54.5 No person may submit more than two questions at any one meeting.
- 54.6 If a person has submitted two questions to a meeting, the second question:
- 54.6.1 may, at the discretion of the *Chair*, be deferred until all other persons who have asked a question have had their questions asked and answered; or
  - 54.6.2 may not be asked if the time allotted for public question time has expired.
- 54.7 The *Chair* or a member of Council staff nominated by the *Chair* may read to those present at the meeting a question which has been submitted in accordance with this Rule.
- 54.8 Notwithstanding sub-Rule 54.6, the *Chair* may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- 54.9 A question may be disallowed by the *Chair* if the *Chair* determines that it:
- 54.9.1 relates to a matter outside the duties, functions and powers of *Council*;
  - 54.9.2 is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - 54.9.3 deals with a subject matter already answered;
  - 54.9.4 is aimed at embarrassing a Councillor or a member of Council staff;
  - 54.9.5 relates to personnel matters;
  - 54.9.6 relates to the personal hardship of any resident or ratepayer;
  - 54.9.7 relates to industrial matters;
  - 54.9.8 relates to contractual matters;
  - 54.9.9 relates to proposed developments;
  - 54.9.10 relates to legal advice;
  - 54.9.11 relates to matters affecting the security of *Council* property; or
  - 54.9.12 relates to any other matter which *Council* considers would prejudice *Council* or any person.

- 54.10 A submitter to a question that has been disallowed will be notified in writing the reason/s for not allowing the question.
- 54.11 Any question which has been disallowed by the *Chair* must be made available to any other Councillor upon request.
- 54.12 All questions and answers must be as brief as possible, and no discussion may be allowed other than by *Councillors* for the purposes of clarification.
- 54.13 Like questions may be grouped together and a single answer provided.
- 54.14 The *Chair* may nominate a Councillor or the *Chief Executive Officer* to respond to a question.
- 54.15 A Councillor or the *Chief Executive Officer* may require a question to be put on notice. If a question is put on notice, a *written* copy of the answer will be sent to the person who asked the question.
- 54.16 A Councillor or the *Chief Executive Officer* may advise *Council* that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or *Chief Executive Officer* (as the case may be) must state briefly the reason why the reply should be so given and, unless *Council* resolves to the contrary, the reply to such question must be so given.

## Division 9 – Petitions and Joint Letters

### 55. Petitions and Joint Letters

- 55.1 Unless *Council* determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next *Council meeting* after that at which it has been presented.
- 55.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint himself or herself with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to *Council*.
- 55.3 If a Councillor is presenting a petition or joint letter to *Council* must:
- 55.3.1 write or otherwise record his or her name at the beginning of the petition or joint letter; and
- 55.3.2 confine himself or herself to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 55.4 Every petition or joint letter presented to *Council* must be in *writing* (other than pencil), typing or printing, contain the request of the petitioners or signatories and be signed by at least 12 people.
- 55.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 55.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by *Council*.

- 55.7 Every page of a petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.
- 55.8 If a petition, joint letter, memorial or other like application relates to an operational matter, *Council* must refer it to the *Chief Executive Officer* for consideration.

## **Division 10 – Voting**

### **56. How Motion Determined**

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

### **57. Silence**

Voting must take place in silence.

### **58. Recount**

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

### **59. Casting Vote**

In the event of a tied vote, the *Chair* must exercise a casting vote.

### **60. By Show Of Hands**

Voting on any matter is by show of hands.

### **61. Procedure For A Division**

61.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

61.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

61.3 When a division is called for, the *Chair* must:

61.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any authorised officer must record, the names of those Councillors voting in the affirmative; and

61.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of his or her hands. The *Chair* must then state, and the *Chief Executive Officer* or any authorised officer must record, the names of those Councillors voting in the negative.

### **62. No Discussion Once Declared**

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- 62.1 a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 62.2 foreshadowing a *notice of rescission* where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

*For example, Rule 62 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.*

*Equally, Rule 62 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.*

*Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub-Rule 62.2, to discussion about a positive motion were a resolution has just been rescinded.*

## Division 11 – Minutes

### 63. Confirmation of Minutes

- 63.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
- 63.1.1 a copy of the minutes must be delivered to each Councillor no later than 96 hours before the meeting;
- 63.1.2 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
- 63.1.3 if a Councillor indicates opposition to the minutes:
- (a) he or she must specify the item(s) to which he or she objects;
  - (b) the objected item(s) must be considered separately and in the order in which they appear in the minutes;
  - (c) the Councillor objecting must move accordingly without speaking to the motion;
  - (d) the motion must be seconded;
  - (e) the *Chair* must ask:  
"Is the motion opposed?"
  - (f) if no Councillor indicates opposition, then the *Chair* must declare the motion carried without discussion and then ask the second of the questions described in sub-Rule 63.1.3(k);
  - (g) if a Councillor indicates opposition, then the *Chair* must call on the mover to address the meeting;

- (h) after the mover has addressed the meeting, the seconder may address the meeting;
- (i) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the *Chair* must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- (j) if, after the mover has addressed the meeting, the *Chair* invites debate and no Councillor speaks to the motion, the *Chair* must put the motion; and
- (k) the *Chair* must, after all objections have been dealt with, ultimately ask:
  - "The question is that the minutes be confirmed" or
  - "The question is that the minutes, as amended, be confirmed",
 and he or she must put the question to the vote accordingly;

63.1.4 a resolution of *Council* must confirm the minutes and the minutes must, if practicable, be signed by the *Chair* of the meeting at which they have been confirmed;

63.1.5 the minutes must be entered in the *minute book* and each item in the *minute book* must be entered consecutively; and

63.1.6 unless otherwise resolved or required by law, minutes of a *Delegated Committee* requiring confirmation by *Council* must not be available to the public until confirmed by *Council*.

#### **64. No Debate on Confirmation Of Minutes**

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

#### **65. Deferral Of Confirmation Of Minutes**

*Council* may defer the confirmation of minutes until later in the *Council meeting* or until the next meeting if considered appropriate.

#### **66. Form and Availability of Minutes**

66.1 The *Chief Executive Officer* (or other person authorised by the *Chief Executive Officer* to attend the meeting and to take the minutes of such meeting) must keep minutes of each *Council meeting*, and those minutes must record:

66.1.1 the date, place, time and nature of the meeting;

66.1.2 the names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;

66.1.3 the names of the members of Council staff present;

- 66.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;
  - 66.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - 66.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
  - 66.1.7 the vote cast by each Councillor upon a division;
  - 66.1.8 the vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
  - 66.1.9 questions upon notice;
  - 66.1.10 the failure of a quorum;
  - 66.1.11 any adjournment of the meeting and the reasons for that adjournment; and
  - 66.1.12 the time at which standing orders were suspended and resumed.
- 66.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 66.2.1 published on *Council's* website; and
  - 66.2.2 available for inspection at *Council's* office during normal business hours.
- 66.3 Nothing in sub-Rule 66.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*.

## Division 12 – Behaviour

### 67. Public Addressing The Meeting

- 67.1 Members of the public do not have a right to address *Council* and may only do so with the consent of the *Chair* or by prior arrangement.
- 67.2 Any member of the public addressing *Council* must extend due courtesy and respect to *Council* and the processes under which it operates and must take direction from the *Chair* whenever called on to do so.
- 67.3 A member of the public present at a *Council meeting* must not disrupt the meeting.

### 68. Chair May Remove

The *Chair* may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under sub-Rule 67.2.



*It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.*

**69. Chair may adjourn disorderly meeting**

If the *Chair* is of the opinion that disorder at the *Council* table or in the gallery makes it desirable to adjourn the *Council meeting*, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks proper. In that event, the provisions of sub-Rules 16.2 and 16.3 apply.

**70. Removal from Chamber**

The *Chair*, or *Council* in the case of a suspension, may ask the *Chief Executive Officer* or a member of the Victoria Police to remove from the Chamber any person who acts in breach of this Chapter and whom the *Chair* has ordered to be removed from the gallery under Rule 71.

**Division 13 – Additional Duties of Chair**

**71. The Chair's Duties And Discretions**

In addition to the duties and discretions provided in this Chapter, the *Chair*:

71.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and

71.2 must call to order any person who is disruptive or unruly during any meeting.

**Division 14 – Suspension of Standing Orders**

**72. Suspension of Standing Orders**

72.1 To expedite the business of a meeting, *Council* may suspend standing orders.

*The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure.*

*Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.*

72.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of *Council*. An appropriate motion would be:

"That standing order be suspended to enable discussion on....."

72.3 No motion can be accepted by the *Chair* or lawfully be dealt with during any suspension of standing orders.

72.4 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

## **Division 15 – Miscellaneous**

### **73. Meetings Conducted Remotely**

If:

73.1 by law a meeting may be conducted electronically; and

73.2 *Council* decides that a meeting is to be conducted electronically,

the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

### **74. Procedure not provided in this Chapter**

In all cases not specifically provided for by this Chapter, the Chairperson must decide the procedure to be followed based on law or generally accepted meeting protocols.

### **75. Criticism of members of Council staff**

75.1 The *Chief Executive Officer* may make a brief statement at a *Council meeting* in respect of any statement by a Councillor made at the *Council meeting* criticising him or her or any member of Council staff.

75.2 A statement under sub-Rule 75.1 must be made by the *Chief Executive Officer*, through the *Chair*, as soon as it practicable after the Councillor who made the statement has resumed his or her seat.

### Chapter 3 – Meeting Procedure for Delegated Committees

#### 1. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

- 1.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and
- 1.2 any reference in Chapter 2 to:
  - 1.2.1 a *Council meeting* is to be read as a reference to a *Delegated Committee* meeting;
  - 1.2.2 a Councillor is to be read as a reference to a member of the *Delegated Committee*; and
  - 1.2.3 the Mayor is to be read as a reference to the Chair of the *Delegated Committee*.

#### 2. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

- 2.1 *Council* may; or
- 2.2 the *Delegated Committee* may, with the approval of *Council*

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise.

## **Chapter 4 – Meeting Procedure for Community Asset Committees**

### **1. Introduction**

In this Chapter, “Instrument of Delegation” means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the *Act*.

### **2. Meeting Procedure**

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

## Chapter 5 – Disclosure of Conflicts of Interest

### 1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.\*

### 2. Definition

In this Chapter:

- 2.1 “meeting conducted under the auspices of *Council*” means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a ‘Councillor Briefing’ or by some other name); and
- 2.2 a member of a *Delegated Committee* includes a Councillor.

### 3. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Council meeting* at which he or she:

- 3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Council meeting* immediately before the matter is considered; or
- 3.2 intends to be present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Council meeting* commences a written notice:
- 3.2.1 advising of the conflict of interest;
- 3.2.2 explaining the nature of the conflict of interest; and
- 3.2.3 detailing, if the nature of the conflict of interest involves a Councillor’s relationship with or a gift from another person, the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- (c) nature of that other person’s interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

### 4. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which he or she:

\* At the time of making these Rules the date on which Division 1A of Part 4 of the *Local Government Act 1989* is expected to be repealed is 24 October 2020.

- 4.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Delegated Committee* meeting immediately before the matter is considered; or
- 4.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:
- 4.2.1 advising of the conflict of interest;
- 4.2.2 explaining the nature of the conflict of interest; and
- 4.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 4.2.4 nature of that other person's interest in the matter,
- and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

## 5. Disclosure of a Conflict of Interest at a Community Asset Committee Meeting

A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which he or she:

- 5.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the *Community Asset Committee* meeting immediately before the matter is considered; or
- 5.2 intends to present must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:
- 5.2.1 advising of the conflict of interest;
- 5.2.2 explaining the nature of the conflict of interest; and
- 5.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:
- (a) name of the other person;
- (b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- 5.2.4 nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Committee Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

## **6. Disclosure at a Meeting Conducted Under the Auspices of Council**

A Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of *Council* at which he or she is present must:

- 6.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
- 6.2 absent himself or herself from any discussion of the matter; and
- 6.3 as soon as practicable after the meeting concludes provide to the *Chief Executive Officer* a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

## **7. Disclosure by Members of Council Staff Preparing Reports for Meetings**

7.1 A member of Council staff who, in his or her capacity as a member of Council staff, has a conflict of interest in a matter in respect of which he or she is preparing or contributing to the preparation of a Report for the consideration of a:

- 7.1.1 *Council meeting*;
- 7.1.2 *Delegated Committee meeting*;
- 7.1.3 *Community Asset Committee meeting*

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

7.2 The *Chief Executive Officer* must ensure that the Report referred to in sub-Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

7.3 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer*:

- 7.3.1 the written notice referred to in sub-Rule 7.1 must be given to the *Mayor*; and
- 7.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

## **8. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power**

8.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

8.2 If the member of Council staff referred to in sub-Rule 8.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**9. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function**

9.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the *Chief Executive Officer* explaining the nature of the conflict of interest.

9.2 If the member of Council staff referred to in sub-Rule 9.1 is the *Chief Executive Officer* the written notice must be given to the *Mayor*.

**10. Retention of Written Notices**

The *Chief Executive Officer* must retain all written notices received under this Chapter for a period of three years.



## Chapter 6 – Miscellaneous

### 1. Informal Meetings of Councillors

If there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting

the *Chief Executive Officer* must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient *Council meeting*; and
- (b) recorded in the minutes of that *Council meeting*.

### 2. Confidential Information

- 2.1 If, after the repeal of section 77(2)(c) of the *Local Government Act 1989*, the *Chief Executive Officer* is of the opinion that information relating to a meeting is confidential information within the meaning of the *Act*, he or she may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.
- 2.2 Information which has been designated by the *Chief Executive Officer* as confidential information within the meaning of the *Act*, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

**Chapter 7 – Election Period Policy**  
**COUNCIL ELECTION PERIOD POLICY**

## **1. PURPOSE**

This policy provides a framework for the conduct of Council business during the 2020 general election period. It establishes a series of caretaker practices, which aim to ensure that major decisions and actions of the current Council do not bind the incoming Council and limit its freedom of action, and ensure the use of Council resources and information throughout the election period is in accordance with the caretaker provisions of the *Local Government Act 1989*. This policy is designed to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before the general election.

## **2. INTRODUCTION**

Victorian Councils are required to observe special “caretaker arrangements” during a general election period. Caretaker arrangements aim to avoid the use of public resources in a way that may unduly affect the election result and minimise decisions that may unduly limit the decision-making ability of the incoming council. Section 93B of the *Local Government Act 1989* requires that Council prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election.

## **3. SCOPE**

This policy applies to individual Councillors, the Council as a Body Corporate, Special Committees of the Council, the Chief Executive Officer, Executive Managers, all Council staff and any person acting on behalf of the organisation under a delegation.

## **4. PRINCIPLES**

Councillors and staff are committed to the lawful, transparent, fair and un-biased conduct of Council elections and will ensure that the terms, conditions and arrangements provided for under this policy will be adhered to. In addition, the reporting requirements contained in the Council’s Protected Disclosure Guidelines and the Management of Protected Disclosures Procedure will be followed where disclosures of improper or corrupt conduct or detrimental action by Councillors or employees, in regard to election-related matters, are made.

### **4.1 Major Policy Decisions**

4.1.1 Section 93A of the Local Government Act prohibits a council, a special committee or a person acting under delegation from making major policy decisions during the election caretaker period as follows:

- Decisions relating to the employment or remuneration of a permanent Chief Executive Officer of the Council
- Decisions to enter into contracts that are valued at more than \$266,850 (for purchases of goods or services) or \$200,000 (for carrying out of works). The amount of \$266,850 refers to 1% of Council’s revenue from rates levied for 2018/19.
- Decisions to enter into entrepreneurial ventures that are valued at more than \$266,850, which is 1% of Council’s revenue from rates levied for 2018/19.

4.1.2 In accordance with the requirements under the Local Government Act, Council is mindful that it should not make major policy decisions during the election caretaker period which would not, in the normal course of business, be reversible by a future Council.

4.1.3 At the point of adopting this policy, Horsham Rural City Council does not believe there are any significant decisions that should be carried over to the new Council. Council will ensure that any significant contracts for normal Council business which have been included in the Council budget can be entered into prior to the caretaker period or delayed until the incoming Council is in place.

4.1.4 If Council considers that there are extraordinary circumstances where the municipality or local community would be significantly disadvantaged by not making a particular Major Policy Decision, Council will, by resolution, request an exemption from the Minister for Local Government in accordance with section 93A(2) of the Local Government Act.

## **4.2 Council Publications and Communications**

Section 55D of the Local Government Act prohibits Council from printing, publishing and distributing material that is electoral matter during an election period. Electoral matter is broadly defined to be matter which is intended or likely to affect voting in an election. This limitation does not apply to electoral material that is only about the election process.

There is a requirement that the Chief Executive Officer is familiar with the requirements of the Local Government Act, and any other requirements, with respect to the printing, publishing and/or distribution of electoral publications.

The Chief Executive Officer will review and certify all publications throughout the election period prior to publication, to ensure that they comply with the requirements of Section 55D. This includes Council newsletters, handbills, pamphlets, advertisements and notices, media releases, brochures, leaflets and mail-outs (whether electronic or otherwise). This also applies to publication of material on Council's website and the social media.

In accordance with the Local Government Act:

- the Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process
- the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff
- a Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.

The requirements, above, do not apply to the publication of any document published before the commencement of the election period and to publication of any document required to be published in accordance with, or under, any Act or regulation.

Official media statements will only be made by the Chief Executive Officer during the election period, including radio and television interviews. In as much as it is possible throughout the election period, Council publicity and communications will be restricted to promoting normal Council activities and services and informing residents about the election process.

## **4.3 Council and Special Committee meetings**

The Chief Executive Officer will ensure that arrangements are in place so that papers prepared for council or special committee meetings during the election period do not include any agenda matter that could potentially influence voters' intentions at the forthcoming election or could encourage councillor candidates to use the matter as part of their campaign platform.

During the election period, Councillors will refrain from moving motions on or raise matters at a meeting that could potentially influence voting at the election. Council will not consider decisions relating to the following matters during the election period:

- allocation of community grants or other direct funding to community organisations
- major planning scheme amendments
- changes to strategic objectives and strategies in the council plan.

#### **4.4 Use of Public Resources**

Public resources must not be used in any way that may influence the way people vote in the general election or give Councillors any inappropriate real or perceived electoral advantage. The following guidelines during the election period will apply:

- Council resources, including offices, support staff, hospitality, equipment, email, mobile phones and stationery will be used exclusively for normal Council business and will not be used in connection with election campaigning.
- Any resource provided to a Councillor which has an expressly permitted private-use component (e.g. the mayoral vehicle) may still be used for private purposes, but nothing in connection with election campaigning.
- Reimbursement of out-of-pocket expenses for sitting Councillors during the election period will only apply to costs that have been incurred in the performance of normal Council duties and not for expenses that could be perceived as supporting, or being connected with, a candidate's election campaign.
- The council logo, letterhead or other Horsham Rural City Council branding will not be used for, or linked in any way to, a candidate's election campaign.
- Council officers will not be asked to undertake any tasks connected with a candidate's election campaign.
- Any requests for provision of information or advice held by Council, made by a sitting Councillor or candidate, should be directed to the Chief Executive Officer or appropriate senior management member. There shall be complete transparency in the provision of all information and advice and any information or advice provided to a sitting Councillor or candidate as part of the conduct of the Council election will be provided equally to all candidates and made available in an accessible format if requested.

Councillors will continue to automatically access council-held documents during the election period, but only as is necessary for them to perform their current role and functions.

#### **4.5 Public Consultation, Council Events and other activities**

Consultation forms an integral part of policy development and operations; however, consultation undertaken close to a general election may become an election issue in itself and influence voting. Issues raised through the consultation and decisions that follow may also unreasonably bind the incoming council.

##### **Events**

The scheduling of council events in the lead-up to elections also frequently raises concerns over their potential use by sitting councillors for electioneering purposes. Events and functions can take many forms including conferences, workshops, forums, launches/openings, promotional activities, and social occasions (such as dinners, receptions and balls).

Any public consultation or scheduling of council events during the election period will be reviewed by the Chief Executive Officer who may determine that an individual activity or event is:

- not permitted to proceed; or
- is permitted to proceed but subject to any restrictions which the Chief Executive Officer may impose.

##### **Consultation**

If the Chief Executive Officer determines that consultation must be undertaken or an event held during this time, the Chief Executive Officer (on behalf of the Council) must justify to the community the special circumstances making it necessary and how risks over influencing the election will be mitigated or prevented.

Public consultation must be undertaken during an election period if the consultation is mandated by legislation.

Where consultation is discretionary then the consultation can occur during the election period but only after the Chief Executive Officer determines whether or not the consultation will influence the outcome of the election. If the matter subject to the consultation is likely to be closely associated in the minds of voters with a particular candidate or group of candidates then it may be prudent for the Chief Executive Officer to delay the consultation until after the election period.

**Councillor attendance at events and functions**

Councillors can continue to attend events and functions during an election period provided that their attendance is consistent with the ordinary course of their Council duties.

If a Councillor is asked to give a speech at an event or function during an election period then they should take particular care to only use or provide information that would generally be the nature of a speech to the relevant audience.

**Council staff activities during an election period**

Council staff should not undertake any activity that may influence the outcome of an election, except where the activity relates to the election process and is authorised by the Chief Executive Officer.

Council staff should not authorise, use or allocate a Council resource for any purpose which may influence voting in the election, except where it relates to the election process and is authorised by the Chief Executive Officer. This includes making Council resources available to Councillors for campaign purposes. Council staff must not assist any Councillor with their election campaign at any time, including outside working hours. Where the use of Council resources could be construed as being related to a candidate’s election campaign, the incident must be reported to the Chief Executive Officer.

**4.6 Record keeping**

The Chief Executive Officer shall keep a documented record of all:

- documentation reviewed
- documentation approved
- media or other statements released
- information or advice provided on request to a sitting Councillor or candidate
- information relating to events and consultation permitted to proceed, under this policy during the election period.

**5. COMMUNICATION**

Individual Councillors, Reception (Civic Centre and Natimuk), Website, Intranet

**6. RESPONSIBILITY**

**Policy Owner:** Director Corporate Services

**7. DEFINITIONS**

| Definition                  | Meaning  |
|-----------------------------|--|
| Council as a Body Corporate | Refers to decisions and actions arising from a meeting of the Horsham Rural City Council.  |
| Delegation                  | Principally a formal document issued by the Council or the Chief Executive Officer which empowers another officer or officers to undertake an action, duty or responsibility, but an individual may have authority arising from an informal or implied direction or instruction (delegation) from a body or senior person. |

|  |  |
|--|--|
| Election period (also known as Caretaker Period) | Is defined in the Local Government Act to be the period from the last day of nominations until the election day (a 32 day period). In conjunction with Section 44(1) of the Interpretation of Legislation Act, the first day of the period for the 2020 general election will therefore be Tuesday, 22nd September 2020. |
| Inappropriate decision/s                         | Is a decision or decisions made during the election period that would affect voting in the election or one that could reasonably be deferred until after the election.   |
| Special Committee                                | A committee established by a Council under Section 86 of the Local Government Act or a committee that exercises a power, or performs a duty or function, of the Council that has been delegated to that committee under any Act.   |

## 8. SUPPORTING DOCUMENTS

| Document                                      | Location         |
|---|------------------|
| Local Government Act 1989                     | Internet         |
| Protected Disclosures Guidelines              | HRCC<br>Intranet |
| Management of Protected Disclosures Procedure | HRCC Intranet    |

## 9. DOCUMENT CONTROL

| Version Number | Approval Date    | Approval By | Amendment  | Review Date    |
|----------------|------------------|-------------|--|----------------|
| 01             | 15 February 2016 | Council     | Replaces Council Election Caretaker Arrangements Policy 2012 | 1 October 2019 |
| 02             | 28 October 2019  | Council     | Review   | 1 October 2023 |

**NOTE:** This policy must be reviewed at least twelve months prior to each general election of Council (Section 93B(2) of the Local Government Act). The next review is therefore due in 2023.

XXXXXXXXXXXXXXXXXX

28 July 2020

Councillors  
Horsham Rural City Council  
PO Box 511  
HORSHAM VIC 3402  
**VIA E-mail**

Dear Councillors,

**Draft Governance Rules**

1. I write in response to the advertised Draft Governance Rules circulated for public comment. I did start a thorough analysis (see below) but ceased this activity when I struck upon the Model Governance Rules developed by the relevant State government department, Local Government Victoria (LGV) via the Engage Victoria website (click [here](#)).
2. On perusing the LGV Model Rules, I cannot see any need for any other rules than these prepared by LGV. They, in my opinion, provided a strong basis for transparent and ethical decision-making, while providing access to, and the ability for the public to question their elected officials.
3. The draft proposed by the CEO and Council staff:
  - a. continue to restrict access to elected officials by the public;
  - b. prohibit good governance through restricting the elected Councillors ability to move certain motions;
  - c. elevate the Directors to the level of Councillors—which is inappropriate and possibly not legal—by allowing them to address the meeting and introduce reports. Aside from the legal question, it is totally inappropriate.
4. Another concern is why the CEO engaged Maddocks Lawyers to draft the circulated by the CEO when they could have got the free rules from the web site above. In a time where fiscal frugality is required, I cannot fathom the use of ratepayers' money for something that was available for free.
5. Finally, given that a new Council is most likely to be elected—as four Councillors are not standing—it would be imprudent and impertinent to impose such a draconian set of Governance Rules on a new Council for them to unpack. I hope that you will reject them, and implement the LGV Rules for the new Council and the public to start afresh.
6. Submitted for your consideration.

XXXXXXXXXXXXXXXXXX

| Clause           | • Issue/Concern   | Proposed Correction   |
|------------------|---|---|
| 4                | <ul style="list-style-type: none"> <li>A large of definitions included in the Local Government Victoria (LGV) proposed draft is missing.</li> </ul>   | <ul style="list-style-type: none"> <li>Include the LGV definitions</li> </ul>   |
| <b>Chapter 1</b> | <ul style="list-style-type: none"> <li></li> </ul>  |   |
| 1                | <ul style="list-style-type: none"> <li>Context: not relevant</li> </ul>   | <ul style="list-style-type: none"> <li>Remove</li> </ul>  |
| 2                | <ul style="list-style-type: none"> <li>Decision-making: the inclusion of this section demonstrates a poor understanding of the application of the <i>Natural Justice</i> rule. This rule would be covered community consultation for Council decisions and through council's policy for 2 (c) (iv).</li> <li>Clause 2 (c) (iv) is also not relevant to Council meetings, to which the Governance Rules apply. Staff are not part of Council meetings and do not—generally—participate.</li> </ul> | <ul style="list-style-type: none"> <li>Delete.</li> </ul>   |
| <b>Chapter 2</b> | <ul style="list-style-type: none"> <li></li> </ul>  |   |
| 1 & 2            | <ul style="list-style-type: none"> <li>Irrelevant</li> </ul>  | <ul style="list-style-type: none"> <li>Delete</li> </ul>  |
| 3                | <ul style="list-style-type: none"> <li>Definitions are missing</li> </ul>   | <ul style="list-style-type: none"> <li>moved to front of document and add all from LGV draft</li> </ul>   |
| Part B           | <ul style="list-style-type: none"> <li>Election of Mayor</li> </ul>   | <ul style="list-style-type: none"> <li>Add “/Deputy Mayor”</li> </ul>   |
| 4                | <ul style="list-style-type: none"> <li>Election of Mayor</li> </ul>   | <ul style="list-style-type: none"> <li>Replace with LGV draft</li> </ul>  |
| 5                | <ul style="list-style-type: none"> <li>Method of voting</li> </ul>  | <ul style="list-style-type: none"> <li>include “electronic method” as per LGV draft</li> </ul>  |
| 6.1              | <ul style="list-style-type: none"> <li>Superfluous</li> </ul>   | <ul style="list-style-type: none"> <li>delete</li> </ul>  |
| 6.2.1 & 6.2.2    | <ul style="list-style-type: none"> <li>Form as approved by CEO</li> <li>Seconded by another Councillor</li> </ul>   | <ul style="list-style-type: none"> <li>delete. The LGV draft and legislation do not require this, and the CEO's role is functionary, in that they chair this</li> </ul> |



|                           |   |  |
|---------------------------|---|--|
|                           |   | meeting only. To include the form, seeks to impose the CEO into this meeting in a manner that is not required.                                 |
| 6.3.3                     | <ul style="list-style-type: none"> <li>an absolute majority is not required under the LGV draft or legislation</li> </ul>   | <ul style="list-style-type: none"> <li>replace with LGV draft “equal to or greater than half of the Councillors present”.</li> </ul>           |
| 6.3.4                     | <ul style="list-style-type: none"> <li>voting</li> </ul>  | <ul style="list-style-type: none"> <li>replace with LGV draft</li> </ul>   |
| 6.3.5                     | <ul style="list-style-type: none"> <li>wording “absolute majority”</li> </ul>   | <ul style="list-style-type: none"> <li>delete wording “absolute majority”</li> </ul>   |
| 6.3.6 and 6.3.7           | <ul style="list-style-type: none"> <li>Voting by ‘Lot’</li> <li>The position of Mayor and Deputy Mayor should not be decided by lottery.</li> </ul>   | <ul style="list-style-type: none"> <li>delete</li> <li>If Councillors are unable to decide, then the meeting needs to be adjourned.</li> </ul> |
| 7 and 8                   | <ul style="list-style-type: none"> <li>the Chair of delegated Committees falls within the purview of the Mayor (if they are a Councillor)—section 19. This clause seeks to override a Statutory right, which it cannot do.</li> </ul>   | <ul style="list-style-type: none"> <li>Delete and reference section 19 of the <i>Local Government Act 2020</i></li> </ul>                      |
| MISSING                   | <ul style="list-style-type: none"> <li>The LGV draft rules has a provision for the Ceremonial Mayoral Speech. This is missing in these draft rules.</li> </ul>  | <ul style="list-style-type: none"> <li>Insert Clause 7 from the LGV draft rules.</li> </ul>  |
| <b>MEETING PROCEDURES</b> |   | ○  |
| 11                        | <ul style="list-style-type: none"> <li>requiring 3 councillors to call an unscheduled meeting is unrealistic and imposes a burden that may never be met. It also may breach the Human Rights of a Councillor by restricting their ability to participate in the process of government.</li> </ul> | <ul style="list-style-type: none"> <li>Replace with the LGV draft which requires only 1 councillor, including meeting postponement</li> </ul>  |
| 12.1                      | <ul style="list-style-type: none"> <li>giving Councillors the agenda and attachments 48 hours before a Council meeting is unrealistic and a more cynical person may see this as an attempt to limit the ability of Councillors to fully digest the agenda and</li> </ul>                          | <ul style="list-style-type: none"> <li>Replace with LGV draft with 5 business days as a minimum</li> </ul>                                     |

|       |   |   |
|-------|---|---|
|       | attachments before the meeting.   |   |
| 12.3  | <ul style="list-style-type: none"> <li>the agenda would be made available to the public two days before their elected officials.</li> </ul>   | <ul style="list-style-type: none"> <li>Replace with LGV draft with 5 business days as a minimum</li> <li>Include HRCC before website</li> </ul> |
| 12.4  |   | <ul style="list-style-type: none"> <li>Include HRCC before website</li> <li>ensure all papers are included not just one</li> </ul>              |
| 13–15 |   | <ul style="list-style-type: none"> <li>Replace with more practical version in the LGV draft rules</li> </ul>                                    |
| 17    |   | <ul style="list-style-type: none"> <li>include “following consultation with the Mayor”, after CEO</li> </ul>                                    |
| 18    | <ul style="list-style-type: none"> <li>Agenda items</li> </ul>  | <ul style="list-style-type: none"> <li>include “following consultation with the Mayor”, after CEO</li> </ul>                                    |
| 20    | <ul style="list-style-type: none"> <li>Urgent business: limits the ability of Councillors to have urgent business included</li> </ul>   | <ul style="list-style-type: none"> <li>Replace with LGV draft</li> </ul>  |
| 22.2  | <ul style="list-style-type: none"> <li>Rejecting motions</li> </ul>   | <ul style="list-style-type: none"> <li>include “following consultation with the Mayor”, after CEO</li> </ul>                                    |
| 24    | <ul style="list-style-type: none"> <li>Introducing a report. This is not required on several levels.</li> <li>Staff are not members of Council and therefore have no role in the Council meeting. To allow this to proceed as written lifts the staff to the level of Councillors.</li> <li>If a report needs an introduction, then the report is flawed. Any report written for Councillor consideration should stand on its own. If it doesn’t, then it should be withdrawn and rewritten.</li> </ul> | <ul style="list-style-type: none"> <li>Delete completely</li> </ul>   |

|             |   |   |
|-------------|---|---|
| <p>43</p>   | <ul style="list-style-type: none"> <li>• requiring 3 councillors to call an unscheduled meeting is unrealistic and imposes a burden that may never be met. It also may breach the Human Rights of a Councillor by restricting their ability to participate in the process of government.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Replace with the LGV draft which requires only 1 councillor</li> </ul>         |
| <p>53</p>   | <ul style="list-style-type: none"> <li>• Public Question time<br/>In my assessment, this approach limits the ability of the public to question their elected officials. It also does not allow for a Public Forum as per the LGV's draft. This is not practical and inappropriate.</li> </ul>       | <ul style="list-style-type: none"> <li>▪ Replace this section with the LGV draft including the public forum.</li> </ul> |
| <p>54.4</p> | <ul style="list-style-type: none"> <li>•</li> </ul>   | <ul style="list-style-type: none"> <li>▪ change to 10 as per LGV draft</li> </ul>                                       |

XXXXXXXXXXXXXX

28 July 2020

Councillors  
Horsham Rural City Council  
PO Box 511  
HORSHAM VIC 3402  
**VIA E-mail**

Dear Councillors,

**Addendum to Draft Governance Rules Submission**

1. I wish to have the following added to my submission sent in the morning of 28 July 2020.
2. After a deeper review of the HRCC Draft Governance Rules, I wish to comment on:
  - a. Clause 22.8 is not good governance. To limit the submission of lapsed or failed motions to 3 months from the date it was lost is not appropriate. Essentially if a motion is lost on a technicality, it means that a Councillor has to wait three months before resubmission. Depending on the matter, it may hinder the effective governance by Councillors.
  - b. Clause 28.2: there should be no limit on the number of amendments moved by a Councillor. It may take more than two amendments to get the wording and intent correct.
  - c. Clause 31.3: a foreshadowed motion is council business and should be minuted.
  - d. Clause 31.4: this allows the Mayor/Chair to reject a foreshadowed motion if they do not agree with it.
  - e. Clause 35: the order of addressing a motion should be in rotating order one (1) for the motion then one (1) against the motion until all debate is finished.
  - f. Division 5: Procedural Motions—the table should be that which is in the LGV draft.
  - g. Clause 47.2: the LGV draft should be adopted in place of this clause.
  - h. Clause 53.9: several subclauses (3), (4), (5), (8), (9), (10), should be deleted. This limits the ability of the community to ask a range of questions. Speech should not be limited; it should be welcomed. Based on these clauses, I would have not been able to ask most of my questions over the course of this Council. That, I submit may breach the *Charter of Human Rights and Responsibilities* by restricting my ability to participate in the machinery of government.
  - i. Clause 64: minute confirmation should never be deferred.
  - j. Clause 74: this is redundant as the Councillor Code of Conduct covers this behaviour. Additionally, it limits the ability of elected officials to highlight issues with staffing matters. If the CEO is so aggrieved they can take it up with the Councillor out of the meeting. That said, the Mayor should be alert enough to stop this before it happens. Finally, the CEO is not a member of Council and has

legislated duties in relation to the *Council Meeting*. No rule should exceed that legally mandate role.

**Clauses Missing**

- k. Recording of Proceedings
  - l. Audit and Risk Committee as per LGV draft.
  - m. Joint Council Meetings as per section 62 of the *Local Government Act 2020*.
  - n. Election Period Policy as required by section 69 of the *Local Government Act 2020*.
3. The last point (n.) is important, and I ponder the legality of the draft circulated—if adopted—as the community has not had the ability to comment on the *Election Period Policy*.
  4. Submitted for your consideration.

XXXXXXXXXXXXX

# Local Government Act 2020

Submission date: 29 July 2020, 4:57PM

Receipt number: 2

Related form version: 6

| Question   | Response   |
|--|--|
| Have your say – Local Government Act 2020 implementation   |  |
| Your Details   |  |
| First Name   | XXXXXXXXXX   |
| Last Name  | XXXXXXXXXX   |
| Email  | XXXXXXXXXX   |
| Address  | XXXXXXXXXX   |
| Submission details   |  |
| What would you like to make a submission on?   | Council Expenses Policy<br>Governance Rules<br>Public Transparency Policy  |
| Please enter your submission regarding the Council Expense Policy below. You can also upload further information separately below. | Having looked at other Councils policies, I believe HRCC policy needs to be more concise and less based on approval of the CEO to give clear understanding for Councillors an better governance of expenses for ratepayers.  |
| Please enter your submission regarding the Governance Rules below. You can also upload further information separately below.       | I have studied this draft and compared to many others including the "model" from LGV and would like to present the following points: <ul style="list-style-type: none"> <li>- #4 - list of definitions incomplete - if the "definitions" listed in the LGV Model were used, it would give a clearer understanding</li> <li>B needs to include the LGV insert covering section 25 and 26 as they are the specific provisions of the Act governing the election of the Mayor</li> <li>- B #5 does this need to show that it includes online meeting, given the Covid situation?</li> <li>- B #6.3.7 Believe that the position of Mayor is too important to be decided by a "draw", suggest as per some other Councils, perhaps remeet the following day</li> <li>- B # 7.2 - my interpretation of the Act is that the Mayor appoints the chair of the Delegated Committees.</li> </ul> <p>PART C - MEETING PROCEDURE</p> |

Believe the "purpose" and "meeting roles" sections of the LGV model should be inserted as they give a clear understanding of purpose and roles for better understanding for the Community

C #10 - "reasonable" notice should be min 14 days

C #11 - believe this section is clearer if the LGV model is used

C # 12.1 - 48 hours before needs to change to 4 business days. This should be manageable given meetings are only monthly and it gives Councillors a more appropriate length of time.

C # 12.2 - believe that notice and attachments should be automatically sent to Councillors on leave of absence without the need to request in writing - these are sent electronically and it keeps the Councillor informed

C #12.3 - should also be 4 business days

C # 12.4 - "Reasonable notice" does not inform the public when to expect to know meeting dates. These should be provided a minimum of 14 days prior to the meeting

C #12.4.2 (b)replace with "in the newspapers generally circulating in the municipal district

C #14 include Quorum calculation

C #15 include electronic notice to also be included

Div 3 - Business of Meetings

Believe the "overview" form the LGV model should be inserted as gives a clear understanding to all

#18 believe this should be determined by the "mayor in conjunction with the CEO"

#20 use LGV model very a clear and concise

#24 Introducing a report - DELETE this section - do not believe this is appropriate - professionals submitting reports to Council should present concise and appropriate reports covering all that is needed.

#31 - use the LGV model - very clear and concise

#31.4 - delete - this is not included in LGV model so question why it is included in HRCC Division 6

#43.1.1 - change to signed and dated by at least TWO councillors - (the last 3.5 years clearly show why this should not be 3!!!)

Division 8 Public Question time given the state of dissatisfaction in our Community believe that the right to a

supplementary question should be inserted in this section as has currently been the case.

#53.10 - in the interests of openness and transparency - this should include if any question is disallowed - then the member of the public should be notified in writing the reasons for not allowing the question

#53.16 - INSERT - Public Questions are recorded in the minutes and recordings and broadcast to the public.

#58 - LGV covers this with a better explanation

Division 11 - Minutes

#62.1.1 - change to copy of minutes must be delivered to each Councillor no later than 7 business days prior to the meeting.

Also believe LGV model for this section gives a better explanation and clearer ruling

#64 - don't believe confirmation of minutes should be deferred

Division 14 suspension of standing orders believe LGV model is better

Item # 74 Believe this should be deleted as Councillor Code of Conduct covers this and should be adhered to.

There doesn't appear to be an item covering recording of meetings and proceedings (unless I have missed it)

Not sure why Maddock Lawyers seem to have completed some of the sections at the rear of the rules - the LGV model for Conflict of Interest etc is much clearer and believe it should be used

Will there be another opportunity for consultation one the Audit and Risk Committee and Election Policy have been added

Believe it is extremely important to include the "Adequate and sufficient debate" sections 61,62,63 from the LGV model - good debate equals a better chance of better results for the municipality.



|   |   |
|---|---|
| <p>Please enter your submission regarding the Public Transparency Policy below. You can also upload further information separately below.</p> | <p>From the community perspective the "public interest test" needs to be more clearly defined to be more easily understood by the Community. It is clear from recent years that this is a very big issue locally, so maybe we need some more consultation/discussion to ensure that what is being prepared by staff for this policy, reflects the expectations of ratepayers for transparency. Happy to be involved is this was to happen</p> |
| <p>Submission upload</p>  |   |

## HRCC Governance Rules Feedback Received

#1 Feedback Received (28.07.2020)

#2 Feedback Received (29.07.2020)

#3 Feedback Received (30.07.2020)

| SECTION          | SECTION DESCRIPTION   | SUBMITTERS ISSUE/CONCERN  | SUBMITTERS SUGGESTED CHANGES                          | HRCC RESPONSE                                       | HRCC PROPOSED CHANGES     |
|------------------|---|---|---|---|---------------------------|
| 4                | Introduction - 4. Definitions                                 | A large of definitions included in the Local Government Victoria (LGV) proposed draft is missing.   | Include the LGV definitions                           | Definitions are included as considered appropriate. | Nil                       |
| 4                | Introduction - 4. Definitions                                 | - #4 - list of definitions incomplete - if the "definitions" listed in the LGV Model were used, it would give a clearer understanding   |   | Definitions are included as considered appropriate. | Nil                       |
| <b>Chapter 1</b> |   |   |   |   |                           |
| 1                | Governance Framework – 1. Context                             | Context: not relevant   | Remove  | Its necessary background and context setting.       | Nil                       |
| 2                | Governance Framework – 2. Decision Making                     | <ul style="list-style-type: none"> <li>Decision-making: the inclusion of this section demonstrates a poor understanding of the application of the <i>Natural Justice</i> rule. This rule would be covered community consultation for Council decisions and through council's policy for 2 (c) (iv).</li> <li>Clause 2 (c) (iv) is also not relevant to Council meetings, to which the Governance Rules apply. Staff are not part of Council meetings and do not–generally–participate.</li> </ul> | Delete.   | It's recommended by Maddocks.                       | Nil                       |
| <b>Chapter 2</b> |   |   |   |   |                           |
| 1 & 2            | Part A – Introduction – 1. Title & 2. Purpose of this Charter | Irrelevant  | Delete  | Disagree.   | Nil                       |
| 3                | Part A – Introduction – 3. Definitions & Notes                | Definitions are missing   | moved to front of document and add all from LGV draft | Definitions are included as considered appropriate. | Nil                       |
| Part B           | Part B – Election of Mayor                                    | Election of Mayor   | Add “/Deputy Mayor”                                   | Add Deputy Mayor in heading.                        | Suggested change included |

**APPENDIX 9.8C**

| SECTION       | SECTION DESCRIPTION  | SUBMITTERS ISSUE/CONCERN  | SUBMITTERS SUGGESTED CHANGES  | HRCR RESPONSE  | HRCR PROPOSED CHANGES |
|---------------|--|---|---|--|-----------------------|
| Part B        | Part B – Election of Mayor   | B needs to include the LGV insert covering section 25 and 26 as they are the specific provisions of the Act governing the election of the Mayor |   | Background information is not required in document.  | Nil                   |
| 4             | Part B – Election of Mayor   | Election of Mayor   | Replace with LGV draft  | We are using the Maddocks versions as it aligns more closely with our current practices.   | Nil                   |
| 5             | Part B – Election of Mayor – Method of Voting                      | Method of voting  | include “electronic method” as per LGV draft  | Section 72 deals with electronic methods.  | Nil                   |
| - B #5        | Part B – Election of Mayor – Method of Voting                      | - B #5 does this need to show that it includes online meeting, given the Covid situation?   |   | As above.  | Nil                   |
| 6.1           | Part B – Election of Mayor – Determining the Election of the Mayor | Superfluous   | delete  | Reflects our current custom and practice.  | Nil                   |
| 6.2.1 & 6.2.2 | Part B – Election of Mayor – Determining the Election of the Mayor | <ul style="list-style-type: none"> <li>Form as approved by CEO Seconded by another Councillor</li> </ul>  | delete. The LGV draft and legislation do not require this, and the CEO’s role is functionary, in that they chair this meeting only. To include the form, seeks to impose the CEO into this meeting in a manner that is not required | Disagree.<br><br>The CEO’s role is administrative only – prescribing the relevant nomination form. The provision will help ensure that the nomination is in an appropriate form. | Nil                   |
| 6.3.3         | Part B – Election of Mayor – Determining the Election of the Mayor | an absolute majority is not required under the LGV draft or legislation   | replace with LGV draft “equal to or greater than half of the Councillors present”.  | This is covered in the LGAct 2020 Section 25 – Election of Mayor.  | Nil                   |
| 6.3.4         | Part B – Election of Mayor – Determining the Election of the Mayor | voting  | replace with LGV draft  | The process that is there, reflects our current Meeting Procedure.   | Nil                   |
| 6.3.5         | Part B – Election of Mayor – Determining the Election of the Mayor | wording “absolute majority”   | delete wording “absolute majority”  | The process that is there reflects our current Meeting Procedure.  | Nil                   |

**APPENDIX 9.8C**

| SECTION                           | SECTION DESCRIPTION  | SUBMITTERS ISSUE/CONCERN  | SUBMITTERS SUGGESTED CHANGES   | HRCC RESPONSE  | HRCC PROPOSED CHANGES     |
|-----------------------------------|--|---|--|--|---------------------------|
| 6.3.6 and 6.3.7                   | Part B – Election of Mayor – Determining the Election of the Mayor                       | <ul style="list-style-type: none"> <li>• Voting by ‘Lot’</li> <li>• The position of Mayor and Deputy Mayor should not be decided by lottery.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Delete</li> <li>▪ If Councillors are unable to decide, then the meeting needs to be adjourned.</li> </ul> | The process that is there reflects our current Meeting Procedure.  | Nil                       |
| - B #6.3.7                        | Part B – Election of Mayor – Determining the Election of the Mayor                       | Believe that the position of Mayor is too important to be decided by a "draw", suggest as per some other Councils, perhaps remeet the following day   | <ul style="list-style-type: none"> <li>▪</li> </ul>  | The process that is there reflects our current Meeting Procedure. Noting that, Clause 6.3.4 gives Councillors the right to suspend the election and resume the election at another time.   | Nil                       |
| 7 and 8                           | Part B – Election of Mayor – Election of Deputy Mayor and Chairs of Delegated Committees | <ul style="list-style-type: none"> <li>• the Chair of delegated Committees falls within the purview of the Mayor (if they are a Councillor)–section 19. This clause seeks to override a Statutory right, which it cannot do.</li> </ul> | Delete and reference section 19 of the <i>Local Government Act 2020</i>  | Section 63.2a says a Councillor appointed by the Council is to Chair the Meeting of a Delegated Committee. Section 19(1)(a) allows the Mayor to appoint the Councillor. If it’s a competitive process its good governance to have an election. | Nil                       |
| MISSING                           | Part B – Election of Mayor   | The LGV draft rules has a provision for the Ceremonial Mayoral Speech. This is missing in these draft rules.  | Insert Clause 7 from the LGV draft rules.  | Ceremonial Speech this could be added.   | Suggested change included |
| <b>MEETING PROCEDURES</b>         |  |   |  |  |                           |
| PART C - MEETING PROCEDURE 1 of 4 | Part C – Meeting Procedures  | Believe the "purpose" and "meeting roles" sections of the LGV model should be inserted as they give a clear understanding of purpose and roles for better understanding for the Community   |  | This is quite lengthy and may dilute the key items. It could be included if Council feels it’s relevant to include that level of detail.   | Nil                       |
| C #10                             | Part C – Meeting Procedures – Council May Alter Meeting Dates                            | C #10 - "reasonable" notice should be min 14 days   |  | The Local Government Act 2020 is a Principles based Act and we are following these principles and not being as prescriptive as the previous Act.   | Nil                       |

APPENDIX 9.8C

| SECTION  | SECTION DESCRIPTION   | SUBMITTERS ISSUE/CONCERN   | SUBMITTERS SUGGESTED CHANGES  | HRCC RESPONSE  | HRCC PROPOSED CHANGES     |
|----------|---|--|---|--|---------------------------|
| 11       | Part C – Meeting Procedures – 11. Meetings Not Fixed by Council | <ul style="list-style-type: none"> <li>requiring 3 councillors to call an unscheduled meeting is unrealistic and imposes a burden that may never be met. It also may breach the Human Rights of a Councillor by restricting their ability to participate in the process of government.</li> </ul>        | Replace with the LGV draft which requires only 1 councillor, including meeting postponement | <b>Disagree</b><br>The requirement mirrors what was section 84 of the <i>Local Government Act 1989</i> . It helps prevent unnecessary meetings being called. | Nil                       |
| C #11 -  | Part C – Meeting Procedures – 11. Meetings Not Fixed by Council | C #11 - believe this section is clearer if the LGV model is used   |   | As above.  | Nil                       |
| 12.1     | Part C – Meeting Procedures – 12. Notice of Meeting             | <ul style="list-style-type: none"> <li>giving Councillors the agenda and attachments 48 hours before a Council meeting is unrealistic and a more cynical person may see this as an attempt to limit the ability of Councillors to fully digest the agenda and attachments before the meeting.</li> </ul> | Replace with LGV draft with 5 business days as a minimum                                    | This was an error and should have been amended to 4 days / 96 hours in line with 12.3.   | Suggested change included |
| C # 12.1 | Part C – Meeting Procedures – 12. Notice of Meeting             | C # 12.1 - 48 hours before needs to change to 4 business days. This should be manageable given meetings are only monthly and it gives Councillors a more appropriate length of time.   |   | As above.  | Suggested change included |
| C # 12.2 | Part C – Meeting Procedures – 12. Notice of Meeting             | C # 12.2 - believe that notice and attachments should be automatically sent to Councillors on leave of absence without the need to request in writing - these are sent electronically and it keeps the Councillor informed   |   | It's a Duty of Care not to provide the documents unless they ask for them when they are on a Leave of Absence.   | Nil                       |

APPENDIX 9.8C

| SECTION       | SECTION DESCRIPTION  | SUBMITTERS ISSUE/CONCERN  | SUBMITTERS SUGGESTED CHANGES  | HRCC RESPONSE  | HRCC PROPOSED CHANGES |
|---------------|--|---|---|--|-----------------------|
| 12.3          | Part C – Meeting Procedures – 12. Notice of Meeting              | the agenda would be made available to the public two days before their elected officials.   | <ul style="list-style-type: none"> <li>▪ Replace with LGV draft with 5 business days as a minimum</li> <li>▪ Include HRCC before website</li> </ul> | See above.   | Nil                   |
| C #12.3       | Part C – Meeting Procedures – 12. Notice of Meeting              | C #12.3 - should also be 4 business days  | <ul style="list-style-type: none"> <li>▪</li> </ul>   | See above.   | Nil                   |
| 12.4          | Part C – Meeting Procedures – 12. Notice of Meeting              |   | <ul style="list-style-type: none"> <li>▪ Include HRCC before website</li> <li>▪ ensure all papers are included not just one</li> </ul>              | Current practice is to include in Council’s Public Notices.                                    | Nil                   |
| C # 12.4      | Part C – Meeting Procedures – 12. Notice of Meeting              | C # 12.4 - "Reasonable notice" does not inform the public when to expect to know meeting dates. These should be provided a minimum of 14 days prior to the meeting                  | <ul style="list-style-type: none"> <li>▪</li> </ul>   | The Local Government Act 2020 is a Principles based Act and we are following these principles. | Nil                   |
| C #12.4.2 (b) | Part C – Meeting Procedures – 12. Notice of Meeting              | C #12.4.2 (b)replace with "in the newspapers generally circulating in the municipal district  | <ul style="list-style-type: none"> <li>▪</li> </ul>   | Current practice is to include in Council’s Public Notices.                                    | Nil                   |
| 13–15         | Part C – Meeting Procedures –13. Inability to Obtain a Quorum    |   | Replace with more practical version in the LGV draft rules  | Disagree.  | Nil                   |
| C #14         | Part C – Meeting Procedures – 14. Inability to Maintain a Quorum | C #14 include Quorum calculation  |   | As prescribed in the Act S61(4).   | Nil                   |
| C #15         | Part C – Meeting Procedures – 15. Adjourned Meetings             | C #15 include electronic notice to also be included Div 3 - Business of Meetings Believe the "overview" form the LGV model should be inserted as gives a clear understanding to all |   | Part 15 is clear in its intent.  | Nil                   |

**APPENDIX 9.8C**

| SECTION | SECTION DESCRIPTION   | SUBMITTERS ISSUE/CONCERN  | SUBMITTERS SUGGESTED CHANGES                               | HRCC RESPONSE   | HRCC PROPOSED CHANGES     |
|---------|---|---|--|---|---------------------------|
| 17      | Part C – Meeting Procedures – 17. Cancellation or Postponement of a Meeting |   | include “following consultation with the Mayor”, after CEO | Could add “Following consultation with the Mayor if possible”.  | Suggested change included |
| 18      | Part C – Meeting Procedures – 18. Agenda and Order of Business              | Agenda items  | include “following consultation with the Mayor”, after CEO | Same as our current Meeting Procedure. The provision is consistent with standard practice in the Victorian local government sector.   | Nil                       |
| #18     | Part C – Meeting Procedures – 18. Agenda and Order of Business              | #18 believe this should be determined by the "mayor in conjunction with the CEO"    |  | Same as our current Meeting Procedure. The provision is consistent with standard practice in the Victorian local government sector.   | Nil                       |
| 20      | Part C – Meeting Procedures – 20. Urgent Business                           | Urgent business: limits the ability of Councillors to have urgent business included | Replace with LGV draft                                     | Disagree. The provision is consistent with the approach of the Victorian Ombudsman in her December 2016 Report. Decisions are more likely to be informed decisions if Councillors are given advance notice of a proposal. | Nil                       |
| #20     | Part C – Meeting Procedures – 20. Urgent Business                           | #20 use LGV model very a clear and concise  |  | Disagree. The provision is consistent with the approach of the Victorian Ombudsman in her December 2016 Report. Decisions are more likely to be informed decisions if Councillors are given advance notice of a proposal. | Nil                       |
| 22.2    | Part C – Meeting Procedures – 22. Notice of Motion                          | Rejecting motions   | include “following consultation with the Mayor”, after CEO | Could add “Following consultation with the Mayor if possible”.  | Suggested change included |

APPENDIX 9.8C

| SECTION | SECTION DESCRIPTION  | SUBMITTERS ISSUE/CONCERN  | SUBMITTERS SUGGESTED CHANGES | HRCC RESPONSE   | HRCC PROPOSED CHANGES |
|---------|--|---|------------------------------|---|-----------------------|
| 22.8    | Part C – Meeting Procedures – 22. Notice of Motion             | Is not good governance. To limit the submission of lapsed or failed motions to 3 months from the date it was lost is not appropriate. Essentially if a motion is lost on a technicality, it means that a Councillor has to wait three months before resubmission. Depending on the matter, it may hinder the effective governance by Councillors.   |                              | Disagree.<br>Rarely are motions defeated on a technicality. The clause reflects standard practice across the Victorian local government sector. | Nil                   |
| 24      | Part C – Meeting Procedures – 24. Introducing a Report         | <ul style="list-style-type: none"> <li>Introducing a report. This is not required on several levels.</li> <li>Staff are not members of Council and therefore have no role in the Council meeting. To allow this to proceed as written lifts the staff to the level of Councillors.</li> <li>If a report needs an introduction, then the report is flawed. Any report written for Councillor consideration should stand on its own. If it doesn't, then it should be withdrawn and rewritten.</li> </ul> | Delete completely            | Disagree.<br>The word “may” allows for it to occur if required.   | Nil                   |
| #24     | Part C – Meeting Procedures – 24. Introducing a Report         | #24 Introducing a report - DELETE this section - do not believe this is appropriate professionals submitting reports to Council should present concise and appropriate reports covering all that is needed  |                              | Disagree.<br>The word “may” allows for it to occur if required.   | Nil                   |
| 28.2    | Part C – Meeting Procedures – 28. Who May Propose An Amendment | There should be no limit on the number of amendments moved by a Councillor. It may take more than two amendments to get the wording and intent correct.   |                              | Disagree.<br>Unless some limit is imposed a Councillor could frustrate the meeting by moving numerous amendments.                               | Nil                   |
| #31     | Part C – Meeting Procedures – 31. Foreshadowing Motions        | #31 - use the LGV model - very clear and concise  |                              | Disagree<br>(LGV) Clause (10.5.4) also suggest to not record a foreshadowed motion (Unless it is formally moved as a Motion.)                   | Nil                   |



**APPENDIX 9.8C**

| SECTION         | SECTION DESCRIPTION   | SUBMITTERS ISSUE/CONCERN  | SUBMITTERS SUGGESTED CHANGES                                | HRCC RESPONSE   | HRCC PROPOSED CHANGES     |
|-----------------|---|---|---|---|---------------------------|
| 31.3            | Part C – Meeting Procedures – 31. Foreshadowing Motions           | A foreshadowed motion is council business and should be minuted.  |   | Disagree (LGV) Clause (10.5.4) also suggest to not record a foreshadowed Motion (Unless it is formally moved as a Motion.) Minutes should only record proposed or actual decisions. A foreshadowed motion may, in the end, never be moved (proposed).   | Nil                       |
| 31.4            | Part C – Meeting Procedures 31. Foreshadowing Motions             | This allows the Mayor/Chair to reject a foreshadowed motion if they do not agree with it.   |   | Yes that’s correct and appropriate to ensure that foreshadowed motions relate to debate before Council.   | Nil                       |
| 31.4            | Part C – Meeting Procedures – 31. Foreshadowing Motions           | 31.4 - delete - this is not included in LGV model so question why it is included in HRCC Division 6   |   | It’s appropriate to ensure that foreshadowed motions relate to debate before Council.   | Nil                       |
| 35              | Part C – Meeting Procedures – 35. Priority of Address             | The order of addressing a motion should be in rotating order one (1) for the motion then one (1) against the motion until all debate is finished.   |   | This is current practice and could be included.   | Suggested change included |
| Division 5 (42) | Part C – Meeting Procedures – 42. Procedural Motions              | Procedural Motions – the table should be that which is in the LGV draft   |   | Disagree. Current draft version is simpler and easier to follow. (formally known as formal motions).  | Nil                       |
| 43              | Division 6 – Rescission Motions –43. Notice of Rescission Motions | requiring 3 councillors to call an unscheduled meeting is unrealistic and imposes a burden that may never be met. It also may breach the Human Rights of a Councillor by restricting their ability to participate in the process of government. | Replace with the LGV draft which requires only 1 councillor | Disagree. Allowing a single Councillor to sponsor a Notice of Rescission would create the potential for Council’s will to be frustrated. Council decisions should be implemented unless there is a realistic prospect of the decision being overturned. | Nil                       |

APPENDIX 9.8C

| SECTION                         | SECTION DESCRIPTION   | SUBMITTERS ISSUE/CONCERN   | SUBMITTERS SUGGESTED CHANGES  | HRCC RESPONSE   | HRCC PROPOSED CHANGES     |
|---------------------------------|---|--|---|---|---------------------------|
| #43.1.1                         | Division 6 – Rescission Motions –43. Notice of Rescission Motions | #43.1.1 - change to signed and dated by at least TWO councillors - (the last 3.5 years clearly show why this should not be 3!!!)   |   | Disagree.<br>HRCC comments concerning clause 43 above equally applicable here.  | Nil                       |
| 47.2                            | Division 6 – Rescission Motions –47. When Not Required            | The LGV draft should be adopted in place of this clause.   |   | Disagree.   | Nil                       |
| 53                              | Division 8 - Public Question Time                                 | <ul style="list-style-type: none"> <li>Public Question time<br/>In my assessment, this approach limits the ability of the public to question their elected officials. It also does not allow for a Public Forum as per the LGV’s draft. This is not practical and inappropriate.</li> </ul>  | Replace this section with the LGV draft including the public forum. | Disagree.<br>Ample opportunity is afforded members of the public to ask questions of Councillors.   | Nil                       |
| Division 8 Public Question time | Division 8 - Public Question Time                                 | Division 8 Public Question time given the state of dissatisfaction in our Community believe that the right to a supplementary question should be inserted in this section as has currently been the case.  |   | Disagree.<br>The supplementary question can sometimes lead to an opportunity for debate.  | Nil                       |
| 53.9                            | Division 8 - Public Question Time                                 | Several subclauses (3), (4), (5), (8), (9), (10), should be deleted. This limits the ability of the community to ask a range of questions. Speech should not be limited; it should be welcomed. Based on these clauses, I would have not been able to ask most of my questions over the course of this Council. That, I submit may breach the <i>Charter of Human Rights and Responsibilities</i> by restricting my ability to participate in the machinery of government. |   | Disagree.<br>Our draft reflects our current Meeting Procedure, it is appropriate to disallow public questions of this nature. Reasonable limits can and should be imposed on the asking of questions, to prevent the forum being used for inappropriate purposes. | Nil                       |
| #53.10                          | Division 8 - Public Question Time                                 | #53.10 - in the interests of openness and transparency - this should include if any question is disallowed - then the member of the public should be notified in writing the reasons for not allowing the question   |   | Yes, this should be included, and is in our current Meeting Procedure.  | Suggested change included |

APPENDIX 9.8C

| SECTION | SECTION DESCRIPTION   | SUBMITTERS ISSUE/CONCERN  | SUBMITTERS SUGGESTED CHANGES  | HRCC RESPONSE  | HRCC PROPOSED CHANGES   |
|---------|---|---|-------------------------------|--|---|
| #53.16  | Division 8 - Public Question Time                                   | #53.16 - INSERT - Public Questions are recorded in the minutes and recordings and broadcast to the public.  |                               | Standing Orders will now not be suspended so proceedings will be recorded in the minutes.  | Noted but no change required to Governance Rules, see HRCC Response |
| 54.4    | Division 9 - Petitions and Joint letters                            | •   | change to 10 as per LGV draft | Disagree.  | Nil   |
| #58     | Division 10 – Voting - Casting Vote                                 | #58 - LGV covers this with a better explanation Division 11 – Minutes   |                               | Disagree.  | Nil   |
| #62.1.1 | Division 11 - Minutes   | #62.1.1 - change to copy of minutes must be delivered to each Councillor no later than 7 business days prior to the meeting. Also believe LGV model for this section gives a better explanation and clearer ruling  |                               | Suggest that it aligns with Clause (12.3), 96 hours. The draft Minutes are distributed to Councillors.   | Suggested change included   |
| 64      | Division 11 - Minutes   | Minute confirmation should never be deferred.   |                               | Disagree. Sometimes time may be required to correct and confirm details of the Minutes.  | Nil   |
| #64     | Division 11 - Minutes   | #64 - don't believe confirmation of minutes should be deferred Division 14 suspension of standing orders believe LGV model is better Item   |                               | Disagree. Sometimes time may be required to correct and confirm details of the Minutes.  | Nil   |
| 74      | Division 15 – Miscellaneous – Criticism of Members of Council Staff | This is redundant as the Councillor Code of Conduct covers this behaviour. Additionally, it limits the ability of elected officials to highlight issues with staffing matters. If the CEO is so aggrieved they can take it up with the Councillor out of the meeting. That said, the Mayor should be alert enough to stop this before it happens. Finally, the CEO is not a member of Council and has legislated duties in relation to the <i>Council Meeting</i> . No rules should exceed that legally mandate role. |                               | Disagree. Contrary to what is said in the submission, the clause does not limit the ability of Councillors to criticize staff. It just gives the CEO the right to respond, on behalf of staff. This includes the right to respond to criticism of the CEO, given that – contrary to what is said by the submitter – the CEO <i>is</i> a member of Council staff. | Nil   |

APPENDIX 9.8C

| SECTION | SECTION DESCRIPTION   | SUBMITTERS ISSUE/CONCERN  | SUBMITTERS SUGGESTED CHANGES  | HRCC RESPONSE  | HRCC PROPOSED CHANGES |
|---------|---|---|---|--|-----------------------|
| # 74    | Division 15 – Miscellaneous – Criticism of Members of Council Staff | # 74 Believe this should be deleted as Councillor Code of Conduct covers this and should be adhered to. There doesn't appear to be an item covering recording of meetings and proceedings (unless I have missed it) Not sure why Maddock Lawyers seem to have completed some of the sections at the rear of the rules   | - the LGV model for Conflict of Interest etc is much clearer and believe it should be used Will there be another opportunity for consultation on the Audit and Risk Committee and Election Policy have been added | Disagree.  | Nil                   |
|         |   | <p><b>Clauses Missing -</b></p> <p>k. Recording of Proceedings</p> <p>l. Audit and Risk Committees as per LGV draft.</p> <p>m. Joint Council Meeting as per section 62 of the <i>Local Government Act 2020</i>.</p> <p>n. Election Period Policy as required by section 69 of the <i>Local Government Act 2020</i>.</p> |   | <p>(k) Not required under the Local Government Act 2020. Council's Audio Recording of Council Meetings policy covers off on this.</p> <p>(l) Audit &amp; Risk is dealt with in accordance with LGAct 2020 is not required to be included in the Governance Rules.</p> <p>(m) Joint Council Meetings Not required under the Local Government Act 2020.</p> <p>(n) Council has already resolved on its Election Period Policy as required 12 months before a general Council Election and has now been separately placed on Council's website for comment, and will be included in the final document.</p> | Nil                   |
|         |   | 3. The last point (n) is important, and I ponder the legality of the draft circulated – if adopted- as the community has not had the ability to comment on the <i>Election Period Policy</i> .  |   | See above 'n'.   | Nil                   |
|         | Voting – No Discuss Once Declared                                   | Believe it is extremely important to include the "Adequate and sufficient debate" sections 61,62,63 from the LGV model -  | Good debate equals a better chance of better results for the municipality.  | Disagree.<br>The LGV Model 10.11 provides general guidance and not rules   | Nil                   |

## 1. PURPOSE

The purpose of this Policy is to:

- 1.1. give effect to the Public Transparency Principles;
- 1.2. describe the ways in which Council Information will be made publicly available;
- 1.3. specify which Council Information will be made publicly available as of course; and
- 1.4. describe the categories of Council Information that may be unavailable to the public.

This Policy is adopted under section 57 of the *Local Government Act 2020* (Act).

## 2. INTRODUCTION

The objective of this Policy is to formalise Council's support for transparency in its decision-making processes and availability of Council Information and to achieve the purpose stated in Part 1 of this Policy.

## 3. SCOPE

This Policy applies to Councillors and Officers.

## 4. PRINCIPLES

### 4.1. Public Transparency Principles

The Public Transparency Principles are set out in section 58 of the Act as follows:

- 4.1.1. Council decision making processes must be transparent, except when Council is dealing with information that is confidential by virtue of this Act or any other Act.
- 4.1.2. Council Information must be publicly available, unless:
  - the information is confidential by virtue of this Act or any other Act; or
  - public availability of the information would be contrary to the public interest.
- 4.1.3. Council Information must be understandable and accessible to members of the Municipal District.
- 4.1.4. Public awareness of the availability of Council Information must be facilitated.

Council will give effect to and implement the Public Transparency Principles in accordance with this Policy.

### 4.2. Council Decision-Making Processes

- 4.2.1. Council will ensure that the decision-making processes that it adopts are transparent and open to the Community so that the Community is provided with an opportunity for meaningful engagement with Council and its decision-making processes.
- 4.2.2. Without limiting the generality of clause 0, Council's decision-making processes will:
  - be conducted in accordance with the Act and the Governance Rules;
  - unless considering Confidential Information, be conducted in a forum that is open to, and accessible by, the Community; and
  - be informed by the:
    - (a) views of those members of the Community whose rights and interests will be directly affected by the decision; and

(b) responses, if any, to any process of community engagement conducted by Council in respect of the decision, whether in accordance with its Community Engagement Policy or otherwise.

4.2.3. Further details of Council's decision-making process can be found in Chapter 1 of the Governance Rules.

### 4.3. Availability of Council Information

4.3.1. All Council Information will be made available to the public, unless the:

- Council Information is Confidential Information; or
- Release of the Council Information is assessed by the Chief Executive Officer as being contrary to the public interest.

4.3.2 A list of the categories of Council Information which will generally, subject to this Policy, be made available either on the Council Website, at the Council Offices or on request.

### 4.4. Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors. These publications are available on the Council Website, at the Council Offices or by a request to Council.

### 4.5. Accessibility of Council Information

4.5.1. Council Information will be made available on the Council Website, at the Council Offices and/or on request.

4.5.2. Council will, to the extent possible, facilitate access to Council Information by:

- 4.5.2.1. making Council Information available in accordance with this Policy;
- 4.5.2.2. endeavouring to make Council Information accessible electronically and in hard copy, where requested; and
- 4.5.2.3. endeavouring to convert Council Information to different accessible formats where necessary for members of the Community for whom:
  - (a) English is their second language; or
  - (b) disability requires an alternative means of access to be provided.

4.5.3. Where a request is made for access to Council Information that is not on the Council Website or otherwise available at the Council Offices, the Chief Executive Officer will:

- review the request;
- assess whether the Council Information requested is Confidential Information, or its release would be contrary to the public interest; and
- notify the Requestor of the outcome of that assessment.

4.5.4. If the Council Information requested is assessed under clause 4.5.2 as not being Confidential Information, or its release is assessed as not being contrary to the public interest, the Council Information will be provided to the Requestor.

4.5.5. The Council Information will be provided to the Requestor by email unless the:

- Requestor seeks access in a different form, including by reference to the matters stated in clause 4.5.2.3 in which case the Council Information will be provided in that form, unless it is impracticable to do so; or

- Chief Executive Officer, having regard to the nature of the Council Information requested, determines that the Council Information should be provided in a different form, such as by inspection.

4.5.6. Council will provide such support to the Requestor as it considers reasonable to ensure that the Council Information provided is understood by them.

4.5.7. If, under clause 4.5.2 the Council Information requested is assessed as being Confidential Information, or its release is assessed as being contrary to the public interest, the Requestor will be advised:

4.5.7.1. that the request has been denied;

4.5.7.2. of the reasons for the request being denied; and

4.5.7.3. of alternative mechanisms by which they may seek access to the Council Information (eg by making a request made under the *Freedom of Information Act 1982*).

4.5.8. Any request for access to Council Information by way of an alternative mechanism under (clause 4.5.7. dot point 3) will be assessed according to the process applicable to it.

4.5.9. Where:

- Council Information requested is assessed under clause 4.5.2 as being Confidential Information, or its release is assessed as being contrary to the public interest; but
- it is practicable for that Council Information to be provided with deletions so that it is suitable for release to the Requestor; and
- the Chief Executive Officer believes that the Requestor would want the Council Information in that format,

the Council Information will be provided in that format.

#### 4.6. Council Information that is Not Available

Some Council information may not be made publicly available. This will occur if the information is Confidential Information, or its release would be contrary to the public interest.

##### 4.6.1 Confidential Information

What constitutes Confidential Information is set out in section 3(1) of the Act and includes information within the following categories:

| Type                          | Description   |
|-------------------------------|---|
| Council business information  | Information that would prejudice Council's position in commercial negotiations if prematurely released.   |
| Security information          | Information that is likely to endanger the security of Council property or the safety of any person if released.  |
| Land use planning information | Information that is likely to encourage speculation in land values if prematurely released.   |
| Law enforcement information   | Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released. |



| Type  | Description   |
|---|---|
| Legal privileged information                | Information to which legal professional privilege or client legal privilege applies.  |
| Personal information                        | Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.  |
| Private commercial information              | Information provided by a business, commercial or financial undertaking that relates to trade secrets or that, if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.  |
| Confidential meeting information            | Records of Council and Delegated Committee meetings that are closed to the public to consider confidential information.   |
| Internal arbitration information            | Information provided to, or produced by, an arbiter for the purpose of an internal arbitration process, other than the findings and the reasons.  |
| Councillor Conduct Panel information        | Information: <ul style="list-style-type: none"> <li>• provided to, or produced by, a Principal Councillor Conduct Registrar, for the purposes of an application to form a Councillor Conduct Panel; or</li> <li>• provided to, or produced by, a Councillor Conduct Panel for the purposes of conducting a hearing, other than a decision or reasons for a decision; or</li> <li>• comprising any part of a statement of reasons or other document under the control of a Councillor Conduct Panel that the Councillor Conduct Panel determines contains confidential information.</li> </ul> |
| Confidential information under the 1989 Act | Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> .  |

#### 4.6.1.1.

In the interests of transparency, Council may, by resolution, determine to release information to the public even though it is Confidential Information.

#### 4.6.1.2.

A decision under clause 4.6.1.1 will generally only be made if Council, on the advice of the Chief Executive Officer, is satisfied that releasing the Confidential Information would not:

- (a) be inconsistent with any legal or contractual obligation;
- (b) cause disadvantage to any person, including Council; and
- (c) otherwise be contrary to the public interest.

#### 4.6.2 Contrary to the Public Interest



4.6.2.1.

Council Information will not be made publicly available if doing so would be contrary to the public interest.

4.6.2.2.

When assessing whether making certain Council Information publicly available would be contrary to the public interest, the Chief Executive Officer will have regard to, among other things:

- (a) the sensitivity of the Council Information;
- (b) whether the Council Information comprises a draft, or otherwise is no longer current; and
- (c) any adverse effect that releasing the Council Information would have on the effectiveness of Council's decision-making processes.

4.6.2.3.

Without limiting clause 4.6.2.20, factors that might lead to a decision that the release of Council Information is contrary to the public interest might include whether release would be likely to:

- (a) disclose Personal Information or Health Information;
- (b) disclose information or opinions of a preliminary nature such that they might:
  - (i) mislead the Community with respect to Council's position on a matter; or
  - (ii) have a substantial adverse effect on the economy of the Municipal District;
- (c) prejudice discussions or negotiations between Council and any other party, in relation to a contract, legal proceedings or any other matter;
- (d) impair or otherwise impact on:
  - (i) Council's ability to obtain information in future that is similar in nature to the Council Information;
  - (ii) negotiations with respect to employment arrangements for Officers; or
  - (iii) defence, prosecution and settlement of legal proceedings; or
- (e) impact on the reasonable allocation of Council's resources, including in responding to requests for Council Information that are assessed by the Chief Executive Officer as being frivolous, vexatious or repetitious in nature.

#### **4.7. Public Awareness of Availability of Council Information**

Council will ensure public awareness of this Policy and the availability of Council Information by:

- 4.7.1 publishing this Policy on the Council Website;
- 4.7.2 making this Policy available for public inspection at Council's offices;
- 4.7.3 converting this Policy to such accessible formats, having regard to clause 4.5.2.3 as the Chief Executive Officer determines; and
- 4.7.4 ensuring that all Officers:
  - are aware of this Policy and its effect; and
  - direct members of the Community to this Policy when access to Council Information is sought.

#### 4.8. Human Rights Charter

This Policy has been assessed against the *Charter of Human Rights and Responsibilities Act 2006* as being consistent with that Act and, in particular, as promoting the rights of members of the Community:

- 4.8.1. not to have their privacy interfered with (section 13); and
- 4.8.2. take part in public life (section 18), by having the opportunity to:
  - participate in the conduct of Council's affairs; and
  - have access to Council and Council Information.

#### 4.9. Dissatisfaction with the Application of this Policy

4.9.1. If a Requestor is dissatisfied with Council's application of, or believes that Council has acted inconsistently with, this Policy, they can report their dissatisfaction to Council's Freedom of Information (FOI) Officer by:

- email to [council@hrcc.vic.gov.au](mailto:council@hrcc.vic.gov.au) or
- telephone on (03) 5382 9777.

4.9.2. If the Requestor believes that the matter remains unresolved, it can be reported to the Victorian

Ombudsman by:

- making a complaint online at <https://www.ombudsman.vic.gov.au/complaints>; or
- telephone on (03) 9613 6222.

#### 4.10. Application of this Policy

4.10.1. This Policy applies to all Council Information, except Council Information which is made available, or is otherwise accessible, under another Act (other than an Act which refers to this Policy).

4.10.2. Without limiting the generality of clause 4.10.1, this Policy does not apply to Council Information which is:

- required to be made available under the *Planning and Environment Act 1987*;
- required to be made available under the *Building Act 1993*; or
- otherwise required to be made available on payment of a fee or charge.

#### 4.11. Authority for this Policy

4.11.1. The Chief Executive Officer is responsible for the application and operation of this Policy.

4.11.2. The Chief Executive Officer may, from time to time, authorise another Officer or Officers to fulfil any of the Chief Executive Officer's functions and duties under this Policy.

4.11.3. Where another Officer is or other Officers are authorised under clause 4.11.2, any reference in this Policy to the Chief Executive Officer is to be read as a reference to that Officer or those Officers.

### 5. MONITORING, EVALUATION AND REVIEW

Council will review this Policy periodically to ensure that it continues to reflect the expectations of the Community with respect to the availability and accessibility of Council Information.

## 6. COMMUNICATION

This Policy is available on the Horsham Rural City Council website – [www.hrcc.vic.gov.au](http://www.hrcc.vic.gov.au)

## 7. RESPONSIBILITY

**Policy Owner:** Manager Governance and Information

## 8. DEFINITIONS

In this Policy, the following words and phrases mean:

| Definition                     | Meaning  |
|--------------------------------|--|
| Act                            | means the <i>Local Government Act 2020</i>   |
| Chief Executive Officer        | includes an Acting Chief Executive Officer   |
| Closed Meeting                 | means a Meeting that is closed to members of the public  |
| Community                      | means the residents and ratepayers of, and visitors to, the Municipal District and may, depending on the context, refer to all of those people or to particular subsets of those people  |
| Confidential Information       | means confidential information as defined in section 3(1) of the Act   |
| Council                        | means Horsham Rural City Council   |
| Council Information            | means all documents and other information held by Council  |
| Council Offices                | means the offices of Council located at Roberts Avenue, Horsham  |
| Council Website                | means Council's website at <a href="http://www.hrcc.vic.gov.au">www.hrcc.vic.gov.au</a>  |
| Governance Rules               | means the governance rules adopted by Council under section 60 of the Act, as amended from time to time  |
| Health Information             | means health information as defined in section 3(1) of the <i>Health Records Act 2001</i>  |
| Meeting                        | means a meeting of Council or a Delegated Committee  |
| Municipal District             | means the municipal district of Council  |
| Officer                        | means a member of Council staff, and includes the Chief Executive Officer  |
| Personal Information           | means personal information as defined in section 3(1) of the <i>Privacy and Data Protection Act 2014</i>   |
| Public Interest Test           | means Council is not required to make publicly available information if the release would be contrary to the public interest, in accordance with the <i>Local Government Act 2020</i> . When considering public interest, Council will apply the test that exists in the <i>Freedom of Information Act 1982</i> . Council may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released. |
| Public Transparency Principles | means the public transparency principles set out in section 58 of the Act and reproduced in Part 4 of this Policy  |
| Requestor                      | means a person making a request to access Council Information under and in accordance with this Policy   |

## 9. SUPPORTING DOCUMENTS

| Document   | Location            |
|--|---------------------|
| HRCC Governance Rules  | www.hrcc.vic.gov.au |
| HRCC Community Engagement Policy                             | www.hrcc.vic.gov.au |
| HRCC Information Privacy Policy                              | www.hrcc.vic.gov.au |
| <i>Local Government Act 2020</i>                             | Internet            |
| <i>Local Government Act 1989</i>                             | Internet            |
| <i>Privacy and Data Protection Act 2014</i>                  | Internet            |
| <i>Freedom of Information Act 1982</i>                       | Internet            |
| <i>Charter of Human Rights and Responsibilities Act 2006</i> | Internet            |
| <i>Equal Opportunity Act 2010</i>                            | Internet            |

## 10. DOCUMENT CONTROL

| Version Number | Approval Date  | Approval By | Amendment   | Review Date |
|----------------|----------------|-------------|---|-------------|
| 01             | ** August 2020 | Council     | New Policy, in accordance with the requirements of the <i>Local Government Act 2020</i> . | August 2024 |

## Appendix 1

For the purposes of clause 4.3 of this Policy, the following Council Information will generally, and subject to this Policy, be made available either on the Council Website or on request by a member of the Community.

### 1. Documents such as:

- Plans and Reports adopted by Council;
- Council Policies;
- Project and Service Plans;
- Service Agreements, Contracts, Leases and Licences; and
- Relevant technical reports and/or research that inform Council's decision-making.

### 2. Process information such as:

- Application processes for approvals, permits, grants, access to Council services;
- Decision-making processes;
- Guidelines and Manuals;
- Community Engagement Processes; and
- Complaints Handling Processes.

### 3. The following Council Information will be available on Council's website:

- Council Meeting Agendas;
- Minutes of Council Meetings;
- Audit and Risk Committee Charter;
- Terms of Reference for Delegated Committees;
- Gift Registers for Councillors and Council Staff;
- Travel Registers for Councillors and Council Staff;
- Registers of Conflicts of Interest disclosed by Councillors and Council Staff;
- Registers of Leases entered into by Council;
- Register of Delegations;
- Register of Authorised Officers;
- Register of Election Campaign Donations;
- Summary of Personal Interests; and
- any other Registers or Records required by the Act or any other Act.

**ASSEMBLY OF COUNCILLORS REGISTER**

**COUNCIL BRIEFING MEETING VIA ZOOM (VIDEO CONFERENCING)  
MONDAY 3 AUGUST 2020 AT 6.52PM**

**PRESENT:** Cr MA Radford, Mayor; Cr P Clarke, Cr DA Grimble (until 7.09pm), Cr A Gulvin Cr J Koenig, Cr L Power; Sunil Bhalla, Chief Executive Officer; Graeme Harrison, Director Corporate Services; John Martin, Director Infrastructure; Kevin O'Brien, Director Communities and Place; Joel Hastings, Acting Manager Investment Attraction and Growth (item 3.1 only); Diana McDonald, Co-ordinator Governance (items 3.2 and 3.3 only)

**APOLOGY:** Cr J Robinson

**1. WELCOME AND INTRODUCTION**

Cr Radford welcomed everyone.

**2. DISCLOSURE OF CONFLICT OF INTEREST SEC 79, LOCAL GOVERNMENT ACT, 1989 (AS AMENDED)**

Nil.

**3. COUNCIL MEETING REPORTS FOR DISCUSSION**

3.1 Business and Community Support Package

Joel Hastings provided presentation.

3.2 Local Government Act 2020 – Governance Rules

Discussed – final document will be provided to 10 August 2020 Council Briefing meeting.

3.3 Local Government Act 2020 – Delegated Committees

Discussed – final documents will be provided to 10 August 2020 Council Briefing meeting.

**4. GENERAL DISCUSSION**

4.1 Letter from Dr Anne Webster, Member for Mallee

Discussed.

Meeting closed 8.20pm

**ASSEMBLY OF COUNCILLORS REGISTER****COUNCIL BRIEFING MEETING VIA ZOOM (VIDEO CONFERENCING)  
MONDAY 10 AUGUST 2020 AT 5.04PM**

**PRESENT:** Cr MA Radford, Mayor; Cr P Clarke (until 7pm), Cr DA Grimble, Cr A Gulvin, Cr J Koenig, Cr L Power (from 5.20pm), Cr J Robinson; Sunil Bhalla, Chief Executive Officer; Graeme Harrison, Director Corporate Services; John Martin, Director Infrastructure; Kevin O'Brien, Director Communities and Place; Carolynne Hamdorf, Manager Arts, Culture and Recreation (item 3.1 only); Sue Newall, Project Management Contractor (item 3.1 only); Krishna Shrestha, Manager Strategic Asset Management (items 4.1 and 4.2 only); Diana McDonald, Co-ordinator Governance (items 4.3 to 4.6 only)

**APOLOGIES:** Nil

**1. WELCOME AND INTRODUCTION**

Cr Radford welcomed everyone.

**2. DISCLOSURE OF CONFLICT OF INTEREST SEC 79, LOCAL GOVERNMENT ACT, 1989 (AS AMENDED)**

Cr P Clarke declared a conflict of interest in regard to item 4.13, she currently lives in Mardon Drive, Horsham.

**3. PRESENTATION**

3.1 City to River – Riverfront Activation Concept Plan

Discussed.

**4. COUNCIL MEETING REPORTS FOR**

4.1 Long Vehicles

Discussed

4.2 Landfill Cell Construction Tender

Discussed.

4.3 Local Government Act 2020 – Governance Rules

Discussed

4.4 Local Government Act 2020 – Transparency Policy

Discussed

4.5 Local Government Act 2020 – Councillor Expenses Policy

Discussed

4.6 Local Government Act 2020 – Audit and Risk Committee Charter

Discussed

4.7 Civic Centre Customer Service Front Entry Tender

Discussed

4.8 Road Construction Tenders – Confidential

Discussed

4.9 Economic Development Report

Discussed

4.10 Delegation Update

Discussed

4.11 Community Satisfaction survey Improvement Plan

Discussed

4.12 Rural Road Network Plan – Consultation

Discussed

4.13 Proposed Reserve Naming – Confidential

Discussed

4.14 Street Name Request – Treacey

Discussed

**5. GENERAL DISCUSSION**

Meeting closed 8.00pm



## Minutes

**Horsham Tidy Towns Committee Meeting**  
**To be held on Tuesday, 21 July 2020 at 2:00 pm**  
**Zoom**

<https://zoom.us/j/99141961896?pwd=MHVSVlpNbnlBM1JVR1oyL29DbC96dz09>

---

**Attendees:** Cr Les Power, Lucy De Wit, Gary Aitken, David Eltringham (acting Chair), Mary-Jean Kerr, Kola Kennedy, Cheryl Linke

**Apologies:** Gillian Vanderwaal, Don Mitchell, Jan Morris, John Martin, Neil King

### 1. Welcome

- Acting Chair welcomed Mary-Jean to her first meeting.
- David has spoken to La Vergne and she informed that she has resigned, David thanked her for her time on the committee and she indicated there was no ongoing representation probable.

### 2. Minutes of the previous meeting – 16 June 2020

**Moved:** Les Power **Seconded:** Gary Aitken that the minutes of the previous meeting were true and correct.

### 3. Business arising from previous minutes

**Railway Station-** issue is not just the building but the committee is also interested in the surroundings and environment and what we can do to make sure it is neat and tidy. A V/Line meeting on the 31<sup>st</sup> July, may shed some light on this and also on graffiti concerns.

**List of issues for bus tour with Councilors'-** Moved: Gary, Seconded: Cheryl, that the date be differed for the bus trip with Councilors once Covid restrictions ease.

**New Committee members-** Geraldine Drum to rejoin the committee as a Lion's club member and Neil to represent as Rotary Club member. Write letters to their individual Service Clubs to suggest that they represent their clubs on our committee- Moved- Cheryl, Seconded- Les. Also write letter to schools requesting for a representative – Action: John to draft letters.

**Cleanup on the highway-** nothing has been done yet due to Covid, however Tanya Barnes has ensured it will happen when normal activities resume.

**Coles/ Woolworths Carparks-** David will write letters to property owners and local managers of both supermarkets regarding maintenance, disrepair and cleaning of the carparks.

**Dooen Road Entrance-** David and Kola will inspect onsite.

**Toilet Block east end of the river** - keep on action list.

**Letter regarding Police Paddock-** Les to see John. Concerns that if the entrance road was sealed it might encourage people to do 'burnouts'.

**Mini Street Sweeper-** *John's notes- had some initial reluctance from staff due to the weight of the machine, though the machine selected was chosen for its power, sweeping/suctioning capacity. There were some damaged pavers in some locations, but that was found to be soft spots. The challenge is that the pavers are porous, and if they had been sealed, it has not been very effective. The sweeper is being used appropriately to try to clean the pavers. There should be no doubt of this given comments that in other areas the sweeper is doing damage to the path in some areas.*

*An idea to consider is that as the City to River project progresses to the CBD area, this Committee might seek:*

- *To be represented on the Community Reference Group for planning of the works.*
- *For the pavers to be replaced with an improved surface, that is sealed, but is non-slip especially when wet.*

David- believes that the pavers were sealed in 2010 and need to be re done. Committee was also against changing pavers to asphalt. Need for ongoing CBD footpath cleaning program.

#### 4. Correspondence

##### 4.1 Inwards

- Tidy Town Awards night invite- Lucy circulated.
- Tidy Towns 2020 Awards Regional Presentations- 18<sup>th</sup> August 10am- Lucy to send out more info and resend invite.

#### 5. General Business

##### 5.1 Committee member reports

- **Mary-Jean-** lived here for 7 years after moving from Melbourne. Passionate about waste management and sustainability. Haven't been on a Council committee before but enjoying to see how it all works. Interested in being involved in social media promotions for the Tidy Town Committee.
- **Kola/ Cheryl-** Woolworths carpark, walls and gutters carpark need cleaning. Moved: Cheryl, Seconded: Kola that a letter also be sent to Woolworths re Carpark.
- **Les-** If you would like to see trees planted in any area let Council know.
- **David-** cigarette butt holders on bus shelters have no bottoms which causes butts to fall onto foot path. Need better bus shelter maintenance. Large rubbish bins that were put in the main street a few years ago had artwork on them. Some artwork I now faded and should be replaced.  
Line marking around the town needs to be redone as it is hard to see the lines in most areas of the town. Line marking also creates a 'we care' Tidy Town image.
- **Gary-** proposed location for Information Centre to Town Hall is not a good idea as it will make it very difficult for caravans to visit the Centre.

#### 6. Next Meeting

The next meeting 18<sup>th</sup> August 2020.

#### 7. Meeting Close

David Eltringham  
**Acting Chairperson**  
**Horsham Tidy Towns Committee**

# Western Highway Action Committee



## WESTERN HIGHWAY ACTION COMMITTEE (WHAC) 10.00AM, Friday 7 August 2020

### Via Zoom

### Minutes

#### 1. Welcome & Open Meeting Chair, Cr Kevin Erwin

Cr Kevin Erwin – Northern Grampians  
Cr Richard Hicks – West Wimmera  
Cr Jo Armstrong – Ararat  
Cr David Grimble – Horsham  
Cr Michelle Mendes – Melton

Damian Vandyke – MRPV  
Angela Daraxoglou – DoT  
Daniel Kowalczyk - VicRoads

Tim Harrison – Ararat  
Michael Evans – Yarriambiack  
Douglas Gowans – Pyrenees  
John Martin – Horsham  
Paul Spencer – Hindmarsh  
Sam Romaszko – Melton  
Phil Jeffrey – Moorabool  
Vaughn Notting – Ballarat  
Trenton Fithall – Northern Grampians

#### 2. Apologies:

Cr Grant Tillett, Ballarat  
Cr John Keogh, Moorabool  
Cr Ferrari, Pyrenees

Julie Cronin, Ararat  
Michael Bailey, RRV  
Angela Hoy  
Mark Marziale, West Wimmera

***Motion: That the apologies be accepted. Moved Cr Hicks / Cr Grimble***

#### 3. Minutes of Meeting held 12 June 2020

***Motion: That the minutes of the meeting of 12 June 2020 be accepted as a true and correct record of that meeting. Moved Cr Grimble / Cr Hicks, Carried.***

#### 4. Business from previous Minutes

- Invitation to Paul Northey – unavailable for today's meeting – invited for October
- Letter to Minister re release of Corridor Strategy – see correspondence
- Preparing lobby documents – not yet done.

#### 5. Correspondence

##### Inward:

| Date      | From | Subject                        |
|-----------|------|--------------------------------|
| July 2020 | RRV  | Bacchus Marsh East Link Update |

Address correspondence to: **WHAC** Secretariat, PO Box 511 Horsham VIC 3402

**Phone** 03 5382 9724 **Email** [lucy.dewit@hrcc.vic.gov.au](mailto:lucy.dewit@hrcc.vic.gov.au)

#### Western Highway Action Committee Members

Melton City Moorabool Shire Ballarat City Pyrenees Shire Ararat Rural City Yarriambiack Shire  
Northern Grampians Shire Horsham Rural City Hindmarsh Shire West Wimmera Shire



## Western Highway Action Committee

|           |           |  |
|-----------|-----------|--|
| July 2020 | RRV       | Beaufort Bypass Update                   |
| 30 Jul 20 | Ombudsman | Investigation re Western Hwy Duplication |

### Outward:

| Date      | To                 | Subject                      |
|-----------|--------------------|------------------------------|
| 31 Jul 20 | Minister for Roads | Release of Corridor Strategy |

**Motion: That the correspondence be received. Moved Cr Grimble / Cr Hicks. Carried.**

### 6. Financial Statement (*circulated*)

Current balance \$59,324.71

**Motion: That the finance report be accepted. Moved: Cr Hicks / Cr Grimble, Carried.**

### 7. Reports

- DoT / RRV – Angela Daraxoglou

Report circulated. Key new points:

- Federal funding received for works along the highway.
  - Realignment of the Pykes Ck bend at west end. Works to start this calendar year. **Action – Angela to advise start date, and extent of land acquisition.**
  - Stage 2 of the WRSB near Ballarat.
  - Three other projects awaiting advice re works proposed for Nhill, Horsham and Stawell.
- Beaufort bypass
  - Technical working group meeting next week.
- Ararat bypass – consultant will be on board for route assessment starting next week.
- A range of maintenance projects outlined, including some deep lift asphalt work.
- Development work at the Learmonth Rd interchange anticipated to receive funding in the State budget.
- Bacchus Marsh Eastern Link planning study is continuing, working on a range of alignment options.
- Follow-ups from last meeting:
  - Water coming through pavement near Pykes Ck – maintenance crew is well aware of this and working on a solution. Vaughn Notting advised of a product they are using which is proving successful in similar situations – **Action - Vaughn to circulate information.**
  - Statistics about the impact of Covid on transport. A table was presented in the report, as follows:

---

Address correspondence to: **WHAC** Secretariat, PO Box 511 Horsham VIC 3402

**Phone** 03 5382 9724 **Email** [lucy.dewit@hrcc.vic.gov.au](mailto:lucy.dewit@hrcc.vic.gov.au)

#### Western Highway Action Committee Members

Melton City Moorabool Shire Ballarat City Pyrenees Shire Ararat Rural City Yarriambiack Shire  
Northern Grampians Shire Horsham Rural City Hindmarsh Shire West Wimmera Shire



## Western Highway Action Committee

|                            | Week commencing 24 Feb (Ballan) | Week commencing 6 Jul (Ballan) | Week commencing 24 Feb (Victoria) | Week commencing 6 Jul (Victoria) |
|----------------------------|---------------------------------|--------------------------------|-----------------------------------|----------------------------------|
| Light vehicles             | 140,000 (baseline)              | 79,255 (-43.39%)               | 3,810,661 (baseline)              | 2,355,371 (-38.19%)              |
| Heavy rigid vehicles       | 15,648 (baseline)               | 11,551 (-26.19%)               | 417,788 (baseline)                | 360,973 (-13.6%)                 |
| Heavy articulated vehicles | 14,877 (baseline)               | 13,661 (-8.17%)                | 243,299 (baseline)                | 231,318 (-4.92%)                 |

Table - Western Highway Traffic volumes by vehicle classification (measured at Ballan)

- DoT had been looking at increasing works while traffic numbers have been low, but Stage 4 Covid restrictions limit the presence of workers on site in the metropolitan area.

### Questions / Comments:

- WRSB – has there been an increase in maintenance on WRSB to reduce the time after they are damaged? A – There is a component of funding for maintenance, the time response is improving.
  - Also suggested that Councils with RRV maintenance contracts could be authorised / trained to conduct these repairs.
- **VicRoads North West Metro – Daniel Kowalczyk**
  - Deer Park bypass – buttress works completed.
  - Thornhill Park Rockbank – all lanes now open.
  - Still working on scope of works for \$50M funding commitment.
  - Anticipates being able to provide more detail regarding the Western Interstate Freight Terminal, in Truganina at the next meeting. In short, a precinct south of the Western Freeway is planned with this, which is also intended to link with the OMR corridor. Some early concept designs are emerging to address connections to the Freeway.
- **Major Roads Projects Victoria – Damian Vandyke**
  - Ballarat to Beaufort
    - Holding treatments occurring until weather improves to allow full repair.
  - Ombudsman’s Report into Duplication works
    - Favourable report re the Government process taken for the works
    - There is also a short video on the website that is worth reviewing and additional background information which is of interest.
  - Federal Minister re ATSI Protection Act
    - Minister has declined to make a decision regarding the application to protect some trees east of Ararat. This means that no protection is considered to be required.
    - Needs some clarification of status before full works can now proceed. Being winter the ability to gear up works is not immediate.
  - **Action – that we prepare a public statement about the outcomes of the Ombudsman’s Report and Federal Minister decision. Kevin / Damian / John**

Address correspondence to: **WHAC** Secretariat, PO Box 511 Horsham VIC 3402

**Phone** 03 5382 9724 **Email** [lucy.dewit@hrcc.vic.gov.au](mailto:lucy.dewit@hrcc.vic.gov.au)

### Western Highway Action Committee Members

Melton City Moorabool Shire Ballarat City Pyrenees Shire Ararat Rural City Yarriambiack Shire  
Northern Grampians Shire Horsham Rural City Hindmarsh Shire West Wimmera Shire



## Western Highway Action Committee

---

- No update yet re the Ararat-Stawell Section
- **Members**
  - **Melton – Cr Mendes**
    - Main concern from the local community is the lack of an interchange at Bulmans Rd. Traffic is bumper to bumper through Melton, especially with new developments coming online. Bacchus Marsh / Maddingley are also generating more traffic through Melton. Seeking support from the Committee re this priority.
      - Daniel acknowledged that this is a priority for Council and has been for several years. DoT has identified complexities requiring investigation whereby planning provisions for interchanges in Melton allow for three full diamond interchanges in a 3 km stretch, however from an engineering perspective it is likely that only two interchanges would be possible to operate in this section. A decision on investment for a Bulmans Road interchange will need to assess integration outcomes with the adjacent Coburns and Harkness Rds interchange locations. DoT proposes to include this assessment as part of consideration for the \$50m Commonwealth Commitment for infrastructure upgrades on the Western Freeway. DoT is awaiting a Federal decision to proceed with investigations to inform the \$50M program and is proceeding with preparation of procurement documents to enable these investigations to proceed when possible. The scope and timing of any construction works will be subject to a business case.
    - In response, it was suggested that Harkness Rd may not justify an interchange.
      - Daniel advised that future growth has led to planning provision for an interchange at Harkness Rd.
    - **Motion: That WHAC, with Melton and Moorabool Councils, make representations to the Federal Minister for Infrastructure Transport and Regional Development to advance a funding commitment for the Bulmans Rd interchange as an immediate priority. Moved Cr Mendes / Cr Grimble. Carried.**
    - Action – Sam to provide some info to John to support this proposal.
  - **Moorabool – Nil**
  - **Ballarat – Nil**
  - **Pyrenees – Doug Gowans**
    - Looking forward to further community discussion re the Bypass.
    - No action yet on the Red Light Camera. **Action – JM to send a reminder.**
  - **Ararat – Cr Armstrong**

---

Address correspondence to: **WHAC** Secretariat, PO Box 511 Horsham VIC 3402

**Phone** 03 5382 9724 **Email** [lucy.dewit@hrcc.vic.gov.au](mailto:lucy.dewit@hrcc.vic.gov.au)

### Western Highway Action Committee Members

Melton City Moorabool Shire Ballarat City Pyrenees Shire Ararat Rural City Yarriambiack Shire  
Northern Grampians Shire Horsham Rural City Hindmarsh Shire West Wimmera Shire



## Western Highway Action Committee

---

- Waiting patiently for some action on the duplication in light of recent announcements
- 
- **Northern Grampians – Nil**
- **Horsham – Cr Grimble**
  - Awaiting advice from RRV re work on the Alternative Truck Route, which is understood to be dependent on the State budget.
  - A permit for a fuel stop east of Horsham is advancing.
- **Hindmarsh - Nil**
- **West Wimmera – Cr Hicks**
  - The border closure continues to be an issue. Some changes in procedures, including a requirement for testing. The local community relies on cross-border trade. The cross-border commissioner is working with Council regarding this. Traffic is very low – Richard lives right on the highway.
- **Yarriambiack – Michael Evans**
  - North West Regional Passenger Study is underway.

***Motion: That the reports be received. Moved Cr Hicks / Cr Mendes. Carried***

### 8. General Business

- What is the status of congestion at the Beaufort traffic lights in peak periods? Doug advised that the sequence timing for peak periods has been satisfactorily addressed.
- An invitation has been sent for the ALGA national roads congress in Wagga Wagga in November. It was proposed that we use some of our lobbying information and case studies of recent issues, e.g. the Ombudsman's report, to seek to be on the agenda for the congress. Draft material to be presented to the next meeting. **Action - JM**
- We need to consider future developments, e.g. duplication beyond Stawell. This will be part of our response to the Corridor Strategy, once released. Some of our funding could be used to undertake studies to support our position.

### 9. Next Meeting

2 October 2020

### 10. Close

Cr Kevin Erwin  
Chair

---

Address correspondence to: **WHAC** Secretariat, PO Box 511 Horsham VIC 3402

**Phone** 03 5382 9724 **Email** [lucy.dewit@hrcc.vic.gov.au](mailto:lucy.dewit@hrcc.vic.gov.au)

#### **Western Highway Action Committee Members**

Melton City Moorabool Shire Ballarat City Pyrenees Shire Ararat Rural City Yarriambiack Shire  
Northern Grampians Shire Horsham Rural City Hindmarsh Shire West Wimmera Shire