



ATTACHMENTS

**Special Council Meeting
Under Separate Cover
Wednesday, 26 August 2020**

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Governance Rules

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Part 1 – Introduction

The Moorabool Shire Council is committed to good governance and ensuring its decision-making processes are fair and merit based.

To realise this commitment Council aims to serve the needs of the entire community whilst balancing competing interests in a timely, appropriate and responsive manner. The wellbeing of the community results from its residents, businesses and community groups feeling that their interests have been considered by Council in its decision-making processes. Therefore, anyone affected by or interested in a decision must have the opportunity to participate in the process for making that decision.

These Governance Rules have been developed to reflect this commitment, whilst also giving effect to the overarching governance principles, contained in the Local Government Act 2020.

By adopting and adhering these Governance Rules, Council can ensure that its commitment to good governance and the overarching governance principles, consistently guides its decision-making processes, and those of its delegated committees and officers.

These Governance Rules come into effect on 1 September 2020.

Part 2 – Definitions

In these Governance Rules:

Act means the Local Government Act 2020;

Advisory committee means a committee established by the Council, which provides advice to:

- a) the Council; or
- b) a member of Council staff who has been delegated a power, duty or function of the Council;

that is not a Delegated Committee;

Agenda means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting;

Audit and Risk Committee means the Audit and Risk Committee established by Council under section 53.

Chairperson means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson;

Chief Executive Officer means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office;

Common Seal means the common seal of Council;

Community Asset Committee means a Committee established by the Council for the management of community assets.

Council means Moorabool Shire Council;

Councillor means a Councillor of Moorabool Shire Council;

Council Meeting means a meeting of the Council convened in accordance with these Governance Rules and includes a scheduled meeting or unscheduled meeting;

Delegate means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation;

Delegated Committee has the same meaning as in the Act;

Deputy Mayor means any person appointed by Council to act as Deputy Mayor;

Disorder means any disorderly conduct of a member of the Gallery or a Councillor and includes:

- a) interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- b) making comments that are defamatory, malicious, abusive or offensive;
- c) refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- d) engaging in any other conduct which prevents the orderly conduct of the Meeting;

Mayor means the Mayor of Council and any person appointed by Council to be acting as Mayor;

Meeting means a Council Meeting, Delegated Committee Meeting or a Meeting of any other type of Committee established by Council;

Minister means the Minister responsible for Local Government;

Minutes means the official record of the proceedings and decisions of a Meeting;

Motion means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted;

Notice of Motion means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting;

Point of Order means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting;

Procedural Motion means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure;

Urgent Business means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next meeting;

Unscheduled Meeting means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Council meetings set by Council.

Part 3 - Meetings Procedure

3.1 Purpose of Council Meetings

- 3.1.1 Council holds scheduled Meetings and, when required, unscheduled Meetings to conduct the business of Council.
- 3.1.2 Council is committed to transparency in decision making and, in accordance with the *Local Government Act 2020*, Council and Delegated Committee Meetings are open to the public and the community are able to attend.
- 3.1.3 Meetings will only be closed to members of the public if:
 - a) there are clear reasons for particular matters to remain confidential (specified in the definition of confidential information in section 3(1) of the Act); or
 - b) a meeting is required to be closed for security reasons; or
 - c) it is necessary to enable the meeting to proceed in an orderly manner.
- 3.1.4 If a meeting is closed to the public for the reasons outlined in sub-rule 3.1.3(b) or 3.1.3(c), the meeting can be livestreamed. In the event a livestream is not available the meeting may be adjourned, or a recording of the proceedings may be available on Council website.

3.2 Meeting Roles & Responsibilities

3.2.1 Chairperson and Members

The Chairperson, Councillors and members of Delegated Committees will ensure good Council decision-making by endeavouring to ensure:

- a) Decision making is transparent to members and observers;
- b) Meeting members have sufficient information to make good decisions;
- c) Every member is supported to contribute to decisions;
- d) Any person whose rights are affected has their interests considered;
- e) Debate and discussion is focussed on the issues at hand;
- f) Meetings are conducted in an orderly manner; and
- g) Decisions should be made on the merits of the matter.

3.2.2 Mayor to take the Chair

- a) The Mayor must take the Chair at all Council Meetings at which the Mayor is present.
- b) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair.
- c) If the Mayor and Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as Chair.
 - i) The Chief Executive Officer will invite nominations for a temporary Chairperson for the period the Mayor is to be absent.

- ii) If there is more than 1 nomination, the Councillors present at the meeting must vote for 1 of the candidates by a show of hands and the candidate receiving a majority of the votes will be declared to have been duly elected.
- d) Delegated Committee Chairperson
 - i) At the Meeting at which Council establishes a delegated committee it must also appoint a Chairperson.
 - ii) The Chair of a delegated committee must be a Councillor.
 - iii) For the avoidance of doubt, sub-rule (3.2.3 a)) does not intend to limit the powers of the Mayor provided in the Act.

3.2.3 The Chairperson's Duties and Discretions

In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:

- a) must not accept any Motion, question or statement which is:
 - iv) vague or ambiguous;
 - v) defamatory, malicious, abusive or objectionable in language or substance; or
 - vi) outside the powers of Council;
- b) must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
- c) must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
- d) may direct that a vote be recounted to be satisfied of the result; and
- e) must decide on all points of order
- f) Where these Governance Rules does not provide a procedure for the Meeting, the Chairperson shall decide the procedure to be followed.

3.2.4 Chief Executive Officer

- a) The Chief Executive Officer is responsible for the preparation of the Council meeting agenda in accordance with Schedule 1.
- b) The Chief Executive Officer, or delegate, may participate in the meeting to provide support to the Chairperson.
- c) The Chief Executive Officer should:
 - i) Immediately advise, to the best of their knowledge, if a proposed motion or action is contrary to the law;
 - ii) Advise if there are operational, financial or risk implications arising from a proposed motion;
 - iii) Help clarify the intent of any unclear motion or resolution to facilitate implementation;
 - iv) On request, assist with procedural issues that may arise.

3.2.5 Councillors and members of Delegated Committees

Councillors and members of Delegated Committees contribute to good governance and decision making by:

- a) Seeking views of community members and reading agenda prior to the meeting;
- b) Demonstrating due respect and consideration to community views and the professional / expert advice provided in the agenda papers;
- c) Attending meetings and participating in debate and discussion;
- d) Demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making;
- e) Being courteous and orderly.

3.2.6 Community

- a) Council meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
- b) Community members may only participate in meetings in accordance with requirements contained in these Governance Rules (refer section 3.7, Public Participation).
- c) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

3.3 Notice of meetings and availability of agenda

3.3.1 Date, time and place of Council Meetings

- a) Council will fix the dates, times and places of all Meetings for a twelve-month period at the Meeting of Council which is to be held no earlier than the last Saturday in October and no later than 30 November in each year.
- b) Council by resolution, or the Chief Executive Officer, may change the date, time and place of, or cancel, any Meeting which has been fixed and must provide notice of the change to the public.
- c) A schedule of Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website at least once each year and with greater frequency, if the Chief Executive Officer determines necessary.

3.3.2 Notice of Council Meetings

- a) A notice of a Meeting, that is not an unscheduled Meeting, incorporating or accompanied by an Agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council Meetings, at least 48 hours before the Meeting.
- b) An Agenda for each Council Meeting, that is not an unscheduled Meeting, will be made available on Council's website no less than 48 hours before the Council Meeting.

3.3.3 Postponement

In the case of an emergency or other justifiable circumstance, the Chief Executive Officer or Delegate, may postpone a Council Meeting, provided reasonable attempts are made to notify every Councillor of the postponement.

3.3.4 Unscheduled Meetings

- a) Council may by resolution call an unscheduled Meeting of the Council. Any resolution of Council to call an unscheduled Meeting must specify the date and time of the unscheduled Meeting and the business to be transacted. The date and time of the unscheduled Meeting must not be prior to 6pm on the day following the Council Meeting at which the resolution was made.
- b) The CEO, following consultation with the Mayor, may call an unscheduled meeting.
- c) The Mayor, or three Councillors may by written notice call an unscheduled Meeting of the Council. A written notice to call an unscheduled Meeting must:
 - i) Specify the business to be transacted;
 - ii) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable the required period of notice to be given.
- d) The Chief Executive Officer must determine the time and date for the meeting, considering:
 - i) the urgency of the business to be transacted
 - ii) the availability of Councillors
 - iii) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted
- e) The Chief Executive Officer must call an unscheduled Meeting to elect a Mayor, following a Council election declaration, in accordance with the Act.
- f) The unscheduled Meeting for the election of a Mayor following an election, may also consider the role of Deputy Mayor and any other matters as determined by the Chief Executive Officer.
- g) Only the business specified in the Council resolution, or written notice, may be considered at an unscheduled Meeting, unless all Council, by unanimous resolution determine to admit another matter.

3.3.5 Notice of Unscheduled Meetings

- a) Notice of an unscheduled meeting must be published on Council's website and social media platforms as soon as practicable after the time and date of the meeting has been determined.
- b) An Agenda for an unscheduled Meeting must be made available electronically to every Councillor at least 48 hours before the meeting. A period of less than 48 hours may be justified if exceptional circumstances exist.
- c) An Agenda for an unscheduled Council Meeting will be made available on Council's website no less than 24 hours before the Council meeting.

3.4 Conduct of Meetings

3.4.1 Quorum

- a) The quorum for a meeting is greater than half the total number of the Councillors, or in the case of a Committee, more than half of the total members.
- b) A meeting cannot commence, resume or continue without a quorum.
- c) Should a quorum be unachievable or maintainable due to the disclosure of conflicts of interest by one or more Councillors, the Chairperson may:
 - i) Defer the item of business to a future meeting; or
 - ii) Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
 - iii) Determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.
- d) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
 - i) By the Chief Executive Officer; or
 - ii) By a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- e) A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.

3.4.2 Business at Meetings

- a) No business can be dealt with at a Meeting unless:
 - i) it is included in the agenda, or
 - ii) Councillors who by a unanimous vote, vote in favour of a matter being dealt with as urgent business.
- b) Unless the Chairperson otherwise determines -
 - i) the order of business at a Meeting must be as it is set out in the agenda; and
 - ii) the meeting shall conclude when all the business set out on the agenda has been dealt with.

3.4.3 Adjourning Meetings

Should a quorum be unachievable after 30 minutes from the commencement of the scheduled starting time or cannot be maintained during the meeting, those Councillors present may adjourn the meeting, by resolution to a date and/or time to be determined. In the event there are no Councillors present, the CEO (or delegate) may adjourn the meeting for a period not exceeding 7 days.

3.4.4 Form of Motions

a) Motions

A 'Motion' may be in the form of an Officer's recommendation (as contained in a Council report) or a motion as proposed by a Councillor.

b) Amendments

An 'Amendment' is a motion which has been moved and seconded but formally amended to include/exclude words.

- i) An amendment must not be the negative of or substantially contrary to the motion and must be relevant to the subject of the motion.
- ii) An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- iii) Any Councillor moving an amendment to a motion will be allocated thirty (30) seconds to explain the reasons for the amendment.
- iv) Only one amendment can be before the Meeting at a time and until it is put to the vote, no further amendment can be proposed, but with the leave of the Chairperson, another amendment or a new motion can be foreshadowed by any Councillor stating in brief terms the nature of it.
- v) A Councillor cannot move more than two (2) amendments in succession.
- vi) When any amendment is put to the vote and is declared carried by the Chairperson it thereupon becomes the substantive motion before the meeting and can be debated and further amended.

c) Foreshadowed Motions

A 'Foreshadowed Motion' is a new motion, prefaced by a Councillor with a statement that in the event of a motion before the Chair being lost, a Councillor intends to move an alternative motion.

- i) At any time during debate a Councillor may foreshadow a motion but this does not extend any special right to the foreshadowed motion. A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a Council meeting.
- ii) Foreshadowed motions are not recorded in the Minutes until the foreshadowed motion is formally moved.

d) Notices of Motion

- i) A 'Notice of Motion' is a notice setting out the text of a motion that a Councillor proposes to move at a Meeting.
- ii) A Notice of Motion must:
 - be received by the Chief Executive Officer at least 7 days prior to a Meeting; and
 - be included in order of receipt on the agenda for that Meeting.
- iii) Should a Councillor who has given a Notice of Motion be absent from the meeting, any other Councillor may move the motion.
- iv) A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
 - impacts the levels of Council service;
 - commits Council to expenditure greater than [insert council's upper limit] that is not included in the adopted Council Budget;
 - proposes to establish, amend or extend Council policy;
 - proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - commits Council to any contractual arrangement; or
 - concerns any litigation in respect of which Council is a party.
- v) The Chief Executive Officer must reject any Notice of Motion which:
 - is too vague;
 - is defamatory;
 - may be prejudicial to any person or Council;
 - is objectionable in language or nature;
 - is outside the powers of Council;
 - relates to a matter that is the subject of a rescission motion within three (3) calendar months of the rescission motion having been dealt with
 - is submitted during Election Period.
- vi) The Chief Executive Officer may reject a proposed Notice of Motion that
 - relates to a matter that can be addressed through the operational service request process; or
 - Relates to a matter that has been previously resolved by Council or is acted upon.
- vii) If a Notice of Motion is lost or lapses for want of a mover/seconded, it cannot be relisted for 3 months.

3.4.5 Procedures for Motions

- a) A motion which is proposed by a Councillor at a Meeting must be:
 - i) clearly expressed and unambiguous;
 - ii) not defamatory or objectionable in nature;
 - iii) related to the powers or functions of Council; and
 - iv) relevant to an item on the agenda (unless it relates to an item which has been agreed by the Meeting as urgent business).
- b) If a motion is to be moved or debated by the Chairperson, the Chairperson must vacate the Chair and appoint the Deputy Mayor or another Councillor as Temporary Chair for the duration of the motion.
- c) Any motion that differs in wording from an Officer's recommendation or Notice of Motion that is on the agenda must, if requested by the Chairperson, be written out by the proposer.
- d) The Chairperson may request that a motion be read to the meeting before the vote is taken.
- e) The Chairperson may reject any motion that does not conform to sub-clause 3.4.5 a).
- f) A Councillor who is proposing a motion must first state briefly the nature of the motion and then move it, without speaking to it.
- g) The Chairperson must then call for the motion to be seconded and after it is seconded (by any Councillor other than the mover); the mover may then speak to it or may with the consent of the Chairperson defer speaking on it until later in the debate.
- h) Any motion that is not seconded lapses.
- i) The Chairperson may ask after a motion is moved and seconded whether it is opposed and if no opposition is indicated, he or she may then put it to the vote, without debate. Similarly, the Chairperson may ask at any time during the debate whether the motion before the Meeting is opposed or is further opposed and if no opposition or no further opposition is indicated, he or she may put it to the vote, without further debate.
- j) The mover of a motion has the right of reply with respect to the debate on his or her motion immediately before the vote is taken, but that right of reply is lost if an Amendment to the motion is carried.
- k) If an amendment to a motion is carried, the Mover of the Amendment has no right of reply.
- l) Apart from the mover's right of reply referred to in the previous sub-clause, a Councillor may only speak once on the motion and once on any amendment of a motion. A Councillor may request at any time before a vote is taken on a motion that it is in two or more parts, that each part be put to the vote separately. The Chairperson may agree with or refuse such a request.
- m) When the mover of a motion has a right of reply under sub-clause 3.4.5 j) and has exercised that right, the Chairperson must then put the motion to the vote without making or allowing any further comment on it.

- n) A motion must otherwise be put to the vote when the Chairperson believes that the issues have been reasonably canvassed in the debate.
- o) A Councillor calling a point of order or foreshadowing a new motion or further amendment is not deemed to be speaking on the motion before the Meeting.
- p) A motion or amendment cannot be withdrawn without Council consenting to the withdrawal by resolution.
- q) If the mover or seconder of a motion indicates that he or she wishes to withdraw from moving or seconding the motion, the Chairperson may seek another mover or seconder (as the case requires), but if no Councillor indicates his or her willingness to be the substitute mover or seconder, the motion lapses.
- r) If a Councillor proposes to alter a motion and the original mover and seconder of the Motion both indicate their agreement with the alteration, the altered Motion becomes the substantive Motion without the need to move an amendment.
- s) Council may defer an item until another Meeting if further consideration or clarification is required prior to a decision being made. The motion to defer an item is a substantive motion and may be debated.
- t) The Chairperson may allow like Motions to be moved, or request Councillors to move like items, in a block (en bloc).

3.4.6 Procedural Motions

- a) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- b) The mover/seconder of a procedural motion must not have moved, seconded or spoken to the motion or any amendment of it before the Chair.
- c) A procedural motion cannot be moved by the Chairperson.
- d) Notwithstanding any other provision in this Meeting Procedure, procedural motions must be dealt with in accordance with the procedures set out in Schedule 2 of the Meeting Procedure.

3.4.7 Rules for Debate

- a) Debate must always be relevant to the question before the Chair, and if not, the Chairperson will request the speaker to confine debate to the subject matter.
- b) If after being told to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may disallow the speaker any further comment in respect to the matter before the Chair.
- c) A speaker to whom a direction has been given under clause 3.4.8 a) and b) must comply with that direction.
- d) A Councillor must not speak on any one motion or other matter before a Meeting for a time longer than that stated below unless granted an extension by the Chair immediately prior to the speaker speaking.

3.4.8 Order & Time Limit of Debate

- a) Once seconded, the Chairperson will call for any Councillor wishing to speak to the motion;
- b) If any Councillor indicates they wish to speak to the motion, the Chairperson must:
 - i) Invite the mover to address Council (5 minutes)
 - ii) Invite any Councillor opposing the motion to address Council (3 minutes)
 - iii) Invite the Secunder to address Council (3 minutes)
 - iv) Invite any Councillor abstaining from the vote to address Council (2minutes)
 - v) Invite speakers for, against and abstaining in alternate sequence until all Councillors wishing to speak to the motion have had opportunity (2 minutes)
 - vi) Invite the mover to close debate with right of reply (2 minutes)
- c) In cases where there is competition for the right to speak at a Meeting then the Chairperson must decide the order in which Councillors may speak.
- d) A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.
- e) Unless excused by the Chairperson, a Councillor at any Council Meeting must stand when speaking.
- f) The Chairperson may remain seated when speaking at any Meeting and he or she may speak on any matter under discussion.
- g) When exercising a right of reply, a Councillor must not introduce fresh matter.
- h) No resolution may be discussed after it is dealt with, unless the Chairperson allows it.
- i) Except that the mover of an unamended motion has the right of reply and that any Councillor may take a Point of Order or offer a personal explanation, a Councillor must not speak more than once to the same motion or amendment

3.4.9 Points of Order

- a) A Councillor who is addressing the meeting must not be interrupted unless a Point of Order is called, at which time he or she must remain silent until the Councillor raising the Point of Order has been heard and the question disposed of.
- b) A Councillor raising a Point of Order must:
 - i) state the Point of Order; and
 - ii) state any section, clause, paragraph or provision relevant to the point of order before resuming his or her seat.
- c) A Point of Order may be raised in relation to:

- i) a motion or a Public question which, under this Procedure should not be accepted by the Chairperson;
 - ii) a question of procedure; or
 - iii) any act of disorder.
- d) The Chairperson shall decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the Point of Order raised, without entering into any discussion or comment.
- e) The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise he or she must rule on it as soon as it is raised.
- f) All other matters before Council are suspended until the Point of Order is decided.
- g) A Point of Order cannot be taken for the sole purpose of:
- i) expressing a mere difference of opinion; or
 - ii) contradicting a speaker; or
 - iii) disrupting the meeting.

3.4.10 Right to Ask Questions

A Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.

3.4.11 Voting

- a) To determine a motion that is put to a meeting, the Chairperson will first ask for those in favour of the motion, then those opposed to the motion, then those abstaining from the vote and will then declare the results to the meeting.
- b) Unless the Council resolves otherwise, voting on any matter will be by show of hands.
- c) Motion to be read again:
 - i) Before any matter is put to the vote, a Councillor may require that the question, motion or amendment be read again.
 - ii) The Chairperson, without being so requested, may direct the Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) to read the question, motion or amendment to the meeting before the vote is taken.
- d) The motion is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question.
- e) If a Councillor present at the meeting does not vote (abstains), it must be taken that they have voted against the question.
- f) If the number of votes in favour of the question, motion or amendment is half the number of Councillors present at the meeting at the time the vote is taken, the Chairperson has a second/casting vote.

- g) Any Councillor, before the next item of business is considered, may ask that his or her opposition or abstention regarding a motion adopted by the meeting be recorded in the minutes of the meeting.
- h) A Councillor may call for a division immediately after any motion is put to a meeting and before the next item of business has commenced.
- i) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken, but cannot be requested after the next item of business has commenced.

3.4.12 Procedure for a Division:

- a) 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.
- b) When a division is called for, the Chairperson will:
 - i) first ask each Councillor wishing to vote in the affirmative to raise their hand. The Chairperson must then state the names of those Councillors voting in the affirmative; and
 - ii) then ask each Councillor wishing to vote in the negative to raise their hand. The Chairperson must then state the names of those Councillors voting in the negative; and
 - iii) then ask any Councillor wishing to abstain from the vote to raise their hand. The Chairperson must then state the names of those Councillors abstaining from the vote.
 - iv) The Chief Executive Officer (or any person authorised by the Chief Executive Officer to attend the meeting and take the minutes of such meeting) must record in the minutes the vote of each Councillor.
- c) No Councillor is prevented from changing his or her original vote when voting on the division.
- d) Councillors must remain seated in silence while a vote is being taken.
- e) The Chairperson may direct that the vote be re-counted as often as may be necessary to be satisfied of the result.
- f) The Chairperson must declare the result of the vote or division as soon as it is taken.

3.4.13 Urgent Business:

- a) If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then if:
 - i) It relates to or arises out of a matter which has arisen since distribution of the Agenda; and
 - ii) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
 - iii) the item involves a matter of urgency as determined by the Chief Executive Officer; and

- iv) it cannot be addressed through an operational service request process.
- v) Provided the matter does not:
 - substantially affect the levels of Council service;
 - commit Council to significant expenditure not included in the adopted budget;
 - establish or amend Council Policy; or
 - commit Council to any contractual arrangement.

3.4.14 Dissent from Chairperson Ruling:

- a) The decision of the Chairperson in respect to a Point of Order raised will not be open for discussion and will be final and conclusive unless the majority of Councillors present at the meeting move a motion of dissent.
- b) A motion of dissent requires no seconder, and the Chairperson must immediately stand down.
- c) A Temporary Chairperson takes the chair for discussion on the motion of dissent following the process outlined in Clause 15.10.
- d) The Chairperson is given the opportunity to explain their decision and the mover also puts forward their reason for dissent.
- e) The meeting then votes on the motion: if the motion is upheld, the Chairperson must reverse their decision. If the motion is lost, the meeting continues as before.

3.4.15 Time limits for Meetings

- a) Unless Council resolves to the contrary a Council Meeting or Committee Meeting shall not continue beyond four (4) consecutive hours.
- b) Any business not reached or dealt with at the time the meeting closes shall be held over until the next Council or Committee Meeting.
- c) Council may resolve to extend the meeting by one (1) forty-five (45) minute interval only if deemed necessary.
- d) Any business not dealt with that is adjourned until the next Council or Committee Meeting shall be recorded in the minutes of the meeting.

3.5 Minutes of a Meeting

3.5.1 The Chief Executive Officer or delegate is responsible for the keeping of Minutes on behalf of Council. Those Minutes must record:

- a) the date, place, time and nature of the Council Meeting;
- b) the names of Councillors and whether they are present, an apology, on leave of absence, etc.;
- c) the titles of the members of Council staff present who are not part of the gallery;

- d) the disclosure of a conflict of interest made by a Councillor in accordance with the Act;
- e) the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals);
- f) every Motion and Amendment moved (including procedural Motions),
- g) the outcome of every Motion moved;
- h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
- i) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion;
- j) details of any failure to achieve or maintain a quorum;
- k) a summary of any questions asked (including the name and suburb of the person), and the response provided as part of public question time;
- l) details of any petitions made to Council;
- m) details of any speakers to an agenda item or deputation;
- n) the time and reason for any adjournment of the Meeting or suspension of standing orders;
- o) any other matter, which the Chief Executive Officer or Delegate thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes; and
- p) the time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.

3.5.2 Confirmation of the Minutes of a Meeting

- a) When confirming the minutes of a Meeting, the Chairperson must ask if any item in the minutes is opposed.
- b) Opposition can only be expressed regarding items in the minutes on the basis that the record is incomplete or inaccurate.
- c) The Chairperson must not allow discussion or motions on any other issue than the alleged omission from or inaccuracy of the minutes.
- d) If no Councillor indicates opposition, a resolution of Council must confirm the minutes.
- e) If any Councillor indicates opposition, he or she must specify the particular item or items in the minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.

3.6 Rescission Notification

- 3.6.1 A notice of motion to rescind or alter a previous resolution of Council:
- a) Must be given to the Chief Executive in sufficient time to enable the Chief Executive Officer to give ninety-six (96) hours' notice to all Councillors;
 - b) Is deemed to have been withdrawn if not moved at the next meeting at which such business may be transacted;
 - c) Cannot be considered at a meeting unless the number of Councillors in attendance at the meeting is at least equal to the number of Councillors in attendance when the resolution of Council was adopted.
- 3.6.2 A Councillor may propose a motion to amend or rescind a decision of the Council provided:
- a) the decision has not been acted upon; and
 - b) a notice is delivered to the Chief Executive Officer by the close of business on the day following the meeting at which the decision of Council was made stating:
 - i. the decision proposed to be amended or rescinded; and
 - ii. the meeting and date when the decision was made.
- 3.6.3 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
- a) has not been acted on; and
 - b) is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with clause 3.6.1.

3.7 Public Participation

3.7.1 Public Question Time

- a) Question time will take place during the Council Meeting as provided for in the agenda.
- b) Questions in writing in the form prescribed by the Chief Executive Officer will be accepted up to 5pm on the day before the Meeting.
- c) A person must not submit more than two (2) individual questions at a meeting, inclusive of all parts and variants as interpreted by the Chairperson or other person authorised for this purpose by the Chairperson.
- d) A question will only be read to the meeting if the Chairperson or other person authorised for this purpose by the Chairperson has determined that the:
 - i) person directing the question is present in the gallery;
 - ii) question does not relate to a confidential matter;
 - iii) question does not relate to a matter in respect of which Council has no power to act;
 - iv) question is not defamatory, indecent, abusive or objectionable in language or substance;
 - v) question is not a repetition of a question already asked or answered

(whether at the same or an earlier meeting); and

- vi) question is not asked to embarrass a Councillor, member of Council staff or member of the public.
- e) Persons submitting questions must be present in the public gallery. If they are not present in the Gallery, the question will be held over to the next meeting only.
- f) The Chief Executive Officer will read out each question and the Chairperson shall decide who will answer each question.

3.7.2 Petitions & Joint Letters

- a) Petitions and joint letters presented to Council must be in writing and contain the 'prayer' or request of the petitioners or signatories.
- b) Petitions and joint letters must be signed by the persons whose names are appended to it and include their address.
- c) 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.
- d) Electronic petitions or joint letters must comply with sub-clauses as stated above and include the name and e-mail address of each petitioner (this functions as the 'signature' of a petitioner);

3.7.3 Speakers to an Item on the Agenda

- a) Council has made provision in the conduct of its Meetings for speakers to address Council in relation to matters included on the agenda for consideration.
- b) Persons wishing to address Council on a matter included in the agenda shall inform Council prior to 3.00pm on the day of the meeting by contacting the Chief Executive Officer's office and registering their name and agenda item being spoken to.
- c) At the meeting the Mayor will invite the persons wishing to speak to an item to address the Council on the agenda item.
- d) The person may elect to sit or stand to address Council, and state their name and address before commencing. No debate on the item is permitted between the person addressing Council and the Council.
- e) A maximum of three minutes per person will be allocated. An extension of time may be granted at the discretion of the Mayor.
- f) Councillors, through the Mayor, may ask the person addressing Council for clarification of matters presented.
- g) The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

3.7.4 Deputations

- a) A deputation wishing to be heard by Council may make a request to the Chief Executive Officer who must refer the request to the Mayor.

- b) The Mayor may direct the Chief Executive Officer as to the meeting at which the deputation will be heard or, alternatively, ask the Chief Executive Officer to place a request before Council.
- c) If the Mayor asks for a deputation to be heard, the Chief Executive Officer must notify all Councillors of that direction, and also notify a member of the deputation of the date, time, and place at which the deputation will be heard.
- d) A deputation may lodge with the Chief Executive Officer, a written submission detailing the subject matter of the deputation prior to the deputation addressing Council.
- e) Council will not hear more than 2 speakers on behalf of any deputation, and may set time limits on the length and address of each speaker.
- f) Councillors and members of Council staff may question the deputation on matters raised by it for purposes of clarification but no discussion will be allowed.
- g) No motion must be allowed on any deputation until the next Ordinary meeting after the deputation has been heard unless Council, by resolution, decides otherwise.

3.7.5 Livestreaming and Recording Proceedings

- a) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may conduct a livestream of the proceedings of the Council Meeting.
- b) The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may also otherwise record all the proceedings of a Council or Delegated Committee Meeting using a suitable electronic recording device.
- c) Media representatives may, with the consent of Council or the Delegated Committee (as the case may be), be permitted to record any part of the proceedings of the Council or Delegated Committee Meeting. The consent of Council or the Delegated Committee must not be unreasonably withheld, but may be revoked at any time during the course of the relevant meeting.
- d) Members of the public must not operate recording equipment at any Council or Delegated Committee Meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the course of the meeting be revoked by Council or the Delegated Committee as the case may be.

3.8 Other General Conduct & Modes of Address

- 3.8.1 A Councillor or any other person who addresses a Meeting must do so in a courteous manner.
- 3.8.2 Any Councillor or person who addresses the meeting must direct all remarks through the Chairperson.
- 3.8.3 A Councillor or any other person must not at a Meeting make any defamatory, indecent, abusive, offensive or disorderly statement or comment.

- 3.8.4 If such a statement or comment is made, the Chairperson may require the Councillor to withdraw it and the Councillor concerned must immediately and unreservedly do so.
- 3.8.5 If a Councillor continues to engage in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business, Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or
- 3.8.6 Where Council suspends a Councillor or the Mayor directs a Councillor to leave the meeting, the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- 3.8.7 Visitors at a Meeting must not interject or take part in the debate.
- 3.8.8 The gallery must preserve silence at all times during a Meeting.
- 3.8.9 If any visitor is called to order by the Chairperson for any improper or disorderly conduct on more than one occasion during the Meeting, the Chairperson may order him or her to leave the Meeting room or building.
- 3.8.10 The Chairperson may adjourn a disorderly Meeting.

3.9 Suspension of Standing Orders

- 3.9.1 Any provision of this Procedure except that relating to a quorum may by resolution be suspended for any part of a Meeting.
- 3.9.2 The suspension of Standing Orders will be used to enable full discussion of any issues without the constraints of formal meeting procedure.
 - i) An appropriate motion would be "That Standing Orders be suspended to enable discussion on_____".
- 3.9.3 No motion, except one that proposes the resumption of standing orders, may be accepted by the Chairperson during such suspension.

Schedule 1

1. The content, format and order of items on:
 - a) **Council Meeting agendas will include:**
 - Opening of Meeting and Prayer
 - Acknowledgement to Country
 - Present
 - Apologies
 - Confirmation of Minutes
 - Disclosure of Conflict of Interest
 - Public Question Time
 - Petitions
 - Deputations
 - Officers Reports
 - Notices of Motion
 - Mayors Report
 - Councillors' Reports
 - Urgent Business
 - Confidential Reports
 - Meeting closure
 - b) **Unscheduled Meeting agendas will include:**
 - Opening
 - Prayer
 - Acknowledgement to Country
 - Apologies
 - Declarations of Conflict of Interest
 - Council Reports (as advertised).
 - Closure
 - c) **Delegated Committee Meeting agendas will include matters that are in accordance with and directly relevant to the Committees Instrument of Delegation.**

Schedule 2: Procedural Motions

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
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 substantive motion or otherwise spoken to the substantive motion	(a) During the election of a <i>Chairperson</i> ; (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 substantive motion or otherwise spoken to the substantive motion	(a) During the election of a <i>Chairperson</i> ; (b) When another Councillor is speaking; (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 (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

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	During nominations for <i>Chairperson</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
4. Laying question on the table	That the question lie on the table	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a <i>Chairperson</i> ; (b) During a meeting which is a call of the <i>Council</i> has been made for that meeting in accordance with section 85 of the <i>Act</i> ; or (d) When the motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement	Motion and amendment is not further discussed or voted on until: (a) <i>Council</i> resolves to take the question from the table at the same meeting; or (b) The matter is placed on a subsequent agenda and <i>Council</i> resolves to take the question from the table	Debate continues unaffected	No

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
5. Previous question	That the question be not now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<p>(a) During the election of a <i>Chairperson</i>;</p> <p>(b) When another Councillor is speaking;</p> <p>(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>;</p> <p>(d) When an amendment is before <i>Council</i>; or</p> <p>(e) When a motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement</p>	<p>(a) No vote or further discussion on the motion until it is placed on a subsequent agenda for a later meeting; and</p> <p>(b) Proceed to next business</p>	Motion (as amended up to that time) put immediately without further amendment or debate	Yes

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
6. Proceeding to next business	<p>That the meeting proceed to the next business</p> <p>Note: This motion:</p> <p>(a) may not be amended;</p> <p>(b) may not be debated; and</p> <p>(c) must be put to the vote as soon as seconded</p>	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	<p>(a) During the election of a <i>Chairperson</i>;</p> <p>(b) When another Councillor is speaking;</p> <p>(c) When the matter is one in respect of which a call of the <i>Council</i> has been made in accordance with section 88 of the <i>Act</i>; or</p> <p>(d) When a motion would have the effect of causing <i>Council</i> to be in breach of a legislative requirement</p>	<p>If carried in respect of:</p> <p>(a) An amendment, <i>Council</i> considers the motion without reference to the amendment;</p> <p>(b) A motion - no vote or further discussion on the motion until it is placed on an agenda for a later meeting</p>	Debate continues unaffected	No

Part 4 – Election of Mayor and Deputy Mayor

4.1 Overview

The role and functions of the Mayor and Deputy Mayor are provided in the Local Government Act. For the purpose of process, the following will occur:

- 4.1.1 A Mayor is to be elected no later than one month after the date of a general election at a Council meeting open to the public;
- 4.1.2 Before the election of the Mayor and Deputy Mayor, a Council must determine by resolution whether each of these roles is to be elected for a 1 year or a 2 year term respectively.
- 4.1.3 If the Mayor / Deputy Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.
- 4.1.4 If the Mayor / Deputy Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.
- 4.1.5 A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.
- 4.1.6 The election of a Mayor after the period specified in this section does not invalidate the election.
- 4.1.7 A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.

4.2 Nominations

- 4.2.1 Any Councillor is eligible for election or re-election to the office of Mayor.
- 4.2.2 A Councillor may only nominate one Councillor as a candidate for the role of the Mayor.
- 4.2.3 A Councillor may nominate themselves as a candidate for the role of Mayor.
- 4.2.4 Except where a Councillor has nominated themselves, a nominated Councillor must advise the Chair whether they accept or decline the nomination as a candidate for the role of Mayor.
- 4.2.5 Nominations need not be seconded.
- 4.2.6 If Council resolves to have the office of Deputy Mayor, provisions 5.2.1 to 5.2.5 will also apply to the nomination of candidates for the role of Deputy Mayor.

4.3 Determining the Election of Mayor

- 4.3.1 The Chief Executive Officer will chair the election of the Mayor.
- 4.3.2 The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- 4.3.3 The Mayor must be elected by an absolute majority of the Councillors¹.
- 4.3.4 Where in an election for the Mayor:
- 4.3.5 One candidate has been nominated, that candidate must be declared elected.
 - a) **Two candidates** have been nominated:
 - i) A vote must be taken and the candidate who receives the number of votes greater than half the Councillors of the Council must be declared elected;
 - b) **Where 3 or more candidates** have been nominated and no candidate receives a number of votes greater than half the Councillors of the Council:
 - i) the candidate with the fewest number of votes cast must be eliminated;
 - ii) the names of the remaining candidates must be put to the vote as outlined in subsection 4.1.4 (b) will apply.
 - c) If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.
 - d) If Council resolves to have the office of Deputy Mayor, the provisions as outlined above will apply.

4.4 Deputy Mayor

- 4.4.1 At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- 4.4.2 If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Governance Rules relating to the Deputy Mayor have no effect.

4.5 Method of Voting

The election of the Mayor must be carried out by a show of hands or an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

¹ In this section, **absolute majority** means the number of Councillors which is greater than half the total number of the Councillors of a Council.

Part 5 – Council Committees

5.1 Delegated Committees

Council may establish Delegated Committees as part of its governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Committees, their meeting procedures need to be formal.

- 5.1.1 If Council establishes a Delegated Committee, these Governance Rules will apply to the Delegated Committee Meetings with any necessary modifications, therefore in such circumstances:
- a) a Council meeting is to be read as a reference to a Delegated Committee Meeting;
 - b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
 - c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee
- 5.1.2 If Council establishes a Delegated Committee, Council may resolve that a provision of this governance rules do not apply to that Committee.

5.2 Community Asset Committees

- 5.2.1 The Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall. Council may appoint members of the community to the Committee and delegate to it powers, duties or functions. The powers delegated to a community asset committee must be limited in the amount and purpose of any financial delegation.
- 5.2.2 The Governance Rules may apply to any Community Asset Committee established by Council.
- a) Council may determine, in establishing a Community Asset Committee which parts of the Governance Rules apply but as a minimum must include Section 3.5 of Part 3, Minutes of a Meeting.
 - b) A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
 - c) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.
 - d) A Community Asset Committee must adhere to any policy, guideline or protocol introduced by Council, which relates to the operational or governance requirements of the Committee.
 - e) A Community Asset Committee must provide Council with an Annual Report each year, in a format determined by the Chief Executive Officer.

5.3 Audit and Risk Committee

- 5.3.1 The Act provides for Council to establish an Audit and Risk committee to provide oversight.
- 5.3.2 The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter.
- 5.3.3 Council may resolve, in establishing an Audit and Risk Committee that the meeting procedure chapter of these Governance Rules does not apply.
- 5.3.4 An Audit and Risk Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.
- 5.3.5 An Audit and Risk Committee must act in accordance with its adopted Charter adopted by Council.

5.4 Advisory Committees

The establishment of non-legislated Advisory Committees is often essential to ensure that the input from subject matter experts, community groups and other stakeholders is considered when Council is developing major strategies, plans and/or policy that impact the greater Moorabool community.

- 5.4.1 Advisory Committees cannot make decisions on behalf of Council.
- 5.4.2 Advisory Committees will be established with their own individual Terms of Reference to guide the operation and functionality of those committees are in place to meet Council's expectations.
- 5.4.3 The Terms of Reference will outline how the Advisory Committee is to be structured, what its functions are, how it will operate and report/make recommendations to Council.

Part 6 – Conflicts of Interest

The Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances.

The disclosures of Conflicts of interest, apply to Council meetings and meetings conducted under the auspices of Council that are not Council meetings. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Governance Rules provide the following procedures for disclosures of conflicts of interest:

6.1 Obligations with regard to conflict of interest

6.1.1 Councillors, members of Delegated Committees and Council staff are required to:

- a) Avoid – all situations which may give rise to conflicts of interest;
- b) Identify – any conflicts of interest; and
- c) Disclose – or declare all conflicts of interest;

6.2 Councillors and Members of Delegated Committees

6.2.1 May not participate in discussion or decision-making on a matter in which they have a conflict of interest.

6.2.2 When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.

6.2.3 All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee Meeting.

6.2.4 Council will maintain a Conflict of Interest Register which will be made available on Council's website.

6.3 Procedure at a Council or Delegated Committee Meeting

6.3.1 At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- a) The item for which they have a conflict of interest; and
- b) Whether their conflict of interest is general or material; and
- c) The circumstances that give rise to the conflict of interest.

6.3.2 Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.

6.3.3 A Councillor who is not present at the designated time in the agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner that required for the declarations of conflicts of interest at section 6.3.1, prior to leaving the meeting.

- 6.3.4 A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Council meeting must not communicate with any participants in the meeting while the decision is being made.

6.4 Procedure at other meetings organised, hosted or supported by Council

- 6.4.1 A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- 6.4.2 At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- 6.4.3 If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- 6.4.4 At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- 6.4.5 The existence of a conflict of interest will be recorded in the minutes of the meeting.
- 6.4.6 If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Governance team for recording in the register of Conflicts of Interest.
- 6.4.7 The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- 6.4.8 Meeting records and reports will be presented to Council for noting and inclusion on the public record.

6.5 Council staff

- 6.5.1 Must act in accordance with the Employee Code of Conduct.
- 6.5.2 Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- 6.5.3 May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at section 6.6 and the Employee Code of Conduct.

6.6 Procedure for disclosures of conflicts of interest by Council Staff

- 6.6.1 Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- 6.6.2 All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- 6.6.3 A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:

- a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
- b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
- c) The staff member's General Manager determines that the conflict of interest has not influenced the advice provided; and
- d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

Part 7 – Use of Council Seal

Under section 14(1)(b) of the Local Government Act 2020, Council is required to have a common seal which acts like the signature of a Council. Affixing the seal demonstrates approval of the content of a document and shows what Council has done or agreed to do. However, not all documents created to implement decisions of Council require the affixing of a seal.

These rules outline the situations in which a seal is required, and how the seal is to be used.

7.1 Custodian of Common Seal

The Chief Executive Officer is responsible for keeping the Common Seal in safe custody.

7.2 Requesting the Signing and Sealing of a Document

7.2.1 Prior to submitting a document to the Chief Executive's Office for signing and sealing, a Document for Sealing Request form must be completed and approved by the relevant departmental manager and then the General/Executive Manager.

7.2.2 A copy of the Council resolution approving the use of the Council seal must be attached to the form. The form and the Council resolution must accompany the document being submitted to the Office of the CEO for signing and sealing.

7.2.3 If the form has not been signed by the relevant General/Executive Manager or the Council resolution is not attached, the documents must not be accepted for signing and sealing.

7.2.4 A contract or agreement must only be submitted for signing and sealing, once the document has been fully executed by the other party/parties (unless the other party to the contract or agreement is either the State Government of Victoria, the Federal Government or another Local Government entity).

7.3 Affixing the Common Seal

7.3.1 The seal of a Council must not be affixed to any document without the Council's approval granted either generally or specifically by resolution that the seal be so affixed.

Example

That Council affix the Common Seal to the [description of document].

Or

The [document], shall come into force immediately upon the common seal of the Council is affixed to the [document].

7.3.2 The affixing of the Seal to a document must be witnessed by signatures of a Councillor and the Chief Executive, except in the instance where the Seal is to be appended to the contract of employment for the Chief Executive. In this instance, a second Councillor will sign alongside the Mayor.

7.3.3 Council’s preferred sealing clause is as follows:

The **COMMON SEAL** of the)
MOORABOOL SHIRE COUNCIL)
was affixed by authority of the)
Council in the presence of:)

.....
Councillor

.....
Chief Executive Officer

.....
Date

7.4 The Seal may be affixed to any of the following documents:

- 7.4.1 a contract of employment for the Chief Executive;
- 7.4.2 Council to staff delegations;
- 7.4.3 agreements or contracts from state or federal government departments;
- 7.4.4 planning agreements (s. 173 & 174 of Planning & Environment Act 1987);
- 7.4.5 contract for sale or purchase of land;
- 7.4.6 contracts and tenders that have been endorsed by Council;
- 7.4.7 funding body/agreement;
- 7.4.8 any document that changes Council’s legal position (e.g. significant contract variations);
- 7.4.9 significant financial agreements (e.g. borrowings, changes to overdraft facilities);
- 7.4.10 Any other legal document Council is required to affix the Seal to from time to time or where required by legislation or other legislative authorities.

7.5 Sealing Register

The Chief Executive Officer will ensure that a register of all uses of the Common Seal is kept by Council. The register will contain a description of the document, the date the Seal was affixed and the date Council resolved to affix the Seal.

Part 8 – Election Period Policy

8.1 Purpose

The Election Period Policy (formerly known as the Caretaker Policy) has been developed in order to ensure that the general elections for the Moorabool Shire Council are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such.

The Policy will also facilitate the continuation of the ordinary business of local government in the Moorabool Shire throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established 'caretaker' conventions.

This Policy also commits Council during the election period to:

- avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

8.2 Definitions

Where terms used in this Policy are defined in the Act, their use in this Policy is consistent with the definitions in the Act.

Definitions used in this Policy which are not defined by the Act are:

Publication	Includes any means of publication including letters and information on the Internet including social media.
Public consultation	Means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.

8.3 Scope and Application of Policy

Council will function in accordance with this Policy during the election period which commences at the time that nominations close on nomination day and ends at 6pm on Election Day.

8.3.1 Role of Chief Executive Officer (CEO)

- a) The CEO is responsible for determining any issues that arise in the implementation of this policy.
- b) In addition to the CEO's statutory responsibilities, the CEO or his or her delegate will ensure as far as possible, that:
 - i) All Councillors and Officers are informed of the application of this policy at least 60 days prior to the commencement of the election period;

- ii) Matters of Council business requiring major policy or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council; and
- iii) Guidelines to staff on the role and responsibilities of staff in the implementation of this policy are issued if appropriate.

8.4 Prohibited Decisions by Council

Under Section 69 of the Act, an election period policy must prohibit any Council decision during the election period for a general election that:

- a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- c) the Council considers could be reasonably deferred until the next Council is in place; or
- d) the Council considers should not be made during an election period.

8.5 Public Consultation

8.5.1 Right to Postpone

- a) Some public consultation activities may be necessary during the election period to facilitate the day to day business of Council and ensure matters continue to be proactively managed.
- b) Any such public consultations will avoid express or implicit links to the election.
- c) In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the election period, Council reserves the right to postpone a matter if the issue is likely to affect voting.
- d) Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the election period.

8.6 Council Communications and Publications

8.6.1 Publishing Material during the Election Period

- a) Council will not print, publish or distribute any advertisement, handbill, pamphlet or notice during an election period unless it has been approved by the Chief Executive Officer or their delegate.
- b) The Chief Executive Officer or their delegate must not intentionally or recklessly approve a publication that contains electoral matter, unless that material is only about the election process.

8.6.2 Approval of Publications

- a) Publications to be printed, published or distributed during the election period must first be approved by the Chief Executive Officer.
- b) Copies of all approved documents will be retained on Council records.
- c) Publications which require approval include:
 - i) Brochures, pamphlets, handbills, flyers, magazines and books;
 - ii) Reports (other than agenda papers and minutes);
 - iii) Advertisements and notices, (includes Moorabool Matters) except newspaper notices of meetings;
 - iv) New website material;
 - v) Social media publications (which includes but not limited to Facebook and Twitter posts);
 - vi) Emails with multiple addresses, used for broad communication with the community;
 - vii) Mass mail outs or identical letters sent to a large number of people by or on behalf of Council;
 - viii) Media releases;
 - ix) Material to publicise a function or event; and
 - x) Any publication or distribution of Councillors' speeches.

8.6.3 Prohibited Material

- a) Electoral matter means any matter which is intended or likely to affect voting in an election, but does not include:
 - i) Any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election, or
 - ii) An advertisement in a newspaper announcing the holding of a meeting.
- b) A publication is taken to contain electoral matter if it contains an express or implicit reference to, or comment on:
 - i) The election; or
 - ii) A candidate in the election; or
 - iii) An issue submitted to, or otherwise before, the voters in connection with the election.
- c) Electoral matter includes material which:
 - i) Publicises the strengths or weaknesses of a candidate;
 - ii) Advocates the policies of the Council or of a candidate;
 - iii) Responds to claims made by a candidate; and
 - iv) Publicises the achievements of the elected Council.

8.6.4 Council Publications Including Councillor Information

Any reference to Councillors standing for re-election in Council publications printed, published or distributed during a election period must not include promotional text.

8.6.5 Website

- a) Material published on Council's website in advance of the election period is not subject to approval, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.
- b) Councillor profiles on the Council website will be limited to a photograph and contact details. Other communication from a Councillor via the Council website will be removed.
- c) Any material published on Council's website during the election period must be approved by the Chief Executive Officer.

8.6.6 Annual Report

- a) Council is required by the Act to produce and put on public display a copy of its Annual Report. The Annual Report will be published during the election period. The Annual Report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors.
- b) any publication of an extract or summary of the Annual Report will require approval of the Chief Executive Officer.

8.6.7 Council and Committee Agendas and Minutes

- a) Agenda papers and minutes of Council and Committee meetings do not require certification by the Chief Executive Officer unless they are printed or published for a wider distribution than normal.
- b) Items submitted for Public Question Time will be reviewed to ensure that they comply with the principles of the Act and this Policy, and may be amended accordingly before publication.

8.6.8 Social Media

- a) Any publication on social media sites including but not limited to Facebook, Twitter, blogs and wiki pages during the election period must be certified by the Chief Executive Officer.
- b) Staff responsible for administering a Council social media site will monitor the respective site during the election period and use moderation features where available to ensure no electoral matter is posted.

8.6.9 Review of Publications

Council will review all publications prior to the commencement of the election period, and during the election period, prior to publication and distribution, to ensure that any such publications comply with the requirements this policy.

8.7 Functions/Events

- 8.7.1 Any event or function held during the election period shall relate only to legitimate Council business and shall not be used, or be capable of being construed as being used, in connection with any election activity.
- 8.7.2 All speeches prepared for use at events or functions shall be reviewed by the Chief Executive Officer to ensure the content does not breach this Policy.
- 8.7.3 Councillors may make a short speech during any event or function however the speech must be limited to referring to the specific event at which the it is being delivered and thanking the participants or attendees. The speech must not have any political reference which may be construed as providing a current Councillor any advantage during the election period. Speeches will not be circulated or available for publication.
- 8.7.4 Functions or events for the purpose of electioneering must not be resourced or publicised by the Council.

8.8 Council Resources

8.8.1 Application of Resources

Council resources, including offices, vehicles, staff, hospitality, services, property, equipment and stationery must be used exclusively for normal Council business during the election period and must not be used in connection with any election campaign or issue.

8.8.2 Role of Staff

- a) Council staff will not undertake any tasks connected directly or indirectly with the election campaign of a Councillor standing for re-election or any candidate standing for election.
- b) Council staff will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election, except where it only relates to the election process and is authorised by the Chief Executive Officer.
- c) Prior to the election period for any election the Chief Executive Officer will ensure that all members of Council staff are advised in regard to the application of the caretaker procedures.
- d) Any staff member who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate should advise their manager before authorising, using or allocating the resource. The manager will seek appropriate advice in order to ascertain whether the use of Council resources is in accordance with this statement.

8.8.3 Use of Council Equipment by Councillors

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use. Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns. This includes laptops,

iPad, notepads, telephone land lines, mobile phones, email addresses, and internet connections.

8.8.4 Councillors' Entitlement to Reimbursement

Reimbursements of Councillors' out-of-pocket expenses 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 support or are connected with a candidate's election campaign. Claims shall conform with requirements set out in the 'Council Expenses Policy'.

8.8.5 Council Branding

No Council logos, letterheads, or other corporate branding will be used for, or linked in any way to, a candidate's election campaign.

8.8.6 Cessation of Ward Specific Publications

Ward-specific publications, or Councillor profiles and articles in the Moorabool Matters, will not be arranged by Council during the election period.

8.8.7 Officers' Discretion

The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. Where the use of Council resources appears to relate to the election campaign of a Councillor standing for re-election, the matter must be referred to the Chief Executive Officer or their delegate.

8.9 Media Services

8.9.1 Restriction on Services

- a) Council's Communications team undertake the promotion of Council activities and initiatives. During the election period this team's services must not be used in any way that might promote a Councillor as an election candidate.
- b) Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the Chief Executive Officer.

8.9.2 Media Releases/Spokespersons

- a) Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate.
- b) In the event that a spokesperson is required in relation to any publication or communication, the Chief Executive Officer will fulfil that role.

8.9.3 Councillors

Councillors will not use their position as an elected representative or their access to Council Officers and other Council resources to gain media attention in support of an election campaign.

8.9.4 Council Employees

During the election period no Council employee may make any public statement that relates to an election issue unless prior approval has been obtained by the Chief Executive Officer or his or her delegate.

8.10 Information

8.10.1 Candidates' Access to Information

- a) All election candidates have equal rights to information relevant to their election campaigns from the Council administration. While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections (which includes internal publications such as the Councillor Information Bulletin (CIB)).
- b) There will be complete transparency in the provision of all information and advice during the election period.
- c) Requests for clarification relating to the provision of information should be directed to the Chief Executive Officer or his or her delegate.

8.10.2 Information Request Register

The Governance unit will maintain an Information Request Register during the election period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

8.10.3 Improper Use of Position

Section 123 the Act prohibit Councillors from misusing or inappropriately making use of their position. A breach of section 76D attracts serious penalties, including possible imprisonment.

8.11 Assistance to Candidates

8.11.1 Candidate Information

- a) Council will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council.
- b) Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Returning Officer, accompanied by the nomination fee.
- c) Candidates will also be informed of the requirements to complete and submit an 'Election Campaign Return' to the Chief Executive Officer.

8.11.2 Advice to Candidates about the election process

- a) All election related enquiries from candidates, whether current Councillors or not, will be directed to the Returning Officer, or where the matter is outside of the responsibilities of the Returning Officer, to the Chief Executive Officer or his or her delegate.
- b) Councillors may use the title "Councillor" in their election material, as they continue to hold their positions for the period.
- c) Councillors are advised that any election publication using the title "Councillor" clearly indicates that it is their own material and does not represent Council.
- d) All candidates for the Council election will be treated equally. Any advice to be provided to candidates as part of the conduct of the Council election should be provided equally to all candidates.

8.12 Related Legislation

Local Government Act (Victoria) 2020

8.13 Review

This policy will be reviewed by 31 August in the year preceding each general election.

ATTACHMENT 2

Notable Changes to Meeting Procedure

1. Notable Changes of the Local Government Act 2020 which have affected Council's current Meeting Procedures include:
 - Reference to Local Law Meeting Procedures no longer contained in the Act (replaced by Governance Rules);
 - Reference to Special Meetings no longer contained in the Act;
 - Call of Council no longer contained in the Act;
 - Additional provision to close meetings for i) security purposes; and ii) to enable the meeting to proceed in an orderly manner;
 - New provision relating to Council being unable to maintain a quorum because of the conflict of interest – included ability to convene a delegated committee.
 - Introduction of specific powers of the Mayor (that relate to Council meetings) including:
 - to appoint a Councillor to be the chair of a delegated committee;
 - to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business.
 - Governance Rules apply to all Delegated Committees / Advisory Committees;

2. Whilst the Meeting Procedures have largely been retained, the layout of the Meeting Procedure has been affected due to the requirement to remove or include the above provisions. The amended layout ensures practical flow and alignment/consolidation of responsibilities and processes. This can be explained as follows:

Layout of Meeting Procedures	Rationale
3.1 Purpose of Council Meetings	<p>This section sets the scene and provides an overview of Council's approach to holding Council meetings.</p> <p>With the removal of Special Meetings from the new Act, reference to 'unscheduled meetings' is now utilised (in line with the Model Governance Rules).</p>
3.2 Meeting Roles & Responsibilities	<p>To clearly outline the roles of individuals as they apply specifically to positions.</p> <p>The purpose of this section consolidates responsibilities as they are peppered through the Act and the existing Local Law. This aligns with the Model Governance Rules.</p>

3.3 Notice of meetings and availability of agenda	<p>This section consolidates all matters with regard to setting and altering Council meetings, communication and the preparation of agendas.</p> <p><u>Notable Change</u></p> <p>Retitling the process of calling a Special Meetings to Unscheduled Meetings</p>
3.4 Conduct of Meetings	<p>This section consolidates all matters relating to the procedures that must be followed when conducting a Council meeting, ie:</p> <ul style="list-style-type: none"> - Quorum - Business to be transacted - Adjournments - The form in which motions are considered at a Council meeting - Debating - Time Limits - Dealing with Points of Orders and obtaining clarification - Voting and divisions - Accepting items of urgent business - Dissent motions
3.5 Minutes of a Meeting	<p>This section consolidates all matters relating to the preparation of Council Minutes and what is required to be recorded.</p> <p>It also consolidates the process required to confirm minutes.</p>
3.6 Notice of Rescission	Retained
3.7 Public Participation	<p>Local Government Act 2020 Section 60.2b states: institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.</p> <p>This section consolidates all matters in which the public have an opportunity to participate in a Council meeting.</p>

Comparison Table – Meeting Procedures Local Law

Existing Moorabool Shire Council Meeting Procedure Local Law No. 9	New Governance Rules Part 3 – Meeting Procedures	Rationale
Part 1 Introduction		
Overview 1.1 Title 1.2 Purpose 1.3 Authorising Provisions 1.4 Commencement Date and Area of Operation 1.5 Revocation Dates	All sections removed and replaced by Governance Rules Introduction.	Reference to Local Law and Meeting Procedures no longer contained in the Act.
1.6 Definitions	Replaced by Governance Rules definitions.	Updated to accord with new Act.
1.7 Explanation of Words Used in This Local Law	Removed.	Reference to Local Law and Meeting Procedures no longer contained in the Act.
Part 2 Notices and Agendas		
Overview	Replaced with new section 3.1 Purpose of Council Meetings	Updated to accord with new Act.
2.1 Date, Time and Place of Meetings 2.2 Altering Meeting Dates 2.3 Cancellation of a Meeting 2.4 Notice of Meeting - Public 2.5 Notice of Meeting – Councillors	Retained and consolidated under new section 3.3 Notice of meetings and availability of agenda <u>Notable Change</u> 3.7.1 Postponement replaces Cancellation of a meeting - Removed “The Chief Executive Officer must submit a written report of the circumstances requiring this action to the next Ordinary	In order to postpone the meeting, emergency or justifiable circumstances must apply. This is generally communicated as standard practice (ie. on Council’s website and other communication

	Meeting of the Council.”	platforms) therefore the need to prepare a report is irrelevant as a postponed meeting will generally be convened prior to the next Ordinary Meeting.
2.6 Meetings Open to the Public 2.7 Meetings Closed to the Public	Retained. Moved under 3.1 Purpose of Council Meetings and reworded.	Updated to accord with new Act.
Part 3 Quorum		
3.1 Quorum – Council Meeting	Retained. Moved under section Section 3.4 Conduct of Meetings and reworded.	Updated to reflect new wording of Act.
3.2 Quorum – Advisory or Special Committee	Removed as no reference to these types of meetings exist.	Governance Rules apply to all Delegated Committees / Advisory Committees
3.3 Failure to Raise a Quorum 3.4 Inability to Maintain a Quorum	Retained - Moved to 3.4.3 Adjourning meetings	
3.5 Inability to Maintain a Quorum Due to Declarations of Interests	Moved to Section 3.4 Conduct of Meetings and consolidated with 3.4.1 Quorum.	In line with new requirements of the Act (67.4)

Part 4 Call of The Council	Removed	No longer provided for under the Act.
Part 5 Minutes		
5.1 Content of Minutes 5.2 Confirmation of Minutes 5.3 Objection to Confirmation of Minutes 5.4 Deferral of Confirmation of Minutes	Retained and consolidated under New Section 3.5 Minutes of a Meeting	
Part 6 Business of a Meeting		
6.1 Order of Business Listed on an Agenda	Provided as Schedule 1 and referenced to the responsibilities of CEO (as per 3.2.4 Chief Executive Officer)	As draft Rules now include the role of the CEO, it is considered appropriate to reference the order of business as a schedule.
6.2 Apologies (Including Leave of Absence)	Removed – Appears under meeting minutes.	The process of Leave of Absence is better aligned with Councillor Code of Conduct (as it is a Councillor obligation, not a meeting obligation).
6.3 Changes to the Order of Business	Removed section – as captured under 3.4.2 Business at Meetings <u>Notable change</u> A Council resolution was required in previous version, now Chairperson can determine	Removes burden on Council meeting process.
6.4 Deputations 6.5 Speakers to an Item on the Agenda 6.7 Petition and Joint Letters 6.9 Public Question Time	Retained and moved under new Section 3.7 Public Participation	

6.6 Declaration of Conflict of Interest	Separated out of meeting procedure and forms new Part 6 of Governance Rules .	Required by the Act.
6.8 Resumption of Debate or Other Business Carried Over from a Previous Meeting	Removed as appears as a heading only in current Local Law (referring to another section of the Local Law).	Unnecessary reference in the Local Law
6.10 Notices of Motion	Retained and included under new section '3.4.4 Form of Motions' <u>Notable Change</u> Changed from 96 hours to 7 days (to align with agenda compilation and distribution)	Moved under this section as effectively it is a type of motion for Council consideration.
6.11 Motions Without Notice	Removed – considered a duplication of the Notice of Motion Process .	Unnecessary meeting procedure. As currently stated, 'it will be deemed to be a Notice of Motion for the purposes of the next Ordinary Meeting. Removal of unnecessary meeting procedure.
6.12 Urgent Business	Retained 3.4.13 Urgent Business Reworded to provide clarity of process including the need for Council to 'resolve' to receive an item of urgent business first.	
6.13 Confidential Business	Removed. Consolidated under Section 3.1 Purpose of Council Meetings	Alignment with Act.
6.14 Time Limit for Meetings	Retained under section 3.4 Conduct of Meetings (refer 3.4.15)	
Part 7 Addressing the Meeting		
7.1 Addressing the Meeting	Retained and consolidated under New section 3.8	

	'Other general conduct & modes of address'	
Chairperson Vacating Chair	Retained under section 3.4.5 b) Procedures for Motions	
Part 8 Meeting Procedures		
8.1 Voting – How Determined 8.2 Voting - By Show of Hands	Retained under section 3.4.11	
8.3 Request for a Division 8.4 Procedure for a Division 8.5 Changing Votes for a Division	Retained under section 3.4.11 and 3.4.12 Procedure for a Division	
8.6 Vote to Be Taken in Silence	Removed as vote is determined by 'show of hands'	Over-prescribed
8.7 Recount of Vote	Retained under section 3.2.3 the Chairperson's Duties and discretions	
8.8 Declaration of Vote 8.9 Casting Vote 8.10 Recording of Opposition or Abstention to a Motion 8.11 Motion to Be Read Again	Retained under section 3.4.11 Voting	
Division 2 – Motions and Amendments	New Section 3.4.4 Form of Motions	Consolidated to bring together all motions considered by a Council
8.12 Notice of Motion	Removed as heading only (referring to another section)	
8.13 Form of Motion	Retained under section 3.4.4 and 3.4.5	

8.14 Motion Not to Be Withdrawn Without Consent (Leave of Council)	Retained under 3.4.5 (p) and (q)	
8.15 Moving a Motion 8.16 Right of Reply	Retained under section 3.4.5 <u>Notable Inclusion</u> the ability to defer an item to another meeting (3.4.5 s) the moving of motions in block added (3.4.5 t)	Included as current practice of Council.
	New section 3.4.7 'Rules of Debate' New section 3.4.8 'Order & Time Limit of Debate'	
8.17 Moving a Motion or Amendment	Retained under section 3.4.4 Forms of Motions	
8.18 Agreed Alterations to a Motion	Retained under section 3.4.5 (r)	
8.19 Right of Reply - Amendments	Retained under section 3.4.5 (k)	
8.20 Who May Propose an Amendment	Retained under section 3.4.4. (b)	
8.21 Who May Debate an Amendment	Removed	In line with general rules of debate.
8.22 How Many Amendments May Be Proposed	Retained under section 3.4.4. (b)	
8.23 Separation of Motions and Amendments	Retained under section 3.4.5	
8.25 Second or Subsequent Amendments 8.26 An Amendment Once Carried	Retained under section 3.4.4. (b)	
8.27 Foreshadowing A Motion	Retained under section 3.4.4 (c)	

8.28 Right to Ask Questions	Retained under 3.4.10	
8.29 Withdrawal of a Motion or Amendment	Removed as duplication and in conflict with current provision 8.14	Addressed in 3.4.5 (p) and (q)
8.30 Motions and Amendments in Writing	Retained under section 3.4.5 c) <u>Notable change</u> Updated to remove part b) relating to the suspension of the Meeting or deferral of item whilst the motion is being written, as the Chair already has the powers	
8.31 Debating a Motion	Retained under 3.4.7 Rules of Debate	
8.32 Adjourned Debate 8.33 Resumption of Adjourned Debate	Retained under Schedule 2 Procedural Motions	
8.34 When a Resolution has been Acted On	Removed as too prescriptive.	Acting upon a resolution may be in various forms, not just written (as currently prescribed). As is current practice, Council Officers may initiate action or cause action to be initiated on any Council resolution, or part thereof, at any time after the meeting at which it was carried. It is the role of the Chief Executive Officer to ensure that the

		decisions of the Council are implemented without undue delay.
8.35 Rescission Notification	Retained under 3.6	
Division 3 – Procedural Motions		
8.36 Moving a Procedural Motion 8.37 Who can Move a Procedural Motion	Retained under 3.4.6	
Division 4 – Speaking to the Meeting		
8.38 Rising When Speaking	Retained 3.4.8 e) Order & Time Limit of Debate	
8.39 Speaking Times <u>Note:</u> <i>s. 8.15 – allows the seconder 2 minutes</i> <i>s. 8.39 – allows the seconder 3 minutes</i>	Consolidated and retained under 3.4.8 b) Order & Time Limit of Debate Seconder to have 3 minutes	
8.40 Extension of Speaking Time	Retained under 3.4.7 d) Rules of Debate	
8.41 Length of Extension	Removed.	May be considered inflexible.
8.42 Interruptions, Interjection and Relevance	Consolidated under sections 3.4.7, 3.4.8 g) and 3.8	
8.43 Priority of Address	Retained under 3.4.8 c) Order & Time Limit of Debate	
8.44 Councillors Not to Speak Twice to Same Motion or Amendment	Retained under section 3.4.8 i).	

Division 5 – Points of Order		
8.45 Point of Order 8.46 Chairperson to Decide Point of Order	Retained under section 3.4.9 Points of Order	
8.47 Disagreement with Chairpersons Ruling	Consolidated under section 3.4.14 (Dissent from Chairperson Ruling)	
8.48 Criticism of Members of Council Staff	Removed	Criticism of Council staff is covered in section 4.3 of the Councillor Code of Conduct.
8.49 Ordering Withdrawal of Remark	Retained under 3.8 Other General Conduct & Modes of Address Modified to align with the requirements of the Act which now allows for the suspension of a Councillor from the meeting	
8.50 Call for Supporting Documentation	Removed	Not required as Council has the power to defer a matter, should any relevant documents or information not be provided in a suitable timeframe. Also not a meetings procedure matter
Division 6 – Suspension of Standing Orders		

8.51	Suspension of Standing Orders	Retained under 3.9 Suspension of Standing Orders	
Division 7 – Adjournments			
8.52	Adjourning the Meeting	Consolidated under 3.4 Conduct of Meetings Refer 3.4.3, 3.4.9 e), 3.4.15 d); and 3.8.10.	
8.53	Notice for Adjournment of Meeting	Removed	Contradicts new requirements of Act for dealing with adjournment due to being unable to maintain a quorum because of conflict of interest.
8.54	Lapsed Meeting	Removed as 3.4.3 requires CEO to adjourn a meeting if no Councilors are present.	
8.55	Undisposed Business of A Lapsed Meeting		
Part 9 Behavioural Conduct During Meetings			
Division 1 – Councilor Behavior During Council Meetings			
9.1	Code of Conduct Councillors	Removed.	Councilor Code of Conduct is a stand-alone document.
9.2	Suspension	Retained under section 3.8.5	
9.3	Removal from Chamber	Removed.	Council already has this right under law to call the police
Division 2 – Public Behavior During Council Meeting			
9.4	Gallery to be Silent	Retained under 3.8.7, 3.8.8	

9.5	Ejection of Disorderly Visitors	Retained under 3.8.9 Reference to calling the police has been removed, as Council already has this right	
9.6	Chairperson May Adjourn Disorderly Meeting	Retained under 3.8.10	
9.7	Conduct of Public Meeting	Removed.	Application of the meetings procedure to <u>other public meetings</u> (i.e. other than Council or delegated committees) is too restrictive and does not allow for open/public forums etc.

Part 10	Procedures Not Provided in Local Law		
10.1	Procedures Not Provided in Local Law	Removed In terms of Meeting Procedure, this is captured by Chairpersons responsibilities.	Entire section no longer relevant as Local Law no longer exists.
Part 11	Provisions to Record Council Meetings		
11.1	Webcasting and Recording Proceedings	Retained under 3.7.5 Updated to refer to livestreaming instead of webcasting	
Part 12	Offences and Penalties	Removed	Entire section no longer relevant as Local Law no longer exists.
Part 13	Special Meetings	Retained under 3.3.4 Now known as 'Unscheduled Meetings'	Special Meetings as no longer provided for in the Act.
Part 14	Advisory and Special Committees		
14.1	Application to Committees	Retained in Part 5 of the Governance Rules	Amended to meet requirements of different committees under the Act and Councils own Advisory Committee model.
14.2	Recording Minutes of Committees		
14.3	Quorum Advisory or Special Committees		
Part 15	Election of The Mayor	Retained in Part 4 of the Governance Rules	
	Overview	Updated in line with new Act	
15.1	Eligibility	Retained 4.2.1	Defined by Act.
15.2	When Required	Replaced with overview	

15.3	Temporary Chairperson	Refer 4.3.1 CEO presides	Defined by the Act
15.4	Returning Officer	Removed	No longer required by Act
15.5	Nominations for the Office of Mayor	Updated in line with new Act	
15.8	Determining by Lot	Removed.	Removed from Act.
15.9	Mayor to Take Chair	No change	
15.10	Absence of Mayor at a Meeting	Retained under 3.2.2 c)	
Part 16 The Common Seal			
Overview		Retained under Part 7 of Governance Rules	
16.1	Use of the Common Seal		
16.2	Authority to Use Common Seal		
16.3	Unauthorised Use of the Common Seal	Removed	Relates to enforcement, longer relevant.

Summary of Community Feedback Received - Proposed Governance Rules

Comment	Response
<p>Rule 3.1.3(c): meetings may be closed to members of the public if it is necessary to enable the meeting to proceed.</p> <p>The clause confers a broad but ill-defined power to remove public scrutiny from council proceedings. That may be appropriate in certain circumstances, but the issue is who determines whether it is necessary and by what standard? If the intention is that this addresses circumstances such as the current pandemic, as suggested by r 3.1.4, this should be further specified to avoid abuse of the power.</p>	<p>It is recommended that Rule 3.1.3(c) be amended to: “meetings may be closed to members of the public if it is necessary to enable the meeting to proceed in an orderly manner”.</p> <p>This is reflective of the requirements contained in the Local Government Act 2020.</p>
<p>Rule 3.4.4(b)(iii): Any Councillor moving an amendment to a motion will be allocated thirty (30) seconds to explain the reasons for the amendment.</p> <p>A mere 30 seconds appears to be an unreasonably short time to explain any amendment of substance. Consideration should be given to enlarging this time, or alternatively, for the councillor moving the amendment to be able to be allocated more time with the leave of the chairperson.</p>	<p>It is not recommended that Rule 3.4.4(b)(iii) be amended, as this rule is based on Councils current practice, as contained in section 8.17 b) of Councils Meeting Procedure Local 2009.</p>
<p>Rule 3.4.4(d)(v): The Chief Executive Officer must reject any Notice of Motion which is too vague, may be prejudicial to any person or Council or is objectionable in language or nature.</p> <p>This proposed rule gives extraordinary power to the CEO to control the agenda of the council. The boundaries or what is ‘vague’, or ‘objectionable in nature or language’, are undefined and necessarily something about which reasonable minds may differ. Any motion may further be considered to be ‘prejudicial to a person or Council’, in that sense that almost any motion, if carried, is likely to have a potentially negative implication for the interests of any one person. This criterion is accordingly so broad as to enable abuses by the CEO, and to reject any motion that is considered inconvenient. Accordingly, the criteria provide broad but arbitrary powers to the CEO to exclude motions brought by elected community representatives. It is a deeply concerning clause that should be revised, if not removed.</p>	<p>It is not recommended that Rule 3.4.4(d)(v) be amended, as this rule was recommended in the model Governance Rules developed by Local Government Victoria.</p>

Schedule 1

The question must be raised whether it continues to be appropriate to open council meetings with prayer. Australia is a predominantly secular nation. Even though census statistics indicate that 52% of the population identify as Christian, most are not churchgoing. Other faiths than the Christian faith are increasingly represented in our community. It is no longer appropriate to maintain Christian prayers at local council meetings. Doing so excludes, and is potentially discriminatory, towards members of our community, and operates to establish barriers to participation in civil public life. The council should follow the example of the other Victorian councils that no longer commence council meetings with prayers, including Gannawarra Shire Council, Castlemaine's Mount Alexander Shire Council and Macedon Ranges Shire Council.

It may still be appropriate for the elected councillors to determine among themselves whether or not to have prayers at meetings, but for the above reasons, prayers should not be included in the standing rules or order of proceedings.

It is not recommended that Schedule 1 be amended to remove the Prayer, at this time.

As matters relating to religion can be divisive in a community, any proposed change to Councils Prayer would need to be fully investigated and subject to a separate report to Council.



Instrument of Delegation

Development Assessment Committee (Delegated Committee)

Moorabool Shire Council (**Council**) delegates to each person who is from time to time appointed as a member of the Delegated Committee established by resolution of Council passed 26 August 2020 and known as the "Development Assessment Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 26 August 2020;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
3. all Councillors are members of the Committee and will have voting rights on the Committee.
4. the Mayor will preside as the Chairperson.

The Common Seal of the
Moorabool Shire Council
was hereunto affixed in the
presence of:

.....Councillor

.....Chief Executive Officer

SCHEDULE

Powers and functions

1. To act as delegate of Council in determining certain below mentioned planning applications made under the *Planning and Environment Act 1987*:
 - a) Applications for single dwellings, multiple dwellings and/or buildings and works ancillary to a dwelling where there are unresolved* objections from five (5) or less separate properties;
 - b) Any other applications for use and/or development of a property and/or the subdivision of land where there are unresolved* objections from ten (10) or less properties;

* Unresolved objections is an objection that is considered by the Executive Manager Community Planning & Economic Development or delegate to have planning merit and which has not been addressed by the imposition of conditions of consent;
 - c) Where the applicant or owner is Moorabool Shire Council, a Councillor or senior officer of staff; and
 - d) Any other planning application which is delegated to staff, where:
 - i) it has been 'called in' by a Councillor to be heard by the subject committee, or
 - ii) it is determined by the Executive Manager Community Planning & Economic Development that a planning application is of a sensitive nature and/or has significant associated impact and needs to be referred to the committee.
 - e) To hear submissions and decide upon planning permits within its delegation. Applications outside this delegation and outside the Instrument of Delegations for Council staff will be referred directly to Council for resolution.
2. To provide advice to the Council on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Committee's assessment of applications under the Act; and
3. To perform other functions assigned to the Committee by the Council.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. enter into contracts, or incur expenditure, for an amount which exceeds the approved budget.
2. exercise the powers which, by force section 11(2) of the *Local Government Act 2020*, cannot be delegated.

A Councillor may request a specific agenda item to be determined by all Councillors at an Ordinary Meeting of Council, rather than by the Committee, as follows:

1. A request for an item to be called in must be:
 - a) in writing (including email) to the CEO;
 - b) supported by one other Councillor; and
 - c) include a valid reason/s to why the Councillor is requesting the item be called in.
2. If a Councillor is considering calling in an item which is located in a different Ward, the Councillor must inform the Councillor/s of that Ward prior to calling in the item.

Membership

Membership of the Committee will comprise all Councillors as appointed by Council. The membership of the Development Assessment Committee shall be reviewed annually by Council.

The Executive Manager Community Planning & Economic Development or his/her delegate, along with planning officers and support staff will attend each Committee Meeting in a non-voting capacity.

Meeting Dates / Frequency

Meetings will be held on the third Wednesday of each month commencing at 6.00pm and held at the Darley Civic and Community Hub, Darley.

Additional meetings can be called by the Chairperson or two members of the Committee.

Reporting Requirements

The Committee will record minutes of each meeting and present the minutes to the next Ordinary Meeting of Council.



Instrument of Delegation

Moorabool Growth Management Committee (Delegated Committee)

Moorabool Shire Council (**Council**) delegates to each person who is from time to time appointed as a member of the Delegated Committee established by resolution of Council passed on 26 August 2020 and known as the "Moorabool Growth Management Committee " (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 26 August 2020;
2. the delegation:
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 remains in force until Council resolves to vary or revoke it; and
 - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
3. all Councillors are members of the Committee and will have voting rights on the Committee.
4. the Mayor will preside as the Chairperson.

The Common Seal of the
Moorabool Shire Council
was hereunto affixed in the
presence of:

.....Councillor

.....Chief Executive Officer

SCHEDULE

Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of urban and rural growth planning within all settlements and related infrastructure across the Shire in accordance with Moorabool 2041.

The Moorabool Growth Management Committee responsibilities include implementing the Bacchus Marsh Urban Growth Framework, the Small Towns and Settlements Strategy and associated projects as set out in the Council Plan and have the responsibility:

- 1) to develop a vision and planning principles to guide and manage future urban growth and development in Bacchus Marsh, Ballan and other settlements across the Shire.
- 2) to ensure that planning for urban and rural growth is consistent with the Council's Moorabool 2041 Strategy and to develop a vision, supported by appropriate land use and other Council and agency strategies for the future of all settlements within the Central Highlands landscape of farms and rural resource investment.
- 3) to manage and direct growth in a way which preserves and enhances the amenity and lifestyle attraction of its settlements.
- 4) to develop, implement and monitor Council's Urban Growth M2041 Strategies generally as follows:
 - a) Bacchus Marsh Urban Growth Framework;
 - b) Parwan Employment Precinct;
 - c) Structure Plans;
 - d) Small Towns and Settlements Strategy;
 - e) Township Improvement Plans as well as other place making initiatives; and
 - f) Any other strategic initiatives relevant to the above or further development of M2041.
- 5) to ensure that strategic planning for urban and rural growth is consistent with any Council adopted policies adopted as well as any over-arching State and regional planning policies in effect.
- 6) to hear submissions and decide upon matters relating to the future urban and rural growth and development in the Shire within its delegation.
- 7) to perform other functions assigned to the Committee by the Council.
- 8) to do all things necessary or convenient to be done for or in connection with the performance those functions, duties and powers.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. enter into contracts, or incur expenditure, for an amount which exceeds the approved budget.
2. exercise the powers which, by force section 11(2) of the *Local Government Act 2020*, cannot be delegated.

A Councillor may request a specific agenda item to be determined by all Councillors at an Ordinary Meeting of Council, rather than by the Committee, as follows:

1. A request for an item to be called in must be:
 - a) in writing (including email) to the CEO;
 - b) supported by one other Councillor; and
 - c) include a valid reason/s to why the Councillor is requesting the item be called in.
2. If a Councillor is considering calling in an item which is located in a different Ward, the Councillor must inform the Councillor/s of that Ward prior to calling in the item.

Membership

Membership of the Committee will comprise all Councillors. The membership of the Moorabool Growth Management Committee shall be reviewed annually by Council.

The Executive Manager Community Planning & Economic Development or his/her delegate, along with planning officers and support staff will attend each Committee Meeting in a non-voting capacity.

Meeting Dates / Frequency

Meetings will be held on the first Wednesday of every third month commencing 4.00pm in the Council Chambers, Ballan.

Additional meetings can be called by the Chairperson or two members of the Committee.

Reporting Requirements

The Committee will record minutes of each meeting and present the minutes to the next Ordinary Meeting of Council.



Audit and Risk Committee Charter

August 2020

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1. Purpose

The Moorabool Council has established an Audit & Risk Committee (the Committee) pursuant to Section 53 of the Local Government Act 2020 (the Act) to support Council in discharging its oversight responsibilities related to financial and performance reporting, risk management, fraud prevention systems and control, maintenance of a sound internal control environment, assurance activities including internal and external audit and Council's performance with regard to compliance with its policies and legislative and regulatory requirements. It acts in this capacity by monitoring, reviewing, endorsing and advising on the above matters as set out in this Charter. This Charter has been developed in accordance with Section 54 of the Act.

The appointment of independent members to the Committee as outlined in this Charter enables the Committee to provide advice to Council on matters related to its responsibilities based on broader skills and experience than might otherwise be the case and in so doing bring additional benefits to Council.

The Committee has no executive authority and no delegated financial responsibilities and is therefore independent of management.

2. Authority

2.1 The Committee is directly responsible to Council for discharging its responsibilities as set out in this Charter. The Committee is not a delegated committee under the Act, therefore the committee does not have the power to make binding decisions on behalf of Council.

2.2 The Committee does have the authority to:

2.2.1 Recommend to Council key documents and reports that must be approved by Council, including annual financial reports, annual performance statements, new or revised policies and other documents that assist in maintaining a strong internal control environment;

2.2.2 Endorse internal and external audit plans, including internal audit plans with an outlook of greater than one year;

2.2.3 Provide advice and make recommendations to Council on matters within its areas of responsibility;

2.2.4 Retain counsel of relevant independent experts where it considers that is necessary in order to execute its responsibilities, subject to prior agreement with the Chief Executive Officer;

2.2.5 Seek any relevant information it requires from Council, Council Officers (who are expected to co-operate with the Committee's requests) and external parties;

2.2.6 Meet with Council Officers, internal and external auditors and other parties as required to discharge its responsibilities.

2.3 The Committee will, through the Chief Executive Officer, have access to appropriate management support to enable it to discharge its responsibilities effectively.

3. Membership and Tenure

The Committee will comprise of five Council appointed members and consist of three independent members and two Councillors. Council employees cannot be members of the Committee;

3.1 Independent Members

- 3.1.1 Independent members will be appointed for an initial period not exceeding three (3) years after which they will be eligible for extension or re-appointment, for a further three (3) year term after a formal review of their performance.
- 3.1.2 Performance Reviews are to be undertaken by the Chief Executive Officer with the two Councillor representatives and the other two independent Committee members with final approval by Council prior to the end of each 3 year term.
- 3.1.3 Independent members may be reappointed for two additional three-year terms (after the initial 3 year term) subject to satisfactory performance, to a maximum of nine years;
- 3.1.4 Independent members must collectively have expertise in financial management and reporting and risk management and also experience in public sector management;
- 3.1.5 Independent members terms of appointment will be set so that as far as possible only one member retires at a time in order to minimise the loss of knowledge of Council's business that may occur on change of membership;
- 3.1.6 Remuneration will be paid to independent members as determined by Council from time to time;

3.2 Councillor Members

- 3.2.1 Councillor members will be appointed to the Committee by Council annually;
- 3.2.2 Should an appointed Councillor member not be able to attend a Committee meeting, Council can appoint an alternate member to act in such circumstances, either on a meeting by meeting basis or for the entire year.

3.3 Chairperson

- 3.3.1 The Chairperson of the Committee must be an independent member;
- 3.3.2 The Chairperson of the Audit & Risk Committee shall be appointed by the Committee on an annual basis.
- 3.3.3 If the Chairperson is unable to attend a meeting, the members in attendance at the meeting will appoint a Chairperson for that meeting from among the attending members.

3.4 Quorum for Meetings

- 3.4.1 A quorum shall comprise at least one Councillor member and two independent members.

4. Meetings

- 4.1 The Committee will meet at least five times a year (including one unscheduled meeting to consider Council's Performance Statements), with authority to convene additional meetings, as circumstances require;
 - 4.1.1 A schedule of meetings will be developed annually and agreed by members;
 - 4.1.2 All meetings will be "Closed" and not open to the public.
 - 4.1.3 Meeting agendas and appropriate briefing materials will be provided to members at least one week before each meeting;
 - 4.1.4 All Committee members are expected to attend each meeting in person, although in special circumstances members can attend through electronic means;
 - 4.1.5 The Chief Executive Officer and the General Manager, Customer Care and Advocacy, and Chief Financial Officer (or equivalents) will attend all meetings, except for confidential matters;
 - 4.1.6 Through the Chief Executive Officer, the Committee may invite members of Council's management team, the internal and external auditors and other personnel as appropriate to attend meetings;
 - 4.1.7 All members must declare all conflicts of interest that apply to any matter to be considered at each meeting;
 - 4.1.8 Minutes will be prepared for all meetings conducted;
 - 4.1.9 Committee members and the internal and external auditors can request the Chairperson to convene additional meetings if they feel that is justified to address unexpected matters that may have arisen.

5. Responsibilities

The Committee will carry out the following responsibilities:

- 5.1 Financial and Performance Reporting
 - 5.1.1 At least annually review significant accounting and external reporting issues, including complex or unusual transactions, transactions and balances in areas where judgement is required, changes to accounting policies, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the annual financial report and the audit thereof;
 - 5.1.2 At least annually review changes to the Local Government Performance Reporting Framework and understand the impact of those changes on Council's performance indicators;
 - 5.1.3 Review the annual financial report and annual performance statement and consider whether they are complete, consistent with information known to Committee members, reflect appropriate accounting treatments and adequately disclose Council's financial performance and position;
 - 5.1.4 Review with management and the external auditors the results of the audit, including any difficulties encountered by the auditors and how they were resolved;

- 5.1.5 Recommend the adoption of the annual financial report and annual performance statement to Council; and
- 5.1.6 Review the appropriateness of the format and content of periodic management financial reports and performance statements to Council as required.
- 5.2 Internal Control Environment
 - 5.2.1 Review the adequacy and effectiveness of key policies, systems and controls for providing a sound internal control environment. This should be done on a rotational basis over a three to four year period;
 - 5.2.2 Determine whether systems and controls are reviewed regularly and updated where required;
 - 5.2.3 Monitor significant changes to systems and controls to assess whether those changes significantly impact Council's risk profile;
 - 5.2.4 Ensure that a programme is in place to test compliance with systems and controls;
 - 5.2.5 Assess whether the control environment is consistent with Council's Governance requirements and obligations.
- 5.3 Risk Management
 - 5.3.1 Review annually the effectiveness of Council's risk management framework;
 - 5.3.2 Review Council's risk appetite and tolerance statement and the degree of alignment with Council's risk profile;
 - 5.3.3 Review Council's risk profile and the changes occurring in the profile from meeting to meeting;
 - 5.3.4 Review Council's treatment plans for significant risks, including the timeliness of mitigating actions and progress against those plans;
 - 5.3.5 Review the insurance programme annually prior to renewal;
 - 5.3.6 Review the approach to business continuity planning arrangements and IT disaster plans, including whether business continuity and disaster recovery plans have been regularly updated and tested; and
 - 5.3.7 Monitor the progress of any law suits.
- 5.4 Fraud and Corruption Prevention Systems and Controls
 - 5.4.1 Review Council's Fraud Prevention and Corruption policies and controls, including the Fraud Control Plan and fraud and Corruption awareness programmes at least very two years;
 - 5.4.2 Receive reports from management about actual or suspected instances of fraud or corruption including analysis of the underlying control failures and action taken to address each event; and
 - 5.4.3 Review reports by management about the actions taken by Council to report such matters to the appropriate integrity bodies.
- 5.5 Internal Audit
 - 5.5.1 Review and approve the three year strategic internal audit plan, the annual internal audit plan and any significant changes to them;
 - 5.5.2 Review progress on delivery of annual internal audit plan;

- 5.5.3 Review and endorse proposed scopes for each review in the annual internal audit plan, prior to the commencement of each audit;
 - 5.5.4 Review reports on internal audit reviews, including recommendations for improvement arising from those reviews;
 - 5.5.5 Meet with the leader of the internal audit function at least annually in the absence of management;
 - 5.5.6 Monitor action by management on internal audit findings and implementation of recommendations endorsed by the committee;
 - 5.5.7 Review the effectiveness of the internal audit function and ensure that it has appropriate authority within Council and has no unjustified limitations on its work;
 - 5.5.8 Ensure that the Committee is made aware of any proposed changes to the appointment of the internal audit service provider, including being appropriately briefed on the need for any proposed change;
 - 5.5.9 Advise the Council and Chief Executive Officer on the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved internal audit plan; and
 - 5.5.10 Recommend to Council, if necessary, the termination of the internal audit contractor.
- 5.6 External Audit
- 5.6.1 Annually review and provide feedback on the external audit scope and plan proposed by the external auditor;
 - 5.6.2 Discuss with the external auditor any audit issues encountered in the normal course of audit work, including any restriction on scope of work or access to information;
 - 5.6.3 Ensure that significant findings and recommendations made by the external auditor, and management's responses to them are appropriate and are acted upon in a timely manner;
 - 5.6.4 Review the effectiveness of the external audit function and ensure that the Victorian Auditor General's Office (VAGO) is aware of the Committee's views;
 - 5.6.5 Consider the findings and recommendations of any relevant performance audits undertaken by VAGO and monitor Council's responses to them; and
 - 5.6.6 Meet with the external auditor at least annually in the absence of management.
- 5.7 Compliance Management
- 5.7.1 Review the systems and processes implemented by Council for monitoring compliance with relevant legislation, regulations and Council policies and the results of management's follow up of any instances of non-compliance;
 - 5.7.2 Review the processes for communicating Council's Employee and Councillors Code of Conduct to employees and contractors and for monitoring compliance with the Code;
 - 5.7.3 Obtain briefings on any significant compliance matters; and

- 5.7.4 Receive reports from management on the findings of any examinations by regulatory or integrity agencies (whether related to investigations at Council or other relevant organisations), such as the Ombudsman, IBAC, Victoria Government Inspectorate, Officer of the Victorian Information Commissioner etc. and monitor Council's responses.

6. Reporting to Council

- 6.1 Minutes of Committee meetings will be provided to Council at the first available opportunity after acceptance of the Committee Chairperson, following each Committee meeting;
- 6.2 The Chairperson will prepare a biannual audit and risk report that describes the activities of the Committee and includes its findings and recommendations; and provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.
- 6.3 The committee will also prepare and present in Council's annual report, a report on its operations and activities during the year; and
- 6.4 The committee may, at any time, report to the Chief Executive Officer on any other matter it deems of sufficient importance to do so. In addition, a member may request a meeting with the Chief Executive Officer.

7. Performance Evaluation

The Committee shall evaluate its performance annually and report the outcomes of the evaluation to Council through the Chief Executive Officer, including recommendations for any opportunities for improvement. The evaluation will include feedback from both Committee members and senior officers who have regular interactions with the Committee.

8. Committee Member Regulatory Obligations

Committee members are expected to be aware of their obligations under Section 53 of the Act. These obligations relate to misuse of position as a member of the Committee (Section 123), confidential information (Section 125) and conflict of interest (Sections 126 to 131). Details about these obligations are included in Appendix A to this Charter.

9. Review of Charter

The Committee shall review and assess the adequacy of the Charter every two years or earlier if necessary and submit requests to Council through the Chief Executive Officer for revisions and improvements for approval.

Appendix A
Committee Member Regulatory Obligations
Guidance to Members

LGA Section	LGA Requirement
Misuse of Position	
123(1)	A Committee member must not intentionally misuse their position to: <ul style="list-style-type: none"> a) Gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or b) Cause, or attempt to cause, detriment to the Council or another person
123(3)	Circumstances involving misuse of a position by a member of the Committee include: <ul style="list-style-type: none"> a) Making improper use of information acquired as a result of being a member of the Committee; or b) Disclosing information that is confidential information; or c) Directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or d) Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or e) Using public funds or resources in a manner that is improper or unauthorised; or f) Participating in a decision on a matter in which the member has a conflict of interest.
Confidential Information	
125	A member of the Committee must not intentionally or recklessly disclose information that the member knows, or should reasonably know, is confidential information. There are some exemptions to this requirement, the key one being that if the information disclosed by the member has been determined by Council to be publicly available.
Conflicts of Interest	
126	A member of the Committee has a conflict of interest if the member has: <ul style="list-style-type: none"> a) A general conflict of interest as described in Section 127; or b) A material conflict of interest as described in Section 128.
127	A member of the Committee has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the members private interests could result in that member acting in a manner that is contrary to their public duty as a member of the Committee.
128	A member of the Committee has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.
<i>Please Note</i>	
<p><i>The above guidance is not verbatim from the Act and does not include all details as explained in Part 6, Division 1 of the Act. For a full understanding of the requirements of the Act in relation to the matters summarised above, members are expected to make themselves fully aware of the requirements of the Act.</i></p>	



Moorabool Shire Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the power conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. record that references in the Schedule are as follows:

CAM	means	Coordinator Asset Management
CCHS	means	Coordinator Community Health and Safety
CEO	means	Chief Executive Officer
CFO	means	Chief Financial Officer
CSO	means	Community Safety Officer
CSP	means	Coordinator Statutory Planning
CSTP	means	Coordinator Strategic Planning
EHO	means	Environmental Health Officer
GMCAI	means	General Manager Community Assets and Infrastructure
GMCCA	means	General Manager Customer Care and Advocacy
EMCPED	means	Executive Manager Community Planning and Economic Development
GMCS	means	General Manager Community Strengthening
MAM	means	Manager Asset Management
MES	means	Manager Engineering Services
MENV	means	Manager Environmental Management
MGR	means	Manager Governance Risk & Corporate Planning
MO	means	Manager Operations
MSPBS	means	Manager Statutory Planning and Building Services
NA	means	Not Applicable
ND	means	Not Delegated
SCSO	means	Senior Community Safety Officer
SEHO	means	Senior Environmental Health Officer
SP	means	Statutory Planner
SSP	means	Senior Statutory Planner
SSTPO	means	Senior Strategic Planning Officer
STP	means	Strategic Planner

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 6 May 2020; and

3.2 the delegation:

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

3.2.2 remains in force until varied or revoked;

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

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

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

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

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

(a) policy; or

(b) strategy

adopted by Council; or

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

THE COMMON SEAL OF THE)
MOORABOOL SHIRE COUNCIL)
was affixed by authority of the Council)
in the presence of:)

.....
Mayor/Councillor

.....
Chief Executive Officer

Date:.....

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Cemeteries and Crematoria Act 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Provision	Item Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	GMCCA, MGR	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	GMCCA, MGR	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	GMCCA, MGR	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	NA	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions	NA	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	GMCCA, MGR	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	GMCCA, MGR	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	GMCCA, MGR	
s 15(4)	Duty to keep records of delegations	GMCCA, MGR	
s 17(1)	Power to employ any persons necessary	GMCCA, MGR	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	GMCCA, MGR	
s 17(3)	Power to determine the terms and conditions of employment or engagement	GMCCA, MGR	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	GMCCA, MGR	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	NA	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	NA	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	NA	Where Council is a Class A cemetery trust

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	NA	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	NA	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	NA	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the Financial Management Act 1994	NA	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	NA	Where Council is a Class A cemetery trust
s.18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	NA	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	GMCCA, MGR	
s 20(1)	Duty to set aside areas for the interment of human remains	GMCCA, MGR	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	GMCCA, MGR	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	GMCCA, MGR	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	GMCCA, MGR	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	GMCCA, MGR	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	GMCCA, MGR	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	GMCCA, MGR	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	GMCCA, MGR	Provided the street was constructed pursuant to the Local Government Act 1989
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and	GMCCA,	Report must contain the particulars listed in s 57(2)

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
	functions under the Act	MGR	
s 59	Duty to keep records for each public cemetery	GMCCA, MGR	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	GMCCA, MGR	
s 60(2)	Power to charge fees for providing information	GMCCA, MGR	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	GMCCA, MGR	
s 64B(d)	Power to permit interments at a reopened cemetery	GMCCA, MGR	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	GMCCA, MGR	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	GMCCA, MGR	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	GMCCA, MGR	
s 70(2)	Duty to make plans of existing place of interment available to the public	GMCCA, MGR	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	GMCCA, MGR	
s 71(2)	Power to dispose of any memorial or other structure removed	GMCCA, MGR	
s 72(2)	Duty to comply with request received under s 72	GMCCA, MGR	
s 73(1)	Power to grant a right of interment	GMCCA, MGR	
s 73(2)	Power to impose conditions on the right of interment	GMCCA, MGR	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	GMCCA,	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
		MGR	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	GMCCA, MGR	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	GMCCA, MGR	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	GMCCA, MGR	
s 80(2)	Function of recording transfer of right of interment	GMCCA, MGR	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	GMCCA, MGR	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	GMCCA, MGR	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCCA, MGR	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	GMCCA, MGR	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	GMCCA, MGR	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	GMCCA, MGR	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	GMCCA, MGR	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	GMCCA, MGR	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	GMCCA, MGR	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	GMCCA, MGR	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	GMCCA, MGR	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	GMCCA, MGR	
s.86(5)	duty to provide notification before taking action under s.86(4)	GMCCA, MGR	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	GMCCA, MGR	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	GMCCA, MGR	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCCA, MGR	
s 91(1)	Power to cancel a right of interment in accordance with s 91	GMCCA, MGR	
s 91(3)	Duty to publish notice of intention to cancel right of interment	GMCCA, MGR	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	GMCCA, MGR	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	GMCCA, MGR	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	GMCCA, MGR	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	GMCCA, MGR	
s 100(1)	Power to require a person to remove memorials or places of interment	GMCCA, MGR	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	GMCCA, MGR	
s 100(3)	Power to recover costs of taking action under s 100(2)	GMCCA,	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
		MGR	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCCA, MGR	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMCCA, MGR	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	GMCCA, MGR	
s 103(1)	Power to require a person to remove a building for ceremonies	GMCCA, MGR	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	GMCCA, MGR	
s 103(3)	Power to recover costs of taking action under s 103(2)	GMCCA, MGR	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	GMCCA, MGR	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	GMCCA, MGR	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	GMCCA, MGR	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	GMCCA, MGR	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCCA, MGR	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	GMCCA, MGR	
s 108	Power to recover costs and expenses	GMCCA, MGR	
s 109(1)(a)	Power to open, examine and repair a place of interment	GMCCA, MGR	Where the holder of right of interment or responsible person cannot be found
s	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose	GMCCA,	Where the holder of right of interment or responsible person

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
109(1)(b)	of a memorial	MGR	cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	GMCCA, MGR	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	GMCCA, MGR	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	GMCCA, MGR	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	GMCCA, MGR	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCCA, MGR	
s 112	Power to sell and supply memorials	GMCCA, MGR	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	GMCCA, MGR	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCCA, MGR	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCCA, MGR	
s 119	Power to set terms and conditions for interment authorisations	GMCCA, MGR	
s 131	Function of receiving an application for cremation authorisation	GMCCA, MGR	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	GMCCA, MGR	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	GMCCA, MGR	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	GMCCA, MGR	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other	GMCCA,	

Cemeteries and Crematoria Act 2003			
The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
	than interment or cremation	MGR	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	GMCCA, MGR	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	GMCCA, MGR	
s 151	Function of receiving applications to inter or cremate body parts	GMCCA, MGR	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	GMCCA, MGR	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCCA, MGR	
sch 1 cl 8(8)	Power to regulate own proceedings	GMCCA, MGR	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCCA, MGR	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	GMCCA, MGR	Where Council is a Class A cemetery trust Subject to cl 8

Domestic Animals Act 1994			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	GMCS, CCHS, SCSO, CSO	Council may delegate this power to a Council authorised officer

Environment Protection Act 1970			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 53M(3)	Power to require further information	CCHS, EHO, SEHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CCHS, EHO, SEHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CCHS, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CCHS, EHO, SEHO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	CCHS, EHO, SEHO	Refusal must be ratified by Council or it is of no effect

Food Act 1984			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CCHS, EHO, SEHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CCHS, EHO, SEHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	CCHS, EHO, SEHO	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CCHS, EHO, SEHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	CCHS, EHO, SEHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	CCHS, EHO, SEHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	CCHS, EHO, SEHO	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	CCHS, EHO, SEHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	CCHS, EHO, SEHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CCHS, EHO, SEHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CCHS, EHO, SEHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	CCHS, EHO, SEHO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	CCHS, EHO, SEHO	Where Council is the registration authority

Food Act 1984			
s 19NA(1)	Power to request food safety audit reports	CCHS, EHO, SEHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	CCHS, EHO, SEHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CCHS, EHO, SEHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CCHS, EHO, SEHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	CCHS, EHO, SEHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	CCHS, EHO, SEHO	Where Council is the registration authority
	Power to register, renew or transfer registration	CCHS, EHO, SEHO	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	CCHS, EHO, SEHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	CCHS, EHO, SEHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CCHS, EHO, SEHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	CCHS, EHO, SEHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CCHS, EHO, SEHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CCHS, EHO, SEHO	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	CCHS, EHO, SEHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CCHS, EHO, SEHO	Where Council is the registration authority

Food Act 1984			
s 38D(3)	Power to request copies of any audit reports	CCHS, EHO, SEHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CCHS, EHO, SEHO	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CCHS, EHO, SEHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CCHS, EHO, SEHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CCHS, EHO, SEHO	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	CCHS, EHO, SEHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CCHS, EHO, SEHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CCHS, EHO, SEHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	CCHS, EHO, SEHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	CCHS, EHO, SEHO	Where Council is the registration authority
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CCHS, EHO, SEHO	Where Council is the registration authority

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

Local Government Act 1989			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	NA	To be determined by the Chief Executive Officer under separate Delegation from Council (until repealed 1 July 2021)

Planning and Environment Act 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	EMCPED, MSPBS, CSTP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	EMCPED, MSPBS, CSTP	
s 4H	Duty to make amendment to Victoria Planning Provisions available	EMCPED, MSPBS, CSTP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	EMCPED, MSPBS, CSTP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	EMCPED, MSPBS, CSTP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	EMCPED, MSPBS, CSTP	
s 8A(5)	Function of receiving notice of the Minister's decision	EMCPED, MSPBS, CSTP	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	EMCPED, MSPBS, CSTP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	EMCPED, MSPBS, CSTP	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	EMCPED, MSPBS, CSTP	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	EMCPED, MSPBS, CSTP	
s 12B(1)	Duty to review planning scheme	EMCPED, MSPBS, CSTP	
s 12B(2)	Duty to review planning scheme at direction of Minister	EMCPED, MSPBS, CSTP	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	EMCPED, MSPBS, CSTP	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	EMCPED, MSPBS, CSTP	

Planning and Environment Act 1987			
s 17(1)	Duty of giving copy amendment to the planning scheme	EMCPED, MSPBS, CSTP	
s 17(2)	Duty of giving copy s 173 agreement	EMCPED, MSPBS, CSTP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	EMCPED, MSPBS, CSTP	
s 18	Duty to make amendment etc. available	EMCPED, MSPBS, CSTP	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	EMCPED, MSPBS, CSTP	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	EMCPED, MSPBS, CSTP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	EMCPED, MSPBS, CSTP	
s 21(2)	Duty to make submissions available	EMCPED, MSPBS, CSTP	
s 21A(4)	Duty to publish notice	EMCPED, MSPBS, CSTP	
s 22	Duty to consider all submissions	EMCPED, MSPBS, CSTP	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	EMCPED, MSPBS, CSTP	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	EMCPED, MSPBS, CSTP	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	EMCPED, MSPBS, CSTP, SSTPO, STP	
s 26(1)	Power to make report available for inspection	EMCPED, MSPBS, CSTP	
s 26(2)	Duty to keep report of panel available for inspection	EMCPED, MSPBS, CSTP	

Planning and Environment Act 1987			
s 27(2)	Power to apply for exemption if panel's report not received	EMCPED, MSPBS, CSTP	
s 28	Duty to notify the Minister if abandoning an amendment	EMCPED, MSPBS, CSTP	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	EMCPED, MSPBS, CSTP	
s 30(4)(b)	Duty to provide information in writing upon request	EMCPED, MSPBS, CSTP	
s 32(2)	Duty to give more notice if required	EMCPED, MSPBS, CSTP	
s 33(1)	Duty to give more notice of changes to an amendment	EMCPED, MSPBS, CSTP	
s 36(2)	Duty to give notice of approval of amendment	EMCPED, MSPBS, CSTP	
s 38(5)	Duty to give notice of revocation of an amendment	EMCPED, MSPBS, CSTP	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	EMCPED, MSPBS, CSTP	
s 40(1)	Function of lodging copy of approved amendment	EMCPED, MSPBS, CSTP	
s 41	Duty to make approved amendment available	EMCPED, MSPBS, CSTP	
s 42	Duty to make copy of planning scheme available	EMCPED, MSPBS, CSTP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	ND	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	EMCPED, MSPBS, CSTP	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation	EMCPED,	Where Council is a responsible public entity

Planning and Environment Act 1987			
	to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	MSPBS, CSTP	
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	EMCPED, MSPBS, CSTP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	EMCPED, MSPBS, CSTP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	EMCPED, MSPBS, CSTP	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	EMCPED, MSPBS, CSTP	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	EMCPED, MSPBS, CSTP	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	EMCPED, CSTP	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	EMCPED, CSTP	
s 46GP	Function of receiving a notice under s 46GO	EMCPED, CSTP	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	EMCPED, CSTP	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	EMCPED, CSTP	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	EMCPED, CSTP	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	EMCPED, CSTP	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the	EMCPED,	

Planning and Environment Act 1987			
	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	CSTP	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	EMCPED, CSTP	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	EMCPED, CSTP	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	EMCPED, CSTP	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	EMCPED, CSTP	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	EMCPED, CSTP	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	EMCPED, CSTP	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	EMCPED, CSTP	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	EMCPED, CSTP	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	EMCPED, CSTP	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	EMCPED, CSTP	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	EMCPED, MSPBS, CSTP	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	EMCPED, CSTP	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	EMCPED, CSTP	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act	EMCPED,	Where Council is the collecting agency

Planning and Environment Act 1987			
	1989	CSTP	
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	EMCPED, CSTP	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	EMCPED, MSPBS, CSTP	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
s 46GZ(2)(b)	Function of receiving the monetary component	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	EMCPED, MSPBS, CSTP	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
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	EMCPED, CSTP	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	EMCPED, MSPBS, CSTP	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 1989	EMCPED, MSPBS, CSTP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	EMCPED, CSTP	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	EMCPED, MSPBS, CSTP	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	EMCPED, MSPBS, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved	EMCPED, MSPBS, CSTP	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting

Planning and Environment Act 1987			
	infrastructure contributions plan expires		agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	EMCPED, CSTP	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	EMCPED, CSTP	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	EMCPED, CSTP	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	EMCPED, MSPBS, CSTP	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	EMCPED, CSTP	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	EMCPED, CSTP	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	EMCPED,	

Planning and Environment Act 1987			
		MSPBS, CSTP	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	EMCPED, MSPBS, CSTP	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	EMCPED, MSPBS, CSTP	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	EMCPED, MSPBS, CSTP	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	EMCPED, MSPBS, CSTP	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	EMCPED, MSPBS, CSTP	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	EMCPED, MSPBS, CSTP	
s 46Q(1)	Duty to keep proper accounts of levies paid	EMCPED, MSPBS, CFO, CSTP	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency or plan preparation costs incurred by a development agency	EMCPED, MSPBS, CSTP	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	EMCPED, MSPBS, CSTP	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	EMCPED, MSPBS, CSTP	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	EMCPED, MSPBS, CSTP	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	EMCPED, MSPBS, CSTP	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	EMCPED, MSPBS, CSTP	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	EMCPED,	

Planning and Environment Act 1987			
		MSPBS, CSTP	
s 46QD	Duty to prepare report and give a report to the Minister	ND	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	EMCPED, MSPBS, CSTP	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	EMCPED, MSPBS, CSTP	
s 47	Power to decide that an application for a planning permit does not comply with that Act	EMCPED, MSPBS, CSTP, CSP, SSP	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	EMCPED, MSPBS, CSP, SSP	
s 49(2)	Duty to make register available for inspection	EMCPED, MSPBS, CSP, SSP	
s 50(4)	Duty to amend application	EMCPED, MSPBS, CSP	
s 50(5)	Power to refuse to amend application	EMCPED, MSPBS, CSP	
s 50(6)	Duty to make note of amendment to application in register	EMCPED, MSPBS	
s 50A(1)	Power to make amendment to application	EMCPED, MSPBS, CSP, SSP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	EMCPED, MSPBS, CSP, SSP	
s 50A(4)	Duty to note amendment to application in register	EMCPED, MSPBS, CSP, SSP	
s 51	Duty to make copy of application available for inspection	EMCPED, MSPBS, CSP, SSP	

Planning and Environment Act 1987			
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	EMCPED, MSPBS, CSP, SSP, SP	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	EMCPED, MSPBS, CSP, SSP, SP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	EMCPED, MSPBS, CSP, SSP, SP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	EMCPED, MSPBS, CSP, SSP, SP	
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	EMCPED, MSPBS, CSP, SSP, SP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	EMCPED, MSPBS, CSP, SSP, SP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	EMCPED, MSPBS, CSP, SSP, SP	
s 52(3)	Power to give any further notice of an application where appropriate	EMCPED, MSPBS, CSP, SSP, SP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	EMCPED, MSPBS, CSP, SSP, SP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	EMCPED, MSPBS, CSP, SSP, SP	
s 54(1)	Power to require the applicant to provide more information	EMCPED, MSPBS, CSP, SSP, SP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	EMCPED, MSPBS, CSP,	

Planning and Environment Act 1987			
		SSP, SP	
s 54(1B)	Duty to specify the lapse date for an application	EMCPED, MSPBS, CSP, SSP, SP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	EMCPED, MSPBS, CSP, SSP, SP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	EMCPED, MSPBS, CSP, SSP, SP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	EMCPED, MSPBS, CSP, SSP	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	EMCPED, MSPBS	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	EMCPED, MSPBS, CSP, SSP, SP	
s 57(5)	Duty to make available for inspection copy of all objections	EMCPED, MSPBS, CSP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	EMCPED, MSPBS, CSP, SSP	
s 57A(5)	Power to refuse to amend application	EMCPED, MSPBS, CSP	
s 57A(6)	Duty to note amendments to application in register	EMCPED, MSPBS, CSP, SSP	
s 57B(1)	Duty to determine whether and to whom notice should be given	EMCPED, MSPBS, CSP, SSP, SP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	EMCPED, MSPBS, CSP, SSP, SP	

Planning and Environment Act 1987			
s 57C(1)	Duty to give copy of amended application to referral authority	EMCPED, MSPBS, CSP, SSP, SP	
s 58	Duty to consider every application for a permit	EMCPED, MSPBS, CSP, SSP, SP	
s 58A	Power to request advice from the Planning Application Committee	EMCPED, MSPBS, CSP, SSP	
s 60	Duty to consider certain matters	EMCPED, MSPBS, CSP, SSP, SP	
s 60(1A)	Duty to consider certain matters	EMCPED, MSPBS, CSP, SSP, SP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	EMCPED, MSPBS, CSP, SSP, SP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	EMCPED, MSPBS, CSP, CSTP, SSP, SP	<p>Council to resolve if:</p> <ul style="list-style-type: none"> • Any unresolved objections are received; • The application includes a waiver of the car parking requirement within the Bacchus Marsh central activity area; • The application includes a reduction of car parking as stipulate in Table 1 of Clause 52.06-5 of the Moorabool Planning Scheme for any planning application; • The application is for a Wind Energy Facility; • Any other application at the discretion of Councillors; and <p>the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>.</p>

Planning and Environment Act 1987			
			Delegation only applies to Refusal to Grant a Permit where the application is for the removal or variation of a Restrictive Covenant and a benefiting landowner has objected to the granting of a permit. All other refusals under this section are not delegated.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	EMCPED, MSPBS, CSP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	EMCPED, MSPBS	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	EMCPED, MSPBS, CSP	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	EMCPED, MSPBS, CSP	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	EMCPED, MSPBS, CSP	
s 62(2)	Power to include other conditions	EMCPED, MSPBS, CSP, SSP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	EMCPED, MSPBS, CSP, SSP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	EMCPED, MSPBS, CSP, SSP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	EMCPED, MSPBS, CSP, SSP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	EMCPED, MSPBS, CSP, SSP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide	EMCPED,	

Planning and Environment Act 1987			
	works except in accordance with ss 46N(1), 46GV(7) or 62(5)	MSPBS, CSP, SSP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	EMCPED, MSPBS, CSP, SSP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	EMCPED, MSPBS, CSP, SSP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	EMCPED, MSPBS, CSP, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(3)	Duty not to issue a permit until after the specified period	EMCPED, MSPBS, CSP, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	EMCPED, MSPBS, CSP, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	EMCPED, MSPBS, CSP, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	EMCPED, MSPBS, CSP, SSP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	EMCPED, MSPBS, CSP, SSP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	EMCPED, MSPBS, CSP, SSP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	EMCPED, MSPBS, CSP, SSP	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

Planning and Environment Act 1987			
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	EMCPED, MSPBS, CSP, SSP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	EMCPED, MSPBS, CSP, SSP	
s 69(1A)	Function of receiving application for extension of time to complete development	EMCPED, MSPBS, CSP, SSP	
s 69(2)	Power to extend time	EMCPED, MSPBS, CSP, SSP	
s 70	Duty to make copy permit available for inspection	EMCPED, MSPBS, CSP	
s 71(1)	Power to correct certain mistakes	EMCPED, MSPBS, CSP, SSP	
s 71(2)	Duty to note corrections in register	EMCPED, MSPBS, CSP	
s 73	Power to decide to grant amendment subject to conditions	EMCPED, MSPBS, CSP, SSP	
s 74	Duty to issue amended permit to applicant if no objectors	EMCPED, MSPBS, CSP, SSP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	EMCPED, MSPBS, CSP, SSP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	EMCPED, MSPBS, CSP, SSP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	EMCPED, MSPBS, CSP, SSP	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

Planning and Environment Act 1987			
			recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	EMCPED, MSPBS, CSP, SSP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	EMCPED, MSPBS, CSP, SSP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	EMCPED, MSPBS, CSP, SSP	
s 83	Function of being respondent to an appeal	EMCPED, MSPBS, CSTP, CSP, SSP	
s 83B	Duty to give or publish notice of application for review	EMCPED, MSPBS, CSP, SSP, SP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	EMCPED, MSPBS, CSP, SSP, SP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	EMCPED, MSPBS, CSP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	EMCPED, MSPBS, CSP, SSP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	EMCPED, MSPBS, CSP, SSP	
s 84AB	Power to agree to confining a review by the Tribunal	EMCPED, MSPBS	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	EMCPED, MSPBS, CSP, SSP	

Planning and Environment Act 1987			
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	EMCPED, MSPBS, CSP, SSP	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	EMCPED, MSPBS, CSP, SSP	
s 91(2)	Duty to comply with the directions of VCAT	EMCPED, MSPBS, CSTP CSP, SSP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	EMCPED, MSPBS, CSP, SSP	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	EMCPED, MSPBS, CSP, SSP	
s 93(2)	Duty to give notice of VCAT order to stop development	EMCPED, MSPBS, CSP	
s 95(3)	Function of referring certain applications to the Minister	EMCPED, MSPBS, CSP, SSP	
s 95(4)	Duty to comply with an order or direction	EMCPED, MSPBS, CSP, SSP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	EMCPED, MSPBS, CSP, SSP	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	EMCPED, MSPBS, CSP, SSP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	EMCPED, MSPBS, CSTP, CSP, SSP	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	EMCPED, MSPBS, CSTP, CSP, SSP	

Planning and Environment Act 1987			
s 96F	Duty to consider the panel's report under s 96E	EMCPED, MSPBS, CSTP, CSP, SSP	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	EMCPED, MSPBS, CSTP	
s 96H(3)	Power to give notice in compliance with Minister's direction	EMCPED, MSPBS, CSTP	
s 96J	Power to issue permit as directed by the Minister	EMCPED, MSPBS, CSTP, CSP, SSP	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	EMCPED, MSPBS	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	EMCPED, MSPBS, CSP, SSP	
s 97C	Power to request Minister to decide the application	EMCPED, MSPBS	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	EMCPED, MSPBS, CSP, SSP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	EMCPED, MSPBS, CSP, SSP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	EMCPED, MSPBS, CSP, SSP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	EMCPED, MSPBS, CSP, SSP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	EMCPED, MSPBS, CSP, SSP	

Planning and Environment Act 1987			
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	EMCPED, MSPBS	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	EMCPED, MSPBS, CSP	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	EMCPED, MSPBS, CSP, SSP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	EMCPED, MSPBS, MENV, CSP, CSTP, SSP	
s 97Q(4)	Duty to comply with directions of VCAT	EMCPED, MSPBS, CSP, SSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	EMCPED, MSPBS, CSP, SSP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	EMCPED, MSPBS	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	EMCPED, MSPBS	
s 101	Function of receiving claim for expenses in conjunction with claim	EMCPED, MSPBS	
s 103	Power to reject a claim for compensation in certain circumstances	EMCPED, MSPBS	
s.107(1)	function of receiving claim for compensation	EMCPED, MSPBS	
s 107(3)	Power to agree to extend time for making claim	EMCPED, MSPBS	
s 114(1)	Power to apply to the VCAT for an enforcement order	EMCPED, MSPBS, MENV, CSP, CSTP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	EMCPED,	

Planning and Environment Act 1987			
		MSPBS, MENV, CSP, CSTP, SSP, SP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	EMCPED, MSPBS,MENV, CSP, CSTP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	EMCPED, MSPBS, CSP	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	EMCPED, MSPBS	Except Crown Land
s 129	Function of recovering penalties	EMCPED, MSPBS,CFO, CSP	
s 130(5)	Power to allow person served with an infringement notice further time	EMCPED, MSPBS, CSP	
s 149A(1)	Power to refer a matter to the VCAT for determination	EMCPED, MSPBS, CSP	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	EMCPED, MSPBS, CSP, CSTP	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	EMCPED, MSPBS, CSTP	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	EMCPED, MSPBS, CSTP	
s 171(2)(g)	Power to grant and reserve easements	EMCPED, MSPBS	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	EMCPED, CSTP	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	EMCPED, CSTP	Where Council is a collecting agency specified in an approved infrastructure contributions plan

Planning and Environment Act 1987			
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	EMCPED, CSTP	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	NA	To be determined by the Chief Executive Officer under separate Delegation from Council.
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	EMCPED, MSPBS, CSTP	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	EMCPED, MSPBS, CSTP	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	EMCPED, MSPBS, CSTP, CSP	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	EMCPED, MSPBS, CSTP	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	ND	
s 178A(1)	Function of receiving application to amend or end an agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178A(5)	Power to propose to amend or end an agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	EMCPED, MSPBS, CSTP,	

Planning and Environment Act 1987			
		CSP, SSP, SP	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	NA	To be determined by the Chief Executive Officer under separate Delegation from Council If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	NA	To be determined by the Chief Executive Officer under separate Delegation from Council If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	NA	To be determined by the Chief Executive Officer under separate Delegation from Council If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	NA	To be determined by the Chief Executive Officer under separate Delegation from Council After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	NA	To be determined by the Chief Executive Officer under separate Delegation from Council

Planning and Environment Act 1987			
			After considering objections, submissions and matters in s 178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	NA	To be determined by the Chief Executive Officer under separate Delegation from Council After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	NA	To be determined by the Chief Executive Officer under separate Delegation from Council After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	NA	To be determined by the Chief Executive Officer under separate Delegation from Council
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	EMCPED, MSPBS, CSTP, CSP, SSP	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 179(2)	Duty to make available for inspection copy agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	EMCPED, MSPBS, CSTP, CSP, SSP, SP	

Planning and Environment Act 1987			
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 182	Power to enforce an agreement	EMCPED, MSPBS, CSTP, CSP, SSP	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	EMCPED, MSPBS, CSTP, CSP, SSP, SP	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	NA	To be determined by the Chief Executive Officer under separate Delegation from Council
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	EMCPED, MSPBS, CSTP, CSP, SSP	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	EMCPED, MSPBS, CSTP, CSP, SSP	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	EMCPED, MSPBS, CSTP, CSP, SSP	
s 184G(2)	Duty to comply with a direction of the Tribunal	EMCPED, MSPBS, CSTP, CSP, SSP	
s 184G(3)	Duty to give notice as directed by the Tribunal	EMCPED, MSPBS, CSTP, CSP, SSP	
s 198(1)	Function to receive application for planning certificate	ND	
s 199(1)	Duty to give planning certificate to applicant	ND	
s 201(1)	Function of receiving application for declaration of underlying zoning	EMCPED, MSPBS, CSTP, CSP, SSP	

Planning and Environment Act 1987			
s 201(3)	Duty to make declaration	EMCPED, MSPBS, CSTP, CSP, SSP	
	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	EMCPED, MSPBS, CSTP	
	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	EMCPED, MSPBS, CSTP, CSP	
	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	EMCPED, MSPBS, CSTP, CSP	
	Power to give written authorisation in accordance with a provision of a planning scheme	EMCPED, MSPBS, CSTP, CSP	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	EMCPED, MSPBS, CSTP, CSP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	EMCPED, MSPBS, CSTP, CSP	

Residential Tenancies Act 1997			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	ND	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	ND	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	ND	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	ND	Where Council is a public statutory authority engaged in the provision of housing
s 142D	Function of receiving notice regarding an unregistered rooming house	CCHS, EHO, SEHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CCHS, EHO, SEHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	CCHS, EHO, SEHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary, to maintain the accuracy of the entry	CCHS, EHO, SEHO	
s 206AZA(2)	Function of receiving written notification	ND	
s 207ZE(2)	Function of receiving written notification	ND	
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	ND	Where Council is a public statutory authority engaged in the provision of housing
s 311A(2)	Function of receiving written notification	ND	
s 317ZDA(2)	Function of receiving written notification	ND	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CCHS, EHO, SEHO	
s 522(1)	Power to give a compliance notice to a person	ND	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	ND	
s 525(4)	Duty to issue identity card to authorised officers	ND	

Residential Tenancies Act 1997			
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CCHS, EHO, SEHO	
s 526A(3)	Function of receiving report of inspection	CCHS, EHO, SEHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CCHS, EHO, SEHO	

Road Management Act 2004			
Provision	Item Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMCAI	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	ND	
s 11(9)(b)	Duty to advise Registrar	GMCAI	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMCAI	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMCAI	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	ND	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	GMCAI	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMCAI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	ND	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	GMCAI	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	GMCAI	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMCAI	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, GMCAI	

Road Management Act 2004			
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, GMCAI	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, GMCAI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMCAI	
s 15(2)	Duty to include details of arrangement in public roads register	GMCAI, MAM	
s 16(7)	Power to enter into an arrangement under s 15	GMCAI, MES, MO	
s 16(8)	Duty to enter details of determination in public roads register	GMCAI, MAM	
s 17(2)	Duty to register public road in public roads register	GMCAI, MAM	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	GMCAI	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	GMCAI, MAM	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	ND	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	GMCAI, MAM	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMCAI	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	GMCAI, MAM	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	GMCAI, MAM	
s 19(4)	Duty to specify details of discontinuance in public roads register	GMCAI, MAM	
s 19(5)	Duty to ensure public roads register is available for public inspection	GMCAI, MAM	
s 21	Function of replying to request for information or advice	GMCAI, MAM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, GMCAI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMCAI	
s 22(5)	Duty to give effect to a direction under s 22	GMCAI, MAM, MES, MO	
s 40(1)	Duty to inspect, maintain and repair a public road.	GMCAI,	

Road Management Act 2004			
		MAM, MO	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	GMCAI, MO	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMCAI, MES, MO	
s 42(1)	Power to declare a public road as a controlled access road	GMCAI, MAM, MO	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GMCAI, MAM, MO	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	GMCAI	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMCAI, MAM, MES, MO	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	GMCAI, MAM, MES, MO	
s 49	Power to develop and publish a road management plan	GMCAI, MO	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMCAI, MO	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMCAI, MO	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMCAI, MO	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMCAI, MO	
s 54(6)	Power to amend road management plan	GMCAI, MO	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMCAI, MO	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMCAI, MO	
s 63(1)	Power to consent to conduct of works on road	GMCAI, MES, MO	Where Council is the coordinating road authority

Road Management Act 2004			
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMCAI, MES, MO	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	GMCAI, MES, MO	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	CAM, GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	GMCAI, CCHS	Where Council is the coordinating road authority
s 67(3)	Power to request information	CCHS, GMCAI, SCSO	Where Council is the coordinating road authority
s 68(2)	Power to request information	CCHS, GMCAI, SCSO	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMCAI	
s 72	Duty to issue an identity card to each authorised officer	GMCAI	
s 85	Function of receiving report from authorised officer	GMCAI	
s 86	Duty to keep register re s 85 matters	GMCAI	
s 87(1)	Function of receiving complaints	GMCAI	
s 87(2)	Duty to investigate complaint and provide report	GMCAI, MAM, MES, MO	
s 112(2)	Power to recover damages in court	GMCAI	
s 116	Power to cause or carry out inspection	GMCAI, MES, MO	
s 119(2)	Function of consulting with the Head, Transport for Victoria	GMCAI, MES, MO	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMCAI, MES, MO	

Road Management Act 2004			
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	GMCAI, MES, MO	
s 121(1)	Power to enter into an agreement in respect of works	GMCAI, MES, MO	
s 122(1)	Power to charge and recover fees	GMCAI	
s 123(1)	Power to charge for any service	GMCAI	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	ND	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	ND	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	ND	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	GMCAI	
sch 2 cl 5	Duty to publish notice of declaration	GMCAI	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority

Road Management Act 2004			
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	CAM, GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	CAM, GMCAI, MAM, MES, MO	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CAM, GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	GMCAI, MAM, MES, MO	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	CAM, GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl	Power to include consents and conditions	GMCAI,	Where Council is the coordinating road authority

Road Management Act 2004			
16(8)		MAM, MES, MO	
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl18(1)	Power to enter into an agreement	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMCAI, MAM, MES, MO	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	GMCAI, MAM, MES	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMCAI, MAM, MES	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	GMCAI, MAM, MES	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	GMCAI, MAM, MES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Cemeteries and Crematoria Regulations 2015

These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Provision	Item Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	ND	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	ND	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	ND	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	ND	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	ND	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	ND	
r 30(2)	Power to release cremated human remains to certain persons	ND	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	ND	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	ND	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	ND	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	ND	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	ND	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	ND	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	ND	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	ND	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	ND	
r 40	Power to approve a person to play sport within a public cemetery	ND	
r 41(1)	Power to approve fishing and bathing within a public cemetery	ND	
r 42(1)	Power to approve hunting within a public cemetery	ND	
r 43	Power to approve camping within a public cemetery	ND	

Cemeteries and Crematoria Regulations 2015			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
r 45(1)	Power to approve the removal of plants within a public cemetery	ND	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	ND	
r 47(3)	Power to approve the use of fire in a public cemetery	ND	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	GMCCA	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	GMCCA	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	GMCCA	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	GMCCA	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	GMCCA	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	ND	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	ND	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	ND	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	ND	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	ND	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	ND	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	ND	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	ND	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	ND	See note above regarding model rules
sch 2 cl	Power to approve digging or planting within a cemetery	GMCCA	See note above regarding model rules

Cemeteries and Crematoria Regulations 2015			
These provisions apply to Councils appointed as a cemetery trust under section 5 of the Cemeteries and Crematoria Act 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
18(1)			
Planning and Environment Regulations 2015			
Provision	Item Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	EMCPED	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	EMCPED, CSTP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	EMCPED	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	EMCPED	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	EMCPED, CSTP	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

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

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	CCHS, EHO, SEHO	
r 11	Function of receiving application for registration	CCHS, EHO, SEHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CCHS, EHO, SEHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CCHS, EHO, SEHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CCHS	
r 13(4) & (5)	Duty to issue certificate of registration	CCHS, EHO, SEHO	
r 15(1)	Function of receiving notice of transfer of ownership	CCHS, EHO, SEHO	
r 15(3)	Power to determine where notice of transfer is displayed	CCHS, EHO, SEHO	
r 16(1)	Duty to transfer registration to new caravan park owner	CCHS, EHO, SEHO	
r 16(2)	Duty to issue a certificate of transfer of registration	CCHS, EHO, SEHO	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CCHS, EHO, SEHO	
r 18	Duty to keep register of caravan parks	CCHS, EHO, SEHO	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CCHS, EHO, SEHO	
r 19(6)	Power to determine where certain information is displayed	CCHS, EHO, SEHO	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	CCHS, EHO, SEHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	CCHS, EHO, SEHO	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010			
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	CCHS, EHO, SEHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	CCHS, EHO, SEHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CCHS, EHO, SEHO	
r 26	Duty to have regard to any report of the relevant fire authority	CCHS, EHO, SEHO	
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CCHS, EHO, SEHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CCHS, EHO, SEHO	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CCHS, EHO, SEHO	
r 40(4)	Function of receiving installation certificate	CCHS, EHO, SEHO	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CCHS, EHO, SEHO	
sch 3 cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CCHS, EHO, SEHO	

Road Management (General) Regulations 2016			
Provision	Item Delegated	Delegate	Conditions and Limitations
r 8(1)	Duty to conduct reviews of road management plan	GMCAI, MAM, MO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	GMCAI, MAM, MO	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	GMCAI, MAM, MO	Where Council is the coordinating road authority
r.10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	GMCAI, MAM, MO	
r 13(1)	Duty to publish notice of amendments to road management plan	GMCAI, MAM, MO	where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	GMCAI, MAM, MO	
r 16(3)	Power to issue permit	GMCAI, MAM, MES	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	GMCAI, MAM, MO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	GMCAI, MAM, MO	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act	GMCAI, MAM, MO	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	GMCAI, MO, SCSO	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	GMCAI, MO, SCSO	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	GMCAI, MO, SCSO	

Road Management (Works and Infrastructure) Regulations 2015

Note: these regulations commenced on 20 June 2015, replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.

Provision	Item Delegated	Delegate	Conditions and Limitations
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	GMCAI, MAM	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	ND	Where Council is the coordinating road authority