



*City of*  
**KINGSTON**

S13 INSTRUMENT OF DELEGATION  
OF  
CEO POWERS, DUTIES AND FUNCTIONS

19 NOVEMBER 2024

## Instrument of Delegation

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

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

Abbreviation	Position	
BSEH	Business Support - Environmental Health	3343
CEO	Chief Executive Officer	1714
CFO	Chief Finance Officer	3511
EHO	Environmental Health Officer	1377, 1405, 1489, 1574, 1592, 1790, 1879, 2052, 2562, 3192, 1028
EML	Executive Manager, Legal	3281
GMComms	General Manager Community Strengthening (GMComms)	1100
GMCCorp	General Manager Customer & Corporate Support (GMCCorp)	1323
GMIOS	General Manager Infrastructure & Open Space (GMIOS)	2773
GMPP	General Manager Planning & Place (GMPP)	2774
GFIO	Governance and Freedom of Information Officer	3112
MCD	Manager City Development (Planning & Place)	1721
MCEI	Manager City Economy and Innovation (Planning & Place)	1302
MCS	Manager City Strategy (Planning & Place)	1365
MCA	Manager Compliance and Amenity (Planning & Place)	1141
MCECP	Manager Customer Experience & Corporate Performance	3514
MFYC	Manager Family, Youth and Children's Services (Comm Strengthening)	1448
MF	Manager Finance (CFO)	1145
MGRI	Manager Governance, Risk & Integrity (Cust & Corp Support)	2969
MISS	Manager Information Services and Strategy (Cust & Corp Support)	1500
MI	Manager Infrastructure	1036
MPAC	Manager People & Culture (Cust & Corp Support)	1144
MPC	Manager Procurement and Contracts (CFO)	2312
TLCG	Team Leader Council Governance	3533
TLEH	Team Leader Environmental Health	1440

Abbreviation	Position	
TLFA	Team Leader Financial Accounting (CFO)	1342
TLHS	Team Leader Health and Safety - PAC	1681
TLMCHI	Team Leader Maternal & Child Health & Immunisation (FY&C)	2020
TLOG	Team Leader Organisational Governance	2602
TLRC	Team Leader Revenue and Collections (CFO)	1878

Positions Group	Position	Positions
All General Managers	All General Managers	GMIOS, GMCCorp, GMPP, GMCommS, CFO
All Senior Leadership Team (SLT) Managers	All Managers reporting to General Managers and the Executive Manager, Legal	MPC, MBS, MISS, MFYC, MAEC, MCW, MCD, MCS, MF, MGRI, MI, EML, MCA, MPS, MAC, MAEL, MAK, MCEI, MPAC, MOS, MCECP, MIC, PMO, MSC
All Team Leaders	All Team Leaders and Program Leaders	TLED, TLEH, TLWM, TLVC, TLCDA, TLProp, TLRD, TLStatP, TLStrgP, TLTT, TLCC, TLYS, TLFS, TLEY, TLBR, TLSD, TLCl, TLCorP, SPM, TLCSP, TLFA, TLFCC, TLAMB, TLMCHI, TLRC, TLSR, TLOG, PLSCE, TLICTOps, TLHRS, TLLPE, TLBF, TLAkSP, TLHS, TLSPC, PLDD, TLRS, TLLL, TLH, TLEP, TLBHP, TLTT, TLPARK, TLUF, TLPub, LO, HPO, HP, HACD, HL, TLBM, TLCM, TLCCP, TLCH, TLDI, TLHSP, TLSCR, TLOEI, TLKB, TLCG, TLAM, TLBI, TLP, TLAHP, TLCS, TLHSu, TLNCM, TLIS, SSDA, TLHRS, TLOD, FTL, TLHCP, TLBA, TLLCS, TLLCIT, TLPE, TLFE, TLUDP, TLSID
PMs - all positions with staff reporting to them	People Managers	MPC, TLED, TLEH, TLWM, TLVC, TLCDA, TLProp, TLRD, MBS, MISS, MFYC, MAEC, MCW, TLStatP, TLStrgP, SCLAO, SPLEO, CMB, TLTT, TLCC, GMIOS, GMCCorp, GMPP, MCD, MCS, GMCommS, MF, MGRI, MI, EML, MCA, MPS, TLYS, TLFS, TLEY, MAC, TLBR, TLSD, TLCl, TLCorP, SPM, TLCSP, TLFA, TLFCC, TLMCHI, TLRC, TLSR, ProsC, MAEL, TLOG, HCL, PLSCE, TLICTOps, TLBF, TLAkSP, TLHS, SCE, LLOC, CEO, TLSPC, MCHIC, PES, PLDD, TLRS, SCL, PI, ACOS, MAK, FC, TMC, BLC, TPC, CSP, TLLL, MCEI, TLH, TLEP, TLBHP, MPAC, MOS, TLPARK, TLUF, TLPub, CFO, MCECP, MIC, PMO, SPM, HPO, HP, HACD, HL, TLBM, TLCM, TLCCP, TLCH, TLDI, TLHSP, EMC, TLSCR, TLOEI, TLKB, TLCG, TLAM, TLBI, TLP, ACSAO, TLAHP, TLCS, TLHSu, TLNCM, TSL, TLIS, SSDA, TLHRS, ERL, HROC, TLOD, CSC, FTL, QCC, TLHCP, SCLF, PRP, SPCAK, RPPC, CDW, AC, MSC, OC, TLBA, TLLCS, TLLCIT, LCC, LITC, HC, STCL, BC, TLPE, CLCYS, LSEC, TLFE, CAP, CCRMT, CDM, CP, CFH, YWC, CBASC, QPL, FDCC, VCC, TLUDP, TLSID, CMD, CA, CBM, CBMC, CCMCA, CCMO, CDOHS, CAC

3. record that on the coming into force of this Instrument of Delegation each delegation under the Instrument of Delegation dated 25 January 2024 and executed by Peter Bean, Chief Executive Officer is revoked;
4. declare that this Instrument of Delegation -
  - 3.1 comes into force immediately upon its execution;
  - 3.2 remains in force until varied or revoked; and
  - 3.3 is subject to any conditions and limitations set out in paragraph 5, and in the Schedule; and

5. declare that the delegate must not determine the issue, take the action or do the act or thing if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation.

This Instrument of Delegation is dated **19 November 2024** and is made by the Chief Executive Officer.



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



Witness:  
Date: 19 November 2024

## Delegation Sources

- Child Wellbeing and Safety Act 2005
- Emergency Management Act 2013
- Fines Reform Act 2014
- Fire Services Property Levy Act 2012
- Food Act 1984
- Freedom of Information Act 1982
- Independent Broad-Based Anti-Corruption Commission Act 2011
- Local Government Act 2020
- Local Government Act 1989
- Planning and Environment Act 1987
- Public Health and Wellbeing Act 2008
- Public Interest Disclosures Act 2012
- Rooming House Operators Act 2016
- Service Victoria Act 2018
- Sheriff Act 2009
- Tobacco Act 1987
- Valuation of Land Act 1960
- Victorian Data Sharing Act 2017
- Victorian Inspectorate Act 2011
- Local Government (Electoral) Regulations 2020
- Local Government (Governance and Integrity) Regulations 2020
- Local Government (Land Information) Regulations 2021

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

<b>Child Wellbeing and Safety Act 2005</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 29(2)	Function of receiving written notice and consenting to inspection of relevant premises by the Commission for Children and Young People	GMCCorp, TLHS, MPAC	
s 29(3)	Power to consent to inspection of relevant premises without written notice by the Commission for Children and Young People	GMCCorp, TLHS, MPAC	
s 36	Duty to ensure that the Commission for Children and Young People is given any assistance reasonably required to perform functions	GMCCorp, TLHS, MPAC	
s 43	Function of receiving birth notice in certain circumstances	MFYC, TLMCHI	
s 45	Duty to send a copy of a birth notice to a nurse or the Secretary	MFYC, TLMCHI	
s 46K(1)(g)	Power to authorise, in writing, a person employed or engaged by Council, in relation to childhood services implementation or policy, as a Child Link user	MFYC, GMCommS, TLMCHI	
s 46K(1)(h)	Power to authorise, in writing, a nurse employed or engaged by Council, to provide maternal and child health programs for a Maternal and Child Health service, as a Child Link user	MFYC, GMCommS, TLMCHI	
s 46N	Duty to notify the Secretary, if there is reasonable belief, that the person authorised under s 46K has ceased (a) to be a registered teacher and (b) hold a current Working With Children clearance under the Worker Screening Act 2020	MFYC	

<b>Emergency Management Act 2013</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 54(1)(a)(vii)	Power to nominate a person, position or role to be a member of the Regional Emergency Management Planning Committee	MI	
s 59B(1)(b)	Power to nominate a member of Council staff to be the chairperson of the Municipal Emergency Management Planning Committee	GMIOS	Delegates cannot nominate themselves
s 74E3(d)	Function of receiving a copy of any Orders made by Governor in Council under this section	GMIOS	

Fines Reform Act 2014			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 175(1)(b)	Power to certify that exceptional circumstances apply requiring Council not to provide required information	GMPP	Where Council is a 'specified agency'

Fire Services Property Levy Act 2012			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 66	Power to disclose information in capacity as a collection agency unless that information will or is likely to identify a particular person	MF	s 66 does not apply if the disclosure is permitted by, or is necessary for the administration of, this Act
s 68(1)(b)	Power to authorise the secondary disclosure of information obtained under, or in relation to the administration of, this Act	MF	

Food Act 1984			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 50AB	Function of signing a certificate under this Act	CEO	This provision is retained by the CEO.

Freedom of Information Act 1982			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 6W(4)	Duty to ensure that all officers and employees are informed about the requirements of the professional standards	GMCCorp, MGRI, GFIO, TLOG	
s 8(2)	Duty to make certain documents available for inspection and purchase	GMCCorp, MGRI, GFIO, TLOG	
s 8(3)	Duty to cause to be prepared a corresponding document, altered only to the extent necessary to exclude exempt matter	GMCCorp, MGRI, GFIO, TLOG	
s 8(5)	Duty to cause the fact of the existence of a document to be published	GMCCorp, MGRI, GFIO, TLOG	
s 61E	Duty to co-operate with the Information Commissioner in dealing with a complaint	GMCCorp, MGRI, GFIO, TLOG	
s 61G	Function of consulting with the Information Commissioner	GMCCorp, MGRI, GFIO, TLOG	

**Freedom of Information Act 1982**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 61GA(1)(a)	Function of processing or identifying a reasonable sample of the documents upon notice from the Information Commissioner	GMCCorp, MGRI, GFIO, TLOG	Where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of the complaint under s 25A(1) or s .25A(5)
s 61GA(1)(b)	Function to undertake a further search, or to cause a further search to be undertaken, for documents in the possession, custody or control of the agency or Minister, upon notice from the Information Commissioner	GMCCorp, MGRI, GFIO, TLOG	Where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision
s 61GA(2)	Duty to comply with requests under s 61GA(1) within the reasonable time stated in Information Commissioner's notice, being not less than 10 business days	GMCCorp, MGRI, GFIO, TLOG	
s 61GA(3)	Power to apply for extension	GMCCorp, MGRI, GFIO, TLOG	
s 61H	Power to reach an agreement with a complaint	GMCCorp, MGRI, GFIO, TLOG	
s 61I(2)	Power to make submissions in relation to a complaint	GMCCorp, MGRI, GFIO, TLOG	
s 61L(5)	Power to comment on and response to a draft recommendation or draft comment	GMCCorp, MGRI, GFIO, TLOG	
s 61R(4)	Power to respond to adverse material	GMCCorp, MGRI, GFIO, TLOG	
s 63BA(1)	Power to apply to the Supreme Court for a determination	GMCCorp, MGRI, EML	
s 63BA(4)(a)	Power to make an application	GMCCorp, MGRI, EML, GFIO, TLOG	
s 63E(3)(b)	Power to give written consent to a disclosure	GMCCorp, MGRI, GFIO, TLOG	
s 64B	Duty to give the Information Commissioner any information referred to in s 64(2)	GMCCorp, MGRI, GFIO, TLOG	



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

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 41	Power of receiving information acquired by the Independent Broad-based Anti-corruption Commission (IBAC)	GMCCorp, MGRI, TLOG	
s 57	Duty to notify IBAC of any matter believed to constitute corrupt conduct	GMCCorp, MGRI	Subject to any exemption notices issued under s 57B
s 57A(5)	Duty to comply with Directions made by IBAC under s 57A	GMCCorp, MGRI, TLOG	
s 59D(2)	Duty to comply with request by IBAC under s 59D for relevant information	GMCCorp, MGRI, TLOG	
s 73	Power of receiving a complaint pertaining to Council staff, under circumstances in which it would be more appropriate for Council to conduct the investigation	GMCCorp, MGRI, TLOG, MPAC	
s 159	Power of receiving IBAC recommendations about the action to be taken following an IBAC investigation	MGRI, TLOG, All General Managers	
s 162(2)	Power of receiving and responding to an IBAC special report that includes matters pertaining to Council	MGRI, All General Managers	
s 163(3)	Power of receiving written information about the commencement, conduct or results of an IBAC investigation pertaining to Council	MGRI, TLOG, All General Managers	
s 165(2)	Power of receiving and responding to IBAC material that includes matters pertaining to Council, to be published in the IBAC annual report	MGRI, All General Managers	

**Local Government Act 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 27A(5)(a)	Duty to ensure that the Mayoral training is available to be taken within the relevant period as per s 27A(1)	GMCCorp, MGRI	Provision commences on 26 October 2024
s 27A(5)(b)	Duty to provide reasonable assistance to a Mayor, Deputy Mayor or Acting Mayor to enable them to access the Mayoral training	GMCCorp, MGRI, TLCG	Provision commences on 26 October 2024
s 32(4)(a)	Duty to ensure that the Councillor induction training is available to be taken by a Councillor from the day the Councillor takes the oath or affirmation of office	GMCCorp, MGRI, TLCG	

**Local Government Act 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 32(4)(b)	Duty to provide reasonable assistance to a Councillor to enable them to access the Councillor induction training	GMCCorp, MGRI, TLCG	
s 33A(5)(a)	Duty to ensure that the Councillor professional development training is available to be undertaken annually within the relevant period	GMCCorp, MGRI, TLCG	Provision commences on 26 October 2024
s 33A(5)(b)	Duty to provide reasonable assistance to a Councillor to enable them to access the professional development training	GMCCorp, MGRI, TLCG	Provision commences on 26 October 2024
s 46(1)(a)	Function of supporting the Mayor and the Councillors in the performance of their roles	GMCCorp, MGRI, TLCG	
s 46(1)(b)	Function of ensuring the effective and efficient management of the day to day operations of the Council	CEO	
s 46(3)(a)	Duty of establishing and maintaining an organisational structure for the Council	GMCCorp, MPAC	
s 46(3)(b)	Responsibility for appointing, directing, managing and dismissing Council staff and for all other issues relating to Council staff	MPAC, All General Managers, PMs - all positions with staff reporting to them	<p>Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office</p> <p>Appointment of staff outside of established positions - CEO</p> <p>Dismissal of staff within probation period - MPAC in consultation with relevant General Manager. CEO to have oversight of any high-risk dismissals.</p> <p>Dismissal of staff outside probation period - CEO in consultation with relevant General Manager and MPAC</p> <p>Letters of offer for banded employees to be signed by MPAC. CEO to sign for Senior Officers.</p> <p>Directing and managing staff – PMs</p>

**Local Government Act 2020**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 46(3)(b)	Power to approve the filling of vacancies or the creation, reclassification, or abolition of positions within budget	MF, All General Managers, All Senior Leadership Team (SLT) Managers	<p>Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office</p> <hr/> <p>The following require GM approval:</p> <ul style="list-style-type: none"> <li>- Creation of new positions within budget</li> <li>- Fully funded Commonwealth or State government positions</li> <li>- Positions to meet statutory and ratio requirements</li> <li>- Casual conversion</li> </ul> <p>Positions within existing structure and abolition of positions can be approved by SLT Managers</p> <p>MF / CFO provide advice on financial impacts.</p>
s 46(3)(b)	Power to fix salaries for vacant positions	All General Managers, All Senior Leadership Team (SLT) Managers	Must be within approved salary budget or exemption sought from CEO
s 46(3)(b)	Power to approve the appointment, engagement or promotion of full time, part time and casual staff	All General Managers, All Senior Leadership Team (SLT) Managers, PMs - all positions with staff reporting to them	Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to approve position descriptions	All Senior Leadership Team (SLT) Managers, All Team Leaders	In consultation with People and Culture.
s 46(3)(b)	Power to create or approve creation of new positions	MF, MPAC, All General Managers	<p>Appointment of staff outside of established positions and approved by salary budget is retained by the CEO</p> <p>Positions within the approved salary budget can be approved by the GM</p> <p>Positions that are fully funded by Commonwealth or State Government can be approved by the GM</p>

**Local Government Act 2020**

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
			<p>Positions that are required to meet statutory and ratio requirements within Community Sustainability can be approved by the GM</p> <p>Casual conversion positions require GM approval</p> <p>MF to confirm that the position is within the approved budget or has funding available</p> <p>MPAC to be consulted as appropriate.</p>
s 46(3)(b)	Power to conduct disciplinary action under relevant awards and policies	All General Managers, All Senior Leadership Team (SLT) Managers, All Team Leaders	
s 46(3)(b)	Power to terminate or suspend the employment of, or to suspend from duty, a member of Council staff	MPAC, All General Managers	<p>Termination of staff within probation period - MPAC in consultation with relevant General Manager. CEO to be involved in any high risk dismissals.</p> <p>Termination of staff outside probation period - CEO in consultation with relevant General Manager and MPAC</p>
s 46(3)(b)	Power to conduct interviews for staff annual review	PMs - all positions with staff reporting to them	
s 46(3)(b)	Power to authorise sick, annual and family leave	PMs - all positions with staff reporting to them	<p>Parental leave requires SLT Manager approval.</p> <p>Access Care – Client Services Officers can approve Support Worker applications for sick, annual, and family leave.</p>
s 46(3)(b)	Power to approve long service leave and compassionate leave	All General Managers, All Senior Leadership Team (SLT) Managers, PMs - all positions with staff reporting to them	<p>LSL applications under 4 weeks at half pay to be approved by People Managers, over 4 weeks by SLT Managers.</p> <p>Access Care – all LSL applications to be approved by Manager Access Care.</p>

**Local Government Act 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46(3)(b)	Power to authorise all forms of study and training leave and educational assistance	All General Managers, All Senior Leadership Team (SLT) Managers	Refer to the Development Assistance Policy
s 46(3)(b)	Power to approve leave without pay	All Senior Leadership Team (SLT) Managers, PMs - all positions with staff reporting to them	Refer to Leave Policy. LWOP over 2 weeks requires SLT Manager approval.  Access Care - Home Support Team Co-ordinators (People Managers) can approve Support Worker applications for LWOP.
s 46(3)(b)	Power to authorise time sheets, higher duties, time-in-lieu, overtime and travel expense claims	PMs - all positions with staff reporting to them	
s 46(3)(b)	Power to approve attendance at conferences and seminars by staff	All General Managers, PMs - all positions with staff reporting to them	ELT member to approve interstate conferences and seminars. CEO to approve international conferences and seminars.
s 46(3)(b)	Power to approve attendance at training programs by staff	PMs - all positions with staff reporting to them	
s 46(3)(b)	Power to give approval for staff to travel	All General Managers, PMs - all positions with staff reporting to them	ELT member to approve interstate travel. CEO to approve international travel.
s 46(3)(b)	Power to approve travel accommodation for staff	All General Managers	ELT member to approve interstate accommodation. CEO to approve international accommodation
s 46(3)(b)	Power to sign Notice of Injury and Work Injury Form	GMCCorp, TLHS, MPAC	
s 46(3)(b)	Power to approve claims under WorkCover excess	GMCCorp, TLHS, MPAC	
s 46(3)(b)	Power to approve expenses relating to an approved course of study for staff	All General Managers	Refer to the Development Assistance Policy
s 46(3)(b)	Power to approve staff engaging in other employment	MPAC, All General Managers, PMs - all positions with staff reporting to them	Refer to the Conflict of Interest policy and the outside employment declaration.

**Local Government Act 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 46(3)(b)	Power to determine acceptance or denial of liability in the event of a WorkCover claim	GMCCorp, TLHS, MPAC	
s 46(3)(b)	Power to sign Letter of Acceptance of Resignation	MPAC, PMs - all positions with staff reporting to them	Any resignations that include taking of leave exceeding 4 weeks prior to resignation date is subject to consultation with MPAC.
s 46(3)(b)	Power to provide references on Council letterhead	PMs - all positions with staff reporting to them	Managers can provide a personal reference but not on council letterhead. Statement of service can be provided by Payroll or People & Culture.
s 46(3)(b)	Power to authorise access to a staff member's personal file	MPAC, All General Managers	GMs authority is related to staff in their own areas and must be in consultation with MPAC.
s 46(4)(a)	Duty to develop and maintain a workforce plan that describes the organisational structure of the Council and specifies the projected staffing requirements for a period of at least 4 years and sets out measures to seek to ensure gender equality, diversity and inclusiveness	GMCCorp, MPAC	
s 46(4)(b)	Duty to inform the Council before an organisational restructure that will affect the capacity of the Council to deliver the Council Plan is implemented	GMCCorp	An organisational restructure is defined as a major change that is likely to have a significant effect on the organisation
s 46(4)(c)	Duty to consult members of Council affected by a proposed organisational restructure, before the organisational restructure is implemented	GMCCorp, All General Managers	GMCCorp responsibility is to ensure all GMs are informing Council
s 46(5)	Duty to, in giving effect to gender equality, diversity and inclusiveness, comply with any processes and requirements prescribed by the regulations for the purposes of this section of this Act	MPAC, All General Managers	
s 46(6)	Duty to ensure that the Mayor, Deputy Mayor, Councillors and members of Council staff have access to the workforce plan	GMCCorp, MGRI, MPAC	
s 47(6)	Duty to submit an annual report to the Council in relation to the activities and performance of a Community Asset Committee in respect of which the members have been given a delegation under this section	GMIOS	

**Local Government Act 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 47(7)	Duty to keep a register of delegations under section 47 of this Act	MGRI, TLOG	
s 48(1)	Power to appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be performed	All General Managers	Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 48(2)	Duty to adopt and maintain a recruitment policy addressing the matters listed in s 48(2)	GMCCorp, MPAC	
s 49(1)	Duty to develop and implement a code of conduct for members of Council staff	GMCCorp, MPAC	Must develop and implement the first code of conduct within 6 months of commencement of this section
s 49(4)	Duty to ensure that members of Council staff have access to the code of conduct for members of Council staff	GMCCorp, MPAC	
s 54(6)	Duty to ensure the preparation and maintenance of agendas, minutes and reports of the Audit and Risk Committee	GMCCorp, MGRI, TLOG	
s 97(1)	Duty to ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public	MF, CFO	
s 105	Power to designate a person as a Principal Accounting Officer	CEO	This provision is retained by the CEO.
s 109(2)	Duty to ensure that any report of the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available	MPC, All General Managers	
s 121	Function of receiving application for land information certificate	MF, TLFA	
s 122	Function of receiving acquisition notice	MF, TLFA	See prescribed information under r 7 of the Local Government (Land Information) Regulations 2021
s 130(7)	Duty to notify the Chief Municipal Inspector as soon as practicable after the Chief Executive Officer becomes aware that a relevant person, who is a member of Council staff, has failed to disclose a conflict of interest	GMCCorp, MGRI	

**Local Government Act 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 130(8)	Duty to notify the Council if a relevant person, who is not a Councillor or member of Council staff, fails to disclose a conflict of interest and make a recommendation to the Council as to the action that is to be taken	GMCCorp, MGRI	
s 132(1)	Power to nominate a 'nominated officer'	GMCCorp	
s 133	Function of receiving an initial personal interests return	MGRI, TLOG, TLOG	
s 134	Function of receiving a biannual personal interests return	MGRI, TLOG, TLOG	
s 135(1)	Duty to prepare a summary of the personal interests information disclosed in the last personal interests return lodged with the Chief Executive Officer	MGRI, TLOG, TLOG	
s 135(3)	Duty to ensure the summary of personal interests is published on the Council's Internet site and available for inspection at the Council office	MGRI, TLOG, TLOG	
s 136(1)	Duty to ensure that personal interests return are kept in accordance with the Public Records Act 1973	MGRI, TLOG, TLOG	
s 136(2)	Duty to ensure that only the 'specified persons' have access to or can inspect a personal interests return	MGRI	
s 150(1)	Duty to appoint the Councillor Conduct Officer and notify the Principal Councillor Conduct Registrar of the appointment	CEO	This provision is retained by the CEO
s 230(16)	Duty to summon a Council Meeting within 14 days after the public declaration of the election result	GMCCorp, MGRI	
s 240(10)	Duty to send notice	MISS, MGRI	
s 240(11)	Duty to send notice	MISS, MGRI	
s 240(12)	Duty to send notice	MISS, MGRI	
s 246(1)	Duty to enrol a person following receipt of a written application for enrolment unless she or he believes the personal is not entitled to be enrolled	MISS, MGRI	
s 246(2)	Power to refuse enrolment and duty to give written reasons for refusal application for enrolment	GMCCorp, MGRI	



**Local Government Act 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 246(3)	Power to request information orally or in writing to enable her or him to determine a person's eligibility for enrolment	GMCCorp, MGRI	
s 246(4)	Power to require information to be given in writing and signed by the person giving the information	GMCCorp, MGRI	
s 247(3)	Power to decide whether address should be placed on voters' roll and to then take action accordingly	GMCCorp, MGRI	
s 247(4)	Duty to notify the person in writing of a decision to grant or refuse a request to remove the person's address from Council voters' roll	GMCCorp, MGRI	
s 248(1)	Duty to supply to the Victorian Electoral Commission list of voters who appear to be entitled to be enrolled as ratepayers or corporation representatives and any information required by the Victorian Electoral Commission to compile or amend the voters' roll	MISS, GMCCorp, MGRI	
s 248(2)	Power to include in the list supplied to the Victorian Electoral Commission people whose address on the rate notice is outside of the municipal district	MISS, GMCCorp, MGRI	For the purposes of section 243
s 254(1)	Power to use the Council voters' roll for communicating or consulting the local community on the performance of the Council's functions	GMCCorp, MGRI	Subject to section 254(2)(a) and (b)
s 254(2)	Duty to obtain undertaking	GMCCorp, MGRI	
s 254(4)	Power to request the Victorian Electoral Commission to provide a copy of the voters' roll	GMCCorp, MGRI	
s 258(8)	Duty to notify the Minister and the Victorian Electoral Commission that an extraordinary vacancy has occurred within 3 days of receiving a written resignation from a Councillor or becoming aware of an extraordinary vacancy	GMCCorp, MGRI	
s 306(1)	Function of receiving election campaign donation return	GMCCorp, MGRI, TLCCG	
s 307(1)(a)	Duty to submit a report to the Minister specifying details of the candidates in the election and who submitted an election campaign donation return within 14 days after the period specified in section 360(1)	GMCCorp, MGRI, TLCCG	

<b>Local Government Act 2020</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 307(2)	Duty to provide a summary of each election campaign donation return given to the Chief Executive Officer on the Council's Internet site	GMCCorp, MGRI, TLCG	
s 307(3)	Duty to ensure that a summary of the return is made available on the Council's Internet	GMCCorp, MGRI, TLCG	
s 308(2)	Duty to ensure that a summary of an election campaign donation return is made available on the Council's Internet site until the close of the roll for the next general election	GMCCorp, MGRI, TLCG	
s 308(3)	Duty to ensure that a copy of an election campaign donation return is available for inspection at the Council's office for a period of 4 years from the date specified in section 360(1)	GMCCorp, MGRI, TLCG	
s 313(2)	Power to represent the Council in all respects as though the person was the party concerned in any proceedings in which the Council is a party or has an interest	GMCCorp, MF, EML, CFO	
s 324(2)	Power to sign a certificate certifying any matter relating to the contents of any document kept by a Council	EML	

<b>Local Government Act 1989</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 181G	Duty to ensure that quarterly statement prepared under section 138 of Local Government Act 1989 includes relevant details of environmental upgrades and charges	MGRI	

<b>Planning and Environment Act 1987</b>			
<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 140	Power to certify copies of instruments, documents, maps or plans under this Act	GMPP, MCD, MCS	Where the Council is the relevant responsible authority
s 141	Power to provide evidentiary statement pertaining to land use and permits under this Act	GMPP, MCD, MCS	Where the Council is the relevant responsible authority
s 142	Power to provide evidentiary statement pertaining to s 173 agreements under this Act	GMPP, MCD, MCS	Where the Council is the relevant responsible authority

**Public Health and Wellbeing Act 2008**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 226(2)	Power to sign evidentiary certificates under this Act	CEO	This provision is retained by the CEO.

**Public Interest Disclosures Act 2012**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 12(2)	Function of receiving a disclosure	GMCCorp, MGRI, TLOG	

**Rooming House Operators Act 2016**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 4	Function of liaising with Business Licensing Authority	TLEH, EHO, GMPP, MCEI, BSEH	
s 15(1)	Duty to provide information to Business Licensing Authority on request	TLEH, EHO, GMPP, MCEI, BSEH	
s 15(2)	Duty to give a report to Business Licensing Authority on inquiries made in response to request under s 15(1)	TLEH, EHO, GMPP, MCEI, BSEH	
s 24(2)	Duty to give a report to Business Licensing Authority on inquiries made in response to request under s 24(1)	TLEH, EHO, GMPP, MCEI, BSEH	

**Service Victoria Act 2018**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 5(2)	Function of receiving a copy of the agreement made under s 5(1)	GMPP, MCD, MCA, MCEI	
s 5(4)	Function of receiving a copy of a notice under s 5(3)	GMPP, MCD, MCA, MCEI	
s 6	Duty to use best endeavours to give effect to a notice under s 5(3) which applies to Council	GMPP, MCD, MCA, MCEI	
s 7(3)	Function of receiving a copy of the agreement made under s 7(1)	GMPP, MCD, MCA, MCEI	
s 7(4)	Function of receiving a copy of a notice under s 7(3)	GMPP, MCD, MCA, MCEI	

**Service Victoria Act 2018**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 8(2)	Power to delegate the transferred customer service function to any person or class of person employed by, or acting on behalf of, the service agency from which the function is transferred	GMPP, MCD, MCA, MCEI	Where Council's CEO has been transferred a transferred customer service function
s 9A(1)	Power to agree in writing for the Service Victoria CEO to perform a customer service function	MISS, MCEI, MCECP, All General Managers	
s 10(2)	Function of receiving a copy of the agreement made under s 10(1)	GMPP, MCD, MCA, MCEI	
S 10(4)	Function of receiving a copy of a notice under s 10(3)	GMPP, MCD, MCA, MCEI	
s 11	Duty to use best endeavours to give effect to a notice under s 10(3) which applies to Council	GMPP, MCD, MCA, MCEI	
s 12(3)	Function of receiving a copy of the agreement made under s 12(1)	GMPP, MCD, MCA, MCEI	
s 12(4)	Function of receiving a copy of a notice under s 12(2)	GMPP, MCD, MCA, MCEI	
s 13(2)	Power to delegate the transferred identity verification function to any person or class of person employed by, or acting on behalf of, the service agency from which the function is transferred	GMPP, MCD, MCA, MCEI	Where Council's CEO has been transferred a transferred identity verification function
a 14A(1)	Power to agree in writing for the Service Victoria CEO to perform an identity verification function	MISS, MCEI, MCECP, All General Managers	
s 24A(2)(a)	Function of agreeing on form of delivery	MISS, MCEI, MCECP, All General Managers	
s 47A(1)	Power to enter into an agreement with Service Victoria CEO for Service Victoria CEO to establish and maintain a database for the purpose of recording information for the purpose of recording information	MISS, MCEI, MCECP, All General Managers	Note: Minister must approve the establishment and maintenance of a database
s 47G(1)	Power to request the Service Victoria CEO to, in whole or in part: (a) close a database established or maintained under s 47A (b) transfer the database (c) with agreement of another service agency, transfer the database to the other agency or related party	MISS, MCEI, MCECP, All General Managers	

**Sheriff Act 2009**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 54	Power to exempt Council from providing information to the Sheriff otherwise authorised by a warrant if exceptional circumstances apply	MGRI, EML	

**Tobacco Act 1987**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 36	Power to nominate a person to be appointed an inspector	TLEH, MCEI	

**Valuation of Land Act 1960**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
s 3(5)(ba)	Power to request valuations of land	TLRC	

**Victorian Data Sharing Act 2017**

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

Victorian Inspectorate Act 2011			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s 87(2)	Function of responding to adverse material the Victorian Inspectorate intends to include in a report	MGRI, All General Managers	
s 91(2)	Function of responding to adverse material the Victorian Inspectorate intends to include in annual report	MGRI, All General Managers	

Local Government (Electoral) Regulations 2020			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r 15(1)	Duty to provide details of a person's entitlement to be enrolled as a ratepayer on the voters' roll	MISS, GMCCorp, MF, TLRC, CFO	The MISS role is responsible for extracting the data and providing it to finance for review and submission.
r 15(2)	Power to exchange relevant information to enrolment entitlements with the VEC	MISS, GMCCorp, MF, TLRC, CFO	The MISS role is responsible for extracting the data and providing it to finance for review and submission.
r 18	Duty to maintain a list of silent voters	MISS, GMCCorp, MF, TLRC, CFO	The MISS role is responsible for extracting the data and providing it to finance for review and submission.
r 19	Duty to ensure that only authorised persons have access to details of silent voters	MISS, GMCCorp, MF, TLRC, CFO	The MISS role is responsible for extracting the data and providing it to finance for review and submission.
r 33	Duty to cause the Local Government Candidate Training to be conducted	GMCCorp, MGRI	
r 34	Function of receiving prescribed information from person undertaking Local Government Candidate Training	GMCCorp, MGRI	
r 35	Duty to keep a register of attendance	GMCCorp, MGRI	
r 36(2)	Duty to comply with notice under subsection (1)	GMCCorp, MGRI	
r 83	Duty to submit report on election received by the VEC to Council	GMCCorp, MGRI	

**Local Government (Governance and Integrity) Regulations 2020**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 5(b)	Power to approve the taking of the oath or affirmation of office by means of an audio visual link for the purposes of s 30 of the Local Government Act 2020	GMCCorp, MGRI	

**Local Government (Land Information) Regulations 2021**

<b>Provision</b>	<b>Power and Functions Delegated</b>	<b>Delegate</b>	<b>Conditions and Limitations</b>
r 5(2)	Power to sign a land information certificate	MF, TLRC, CFO	