



# Minutes

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Ordinary Council Meeting held at 12.30 PM on the Monday 11 November 2019 in the Council Chamber.  
Pleasant Creek Historic Precinct.

## **Present**

Cr Kevin Erwin  
Cr Tony Driscoll  
Cr Murray Emerson  
Cr Jason Hosemans  
Cr Karen Hyslop  
Cr Merrilee Reid

Mr Vaughan Williams, Acting Chief Executive Officer  
Mr Trenton Fithall, Director Operations  
Mrs Naomi Goode, Director Communities

## **Affirmation**

We recognise the traditional owners of the land.  
We are inspired by the early pioneers and by those who gave their lives for our country.  
We now ask God's blessing on our deliberations  
and on our commitment to build a better lifestyle and environment.

## **Declare Open the Meeting**

The Acting Chief Executive Officer, Vaughan Williams, declared the meeting open. He advised that the position of Mayor was vacant and called for nominations for the position of chairperson.

Cr Emerson nominated Cr Erwin for the position of chairperson.

Cr Hosemans seconded the nomination.

Mr Williams declared Cr Erwin as chairperson. Cr Erwin assumed the chair.

To be confirmed at the meeting of Council on Monday 2 December 2019.

## Table of Contents

1. Apologies .....	3
2. Confirmation of Minutes .....	3
3. Matters Arising from the Minutes .....	3
4. Presentations/Awards.....	3
5. Presentation of Petitions and Joint Letters.....	3
6. Disclosures of Interest and Declarations of Conflict of Interest .....	4
7. Assemblies of Councillors.....	5
8. Items Brought Forward .....	5
9. Consideration of Reports of Officers .....	6
9.1. Draft Meeting Procedure Local Law.....	6
9.2. Delegation Update .....	41
9.3. Election Period Policy .....	106
9.4. Stawell and St Arnaud Senior Citizens Leases.....	116
9.5. Quarterly Finance Report .....	120
10. Notices of Motion or Rescission.....	139
11. Reports from Councillors/Committees.....	139
12. Urgent Business .....	144
13. Public Question Time.....	144
14. Closure of Meeting Pursuant to Section 89(2) of the Local Government Act 1989.....	145
15. Close .....	146

### 1. Apologies

An apology was received from Cr Robert Haswell

#### RESOLUTION

**That the apology be received and leave of absence granted.**

**Moved: Cr Murray Emerson**

**Seconded: Cr Karen Hyslop**

**Carried**

### 2. Confirmation of Minutes

Ordinary Meeting held on Monday, 7 October 2019

Special Council Meeting held on Monday, 14 October 2019

#### RESOLUTION

**That the minutes as listed, copies of which have been circulated, be confirmed and adopted.**

**Moved: Cr Jason Hosemans**

**Seconded: Cr Karen Hyslop**

**Carried**

### 3. Matters Arising from the Minutes

Nil

### 4. Presentations/Awards

Nil

### 5. Presentation of Petitions and Joint Letters

Nil

## **6. Disclosures of Interest and Declarations of Conflict of Interest**

**A Councillor who has a conflict of interests and is attending the Council meeting of the Council must make a full disclosure of that interest.**

- a. by either-**
  - i. advising the Council at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or**
  - ii. advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and**
- b. classifying the type of interest that has given rise to the conflict as either-**
  - i. a direct interest; or**
  - ii. an indirect interest and specifying the particular kind of indirect interest under:  
section 78 - close association  
section 78A - financial interest  
section 78B - conflicting duties  
section 78C - receipt of an applicable gift  
section 78D - consequence of becoming an interested party  
section 78E - impact on residential amenity; and**
- c. describing the nature of the interest; and**
- d. if the Councillor advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.**

### **Members of Staff**

**Under Section 80C of the *Local Government Act 1989*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.**

Nil

## 7. Assemblies of Councillors

[Vaughan Williams, Acting Chief Executive Officer]

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and 1 member of Council staff which considers matters that are intended or likely to be: - the subject of a decision of the Council; or subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee [s 76AA]; but does not include a meeting of the Council, a special committee of the Council, an audit committee established under s 139, a club, association, peak body, political party or other organisation.

A matter means a matter with which a Council, special committee or a member of Council staff is concerned and that will require –

- a. a power to be exercised, or duty or function to be performed, or a decision to be made, by the Council or a special committee in respect of the matter;
- b. a power to be exercised, or duty or function to be performed, or a decision to be made by a member of council staff in respect of the matter.

Section 80A of the *Local Government Act 1989* requires that the written record of an Assembly of Councillors is, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that Council Meeting.

The records for the period since the last ordinary Council meeting are listed below.

Date	Description	Matters/considered	Councillor / Officer making disclosure	Item No.	Left meeting Y/N
30/09/2019	Organisational Effectiveness Briefing	8.1 Harveys Gravel Pit Update 8.2 Budget for North Park Development 8.3 Presentation - Beverly McArthur MP 8.4 Audit Committee Chair Appointment 2019-20 8.5 Policy Updates	N/A	N/A	N/A
07/10/2019	Lifestyles and Community Briefing	8.1 Future Story for St Arnaud 9.1 Council Agenda Review	N/A	N/A	N/A
14/10/2019	Economic Growth Briefing	8.1 Great Victorian Bike Ride 2020 8.2 Presentation - Nick Humphries Superbold 8.3 Council Agenda Review.	N/A	N/A	N/A

## RESOLUTION

**That the report on Assemblies of Councillors be approved.**

**Moved: Cr Karen Hyslop  
Seconded: Cr Tony Driscoll**

**Carried**

## 8. Items Brought Forward

Nil

## 9. Consideration of Reports of Officers

### 9.1. Draft Meeting Procedure Local Law

**Author/Position:** Mary Scully, Manager Governance & Civic Support

#### Summary

Council is asked to commence the statutory process to make a new Meeting Procedure Local Law. This will replace the current local law which will sunset on 26 February 2020.

#### Recommendation

**That Council:**

1. commences the statutory process in accordance with Part 5 of the *Local Government Act 1989* to make the Meeting Procedure Local Law 2020
2. endorses the draft Meeting Procedure Local Law 2020 and Local Law Community Impact Statement for the purposes of community consultation and
3. gives public notice of its intention to make the proposed local law and invites submissions under section 223 of the *Local Government Act 1989*.

#### RESOLUTION

**That Council:**

1. commences the statutory process in accordance with Part 5 of the *Local Government Act 1989* to make the Meeting Procedure Local Law 2020
2. endorses the draft Meeting Procedure Local Law 2020 and Local Law Community Impact Statement for the purposes of community consultation and
3. gives public notice of its intention to make the proposed local law and invites submissions under section 223 of the *Local Government Act 1989*.

Moved: Cr Karen Hyslop  
Seconded: Cr Merrilee Reid

Carried

## Background/Rationale

The *Local Government Act 1989* (the Act) requires a council to have a local law to govern its meeting procedures. The current Meeting Procedure Local Law 1/2009 is due to sunset on 26 February 2020. A proposed Meeting Procedure Local Law 2020 has been developed and is the result of a comprehensive process of external analysis, formal benchmarking of similar-sized councils and document development and review. Councillors have been consulted through briefings and given the opportunity to improve performance and governance compliance of meetings via changes to the proposed local law.

The draft local law has been reviewed by Maddocks Lawyers and a Community Impact Statement has been prepared.

Local laws related to meeting procedures are created to provide consistency and clarity to the conduct of Council meetings, and the expected protocols for decision making and the engagement with members of the community.

The proposed local law was prepared based on Council's 2009 local law with amendments to:

- Ensure compliance with the Act
- Include the recently adopted Public Question Time provisions
- Improve, simplify or clarify procedural matters
- Reflect changes, current custom and practice
- Include the rules of confidentiality

## Legislation, Council Plan, Strategy and Policy Implications

*Local Government Act 1989*

Council Plan - Improve Organisational Effectiveness - Ensure our Governance and compliance requirements are continually met - Ensure compliance with all Acts and Regulations relevant to Council

## Options

No other option other than to commence the statutory process to adopt a new meeting procedure local law is proposed.

## Implications

A key implication for Council is that any new meeting procedure local law will be replaced by Governance Rules if proposed changes to the Act from the Local Government Bill go ahead. This is not expected to happen until Stage 3 of the rollout of changes to the Act and could be 12 months away; in the interim Council must have a meeting procedure local law.

## Consultation

Before the draft local law can be adopted, Council is required to place it on public exhibition and to hear any submissions in relation to the proposed local law if required under section 223 of the Act. The community will be informed of this process by way of public notice and a notice in the Government Gazette. After Council hears any submissions received it will be asked to make a final determination on the local law at its meeting on 3 February 2020.

Officers have consulted with Maddocks Lawyer to prepare the draft to ensure legislative compliance.

## Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Mary Scully, Manager Governance & Civic Support

In providing this advice as the author and responsible manager, I have no disclosable interests in this report.

**Attachments**

1. Draft Meeting Procedure Local Law 2020 [9.1.1 - 32 pages]

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# Meeting Procedure Local Law



**February 2020**

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## Contents

### PART 1 - PRELIMINARY

1. [Title](#)
2. [Purpose of this Local Law](#)
3. [The power to make this Local Law](#)
4. [Commencement and Revocations](#)
5. [Definitions](#)

### PART 2 - ELECTION OF MAYOR AND COMMITTEE CHAIRPERSONS

6. [When Required](#)
7. [Election of Mayor and Others](#)
8. [Election of Committee Chairpersons](#)
9. [Absence of Mayor](#)

### PART 3 - COUNCIL'S COMMON SEAL

10. [Unauthorised use of Common Seal](#)
11. [Witnessing the Use of the Common Seal](#)
12. [Delegation](#)
13. [Form of Sealing Clause](#)

### PART 4 - COUNCIL MEETINGS

#### Division 1 - Notices and Agendas

14. [Matters not Provided For](#)
15. [Dates and Times of meetings](#)
16. [Council may Alter Meeting Dates](#)
17. [Urgent or Extraordinary Circumstances](#)
19. [Special Council Meetings](#)
18. [Notice of Meeting](#)
19. [Leave of absence](#)
20. [Mayor to Chair Meetings](#)

#### Division 2 - Quorums

21. [Council Meetings](#)
22. [Special Committee Meetings](#)
23. [Inability to Gain a Quorum](#)
24. [Inability to Maintain a Quorum](#)
25. [Inability to Achieve or Maintain a Quorum due to Conflict of Interest of Councillors](#)
26. [Notice for an adjourned meeting](#)
27. [Adjourned Meetings](#)

### PART 5 - MINUTES

28. [Keeping of Minutes](#)
29. [Confirmation of Minutes](#)
30. [No debate on Confirmation of Minutes](#)

- [31. Objection to Confirmation of Minutes](#)
- [32. Deferral of Confirmation of Minutes](#)
- [33. Contents of Minutes](#)

#### [PART 6 - COMMITTEES](#)

##### [Division 1 - Special Committees](#)

- [34. Application Generally](#)
- [35. Application Specifically](#)

##### [Division 2 - Advisory Committees](#)

- [36. Application Specifically](#)

#### [PART 7 - BUSINESS OF MEETINGS](#)

- [37. The Order of Business](#)
- [38. Change to the Order of Business](#)
- [39. Chief Executive Officer may Include Items on an Agenda](#)
- [40. Item Brought Forward](#)
- [41. Urgent Business](#)

#### [PART 8 - VOTING AT MEETINGS](#)

- [42. How Determined](#)
- [43. By a Show of Hands](#)
- [44. When a Division is Permitted](#)
- [45. Procedure for a Division](#)
- [46. Change Between the Original Vote and the Division](#)
- [47. No Discussion Once Declared](#)

#### [PART 9 - AND BEHAVIOUR ADDRESSING THE MEETING](#)

- [48. Addressing the Meeting](#)
- [49. Suspension of Standing Orders](#)
- [50. No Motions may be Accepted During Suspension of Standing Orders](#)
- [51. Interruption for Point of Order](#)
- [52. Public Question Time](#)
- [53. Conduct at Meetings by Visitors](#)
- [54. Chairperson may Remove](#)
- [55. Suspension of Councillor](#)
- [56. Removal from Chamber](#)
- [57. Offences](#)
- [58. Petitions and Joint Letters](#)
- [59. Signing Petitions - Offence](#)
- [60. Public Submissions under Section 223 of the Act](#)

#### [PART 10 - MEETING PROCEDURE](#)

##### [Division 1 - Motions](#)

- [61. Chairperson's Duty](#)
- [62. Moving a Motion](#)
- [63. Right of Reply](#)

- [64. No Right of Reply for Amendments](#)
- [65. Moving an Amendment to a Motion](#)
- [66. Who may Propose an Amendment](#)
- [67. Who may Debate an Amendment](#)
- [68. How many amendments may be proposed](#)
- [69. An Amendment to a Motion](#)
- [70. Foreshadowing Motions](#)
- [71. Withdrawal of Motions](#)
- [72. Separation of Motions](#)
- [73. Councillor Must Rise when Speaking](#)
- [74. Motions in Writing](#)
- [75. Debate Must Be Relevant to the Motion](#)

[Division 2 - Speaking Times](#)

- [76. Speaking Times](#)
- [77. By Resolution of the Council](#)

[Division 3 - Points of Order](#)

- [78. Procedure for Point of Order](#)
- [79. Valid Points of Order](#)
- [80. Chairperson to Decide](#)
- [81. Chairperson May Adjourn to Consider](#)
- [82. Dissent from Chairperson's Ruling](#)
- [83. Contradiction of Opinion](#)

[Division 4 - Notice of Motion](#)

- [84. Must be Listed on Agenda](#)
- [85. Procedure](#)
- [86. Rejection of a Vague Notice](#)
- [87. Register of Notices](#)
- [88. May be Moved by any Councillor and Amended](#)
- [89. Confirmation of Previous Resolution](#)
- [90. If Lost](#)

[Division 5 - Notice of Rescission or Amendment](#)

- [91. Procedure](#)
- [92. If Not Moved](#)
- [93. When Not Required](#)

[Division 6 - Procedural Motions](#)

- [94. Procedural Motions](#)

[PART 11 - ENFORCEMENT](#)

- [95. Offences](#)
- [96. Infringement Notice](#)

## **PART 1 - PRELIMINARY**

### **1. Title**

This Local Law is the Northern Grampians Shire Council's Meeting Procedure Local Law 2020 and referred to below as this Local Law.

### **2. Purpose of this Local Law**

The purpose of this Local Law is to:

- 2.1 provide a mechanism to facilitate the good government of the Council through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- 2.2 promote and encourage community participation in the system of local government by providing mechanisms for the Council to ascertain the community's views and expectations;
- 2.3 regulate and control the election of Mayor and the Chairperson of any Special Committee;
- 2.4 regulate and control the procedures governing the conduct of meetings including:
  - 2.4.1 the notice required for meetings; and
  - 2.4.2 the keeping of minutes;
- 2.5 provide for the administration of the Council's powers and functions;
- 2.6 provide generally for the peace, order and good government of the municipal district; and
- 2.7 regulate the use of the common seal.

### **3. The power to make this Local Law**

The Council's power to make this Local Law is contained in sections 5, 91(1) and 111(1) of the *Local Government Act 1989*.

### **4. Commencement and Revocations**

- 4.1 In this clause, "commencement date" means the first working day following the gazettal of the Local Law in the Victoria Government Gazette.
- 4.2 This Local Law comes into operation on the commencement date .
- 4.3 On the commencement of this Local Law, Council's Meeting Procedure Local Law No 1/2009 is revoked and will cease to operate.
- 4.4 This Local Law ends on the 10th anniversary of the commencement date, unless revoked sooner.

## 5. Definitions

In this Local Law, unless inconsistent with the context:

<i>Act</i>	<i>Means the Local Government Act 1989.</i>
<i>a</i>	
<i>authorised officer</i>	<i>Means a person appointed as an authorised officer under section 224 of the Act.</i>
<i>Chairperson</i>	<i>Means the person who chairs a meeting of the Council, Special Committee or advisory committee of the Council</i>
<i>Chief Executive Officer</i>	<i>Means the person appointed as Chief Executive Officer by the Council from time to time.</i>
<i>common seal</i>	<i>Means the common seal of Council.</i>
<i>Council</i>	<i>Means the Northern Grampians Shire Council.</i>
<i>Councillor</i>	<i>Means a person who is an elected member of the Council.</i>
<i>Council meeting</i>	<i>Includes Ordinary, Special and Committee meeting of the Council</i>
<i>Delegate's Reports</i>	<i>Means a verbal report of no more than 3 minutes duration to the Council on a Councillor's attendance at a seminar, conference or meeting of any body, for and on behalf of the Council.</i>
<i>d</i>	
<i>division</i>	<i>Means a formal count and recording of those for, and those against a motion.</i>

<i>Formal Motion</i>	<i>Means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but is used merely as a formal procedural measure.</i>
<i>Mayor</i>	<i>Means any Councillor elected to the position of Mayor by fellow Councillors.</i>
<i>member</i>	<i>Refers to a person who is entitled to vote at a meeting of the Council or a Special Committee.</i>
<i>Minister</i>	<i>Means the Minister responsible for administering the Act.</i>
<i>notice of motion</i>	<i>Means a notice setting out the text of a motion which a Councillor proposes to move at the next relevant meeting.</i>
<i>Notice of Rescission</i>	<i>Means a Notice of Motion to rescind or amend part or all of a resolution made by Council.</i>
<i>offence</i>	<i>Means an act or default contrary to this Local Law.</i>
<i>officer</i>	<i>Means a member of Council staff.</i>
<i>Ordinary meeting</i>	<i>Means any meeting of Council which is not a Special meeting.</i>
<i>penalty units</i>	<i>Mean penalty units as prescribed in the Sentencing Act 1992.</i>
<i>quorum</i>	<i>Means the minimum number of members of the Council or a Special Committee required by the Act and this Local Law to be present in order to constitute a valid meeting of the Council or Special Committee respectively.</i>
<i>Senior Officer</i>	<i>Has the same meaning as in the Act.</i>
<i>Special Committee</i>	<i>Means any committee formed by the Council in accordance with section 86 of the Act.</i>
<i>Special meeting</i>	<i>Means a special meeting of Council convened and held in accordance with section 84, 84A or 85 of the Act.</i>
<i>standing orders</i>	<i>Means the prescribed procedure applicable to the particular meeting.</i>
<i>Urgent business</i>	<i>Means business of which no notice is included in the agenda for a meeting and is a matter which the meeting resolves cannot await the next meeting cycle.</i>

## **PART 2 - ELECTION OF MAYOR AND COMMITTEE CHAIRPERSONS**

### **6. When Required**

- 6.1 The meeting to fill the vacancy of Mayor will be held:
  - 6.1.1 annually, after the last Saturday in November but not later than 31 December; or
  - 6.1.2 where the position of Mayor otherwise becomes vacant, as soon as possible after the vacancy has occurred.
- 6.2 Before a Mayor is elected the Council may resolve to elect a Mayor for a term of two years.
- 6.3 If the Mayor is elected for a term of two years, the next election of Mayor is two years after the last Saturday in November but not later than 31 December in the second year after the election or as soon as possible after any vacancy in the office of Mayor occurs.

### **7. Election of Mayor and Others**

- 7.1 The Chief Executive Officer must open the meeting at which the Mayor is to be elected and invite nominations for the office of Mayor.
- 7.2 At any meeting to elect the Mayor, a Councillor elected by a simple majority of the Councillors present will be the temporary Chairperson to deal with:
  - 7.2.1 the receipt of nominations for the election of Mayor; and
  - 7.2.2 the election of the Mayor.
- 7.3 A meeting for the election of the Mayor is open to the public.
- 7.4 The election of the Mayor, temporary or acting Chairperson must be carried out by a show of hands.
- 7.5 In determining the election of the Mayor, the following will apply:
  - 7.5.1 candidate for office must be nominated by another Councillor, seconded by another Councillor and accepted by the nominee;
  - 7.5.2 where only one nomination is received, that Councillor must be declared elected;
  - 7.5.3 where two or more nominations are received, the Councillor with an absolute majority of the votes cast will be declared elected;
  - 7.5.4 where there are two more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;

### **8. Election of Committee Chairpersons**

- 8.1

### **9. Absence of Mayor**

If there is a vacancy in the office of the Mayor or if the Mayor is absent or incapable of acting or refusing to act or is not present within 15 minutes of the scheduled commencement time of a Council meeting, an acting Chairperson is to be elected.

### **PART 3 – COUNCIL’S COMMON SEAL**

#### **10. Unauthorised use of Common Seal**

10.1 A person must not use the common seal except on the authority of Council or in accordance with this Local Law.

10.2 Any person who uses the common seal without authority is guilty of an offence.

*Penalty: 5 penalty units*

**11. Witnessing the Use of the Common Seal**

The affixing of Council's common seal to any document must be attested to by the signatures of both:

**11.1 the Mayor and the Chief Executive Officer; or 12. Delegation**

12.1 Council delegates to the Chief Executive Officer the power to authorise the use of the common seal on behalf of Council subject to the following :

12.1.1 the seal must not be used for matters for which the Chief Executive Officer is not delegated power as detailed in the conditions and limitations of the Instrument of Delegation from Council to the Chief Executive Officer

12.1.2 the Chief Executive Officer is first satisfied that any provisions of the Act required to be complied with in relation to the subject matter of the document have been complied with.

12.2 The Chief Executive Officer must not delegate or purport to delegate the function conferred by 12.1.

**13. Form of Sealing Clause**

Where the common seal is affixed to a document on the authority of the Council and/or Chief Executive Officer the sealing clause must contain the words to the following effect :

**THE COMMON SEAL** of the Northern )  
Grampians Shire Council was hereunto )  
affixed this day of )  
YYYY in the presence of: )

..... Mayor/Councillor

..... Chief Executive Officer/Senior Officer

## **PART 4 – COUNCIL MEETINGS**

### **Division 1 - Notices and Agendas**

#### **1415. Dates and Times of meetings**

- 15.1 The date, time and place of all Council meetings are to be fixed by the Council from time to time and reasonable notice (at least seven days unless urgent or extraordinary circumstances prevent Council complying with this minimum) of such meetings must be provided to the public.

15

#### **16. Council may alter Meeting Dates**

The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice (at least seven days unless urgent or extraordinary circumstances prevent Council complying with this minimum) of the changes to the public.

#### **17. Urgent or Extraordinary Circumstances**

If urgent or extraordinary circumstances prevent the Council from complying with the minimum of seven days notice, the Council must give such notice as is practicable; and

- 18.2 specify in the minutes the urgent or extraordinary circumstances which prevented the Council from complying.

#### **19. Special Council Meetings**

- 19.1 The written notice necessary to call a meeting in accordance with section 84 of the Act must be signed by the Mayor or at least three Councillors, and be delivered to the Chief Executive Officer in sufficient time to enable at least 24 hours notice to be given to Councillors.
- 19.2 The notice must specify the date and time of the Special Council Meeting and the business to be transacted.
- 19.3 In giving such notice, Councillors should have regard to any need for preparatory investigations to enable the business to be undertaken.
- 19.4 The Chief Executive Officer must convene the Special Council Meeting as specified in the notice.
- 19.5 Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice or Council resolution is to be transacted.
- 19.6 Subject to any resolution providing otherwise, the order of business of any Special Council Meeting must be the order in which such business stands in the agenda for the meeting.

Notes : Council is also able to call a Special Council Meeting by resolution.

The Chief Executive Officer can call a Special Council Meeting within 14 days of the result of the Council election being declared and a call of the Council provided for in s85 of the Act is to be treated as a Special Council Meeting.

#### **18. Notice of Meeting**

The notice for any meeting must state the date, time and place of the meeting and the business to be dealt with and must be sent by post, facsimile, electronic medium or otherwise delivered to each Councillor:

- 18.1 for an Ordinary or committee meeting at least 5 working days before the meeting;
- 18.2 for a Special meeting as much time as is reasonably practicable prior to the meeting

### **5.3 For a Special 19. Leave of absence**

**It will not be necessary for a written notice calling a Council meeting in accordance with section 84 of the Act to be served on any Councillor who has been granted leave of absence unless the Councillor has requested the Chief Executive Officer in writing to continue to give notice of any meeting to be held during the period of his or her absence.. Notices for Council meetings will continue to be made available electronically during the period of absence.**Division 2 - Quorums

#### **21. Council Meetings**

The quorum required for Ordinary or Special meetings of Council will be a majority of the number of Councillors.

#### **22. Special Committee Meetings**

The quorum for a Special Committee meeting must be at least a majority of the members for the time being appointed to that Special Committee.

#### **23. Inability to Gain a Quorum**

If a quorum cannot be obtained within 30 minutes of the scheduled starting time of any meeting or adjournment those Councillors present or, if there are no Councillors present, the Chief Executive Office or, in his or her absence, a Senior Officer, may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

#### **24. Inability to Maintain a Quorum**

If during any meeting or any adjournment of the meeting, a quorum cannot be achieved and maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in his or her absence, a Senior Officer, may adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

**25. Inability to Achieve or Maintain a Quorum due to Conflict of Interest of Councillors**

If during any meeting or adjournment a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the Chief Executive Officer, or in his or her absence, a Senior Officer, must adjourn the meeting for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.

**26. Notice for an adjourned meeting**

The Chief Executive Officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then, if a reasonable attempt is made to contact each member, notice by telephone, in person or by some other means will be sufficient.

**27PART 5 – MINUTES**

**28. Keeping of Minutes**

The Chief Executive Officer is responsible for arranging the keeping of minutes of Council meetings on behalf of the Council.

**29. 30. No debate on Confirmation of Minutes**

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

**31. Objection to Confirmation of Minutes**

If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:

- 31.1 state the item or items with which he or she is dissatisfied; and
- 31.2 propose a motion clearly outlining the alternative wording to amend the minutes.

**32. Deferral of Confirmation of Minutes**

The Council may defer the confirmation of minutes until later in the meeting or until the next meeting as appropriate.

**33. Contents of Minutes**

33.1 In keeping the minutes of any Ordinary or Special Council meeting, the Chief Executive Officer must arrange the recording of minutes so as to show:

- 33.1.1 the names of Councillors and whether they are PRESENT, an APOLOGY, on LEAVE OF ABSENCE, etc;
- 33.1.2 the names of officers present;
- 33.1.3 the arrival and departure times of Councillors during the course of the Council meeting (including any temporary departures or arrivals);
- 33.1.4 every motion and amendment moved, including the mover and seconder of any motion or amendment;
- 33.1.6 the outcome of every motion and amendment, that is,
  - 33.1.6.1 whether it was put to the vote;
  - 33.1.6.2 if it was put to the vote, the result of the vote (namely CARRIED, LOST, WITHDRAWN, LAPSED OR AMENDED);
- 29.1.4.3 identification of those motions voted on by secret ballot;

- 33.1.7 procedural motions (which might be highlighted);
  - 33.1.8 where a valid division is called, a table of the names of every Councillor and the way their vote was cast, either FOR or AGAINST, and abstentions;
  - 33.1.9 details of failure to achieve or maintain a quorum and any adjournment whether as a result or otherwise;
  - 33.1.10 details of any deputations made to the Council;
  - 33.1.11 the time and reason for any adjournment of the meeting or suspension of standing orders;
  - 33.1.12 disclosure of any interest and any declaration of a conflict of interest made under the Act;
  - 33.1.13 inclusion in confidential reports the relevant ground or grounds applying under section 89(2) of the Act as to why the reports are deemed to be confidential.
- 33.2 In addition, the minutes should:
- 33.2.1 bear the date and time the meeting was commenced, adjourned, resumed and concluded;
  - 33.2.2 be consecutively page numbered;
  - 33.2.3 contain consecutive item numbers which are clearly headed with subject titles and, where appropriate, sub-titles and file references; and
  - 33.2.4 be indexed and be supplemented by an annual cumulative index.

## **PART 7 – BUSINESS OF MEETINGS**

### **37. The Order of Business**

- 37.1 The business of an Ordinary meeting must be conducted in the following order unless the Council otherwise resolves:
- 37.1.1 opening of meeting and reading of Affirmation
  - 37.1.2 apologies and requests for leave of absence
  - 37.1.3 confirmation of minutes
  - 37.1.4 business arising from previous minutes
  - 37.1.5 disclosures of interest and declarations of conflict of interest
  - 37.1.6 presentations/awards
  - 37.1.7 items brought forward
  - 37.1.8 presentations of petitions and joint letters
  - 37.1.9 consideration of reports of officers
  - 37.1.10 notices of motion or rescission
  - 37.1.11 reports from committees/Councillors
  - 37.1.12 urgent business
  - 37.1.13 public question time
  - 37.1.14 closure of meeting pursuant to Section 89(2) of the Act.

- 37.2 Notwithstanding the above clause, the Chief Executive Officer may vary the order of business to

take advantage of opportunities which may arise from time to time.

**38. Change to the Order of Business**

Once an agenda has been sent to Councillors, the order of business for that meeting may only be altered by a resolution of the Council.

**39. Chief Executive Officer may Include Items on an Agenda**

The Chief Executive Officer shall include any matter on an agenda, which he or she thinks should be considered by the meeting.

**40. Item Brought Forward**

For items to be brought forward, Council may resolve to bring an item forward.

**41. Urgent Business**

41.1 Business which has not been listed on the Agenda of an Ordinary Meeting of Council or the meeting of a Special Committee may only be raised as urgent or other business by resolution of the Council or Committee.

41.2 Business which has not been listed on the agenda of a Special meeting of Council may only be raised as urgent or other business if all Councillors are present and unanimously agree to deal with the matter raised.

41.2.1 cannot safely or conveniently be deferred to the next Ordinary meeting; or

41.2.2 involves a matter of urgency, as determined by the Chief Executive Officer.

**PART 8 – VOTING AT MEETINGS**

**42. How Determined**

42.

42.2 Subject to clause 62, in determining a question before a meeting, the Chairperson will first call for those in favour of the motion or amendment and then those opposed to the motion or amendment before declaring the result to the meeting.

**43. By a Show of Hands**

Voting on any matter will be by a show of hands and all Councillors who are present must vote.

**44. When a Division is Permitted**

44.1 A division may be requested by any Councillor on any question before the Chair other than procedural motions.

44.2 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.

**45. Procedure for a Division**

Once a division has been requested, the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion, and, for the purpose of recording the minutes, then call out aloud the names of those voting for and against the motion

**46. Change Between the Original Vote and the Division**

As a division is a separate and distinct vote, no Councillor is prevented from changing his or her

original vote at the voting on the division, and the voting on the division will determine the Council's resolution on the issue.

**47. No Discussion Once Declared**

Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless the discussion is-

- 47.1 for a Councillor to request that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
- 47.2 where a subsequent notice of motion follows a rescission motion.

**55. Application to all meetings**

55.1 The provisions of clauses 48 to 53 apply to meetings of Special Committees to the extent that they are relevant to the proceedings of any Special Committee and any reference to a Councillor in those clauses is, in the case of a Special Committee, a reference to a member of the Special Committee.

**PART 9 – AND BEHAVIOUR ADDRESSING THE MEETING**

**48. Addressing the Meeting**

- 48.1 The Council may allocate time to enable any member of the community to address the Council at an Ordinary meeting or other alternative time in accordance with any Council meeting policy.
  - 48.2 Clause 48.1 does not apply where the Council has resolved to close the meeting in respect of a matter under section 89(2) of the Act.
  - 48.3 Except for the Chairperson, any Councillor or person who addresses the meeting must direct all remarks through the Chairperson.
  - 48.4 Any person addressing the Chairperson must refer to the Chairperson as:
    - 48.4.1 Madam Mayor;
    - 48.4.2 Mr Mayor;
    - 48.4.3 Madam Chairperson; or
    - 48.4.4 Mr Chairperson;
- as the case may be.
- 48.5 All Councillors, other than the Mayor, must be addressed as Cr. .... (name)
  - 48.6 All officers and members of the public, as appropriate, must be addressed as Mrs., Ms., Miss or Mr. .... (name).
  - 48.7 Any member of the public addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.

**49. Suspension of Standing Orders**

- 49.1
- 49.2 Subject to clause 50, the provisions of this Local Law may be suspended for a particular purpose by resolution of the Council:
  - 49.2.1 to enable full discussion of any issue without the constraints of formal meeting procedure; or
  - 4492.2 to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

- 57.3 If it is not obvious that all councillors present have voted on the motion to suspend Standing Orders, the Mayor needs to call for any abstaining.
- 49.3 The provisions of this Local Law must not be suspended purely to dispense with the processes and protocol of the government of the Council.
- 49.4 Once the discussion has taken place and before any motions can be put, the Council must resolve to resume the provisions of this Local Law.

#### **50. No Motions may be Accepted During Suspension of Standing Orders**

No substantive or procedural motion may be accepted by the Chairperson or be lawfully dealt with during any suspension under clause 57.

#### **51. Interruption for Point of Order**

A Councillor who is addressing the meeting must:

- 51.1 not be interrupted unless called to order; and
- 51.2 remain silent until a Councillor raising any point of order has been heard and the point of order disposed of.

#### **52.62. Meetings**

- 62.1 Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

#### **54. Chairperson may Remove**

- 54.1 The Chairperson may order and cause the removal of any person who disrupts any Council meeting or fails to comply with a direction.
- 54.2 The Chairperson must call to order any person, including a Councillor, who:
  - 54.2.1 is disruptive, or unruly during any meeting; or
  - 54.2.2 who says anything which is defamatory, abusive or objectionable in language or nature, and may direct that person to remain silent and/or to resume their seat.
- 54.3 Any person, including a Councillor, who has been called to order and directed by the Chairperson to leave the Chamber or meeting room, and who fails to comply with the Chairperson's direction, is guilty of an offence.

*Penalty: 5 penalty units*

#### **58. Petitions and Joint Letters**

- 58.1 This clause 58 does not apply to Special Committee meetings.
- 58.2 A petition or joint letter received by the Council or an individual Councillor must be lodged with the Chief Executive Officer at least five days before a Council meeting to ensure sufficient time to include the item on the agenda.
- 58.3 The petition or joint letter must:
  - 58.3.1 be in legible and permanent writing or typed;
  - 58.3.2 not be defamatory, indecent, abusive or objectionable in language or content; and
  - 58.3.3 not relate to matters beyond the powers of Council.

- 58.4 Any petition or joint letter that does not comply with clause 58.2 or 58.3 will not be tabled at a Council meeting and will be forwarded directly to the appropriate officer for action.
- 58.5 Where the petition or joint letter relates to a current planning or subdivision application, the petition will be considered as an objection in accordance with the *Planning and Environment Act 1989* and will not be tabled at a Council meeting as a separate matter.
- 58.6 The Chief Executive Officer must arrange for petitions and joint letters to be submitted to the next practicable Ordinary meeting following their receipt.
- 58.7 A petition or joint letter presented to the Council must lay on the table until the next Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless the Council resolves to deal with it earlier.
- 58.8 Where a petition or joint letter has been allowed to lay on the table, the Chief Executive Officer may refer it to the appropriate officer for a report prior to it next being considered by the Council, as deemed appropriate by the Chief Executive Officer in his or her discretion.
- 58.9 When tabled, Council must resolve to either:
- 58.9.1 receive the petition or joint letter with either an included officer recommendation for noting and/or action; or
- 58.9.2 refer to a future Council meeting not more than two Council meetings ahead with a report detailing action and investigation, unless the Council resolves to deal with it at an earlier Council meeting.
- 58.10 Any Councillor presenting a petition or joint letter will be responsible for ensuring that he or she is familiar with the contents and purpose of the petition or joint letter.
- 58.11 A copy of the text of the petition or joint letter must be included in the minutes of the Council meeting at which it was tabled.
- 58.12 A petition or joint letter may nominate a person to whom a reply may be sent, but if no person is nominated the Council will reply to the first person whose signature appears on the petition or joint letter.
- 58.13 Only the text of the petition or joint letter and the number of signatories will be included in the agenda for the Council meeting at which it will be considered.
- 58.14 Nothing in this clause 58 shall prevent the Chief Executive Officer from determining that an electric or online petition will be submitted to a Council meeting or the Council resolving to consider a petition as urgent business.

## **59. Signing Petitions – Offence**

Any person who fraudulently signs a petition or joint letter which is presented to the Council is guilty of an offence.

*Penalty: 10 penalty units*

## **60. Public Submissions under Section 223 of the Act**

Where a person is given a right to make a submission under section 223 of the Act and requests to appear in person (or to be represented by a person specified in the submission) at a Council Meeting to be heard in support of the submission, the time limit for such hearing shall be three minutes, except that the Chairperson may, in his or her discretion, allow the hearing to exceed three minutes.

## **PART 10 – MEETING PROCEDURE**

### **Division 1 – Matters Not Provided For**

#### **70. Matters not provided for**

- 70.1 Where a situation has not been provided for under this Local Law, the Council or Special Committee may determine the matter by resolution.

### **Division 1 - Motions**

#### **61. Chairperson's Duty**

Any motion, amendment, statement or question which-

- 61.1 is defamatory or embarrassing to any Councillor, officer, ratepayer or member of the public;
- 61.2 is abusive or objectionable in language or nature;
- 61.3 is outside the powers of the Council;
- 61.4 is not relevant to an item of business on the agenda and has not been admitted as urgent business;
- 61.5 purports to be an amendment but is not; or
- 61.6 is a direct negative of the question before the meeting.

must not be accepted by the Chairperson.

#### **62. Moving a Motion**

62.1 The procedure for any motion is-

- 62.1.1 the mover must state the motion without speaking to it;
- 62.1.2 the motion must be seconded by a Councillor other than the mover;
- 62.1.3 if a motion is not seconded, the motion will lapse for want of a seconder; and
- 62.1.4 if the motion is seconded, the Chairperson will then request:
  - 62.1.4.1 the mover to address the Council on the motion;
  - 62.1.4.2 the seconder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);
  - 62.1.4.3 any Councillor opposed, to debate the motion; and
  - 62.1.4.4 any other Councillors for and against the motion to debate in turn;

before putting the motion to a vote, declaring the result of that vote.

- 62.2 A councillor may speak once on the motion except for the mover of a motion who has a right of reply in accordance with clause 63 after which the motion must be put to the meeting for the vote.

#### **63. Right of Reply**

- 63.1 The mover of a motion which has not been amended may, once debate has been exhausted, exercise a right of reply to matters raised during debate but must not raise any new matters.
- 63.2 After any right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

**64. No Right of Reply for Amendments**

No right of reply is available where an amendment is before the meeting.

**65. Moving an Amendment to a Motion**

65.1 With the leave of the Chairperson, both the mover and the seconder of a motion may agree to an alteration to a motion before the meeting proposed by another Councillor without the need to formally amend the motion as provided for in this clause.

65.2 Otherwise a motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and framed so as to complement it as an intelligible and consistent whole.

65.3 A motion to confirm a previous resolution of Council cannot be amended.

**66. Who may Propose an Amendment**

An amendment may be moved or seconded by any Councillor, other than the mover or seconder of the original motion.

**67. Who may Debate an Amendment**

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.

**68. How many amendments may be proposed**

68.1 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chairperson at any one time.

68.2 No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

**69. An Amendment to a Motion**

69.1 If the amendment is carried, the motion as amended then becomes the question before the meeting.

69.2 The mover and seconder of the amendment are deemed to be the mover and seconder of the motion before the meeting.

69.3 If the amendment is lost, the debate in respect of the original motion resumes from where it left off.

69.4 A Councillor who has already spoken on the original motion must not speak again unless to continue the debate as if the amendment had not been put.

**70. Foreshadowing Motions**

70.1 At any time during debate a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

70.2 A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the meeting is resolved in a certain way, a Councillor intends to move an alternative or additional motion.

70.3 A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting.

70.4 It is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved.

#### **71. Withdrawal of Motions**

Once a motion or amendment is seconded it cannot be withdrawn, except with the leave of the Chairperson prior to the motion being put to the vote.

#### **72. Separation of Motions**

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

73

#### **74. Motions in Writing**

74.1 The Chairperson may require any motion to be submitted in writing where it is lengthy or unclear or for any other reason.

74.2 The Chairperson may suspend the meeting while the motion is being written or may request the Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

#### **75. Debate Must Be Relevant to the Motion**

75.1 Debate must always be relevant to the question before the Chair, and if not, the Chairperson may request the speaker to confine debate to the subject of the motion.

75.2 If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.

75.3 A speaker who has been required by the Chairperson to be seated and not speak further in respect of the matter then before the Chair must immediately comply with that requirement.

*Penalty: 5 penalty units.*

#### **86. Adjournment and Resumption of Meeting**

86.1 The Chairperson or the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.

86.2 For the purpose of stating the time to which the meeting is adjourned, that time may be indicated as at the adjournment or conclusion of another meeting or event.

### **Division 2 – Speaking Times**

#### **76. Speaking Times**

76.1 Unless a motion for an extension of time has been carried, the maximum speaking times will be:

76.1.1 the mover of a motion – five minutes;

76.1.2 the mover of a motion when exercising his or her right of reply – two minutes;

76.1.3 any other Councillor – three minutes.

76.2 An extension of speaking time may be granted by the Chairperson but only one extension is permitted for each Councillor on any motion.

76.3 Any extension of speaking time must not exceed three minutes.

#### **77. By Resolution of the Council**

77.1 An extension of speaking time may be granted by resolution of the Council but only one

extension is permitted for each speaker on any question.

77.2 A motion for an extension of speaking time cannot be accepted by the Chairperson if another speaker has commenced his or her debate.

77.3 Any extension of speaking time must not exceed three minutes.

### **Division 3 - Points of Order**

#### **80. Chairperson to Decide**

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

#### **81. Chairperson May Adjourn to Consider**

81.1 The Chairperson may adjourn the meeting to consider a point of order but otherwise he or she must rule on it as soon as it is raised.

81.2 No Councillor may debate a point of order or the merits of a point of order.

81.3 All other matters before the Council are to be suspended until the point of order is decided.

#### **82. 93. Final Ruling on a Point of Order**

93.1 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 move a motion of dissent.

93.2 A motion of dissent on the Chairperson's decision on a point of order must contain the provision, rule, practice or precedent relied upon in substitution for the Chairperson's decision.

93.4 A motion of dissent in relation to the Chairperson's decision on a point of order is not a motion of dissent in the Chair and the Chairperson must at all times remain in the Chair and he or she will maintain his or her right to vote.

93.5 A motion of dissent on the Chairperson's decision on a point of order will take precedence over all other business and if carried must be acted on instead of the decision given by the Chairperson.

#### **94. Procedure for Point of Order**

94.1 A Councillor raising a point of order must :

94.1.1 state the point of order; and

94.1.2 the provision in this Local Law, or rule, practice or precedent, relied upon as founding the point of order.

#### **95. Valid Points of Order**

95.1 A point of order may be raised in relation to:

95.1.1 a motion, which under clause 71, should not be accepted by the Chairperson;

95.1.3 a procedural matter;

95.1.4 a Councillor who is or appears to be out of order;

95.1.5 any act of disorder;

95.1.5 an error of fact; or

95.1.6 abusive or objectionable language or nature.

### **83. Contradiction of Opinion**

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

## **Division 5 – Formal (Procedural) Motions**

### **97. Formal Motions**

- 97.1 Unless otherwise prohibited a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- 97.2 Formal motions are not required to be seconded.
- 97.3 The mover of a formal motion must not have moved, seconded or spoken to the question before the Chair or any amendment of it.
- 97.4 A formal motion cannot be moved by the Chairperson.
- 97.5 Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- 97.6 Unless otherwise provided a formal motion cannot be amended.

### **98. Laying the Question on the Table**

- 98.1 A motion “That the (question, letter, document, report etc) lay on the table”:-
  - 98.1.1 is a formal motion which may be debated and if carried, has the effect of adjourning any further debate on the matter until such time (if any) as the Council resolves to take the question from the table; and
  - 98.1.2 any further debate on the matter cannot take place until such time (if any) as the Council resolves to take the question from the table; and
  - 98.1.3 if such a motion is carried in respect to an amendment, both the original motion and the amendment will be adjourned; and
  - 98.1.4 a motion to take the question from the table is required to enable debate on the matter to proceed.

### **99. Proceeding to the Next Business**

- 99.1 A motion “That the meeting proceed to the next business”:-
  - 99.1.1 is a formal motion which cannot be moved during the election of Chairperson; and
  - 99.1.2 if carried in respect to an original motion, the Chairperson must direct the meeting to the next item of business; and
  - 99.1.3 if carried in respect to a formal motion, the formal motion is immediately disposed of and debate upon the original motion may proceed; and
  - 99.1.4 if carried in respect to an amendment, the amendment is immediately disposed of and debate upon the original motion may proceed but no similar amendment can be moved at that meeting or any adjournment of it.

### **100. The Previous Question**

- 100.1 A motion “That the question be NOT now put”:
  - 100.1.1 is a formal motion which cannot be moved while there is an amendment before the Chair or during the election of a Chairperson; and

100.1.2 if carried, the original motion to which it relates cannot be dealt with at that meeting or any adjournment of it; and

100.1.3 if lost, the original or substantive motion to which it relates must be put to the vote immediately without any further debate or amendment.

100.2 The Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.

### **101. The Closure**

101.1 A motion "That the motion be now put":

101.1.1 is a formal motion which is carried in respect to an original motion, that original motion must be put to the vote immediately without any further debate, discussion or amendment; and

101.1.2 if carried in respect to an amendment, that amendment must be put to the vote immediately without any further debate or discussion and debate on the original motion may continue unaffected; and

101.1.3 if lost, debate may continue unaffected; and

101.2 The Chairperson has the discretion to reject a motion for closure if the motion upon which it is proposed has not been sufficiently debated.

### **102. Adjourning the Debate**

102.1 A motion "That the motion and amendments now before the meeting be adjourned until .....":-

102.1.1 is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and

102.1.2 on which debate is permitted but may only be amended in relation to the time, date and place of the proposed adjournment.

## **Division 4 – Notice of Motion**

### **84. Must be Listed on Agenda**

84.1 A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

84.2 The notice of motion must be lodged with the Chief Executive Officer by 5.00pm on the Tuesday of the week prior to the Council meeting to allow sufficient time for the notice of motion to be included in the agenda.

84.3 The Chief Executive Officer must list the notice of motion on the agenda for the next Ordinary meeting and, if more than one, in the order they were received.

84.4 The Chief Executive Officer at his or her discretion may provide comments to the Council on the motion to assist the Council's deliberation.

### **85. Procedure**

85.1 A Councillor may give notice of motion on any matter he or she wants discussed at an Ordinary meeting by delivering a signed notice of motion, outlining the subject and the motion proposed for discussion, to the Chief Executive Officer.

## **86. Rejection of a Vague Notice**

86.1 The Chief Executive Officer

86.1.1 may reject any notice of motion that is too vague 86.1.2 is identical or substantially similar to a notice of motion that has been considered by the Council and lost in the preceding six months;

86.1.3 is defamatory;

86.1.4 may be prejudicial to any person or to the Council;

86.1.5 is objectionable in language or nature;

86.1.6 is outside the powers of the Council; or

86.1.7 is a matter subject to a Council decision-making process which has commenced but is not yet complete.

86.1.8 must notify the relevant Councillor in writing of any notice of motion which has been rejected and give the reasons for its rejection.

## **106. Listing Notice on Agenda**

106.1 Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of motion on the agenda for the next relevant meeting and, if more than one, in the order they were received. The notice of motion must be lodged with the Chief Executive Officer by 5.00pm on the Tuesday of the week prior to the Council meeting to allow sufficient time for the notice of motion to be included in the Council agenda.

106.2 The Chief Executive Officer at his/her discretion may provide comments to the Council on the motion to assist the Council's deliberation.

## **87. Register of Notices**

The Chief Executive Officer must cause every notice of motion received to be sequentially numbered and maintained in a register.

## **88. May be Moved by any Councillor and Amended**

A notice of motion listed on an agenda may be moved by any Councillor present and, except where the notice of motion is to confirm a previous resolution of the Council, may be amended.

## **89. Confirmation of Previous Resolution**

If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form, it is lost.

## **90. If Lost**

Unless the Council resolves to re-list at a future meeting a notice of motion which has been lost, a similar motion cannot be put before the Council for at least three months from the date it was last lost.

## **Division 5 - Notice of Rescission or Amendment**

### **91. Procedure**

91.1 Any Notice of Amendment or Rescission must be in writing.

110.2 The Notice of Rescission or Amendment must be lodged with the Chief Executive Officer by 5.00pm on the Tuesday of the week prior to the Council Meeting to allow sufficient time for the notice of motion to be included in the Council agenda.

91.2 A Councillor may propose a motion to rescind or amend a resolution of the Council provided

that:

91.2.1 the resolution proposed to be rescinded or amended has not been acted upon; and

110.3.2 if carried, the motion will not alter the existing legal rights or obligations of any person other than the Council; and

91.2.2 a notice containing the motion is delivered to the Chief Executive Officer detailing:

91.2.2.1 the decision proposed to be rescinded or amended; and

91.2.2.2 the Council meeting and date when the decision was made.

91.3 A resolution will be deemed to have been acted upon if:

91.3.1 its contents have or substance has been formally communicated to a person whose interests are materially affected by it; or

91.3.2 a statutory process has commenced so as to vest enforceable rights in or obligations on the Council or any other person.

### **111. Listing notice on agenda**

111.1 The Chief Executive Officer must list the Notice of Amendment or Rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda for the next relevant meeting.

### **112. If lost**

112.1 Unless the Council resolves to re-list at a future meeting a notice to amend or rescind which has been lost, a similar motion cannot be put before the Council for at least three months from the date it was last considered.

**92. If Not Moved**

If a notice of Amendment or Rescission is not moved at the meeting for which it is listed, it will lapse.

**114. May be moved by any Councillor**

114.1 A Notice of Amendment or Rescission listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

**93. When Not Required**

A notice of motion to rescind or amend a previous resolution of the Council is not required where the Council wishes to change a previous decision relating to a policy of the Council.

**116. Register of Notices**

116.1 The Chief Executive Officer must cause every Notice of Amendment or Rescission received to be sequentially numbered and to be maintained in a register.

**Division 6 - Procedural Motions**

**94. Procedural Motions**

94.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.

94.2 Procedural motions require a seconder.

94.3 Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the procedures set out in the Procedural Motions Table in this clause 94.

**Procedural Motions Table**

Procedural Motion	Form	Mover and Secunder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate permitted on Motion
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 Chairperson; (b) When another Councillor is speaking	Motion and/or any amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
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 Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with section 85 of the Act; or (d) When the motion would have the effect of causing Council to be in breach of a legislative requirement	Motion and/or any Amendment is postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

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 the nominations for Chairperson	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate - subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion.	Debate continues unaffected	No
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 Chairperson; (b) During a meeting which is a call of the Council has been made for that meeting in accordance with section 85 of the Act; or (c) When the motion would have the effect of causing Council to be in breach of a legislative requirement.	Motion and/or any amendment is not further discussed or voted on until: (a) Council resolves to take the question from the table at the same meeting; or (b) The matter is placed on a subsequent agenda and Council resolves to take the question from the table	Debate continues unaffected	No
Previous question	That the question be now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a Chairperson; (b) When another Councillor is speaking; (c) When the matter is one in respect of which a call of the Council has been made for that meeting in accordance with section 85 of the Act; (d) When an amendment is before Council; or (e) When a motion would have the effect of causing Council to be in breach of a legislative requirement	(a) No vote or further discussion on the motion until it is placed on a subsequent agenda for a Later meeting; and (b) Proceed to next business	Motion (as amended up to that time) put immediately without further amendment or debate	Yes
Proceeding to next business	That the meeting proceed to the next business	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of a Chairperson (b) When another Councillor is speaking (c) When the matter is one in respect of which a call of the Council has been	If carried in respect of: (a) an amendment, Council considers the motion without reference to the amendment;	Debate continues unaffected	No

made for that meeting in accordance with section 85 of the Act; or  
(d) When a motion would have the effect of causing Council to be in breach of a legislative requirement

(b) a motion – no vote or further discussion on the motion until it is placed on an agenda for a later meeting

## **PART 11 – ENFORCEMENT**

### **95. Offences**

- 95.1 Where any provision in this Local Law requires that something may not be done at all, any person who does that act is guilty of an offence.
- 95.2 Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.
- 95.3 Any person who contravenes this Local Law is guilty of an offence, and liable to a penalty, unless stated otherwise in this Local Law:-
- 95.3.1 for an initial offence, not exceeding 10 penalty units;
  - 95.3.2 for a subsequent offence, not exceeding 30 penalty units; and
  - 95.3.3 for a continuing offence, of one penalty unit for each day after conviction for an offence during which the contravention continues.

### **99. Penalties**

- 99.1 Schedule 2 of this Local Law sets out penalties for infringement notice purposes which may be issued as an alternative to prosecution in respect of offences against this Local Law where the Council or its authorised officers determine to proceed by infringement notice.

### **96. Infringement Notice**

- 96.1 An authorised officer may serve a local law infringement notice as per Schedule 1 on a person whom the officer believes has committed an infringement referred to in Schedule 2 requiring the person to pay the penalty for that infringement within 28 days of the issue of the infringement notice.
- 100.2 If the infringement notice is not withdrawn and the person pays to the Council the amount referred to in the infringement notice within the period of 28 days or such further period as the Council or an authorised officer may allow, no conviction will be recorded against that person for the alleged infringement.
- 100.3 If a person issued with an infringement notice makes a written representation to the Council, the Chief Executive Officer or officer in charge of local laws administration within 28 days of the issue of the infringement notice, the representation must be brought to the attention of the Chief Executive Officer.
- 100.4 The Chief Executive Officer may consider any written representations and any other relevant information and must consider any such material brought to his or her attention within 28 days of the issue of the infringement notice to which it relates.
- 100.5 Subject to sub-clause (11) the decision of the Chief Executive Officer on any representations received will be final.
- 100.6 The Council or the Chief Executive Officer may at any time withdraw an infringement notice either as a result of consideration of any representations made or with a view to prosecuting for an offence.

- 100.7 Where an infringement notice is withdrawn, the person upon whom it was served is entitled to a refund of any payment which that person has made on the infringement notice.
- 100.8 If the penalty referred to in an infringement notice has been paid within 28 days of its issue and no representation has been received by the Council or its officers, no decision may be made to withdraw the infringement notice and prosecute the offence after the expiry of 28 days from the issue of the infringement notice.
- 100.9 Any withdrawal of an infringement notice may be served in accordance with section 234 of the Act.
- 100.10 In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council or the authorised officer may permit, the Council or the authorised officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.
- 100.11 Any person served with a local law infringement notice is entitled to disregard the notice and defend the prosecution in Court.

SCHEDULE 1 - INFRINGEMENT NOTICE

Date:

To: [name and address)

I, [name of authorised officer] have reason to believe that you have committed an offence against the Meeting Procedure Local Law No. 1/2009 of the Northern Grampians Shire Council, as indicated below:

Date and Time of Offence	
Clause of Local Law	
Penalty	
Description of the Offence	
Location of the Offence	

You are entitled to disregard this notice and defend the prosecution for an offence in Court.

**THE COMMON SEAL** of the Northern )  
Grampians Shire Council was hereunto )  
affixed this 3rd day of February )  
2020 in the presence of: )

..... Mayor/Councillor

..... Chief Executive Officer/Senior Officer

**CERTIFICATION**

This Local Law was made by resolution of Northern Grampians Shire Council on 3 February 2020.

Public Notice of the proposal to make and confirmation for the making of this Local Law were inserted in the Weekly Advertiser 19 and 30 February, 2020 respectively.

Notice of the making of this Local Law was included in the Victorian Government Gazette dated 30 February, 2020.

A copy of this Local Law was sent to the Minister for Local Government on 30 February, 2020.

## 9.2. Delegation Update

**Author/Position:** Lauren Homden, Coordinator Governance

### Summary

To consider delegation of powers in the S6 Instrument of Delegation from Council to Members of Council Staff due to a position changes.

### Recommendation

#### **S6 Instrument of Delegation from Council to members of Council staff**

**In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that:**

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

## RESOLUTION

**That Item 9.2 be deferred to the next Ordinary Council meeting.**

**Moved: Cr Jason Hosemans**

**Seconded: Cr Merrilee Reid**

**Carried**

**Cr Hyslop called for a DIVISION**

**FOR the motion: Crs Jason Hosemans, Kevin Erwin, Merrilee Reid and Murray Emerson**

**AGAINST the motion: Crs Karen Hyslop and Tony Driscoll**

## **Background/Rationale**

Council is required to keep all delegations and authorisations up to date. S6 Instrument of Delegation from Council to Members of Council Staff needs to be reviewed and updated by Council to approve the following changes:

- Executive Manager Operations powers, duties and functions be delegated to Director Infrastructure as the Executive Manager Operations position no longer exists,
- the position of Coordinator Civil Works is removed from the Delegation as it no longer exists, and
- a new position Manager Operations is included in the Delegation.

As soon as a position title changes, delegations must be amended, as the position no longer has delegated authority and the person in the position will be unable to exercise any powers or functions.

## **Legislation, Council Plan, Strategy and Policy Implications**

*Local Government Act 1989*

Council Plan - Improve Organisational Effectiveness

## **Options**

### **Option 1**

That Council agrees to the delegation of powers and signs and seals the instrument. **[recommended]**

### **Option 2**

That Council rejects the recommendation and seeks additional information. **[not recommended]**

## **Implications**

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

## **Consultation**

There has been consultation with internal staff affected by the position change.

## **Officer's Declaration of Interest**

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Lauren Homden, Coordinator Governance

In providing this advice as the author, I have no disclosable interests in this report.

## **Attachments**

1. S 6 Instrument of Delegation Council to members of staff **[9.2.1 - 63 pages]**

**Northern Grampians Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

***(Pursuant to 80B & 80C of the Local Government Act 1989)***

***A member of Council staff who has a conflict of interest (Direct or Indirect) in a matter in which they have a delegated power, duty or function of the Council under section 98 or under another Act, must:***

***(a) not exercise the power or discharge the duty or function,***

***(b) promptly disclose the type of interest and nature of interest in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest.***

***This applies to verbal and written advice (reports) and extends also to consultants and contractors.***

***In the instance of the CEO having an interest, the CEO must disclose the type and nature of the interest in writing to:-***

***i) the Mayor, in writing, as soon as he or she becomes aware of the conflict of interest in the matter; and***

***ii) the Council by no later than the next ordinary meeting of the Council***

***Disclosure is required when providing advice to and before consideration by Council or a special committee.***

## Instrument of Delegation

In exercise of the power conferred by s 98(1) of the *Local Government Act 1989* and the other legislation referred to in the attached Schedule, the Council:

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

<b>"BI" means</b>	<b>: Building Inspector</b>
<b>"EHO" means</b>	<b>: Environmental Health Officer</b>
<b>"DI" means</b>	<b>: Director Infrastructure</b>
<b>"GE" means</b>	<b>: Graduate Engineer</b>
<b>"HPD" means</b>	<b>: Head of Planning &amp; Development</b>
<b>"MBS" means</b>	<b>: Municipal Building Surveyor</b>
<b>"MECS" means</b>	<b>: Manager Environment &amp; Community Safety</b>
<b>"MG&amp;CS" means</b>	<b>: Manager Governance &amp; Civic Support</b>
<b>"MI" means</b>	<b>: Manager Infrastructure</b>
<b>"MO" means</b>	<b>: Manager Operations</b>
<b>"P" means</b>	<b>: Strategic Planner and Statutory Planning Officer</b>
<b>"TLPS" means</b>	<b>: Team Leader Permit Support</b>
<b>"CE&amp;CS" means</b>	<b>: Coordinator Environment &amp; Community Safety</b>
<b>"CES" means</b>	<b>: Coordinator Engineering Services</b>
<b>"CDS" means</b>	<b>: Coordinator Development Services</b>

3. declares that:

3.1 this Instrument of Delegation is authorised by "**a resolution**" of Council passed on 11 November, 2019; 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 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

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

The Common Seal of the Northern )  
Grampians Shire Council was )  
hereunto affixed this 11th day of )  
November, 2019, in the presence of )

.....

Mayor/Councillor

.....

Chief Executive Officer/Senior Officer

## INDEX

[CEMETERIES AND CREMATORIA ACT 2003](#)

[DOMESTIC ANIMALS ACT 1994](#)

[ENVIRONMENT PROTECTION ACT 1970](#)

[FOOD ACT 1984](#)

[HERITAGE ACT 2017](#)

[LOCAL GOVERNMENT ACT 1989](#)

[PLANNING AND ENVIRONMENT ACT 1987](#)

[RAIL SAFETY \(LOCAL OPERATIONS\) ACT 2006](#)

[RESIDENTIAL TENANCIES ACT 1997](#)

[ROAD MANAGEMENT ACT 2004](#)

[CEMETERIES AND CREMATORIA REGULATIONS 2015](#)

[PLANNING AND ENVIRONMENT REGULATIONS 2015](#)

[PLANNING AND ENVIRONMENT \(FEES\) REGULATIONS 2016](#)

[RESIDENTIAL TENANCIES \(CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS\) REGULATIONS 2010](#)

[ROAD MANAGEMENT \(GENERAL\) REGULATIONS 2016](#)

[ROAD MANAGEMENT \(WORKS AND INFRASTRUCTURE\) REGULATIONS 2015](#)

**SCHEDULE**

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	MECS/DI	
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	MECS/DI	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	MECS/DI	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	MECS/DI	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	MECS/DI	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	MECS/DI	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	MECS/DI	
s 15(1)&(2)	Power to delegate powers or functions other than those listed	MECS/DI	
s 15(4)	Duty to keep records of delegations	MECS/DI	
s 17(1)	Power to employ any persons necessary	MECS/DI	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	MECS/DI	
s 17(3)	Power to determine the terms and conditions of employment or engagement	MECS/DI	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	MECS/DI	

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	MECS/DI	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	MECS/DI	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	MECS/DI	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	MECS/DI	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	MECS/DI	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	MECS/DI	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 <i>Financial Management Act 1994</i>	MECS/DI	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	MECS/DI	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	MECS/DI	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	MECS/DI	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))	MECS/DI	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	MECS/DI	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	MECS/DI	Where Council is a Class A cemetery trust

s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	MECS/DI	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	MECS/DI	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	MECS/DI	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	MECS/DI	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	MECS/DI	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	MECS/DI	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	MECS/DI	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	MECS/DI	
s 20(1)	Duty to set aside areas for the interment of human remains	MECS/DI	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	MECS/DI	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	MECS/DI	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	MECS/DI	
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	MECS/DI	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	MECS/DI	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	MECS/DI	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	MECS/DI	Provided the street was constructed pursuant to the <i>Local Government Act 1989</i>

s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	MECS/DI	Report must contain the particulars listed in s.57(2)
s 59	Duty to keep records for each public cemetery	MECS/DI	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	MECS/DI	
s 60(2)	Power to charge fees for providing information	MECS/DI	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	MECS/DI	
s 64B(d)	Power to permit interments at a reopened cemetery	MECS/DI	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	MECS/DI	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	MECS/DI	
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	MECS/DI	
s 70(2)	Duty to make plans of existing place of interment available to the public	MECS/DI	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	MECS/DI	
s 71(2)	Power to dispose of any memorial or other structure removed	MECS/DI	
s 72(2)	Duty to comply with request received under s72	MECS/DI	
s 73(1)	Power to grant a right of interment	MECS/DI	
s 73(2)	Power to impose conditions on the right of interment	MECS/DI	
s 75	Power to grant the rights of interment set out in s 75 (a) and (b)	MECS/DI	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	MECS/DI	
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	MECS/DI	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	MECS/DI	

s 80(2)	Function of recording transfer of right of interment	MECS/DI	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	MECS/DI	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	MECS/DI	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	MECS/DI	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	MECS/DI	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	MECS/DI	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	MECS/DI	Does not apply where right of interment relates to remains of a deceased veteran
s 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	MECS/DI	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(1)	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	MECS/DI	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	MECS/DI	
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	MECS/DI	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	MECS/DI	
s 86(4)	Power to take action under s 86(4) relating to removing and re-interring cremated human remains	MECS/DI	

s 86(5)	Duty to provide notification before taking action under s 86(4)	MECS/DI	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	MECS/DI	
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	MECS/DI	
s 88	Function to receive applications to carry out a lift and reposition procedure at a place of interment	MECS/DI	
s 91(1)	Power to cancel a right of interment in accordance with this section	MECS/DI	
s 91(3)	Duty to publish notice of intention to cancel right of interment	MECS/DI	
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	MECS/DI	
s 98(1)	Function of receiving application to establish or alter a memorial or place of interment	MECS/DI	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	MECS/DI	
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	MECS/DI	
s 100(1)	Power to require a person to remove memorials or places of interment	MECS/DI	
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)	MECS/DI	
s 100(3)	Power to recover costs of taking action under s 100(2)	MECS/DI	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	MECS/DI	
s 102(1)	Power to approve or refuse (if satisfied of the matters in (b) and (c) an application under s 101	MECS/DI	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	MECS/DI	

s 103(1)	Power to require a person to remove a building for ceremonies	MECS/DI	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	MECS/DI	
s 103(3)	Power to recover costs of taking action under s 103(2)	MECS/DI	
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	MECS/DI	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	MECS/DI	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	MECS/DI	
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	MECS/DI	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	MECS/DI	
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	MECS/DI	
s 108	Power to recover costs and expenses	MECS/DI	
s 109(1)(a)	Power to open, examine and repair a place of interment	MECS/DI	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	MECS/DI	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	MECS/DI	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	MECS/DI	
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	MECS/DI	

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	MECS/DI	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	MECS/DI	
s 112	Power to sell and supply memorials	MECS/DI	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	MECS/DI	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	MECS/DI	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	MECS/DI	
s 119	Power to set terms and conditions for interment authorisations	MECS/DI	
s 131	Function of receiving an application for cremation authorisation	MECS/DI	
s 133 (1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	MECS/DI	Subject to s 133 (2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	REMAIN WITH CEO	
s 146	Power to dispose of bodily remains by a method other than interment or cremation with the approval of the Secretary	REMAIN WITH CEO	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	MECS/DI	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	MECS/DI	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part II are met	MECS/DI	
s 151	Function of receiving an application to inter or cremate body parts	MECS/DI	
s 152 (2)	Power to impose terms and conditions on authorisation granted under s150	MECS/DI	
sch1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	MECS/DI	

sch 1 cl 8(8)	Power to regulate own proceedings	MECS/DI	Subject to clause 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	MECS/DI	Where council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	MECS/DI	Where council is a Class A cemetery trust subject to clause 8

<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s 41A(1)	Power to declare a dog to be a menacing dog	CE&CS	Council may delegate this power to a Council authorised officer

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 53M(3)	Power to require further information	CDS & EHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	CDS & EHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	CDS & EHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	CDS & EHO	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)	CDS & EHO	Refusal must be ratified by Council or it is of no effect

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	CEO, CDS, EHO	If s19(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	CDS & EHO	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	CDS & EHO	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	CEO, CDS, EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s19 if satisfied that an order has been complied with	CEO, CDS, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	CEO, CDS, EHO	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)	CEO, CDS, EHO	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	CEO, CDS, EHO	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	CEO, CDS, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	CDS, EHO	wWhere Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	CDS & EHO	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	CDS & EHO	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	CDS & EHO	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports <sup>o</sup>	CDS & EHO	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	CDS & EHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	CDS & EHO	Except for an assessment required by a declaration under s 19C or an inspection under s38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	CDS & EHO	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	CDS & EHO	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	CDS & EHO	Where Council is the registration authority
---	Power to register, renew or transfer registration	CDS & EHO	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 <sup>o</sup>	CDS & EHO	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)	CDS & EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	CDS & EHO	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	CDS & EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	CDS & EHO	Where Council is the registration authority

s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	CDS & EHO	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	CDS & EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	CDS & EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	CDS & EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	CDS & EHO	Where Council is the registration authority not exceeding the prescribed time limit defined under ss (5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	CDS & EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	CDS & EHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	CDS & EHO	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 <i>Public Health and Wellbeing Act 2008</i>	CDS & EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	CDS & EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	CDS & EHO	Where Council is the registration authority
s 43(1)	Duty to maintain records of the prescribed particulars	CDS & EHO	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	CDS & EHO	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	CDS & EHO	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	CDS & EHO	Where Council is the registration authority

<b>HERITAGE ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO TO RETAIN	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

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO <sup>1</sup>	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO <sup>2</sup>	

<sup>1</sup> The only member of staff who can be a delegate in Column 3 is the CEO.

<sup>2</sup> The only member of staff who can be a delegate in Column 3 is the CEO.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 4B	Power to prepare an amendment to the Victoria Planning Provisions	P, HPD	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	P, HPD	
s 4H	Duty to make amendment to the Victorian Planning Provisions available	P, HPD	
s 4I	Duty to keep Victoria Planning Provisions and other documents available	P, HPD	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	P, HPD	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	P, HPD	
s 8A(5)	Function of receiving notice of the Minister's decision	P, HPD	
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	P, HPD	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	P, HPD	
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	P, HPD	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the Planning and Environment (Planning Schemes) Act 1996)	P, HPD	

s 12B(1)	Duty to review planning scheme at least once in every three years after commencement of <i>Planning and Environment (General Amendment) Act 2004 No. 81</i>	P, HPD	
s 12B(2)	Duty to review planning scheme at direction of Minister	P, HPD	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	P, HPD	
s 14	Duties of a Responsible Authority as set out in s 14(a) to (d)	P, HPD	
s 17(1)	Duty of giving copy amendment to the planning scheme	P, HPD	
s 17(2)	Duty of giving copy s 173 agreement	P, HPD	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	P, HPD	
s 18	Duty to make amendment etc. available	HPD, P, TLPS	
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 s19 to a planning scheme	P, HPD	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	P, HPD	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	P, HPD	
s 21(2)	Duty to make submissions available	HPD, P, TLPS	
s 21A(4)	Duty to publish notice in accordance with section	P, HPD	
s 22	Duty to consider all submissions	P, HPD	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	P, HPD	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	P, HPD	

s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	P, HPD	
s 26(1)	Power to make report available for inspection	P, HPD	
s 26(2)	Duty to keep report of panel available for inspection	HPD, P, TLPS	
s 27 (2)	Power to apply for exemption if panel's report not received	P, HPD	
s 28	Duty to notify the Minister if abandoning an amendment	MECS	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	P, HPD	
s 30(4)(b)	Duty to provide information in writing upon request	P, HPD	
s 32(2)	Duty to give more notice if required	P, HPD	
s 33(1)	Duty to give more notice of changes to an amendment	P, HPD	
s 33(2)	Duty to comply with request by Authority under s.33(1) for information or assistance	P, HPD	
s 34(1)	Function of consulting with Authority where exercising its powers likely to affect Council's functions	P, HPD	
s 36(2)	Duty to give notice of approval of amendment	P, HPD	
s 38(5)	Duty to give notice of revocation of an amendment	P, HPD	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	P, HPD	
s 40(1)	Function of lodging copy of approved amendment	P, HPD	
s 41	Duty to make approved amendment available	HPD, P, TLPS	
s 42	Duty to make copy of planning scheme available	HPD, P, TLPS	
s 46AW	Function of being consulted by the Minister	P, HPD	Where Council is responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	P, HPD	Where Council is responsible public entity

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	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	P, HPD	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	P, HPD	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	P, HPD	
s 46GP	Function of receiving a notice under s.46GO	P, HPD	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	P, HPD	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	P, HPD	

s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	P, HPD	
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	P, HPD	
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	P, HPD	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	P, HPD	
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	P, HPD	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	P, HPD	
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	P, HPD	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution	P, HPD	Where Council is the collecting agency

	Power to specify the manner in which the payment is to be made		
s 46GV(3)(b)	Power to enter into an agreement with the applicant	P, HPD	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)	P, HPD	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	P, HPD	
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	P, HPD	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	P, HPD	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	P, HPD	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	P, HPD	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	P, HPD	Where Council is the collecting agency

s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	P, HPD	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	P, HPD	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 works, services or facilities	P, HPD	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 componen	P, HPD	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)	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	P, HPD	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s.46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	P, HPD	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	P, HPD	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	P, HPD	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)	P, HPD	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZBI(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	P, HPD	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)	P, HPD	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)	P, HPD	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)	P, HPD	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	P, HPD	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 46GZE(2)	Function of receiving the unexpended land equalisation amount	P, HPD	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 46GZE(3)(a) and (b)	P, HPD	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	P, HPD	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)	P, HPD	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)(a)	Function of receiving proceeds of sale	P, HPD	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)	P, HPD	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)	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	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)	P, HPD	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	P, HPD	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	P, HPD	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	P, HPD	
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	P, HPD	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	P, HPD	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	P, HPD	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	P, HPD	
s 46Q(1)	Duty to keep proper accounts of levies paid	HPD, P, TLPS	

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	P, HPD	
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.	P, HPD	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	P, HPD	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 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)	P, HPD	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	P, HPD	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	P, HPD	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	P, HPD	
s 46QD	Duty to prepare report and give a report to the Minister	P, HPD	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	P, HPD	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	P, HPD	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	HPD, P, TLPS	
s 49(2)	Duty to make register available for inspection	HPD, P, TLPS	
s 50(4)	Duty to amend application	P, HPD	
s 50(5)	Power to refuse to amend application	P, HPD	
s 50(6)	Duty to make note of amendment to application in register	HPD, TLPS	

s 50A(1)	Power to make amendment to application	P, HPD	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	P, HPD	
s 50A(4)	Duty to note amendment to application in register	HPD, P, TLPS	
s 51	Duty to make copy of application available for inspection	HPD, P, TLPS	
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	P, HPD	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	P, HPD	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	P, HPD	
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	P, HPD	
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	P, HPD	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally affected	P, HPD	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	P, HPD	
s 52(3)	Power to give any further notice of an application where appropriate	P, HPD	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	P, HPD	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	P, HPD	
s 54(1)	Power to require the applicant to provide more information	P, HPD	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	P, HPD	

s 54(1B)	Duty to specify the lapse date for an application	P, HPD	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	P, HPD	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	P, HPD	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	P, HPD	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	P, HPD	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	P, HPD	
s 57(5)	Duty to make available for inspection copy of all objections	HPD, P, TLPS	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	HPD, P	
s 57A(5)	Power to refuse to amend application	HPD, P	
s 57A(6)	Duty to note amendments to application in register	HPD, P, TLPS	
s 57B(1)	Duty to determine whether and to whom notice should be given	P, HPD	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	P, HPD	
s 57C(1)	Duty to give copy of amended application to referral authority	P, HPD	
s 58	Duty to consider every application for a permit	P, HPD	
s 58A	Power to request advice from the Planning Application Committee	P, HPD	
s 60	Duty to consider certain matters	P, HPD	
s 60(1A)	Power to consider certain matters before deciding on application	P, HPD	

s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	P, HPD	
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	P, HPD	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> .
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	P, HPD	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	P, HPD	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	P, HPD	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	P, HPD	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	P, HPD	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	P, HPD	
s 62(2)	Power to include other conditions	P, HPD	
s 62(4)	Duty to ensure conditions are consistent with sss (a),(b) and (c)	P, HPD	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	P, HPD	
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	P, HPD	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	P, HPD	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	P, HPD	

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)	P, HPD	
s 63	Duty to issue the permit where made a decision in favour of the application if objectors	P, HPD	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	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	P, HPD	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	P, HPD	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	P, HPD	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	P, HPD	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
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decided to grant and a copy of any notice given under s 64 or 65	P, HPD	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	P, HPD	
s 69(1A)	Function of receiving application for extension of time to complete development	P, HPD	

s 69(2)	Power to extend time	P, HPD	
s 70	Duty to make copy permit available for inspection	HPD, P, TLPS	
s 71(1)	Power to correct certain mistakes	P, HPD	
s 71(2)	Duty to note corrections in register	HPD, P, TLPS	
s 73	Power to decide to grant amendment subject to conditions	P, HPD	
s 74	Duty to issue amended permit to applicant if no objectors	P, HPD	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	P, HPD	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	P, HPD	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	P, HPD	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	P, HPD	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 copy of any notice given under s 64 or 76	P, HPD	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	P, HPD	
s 83	Function of being respondent to an appeal	P, HPD	
s 83B	Duty to give or publish notice of application for review	P, HPD	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	P, HPD	
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	P, HPD	

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	P, HPD	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	P, HPD	
s 84AB	Power to agree to confining a review by the Tribunal	P, HPD	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	P, HPD	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	P, HPD	
s 87(4)	Power to make a minor amendment to a permit	P, HPD	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	P, HPD	
s 91(2)	Duty to comply with the directions of the VCAT	P, HPD	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	P, HPD	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	P, HPD	
s 93(2)	Duty to give notice of VCAT order to stop development	P, HPD	
s 95(3)	Function of referring certain applications to the Minister	P, HPD	
s 95(4)	Duty to comply with an order or direction	P, HPD	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	P, HPD	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	P, HPD	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	P, HPD	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	P, HPD	

s 96F	Duty to consider the panel's report under s 96E	P, HPD	
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 <i>Planning and Environment (Planning Schemes) Act 1996</i> )	P, HPD	
s 96H(3)	Power to give notice in compliance with Minister's direction	P, HPD	
s96j	Power to issue permit as directed by the Minister	P, HPD	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	P, HPD	
s 96Z	Duty to keep levy certificates given to it under s 47 or 96A for no less than 5 years from receipt of the certificate	P, HPD	
s 97C	Power to request Minister to decide the application	P, HPD	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	P, HPD	
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	P, HPD	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	HPD, P, TLPS	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	HPD, P, TLPS	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	HPD, P	
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	HPD, P	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	HPD, P	

s 97Q(4)	Duty to comply with directions of VCAT	HPD, P	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	HPD, P, TLPS	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	HPD, P	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	P, HPD	
s 101	Function of receiving claim for expenses in conjunction with claim	P, HPD	
s 103	Power to reject a claim for compensation in certain circumstances	P, HPD	
s 107(1)	Function of receiving claim for compensation	P, HPD	
s.107(3)	Power to agree to extend time for making claim	P, HPD	
s 114(1)	Power to apply to the VCAT for an enforcement order	P, HPD	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	P, HPD	
s120(1)	Power to apply for an interim enforcement order where s 114 application has been made	P, HPD	
s .123(1)	Power to carry out work required by enforcement order and recover costs	P, HPD	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	P, HPD	Except Crown Land
s 129	Function of recovering penalties	P, HPD	
s 130(5)	Power to allow person served with an infringement notice further time	P, HPD	
s 149A(1)	Power to refer a matter to the VCAT for determination	P, HPD	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	P, HPD	
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	P, HPD	Where Council is the relevant planning authority

	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)		
s 171(2)(f)	Power to carry out studies and commission reports	P, HPD	
s 171(2)(g)	Power to grant and reserve easements	P, HPD	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	P, HPD	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)	P, HPD	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	P, HPD	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	P, HPD	
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	P, HPD	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 <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	P, HPD	
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	P, HPD	

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	P, HPD	
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	P, HPD	
s 178A(1)	Function of receiving application to amend or end an agreement	P, HPD	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s178A(1)	P, HPD	
s178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principal to the proposal	P, HPD	
s 178A(5)	Power to propose to amend or end an agreement	P, HPD	
s 178B(1)	Duty to consider certain matters when considering proposal to end an agreement	P, HPD	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	P, HPD	
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	P, HPD	
s 178C(4)	Function of determining how to give notice under s 178C(2)	P, HPD	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	P, HPD	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	P, HPD	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	P, HPD	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	P, HPD	If no objections are made under s 178. Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	P, HPD	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	P, HPD	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	P, HPD	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	P, HPD	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)	P, HPD	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	P, HPD	
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	P, HPD	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	P, HPD	
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	P, HPD	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown Land	P, HPD	
s 179(2)	Duty to make available for inspection copy agreement	HPD, P, TLPS	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	P, HPD	
s 181(1A)(a)	Power to apply to the Register of Titles to record the agreement	P, HPD	
s 181(1A)(b)	Duty to apply to the Register of Titles, without delay, to record the agreement	P, HPD	
s 182	Power to enforce an agreement	P, HPD	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	HPD, TLPS, P	

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	P, HPD	
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	P, HPD	
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	P, HPD	
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	P, HPD	
s 184G(2)	Duty to comply with a direction of the tribunal	P, HPD	
s 184G(3)	Duty to give notice as directed by the Tribunal	P, HPD	
s 198(1)	Function to receive application for planning certificate	HPD, P, TLPS	
s 199(1)	Duty to give planning certificate to applicant	P, HPD	
s 201(1)	Function of receiving application for declaration of underlying zoning	HPD, P, TLPS	
s 201(3)	Duty to make declaration	P, HPD	
---	Power to approve development plans under the planning scheme	P, HPD	Subject to Council resolution
---	Power to approve any plan required to be approved as a condition of a planning permit.	P, HPD	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	P, HPD	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under ss (1) as soon as possible	P, HPD	

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s 33	Duty to comply with a direction of the Safety Director under s 33	MO/DI	Where Council is a utility under s 3
s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under this section	MO/DI	Duty of Council as a road authority under the <i>Road Management Act 2004</i>
s 34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s 33(1)	MO/DI	Where Council is a utility under s 3
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	MO/DI	Where Council is the relevant road authority
s 34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	MO/DI	Where Council is the relevant road authority
s 34D(2)	Function of receiving written notice of opinion	MO/DI	Where Council is the relevant road authority
s 34D(4)	Function of entering into safety interface agreement with infrastructure manager	MO/DI	Where Council is the relevant road authority
s 34E(1)(a)	Duty to identify and assess risks to safety	MO/DI	Where Council is the relevant road authority
s 34E(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in s 34E(2)(a)-(c)	MO/DI	Where Council is the relevant road authority
s 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	MO/DI	Where Council is the relevant road authority

s 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 34D(2)(a)	MO/DI	Where Council is the relevant road authority
s 34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under s 34D(2)(a)	MO/DI	Where Council is the relevant road authority
s 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	MO/DI	Where Council is the relevant road authority
s 34H	Power to identify and assess risks to safety as required under s 34B, 34C, 34D, 34E or 34F in accordance with s 34H(a)-(c)	MO/DI	Where Council is the relevant road authority
s 34I	Function of entering into safety interface agreements	MO/DI	Where Council is the relevant road authority
s 34J(2)	Function of receiving notice from Safety Director	MO/DI	Where Council is the relevant road authority
s 34J(7)	Duty to comply with a direction of the Safety Director given under s 34J(5)	MO/DI	Where Council is the relevant road authority
s 34K(2)	Duty to maintain a register of items set out in s34K (a)-(b)	MO/DI	Where Council is the relevant road authority

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 142D	Function of receiving notice regarding an unregistered rooming house	CDS & EHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	CDS & EHO	
s 142G(2)	Power to enter certain information in the Rooming House Register	CDS & EHO	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CDS & EHO	
s 252	Power to give tenant a notice to vacate rented premises if s 252 (1) applies	CDS & EHO	
s 262(1)	Power to give tenant a notice to vacate rented premises	CDS & EHO	Where Council is the landlord
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council	CDS & EHO	Where Council is the landlord
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CDS & EHO	
s 522(1)	Power to give a compliance notice to a person	CDS & EHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CDS & EHO	
s 525(4)	Duty to issue identity card to authorised officers	CDS & EHO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CDS & EHO	
s 526A(3)	Function of receiving report of inspection	CDS & EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CDS & EHO	Obtain prior Council approval.

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	MI/DI	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	MI/DI	
s 11(9)(b)	Duty to advise Registrar	MG&CS	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	MI/DI	Clause subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	MI/DI	where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	DI	where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	MI/DI	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	MI	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	DI	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	DI	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	MI/DI	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	MI/DI	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 VicRoads	DI	
s 14(7)	Power to appeal against decision of VicRoads	MI/DI	
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	MI/DI	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MI/DI	
s 15(2)	Duty to include details of arrangement in public roads register	MI/DI	
s 16(7)	Power to enter into an arrangement under s15	MI/DI	
s 16(8)	Duty to enter details of determination in public roads register	MI/DI	
s 17(2)	Duty to register public road in public roads register	MI/DI	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	MI/DI	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	MI/DI	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	MI/DI	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	MI/DI	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	MI/DI	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	MI/DI	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	MI/DI	
s 19(4)	Duty to specify details of discontinuance in public roads register	MI/DI	

s 19(5)	Duty to ensure public roads register is available for public inspection	MI/DI	
s 21	Function of replying to request for information or advice	MI/DI	Obtain consent in circumstances specified in s11(2)
s 22(2)	Function of commenting on proposed direction	MI/DI	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report	MI/DI	s 22(5) duty to give effect to a direction under this section. Where council is the road authority
s 40(1)	Duty to inspect, maintain and repair a public road.	MI/MO/DI	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MI/MO/DI	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MI/MO/DI	
s 42(1)	Power to declare a public road as a controlled access road	MI/DI	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	MI/DI	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	MI/DI	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	MI/DI	Where Council is the of 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)	MI/MO/DI	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	MI/DI	
s 49	Power to develop and publish a road management plan	MI/DI	
s 51	Power to determine standards by incorporating the standards in a road management plan	MI/DI	

s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MI/DI	
s 54(2)	Duty to give notice of proposal to make a road management plan	MI/DI	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	MI/DI	
s 54(6)	Power to amend road management plan	MI/DI	
s 54(7)	Duty to incorporate the amendments into the road management plan	MI/DI	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	MI/DI	
s 63(1)	Power to consent to conduct of works on road	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MO/DI	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch7	MO/DI	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DI/MI/MO/CES / GE	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill	MI/DI	Where Council is the coordinating road authority
s 67(3)	Power to request information	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
s 68(2)	Power to request information	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO TO RETAIN	
s 72	Duty to issue an identity card to each authorised officer	DI	
s 85	Function of receiving report from authorised officer	MI/MO/DI	
s 86	Duty to keep register re s85 matters	MI/MO/DI	
s 87(1)	Function of receiving complaints	MI/MO/DI	

s 87(2)	Power to investigate complaint and provide report	MI/MO/DI	
s 112(2)	Power to recover damages in court	MI/MO/DI	
s 116	Power to cause or carry out inspection	MI/MO/DI	
s 119(2)	Function of consulting with VicRoads	MI/MO/DI	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads)	MO/DI	
s 120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s120(1)	MO/DI	
s 121(1)	Power to enter into an agreement in respect of works	MO/DI	
s122(1)	Power to charge and recover fees	MO/DI	
s 123(1)	Power to charge for any service	MO/DI	
sch 2 cl 2(1)	Duty to make a decision in respect of controlled access roads	MI/DI	
sch 2 cl 3(1)	Power to make policy about controlled access roads	MI/DI	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	MI/DI	
sch 2 cl 4	Function of receiving details of proposal from VicRoads	MI/DI	
sch 2 cl 5	Duty to publish notice of declaration	MI/DI	
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	MI/MO/DI	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	MI/MO/DI	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	MI/MO/DI	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure

	any non-road infrastructure and technical advice or assistance in conduct of works		
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	MI/MO/DI	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	MI/MO/DI	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	DI	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DI/MI/MO/CES //GE	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch 7 cl12(5)	Power to recover costs	MO/DI	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)	MO/DI	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	MO/DI	Where Council is the coordinating road authority
sch7, cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7, cl 13(1)	MO/DI	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	DI/MI/MO/CES /GE	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DI/MI/MO/CES /GE	Where Council is the coordinating road authority

sch7 cl 16(8)	Power to include consents and conditions	DI/MI/MO/CES /GE	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	MI/MO/DI	Where Council is the coordinating road authority
sch7 cl 18(1)	Power to enter into an agreement	MI/MO/DI	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	MI/MO/DI	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	DI/MI//MOCES /GE	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	MI/MO/DI	Where Council is the coordinating road authority
sch7A cl 2	Power to cause street lights to be installed on roads	MI/MO/DI	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting – where road is not an arterial road	MO/DI	Where Council is the responsible road authority for the road
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	MO/DI	Where Council is the coordinating road authority
sch7A cl 3(1)(f)	Duty to pay installation and percentage of operation costs of street lighting for arterial roads in accordance with cl 3(2) and 4	MO/DI	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to a Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 24	Duty to ensure that cemetery complies with depth of burial requirements	MECS/DI	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	MECS/DI	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	MECS/DI	
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	MECS/DI	
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	MECS/DI	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	MECS/DI	
r 30(2)	Power to release cremated human remains to certain persons	MECS/DI	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	MECS/DI	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	MECS/DI	
r.31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	MECS/DI	

r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	MECS/DI	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	MECS/DI	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	MECS/DI	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	MECS/DI	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	MECS/DI	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	MECS/DI	
r 40	Power to approve a person to play sport within a public cemetery	MECS/DI	
r 41(1)	Power to approve fishing and bathing within a public cemetery	MECS/DI	
r 42(1)	Power to approve hunting within a public cemetery	MECS/DI	
r 43	Power to approve camping within a public cemetery	MECS/DI	
r 45(1)	Power to approve the removal of plants within a public cemetery	MECS/DI	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	MECS/DI	
r 47(3)	Power to approve the use of fire in a public cemetery	MECS/DI	
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	MECS/DI	
<b>Note: sch2 contains Model Rules - only applicable if the cemetery trust has not made its own cemetery trust rules</b>			
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	DI/MECS	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	DI/MECS	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	DI/MECS	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	DI/MECS	See note above regarding model rules
sch2, cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	DI/MECS	See note above regarding model rules
sch 2, cl 11(1)	Power to remove objects from a memorial or place of interment	DI/MECS	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	DI/MECS	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	DI/MECS	See note above regarding model rules
sch 2, cl 14	Power to approve an animal to enter into or remain in a cemetery	DI/MECS	See note above regarding model rules
sch2, cl 16(1)	Power to approve construction and building within a cemetery	DI/MECS	See note above regarding model rules
sch 2, cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	DI/MECS	See note above regarding model rules
sch 2, cl 18(1)	Power to approve digging or planting within a cemetery	DI/MECS	See note above regarding model rules

<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	P	Where Council is not the planning authority and the amendment affects land within its 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 s 54 of the Act	P	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	P	Where Council is the responsible authority
r 25(b)	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	P	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	P	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**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	P	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	P	
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	P	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 7	Function of entering into a written agreement with a caravan park owner	CDS & EHO	
r 11	Function of receiving applications for registration	CDS & EHO	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	CDS & EHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	CDS & EHO	
r 13(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	CDS & EHO	
r 13(4) & (5)	Duty to issue certificate of registration	CDS & EHO	
r 15(1)	Function of receiving notice of transfer of ownership	CDS & EHO	
r 15(3)	Power to determine whether notice of transfer is displayed	CDS & EHO	
r 16(1)	Duty to transfer registration to new caravan park owner	CDS & EHO	
r 16(2)	Duty to issue certificate of transfer of registration	CDS & EHO	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	CDS & EHO	
r 18	Duty to keep register of caravan parks	CDS & EHO	
r 19(4)	Power to determine where the emergency contact person's details are displayed	CDS & EHO	
r 19(6)	Power to determine where certain information is displayed	CDS & EHO	
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	CDS & EHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	CDS & EHO	
r 23(2)	Power to determine places in which caravan park owner must display a copy of emergency procedures	CDS & EHO	

r 24(1)	Power to determine places in which caravan park owner must display copy of public emergency warnings	CDS & EHO	
r 25(3)	Duty to consult with relevant floodplain management authority	CDS & EHO	
r 26	Duty to have regard to any report of the relevant fire authority	CDS & EHO	
r 28(C)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	CDS & EHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	CDS & EHO	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	CDS & EHO	
r 40(4)	Function of receiving installation certificate	CDS & EHO	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	CDS, & EHO & BI	
sch 3, cl4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	CDS, & EHO & BI	

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 8(1)	Duty to conduct reviews of road management plan	MI/DI/MO	
r 9(2)	Duty to produce written report of review of road management plan and make report available	MI/DI/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)	MI/DI/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	MI/DI/MO	
r 13(1)	Duty to publish notice of amendments to road management plan	MI/DI/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	MI/DI/MO	
r 16(3)	Power to issue permit	MI/DI/MO	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	MI/DI/MO	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	MI/DI/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	MI/DI/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	MI/DI/MO	Where Council is the coordinating road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with r.25(3))	MI/DI/MO	Where Council is the coordinating road authority
r 25(5)	Power to recover in the Magistrates' Court expenses from person responsible	MI/DI/MO	

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

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 15	Power to exempt a person from requirement under clause 13(1) of sch 7 of the Act to give notice as to the completion of those works	DI/MI/CES/GE/M O	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	DI/MI/CES/GE/M O	Where council is the coordinating road authority

### 9.3. Election Period Policy

**Author/Position:** Mary Scully, Manager Governance & Civic Support

#### **Summary**

Council is required to review and amend its Election Period Policy 12 months before the commencement of each subsequent general election period.

#### **Recommendation**

**That Council adopts the Election Period Policy 2019.**

#### **RESOLUTION**

**That Council adopts the Election Period Policy 2019.**

**Moved:** Cr Karen Hyslop

**Seconded:** Cr Murray Emerson

**Carried**

### **Background/Rationale**

Council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by it during the election period for a general election. Council must then review and amend the policy before the commencement of each subsequent general election period. The next general election is scheduled for October 2020. No changes were required to the 2016 version and the procedures to support the policy will be discussed with councillors and officers in the lead up to the 2020 elections.

### **Legislation, Council Plan, Strategy and Policy Implications**

s. 93B(1) and s. 93B(2) *Local Government Act 1989*

### **Options**

No other option other than to adopt the policy is provided.

### **Implications**

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

### **Consultation**

Not required.

### **Officer's Declaration of Interest**

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Mary Scully, Manager Governance & Civic Support

In providing this advice as the author and responsible manager, I have no disclosable interests in this report.

### **Attachments**

1. Election Period Policy 2019 [9.3.1 - 8 pages]

---

# Election Period Policy

September 2019



Northern Grampians Shire Council  
LIVE | WORK | INVEST | VISIT

## CONTACT US

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# Election Period Policy

## Council Policy

**Responsible director**

**Responsible officer**

**Functional area**

**Date adopted by Council**

**Review date**

Director Corporate Services

Manager Governance & Civic Support

Governance

11 November 2019

1 September 2023

---

### Purpose

This policy provides a framework for Councillors and staff and outlines expected behaviours for the conduct of council business during the lead up to the general election for 2020. The policy will ensure that the election is conducted in a transparent and accountable manner, the highest standard of governance is achieved and the statutory requirements of the *Local Government Act 1989* (the Act) and the Councillor Code of Conduct are met.

The policy will achieve greater consistency and rigour in Council procedures and reduce ambiguity and confusion surrounding caretaker arrangements in the 32 days leading up to the conduct of the general election (election period).

Council is committed to :

- ensuring that the ordinary business of local government in Northern Grampians continues throughout an election period in a responsible and transparent manner and in accordance with statutory requirements and established 'caretaker' conventions
- ensuring that the ongoing ordinary business of Council is kept separate from Councillors' activities which relate to the election
- ensuring that in the run up to an election, Council does not make decisions which inappropriately bind the next Council
- avoiding making significant new policies or decisions that could unreasonably bind a future Council
- ensuring 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.

### Background

Section 93B of the Act requires all councils to adopt and maintain an election period policy to explain to their communities how they will conduct their business immediately prior to an election (election period).

This will ensure council elections are not compromised by inappropriate electioneering by existing councillors, actions and decisions which could be perceived as influencing voters are avoided and the authority of the incoming council is safeguarded.

### **Policy**

The policy addresses decisions during elections, use of Council resources, Council publications, media and communications issues and alignment to Council's Councillor Code of Conduct.

#### **1. Preventing Inappropriate Decisions and Misuse of Resources**

Given the relatively short election period, Council will reschedule most decisions until after the new council commences its term, or if that is not appropriate, bring decisions forward so they are determined before the election period starts.

Council will continue to hold council meetings during the election period; however, the following decisions will be avoided completely in the 32 days leading up to the general election:

#### **Major Policy Decisions**

- (a) the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
- (b) the termination of a Chief Executive Officer under section 94 of the Act;
- (c) entering into a contract the total value of which exceeds whichever is the greater of:
  - (i) \$100,000 or such higher amount as may be fixed by Order in Council under section 186(1); or  
*[The amounts fixed under s186(1) at the time of publication are \$150,000 for goods and services contracts and \$200,000 for works contracts.]*
  - (ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.
- (d) the use of entrepreneurial powers under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 of the preceding financial year.

Other types of decisions that Council will not make during an election period are :

1. Allocating community grants or other forms of direct funding to community organisations.
2. Major planning scheme amendments.
3. Changes to strategic objectives or strategies in the Council Plan.
4. Any decisions of a significant nature and which would unnecessarily bind an incoming Council.

Council commits that any other decision will be considered only if absolutely necessary for Council operational purposes or pursuant to a statutory requirement. It is noted that to avoid making certain decisions during an election (other than decisions prohibited under section 93A) is not legally binding; however, if it becomes important to make a decision contrary to this policy during the election period, the necessity will need to be demonstrated to the community.

If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for Local Government for an exemption from the application of section 93A to the major policy decision specified in the application.

Council will consult with Local Government Victoria before writing to the Minister and confirm what details should be included in the application to avoid unnecessary delays.

It is understood that Council cannot assume that an application will be granted. Scope to grant exemptions is limited, because the Minister must be satisfied that the circumstances are extraordinary. The Minister will also consider whether granting the application is in the public interest.

Should a Council make a major policy decision within the election period, the decision is invalid. [s93A(4)]

Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is entitled to compensation from the Council for that loss or damage.

Papers prepared for Council meetings during the election period will be carefully vetted by the Chief Executive Officer to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage councillor candidates to use the item as part of their electioneering. Council commits that all councillors will refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election.

### **Use of Council resources**

Public resources must not be used in any way that would influence the way people vote in elections or give Councillors any inappropriate real or perceived electoral advantage. Councillors will be treated in the same way as other candidates with respect to access to council resources. The following guidelines will ensure that due propriety is observed in the use of and access to staff, property, equipment and other resources during the election period.

- Councillors will continue to be provided with resources during the election period to continue to perform their elected role.
- Council resources, including officers, support staff, email services, equipment (ie, computers, ipads, photocopiers, motor vehicles), branding and stationery, are only to be used for normal Council business and are not to be used for any election campaign activities.

Staff must :

- avoid assisting Councillors in ways that are or could create a perception that they are being used for electoral purposes
- report any interest in being involved privately in the election campaign of any candidate to the Chief Executive Officer
- not provide any information to any candidate or prospective candidate other than information that is available to the general public and will direct all election enquiries to the Returning Officer
- report to the Chief Executive Officer when the use of resources might be construed as being related to a candidate's election campaign
- not make any public statement that relates to an election issue unless such statements have been approved by the Chief Executive Officer.

Councillors must :

- not use Council resources for any election campaign activities except as provided for under this policy
- not use Council funded mobile phones or email addresses or Council provided photographs for electioneering
- not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign
- not ask Councillor support staff to undertake any tasks indirectly or directly connected with a councillor candidate's election campaign
- not exert undue influence over the timing of works or the delivery of Council services that may result in political gain for electoral purposes.

## **2. Limiting public consultation and council events**

Consultation is an integral part of Council's policy development process and operations, however there are concerns that consultation undertaken close to a general election may become an election issue in itself and influence voting, issues raised through the consultation and decisions that follow may also unreasonably bind the incoming council.

Normal Council events are not prohibited in the election period; however, Council will keep these events to a minimum. Council will continue with normal community consultation and scheduling of council events during the election period, but consultations and events will avoid express or implicit links to the election.

Where events occur and whether or not a Councillor is to make a speech, Councillors will be reminded that they are representing Council and are not to use the opportunity for electioneering.

Functions or events for the purpose of electioneering must not be resourced or publicised by the Council.

Material printed or disseminated during the election period to publicise a function or event must be subject to the certification process.

### **3. Equitable access to council information**

Councillors will be treated in the same way as other candidates with respect to access to council held information. The following guidelines will ensure that due propriety is observed in the use of and access to information during the election period.

- Councillors may continue to automatically access council held documents during the election period, but only as is necessary for them to perform their elected role and functions.
- Information and briefing material prepared and provided to Councillors must be necessary to the carrying out of the Councillor's role and must not be used for election purposes.
- Any document made available to councillors will also be made available to candidates.
- Applications for access to council information by all parties will be processed by the Manager Governance & Civic Support who will ensure that information made available to one candidate is accessible to all candidates.

### **Council Publications**

#### **s. 55D – Prohibition on Council**

A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer. This does not include publication of any document published before the commencement of the election period (but still available after commencement, eg on Council's website) and publication of any document required to be published in accordance with, or under, any Act or regulation, eg rate notices, food premises registrations.

All publications including Council newsletters, advertisements and notices, media releases, leaflets and brochures and mailouts during the election period will be certified by the Chief Executive Officer that they do not contain electoral matter prior to being printed or published or distributed. This also applies to the publication of such material on the Council's website. The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.

Council staff will avoid all publication activity, including updated or new information added to its website during the election period except where printing, publishing or distributing a document is essential for the conduct of Council operations.

The Act imposes these limitations during the election period to ensure the Council does not publish material with public funds that may influence, or be seen to influence, people's voting decisions.

To ensure compliance with this section the *Publications During Election Period Procedure* has been developed.

### **Other**

Emails that are part of the normal conduct of Council business will not require certification; however any emails with multiple addressees, used for broad communication, will be subject to the certification process.

All reports listed for consideration by Council through agendas prepared during the election period will be checked by the Director Corporate Services and Manager Governance & Civic Support for compliance with section 55D. A 'Caretaker Statement' will be included in every report submitted to the Council or Council Committee for a decision.

Electoral material, including pamphlets, posters and notices will not be visible or available at any council premises, including libraries, during the election period. The only exception to this is material issued by the Returning Officer for the purpose of conducting the election.

Councillors may use the title 'Councillor' in their election material as they continue to hold the positions in the period; however, to avoid confusion Councillors must ensure that any election publication using the title Councillor clearly indicates that it is their own material and does not represent Council.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign will be referred to the Chief Executive Officer for consideration.

#### *Expenses incurred by Councillors*

Claims for the reimbursement of expenses shall only relate to expenditure incurred whilst conducting Council business in accordance with *Council's Expense Entitlement & Support Policy* and not election activities.

#### *Media/Communications issues*

Media Releases and other media statements are regarded as documents that require certification by the CEO. All official media statements will only be made by the Chief Executive Officer.

Media Releases or other media statements will not refer to specific Councillors or feature any photograph, quote or name of incumbent Councillors during the election period. Where it is necessary to make or clarify any public statement, comment on sensitive or political issues or identify a spokesperson in relation to an issue, the matter must be referred to and approved by the Chief Executive Officer.

Media statements dealing with their election campaign must be issued by Councillors privately. Statements must be clearly communicated as personal opinion and not undermine the standing of the Council in the community.

Staff will not provide advice or assistance in the preparation of media releases or other media statements that contain electoral material.

Council staff must not make any public statement that can be interpreted as a political comment or have influence on the electoral process.

#### *Social Media*

Any publication on social media sites which are auspiced by the Council are to be certified by the CEO.

Council staff will undertake constant monitoring of social media sites during the election period to ensure no electoral matter is posted.

#### *Website*

Council's website will not be used to convey information that could be regarded as electoral material but will contain information about the election process.

Council's website will be checked at the start of the election period to ensure that any information prominently displayed that might be regarded as likely to influence how people vote will be removed. Profiles of Councillors will also be removed but contact details and photos will remain.

#### **Council Plan Objective/Strategy**

Goal: Improve Organisational Effectiveness; Ensure our Governance and compliance requirements are continually met

#### **Legislation and Standards**

*Local Government Act 1989*

#### **Responsibilities**

The Chief Executive Officer, Director Corporate Services and Manager Governance & Civic Support are responsible for overseeing adherence to the policy.

Councillors and staff are responsible for reporting any breach or suspected breach of this policy to the Director Corporate Services for investigation and action.

#### **Stakeholders**

The following people are directly affected by the policy :

Councillors

Chief Executive Officer

Council Executive Leadership Team

Councillor support staff

#### **Review**

Following the general election Council will continue to maintain the policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.

#### **Communication and implementation**

The policy must be transparent and accessible. It will be communicated to Councillors and staff in accordance with the Council's policy administrative processes. It will also be made public on the council's website and available in hardcopy for public inspection.

Copies will be made available to each Councillor on Docs on Tap.

#### References

- [Councillor Code of Conduct 2017](#)
- [Publications During Election Period Procedure](#)
- [Councillor Expense Entitlement & Support Policy](#)

#### Privacy and Data Protection compliance

All Council policies must consider the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* which adopts a risk-based approach to protective data security. This policy provides strict controls for stakeholders to limit the information and resources provided to councillors in the lead up to the election.

#### Charter of Human Rights compliance

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights & Responsibilities Act 2006*.

#### Definitions

- election period* the statutory caretaker requirements apply during the *election period* which means that the mandatory *election period* will be from 12 noon on 22 September 2020 (the last day on which nominations for the election can be received 'nomination day') to 6pm on Saturday, 24 October 2020 (election day). (A Council may at its discretion decide to implement caretaker arrangements from an earlier date)
- election candidates* all sitting Councillors will be considered as being election candidates until the close of nominations
- electoral matter* means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting the election (s.3(1A))
- Includes, but is not limited to, material that deals with the election or election candidates or issues of contention in the election, eg
- publicity of the strengths or weaknesses of a candidate
  - advocacy of the policies of the Council or of a candidate
  - response to claims made by a candidate
  - publicity of achievements of the elected Council

#### Review history

Date	Review details	Action
11/11/2019	Reported to Council Meeting	Policy adopted

## 9.4. Stawell and St Arnaud Senior Citizens Leases

**Author/Position:** **Kylie Allen, Risk & Lease Management Officer**

### Summary

The purpose of this report is for Council to approve a formal lease with the St Arnaud Senior Citizens Centre Inc. for use of the St Arnaud Senior Citizens Clubrooms located at 1A Golden Street, St Arnaud and the Stawell Senior Citizens Centre Inc. for the use of the Stawell Senior Citizens Clubrooms located at 9 Victoria Street, Stawell commencing 1 January 2020 for a five year term with options of two further five year terms. The purpose of the lease is for community use.

### Recommendation

#### That Council:

1. enters into a lease agreement with the St Arnaud Senior Citizens Centre Inc. for use of the St Arnaud Senior Citizens Clubrooms, and
2. enters into a lease agreement with the Stawell Senior Citizens Centre Inc. for the use of the Stawell Senior Citizens Clubrooms, and
3. authorises the Mayor and Chief Executive Officer to sign the relevant lease documents as agreed by all parties.

## RESOLUTION

#### That Council:

1. enters into a lease agreement with the St Arnaud Senior Citizens Centre Inc. for use of the St Arnaud Senior Citizens Clubrooms, and
2. enters into a lease agreement with the Stawell Senior Citizens Centre Inc. for the use of the Stawell Senior Citizens Clubrooms, and
3. authorises the Mayor and Chief Executive Officer to sign the relevant lease documents as agreed by all parties.

**Moved:** Cr Tony Driscoll

**Seconded:** Cr Merrilee Reid

**Carried**

## Background/Rationale

Stawell and St Arnaud Senior Citizens clubs have been in occupation of their respective clubrooms for many years without any formal occupancy agreement. The implementation of leases will ensure both clubs have security of tenure and will give clarity to obligations by all parties.

Lease conditions will include 'peppercorn' rental on an initial five-year term with options for two further terms of five years each. Rent reviews will not be applied. Council will continue to maintain both building and surrounds and be responsible for utility costs at both facilities.

In line with the *Municipal Health & Wellbeing Plan 2017-21* priorities, Council will include an obligation upon the tenant to encourage community use of the facilities with the aim of the buildings becoming a 'Community Hub' and also to administer the appropriate hire arrangement requirements.

## St Arnaud Senior Citizens Clubrooms

The St Arnaud Senior Citizens Clubrooms is located on Council freehold land (Crown Allotment 5 and 6 Section B Township of St Arnaud Parish of St Arnaud) and located on the corner of Market and Golden Streets, St Arnaud.

## St Arnaud Senior Citizens Clubrooms Plan for Lease Purposes (area outlined in orange)



## Stawell Senior Citizens Clubrooms

Stawell Senior Citizens Clubrooms is located at 9 Victoria Street, Stawell which is within the Cato Park Reserve. Council is the appointed Committee of Management for the Cato Park Reserve ID: 0203225 Gazette No. RS09929, more particularly Crown Land allotment 9 Section 27 Parish of Stawell, reserved for recreation, convenience or amusement of people, and has power to enter into a lease for part of the reserve (as per Plan for Lease Purposes following) pursuant to Section 17D of the *Crown Land (Reserves) Act 1978* subject to the approval in writing of the Minister.

In August 2019, Council received notification from the Department of Environment, Land, Water and Planning (DELWP) advising that 'Approval in Principle' is granted for the Stawell Senior Citizens Clubroom lease.

## Stawell Senior Citizens Clubrooms Plan for Lease Purposes (area outlined in orange)



At its meeting on 2 September 2019, Council resolved to give public notice of its intention to enter into a lease with the St Arnaud Senior Citizens Centre Inc. and the Stawell Senior Citizens Centre Inc. and invited submissions in accordance with section 223 of the *Local Government Act 1989*. Public notice was given in the Weekly Advertiser and the North Central News on 11 September 2019 and on the Council website. No objections were received as a result of this public notice.

### **Legislation, Council Plan, Strategy and Policy Implications**

Council Plan objective - Enhance lifestyle and community  
*Local Government Act 1989, Crown Land (Reserves) Act 1978*

### **Options**

#### **Option 1**

That Council approves entering into a lease with the St Arnaud Senior Citizens Centre Inc. for use of the St Arnaud Senior Citizens Clubrooms and the Stawell Senior Citizens Centre Inc. for the use of the Stawell Senior Citizens Clubrooms, and authorises the Mayor and the Chief Executive Officer to sign the relevant lease documents as agreed by both parties. **[recommended]**

#### **Option 2**

That Council does not enter into a lease with the St Arnaud Senior Citizens Centre Inc. for use of the St Arnaud Senior Citizens Clubrooms and the Stawell Senior Citizens Centre Inc. for the use of the Stawell Senior Citizens Clubrooms. **[not recommended]**

### **Implications**

This report has considered Social, Heritage/Cultural, Amenity, Human Rights/Privacy, Environmental, Economic and Marketing, Risk Management, Financial and Asset Management implications where applicable. Any identified implications have been addressed in this report.

### **Consultation**

Community consultation has occurred via the giving of public notice. Council is required to consider any submissions received prior to making a formal decision on the proposed lease.

### **Officer's Declaration of Interest**

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Kylie Allen, Risk & Lease Management Officer

In providing this advice as the author, I have no disclosable interests in this report.

**Attachments**

Nil

## 9.5. Quarterly Finance Report

**Author/Position:** Belinda Johnson, Acting Manager Financial Services

### Summary

The Financial Report for the period ending 30 September 2019, previously considered at the Agenda Review Briefing of 28 October 2019 is attached. **[attachment]**

This report shows the closing position for 2018/19 and details the carry forward projects resulting from the previous financial year that will impact on the current year. The report further shows the forecasted end of year result for the current financial year based on actual results to 30 September 2019 together with major variations to the adopted budget that has arisen since the adoption of the 19/20 budget.

It is projected that Council will end the year with \$12.2 million in cash. It should be noted that the report only reflects spending to 30 September 2019.

### Recommendation

**That the monthly financial report for the period ending 30 September 2019 be received and the forecast adjustments be approved.**

### RESOLUTION

**That the monthly financial report for the period ending 30 September 2019 be received and the forecast adjustments be approved.**

**Moved:** Cr Jason Hosemans  
**Seconded:** Cr Tony Driscoll

**Carried**

## **Background/Rationale**

At least every three months, the Chief Executive Officer is required to provide Council with a financial report comparing budgeted revenue and expenditure to actual revenue and expenditure in an open Council meeting. This report is the first of a number of reports that will be provided to Council over the balance of the 2019/20 financial year that will track Council's performance against the adopted budget.

The report shows the closing position for 2018/19 and details the carry forward projects resulting from the previous year that will impact on the current year, as well as several major variations that have arisen since the adoption of the 2019/20 budget.

The reason for the carry forward projects and major variations is timing. The budget is prepared and adopted before the end of the financial year therefore variations to the adopted budget are inevitable.

## **Legislation, Council Plan, Strategy and Policy Implications**

*Section 138 - Local Government Act 1989*

Council's Financial Sustainability Strategy as outlined in the 2017-2021 Council Plan applies.  
Council Plan - Improve Organisational Effectiveness

## **Options**

### **Option 1**

That the monthly financial report for September 2019 be received and the forecast adjustments be approved. **[recommended]**

### **Option 2**

That the monthly financial report for September 2019 be received and the forecast adjustments not be approved. **[not recommended]**

## **Implications**

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

## **Consultation**

Appropriate Managers were consulted regarding their areas of responsibility. No community consultation was required.

## **Officer's Declaration of Interest**

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Natalie Martin, Coordinator Financial Sustainability

In providing this advice as the author, I have no disclosable interests in this report.

Belinda Johnson, Acting Manager Financial Services

In providing this advice as the author, I have no disclosable interests in this report.

## **Attachments**

1. Finance Report September 2019 **[9.5.1 - 17 pages]**

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# Financial Report

30 SEPTEMBER, 2019



# Contents

<b>Carry Forward and Major Variations Report.....</b>	<b>3</b>
<b>Executive Summary.....</b>	<b>5</b>
<b>Cash Flow Statement.....</b>	<b>5</b>
<b>Operating Statement.....</b>	<b>6</b>
<b>Operating Progress Graphs.....</b>	<b>9</b>
<b>Capital and Project Summary.....</b>	<b>10</b>
<b>Capital and Project Expenditure Progress Graph.....</b>	<b>11</b>
<b>Capital and Project Expenditure Summary.....</b>	<b>12</b>
<b>Capital and Project Revenue Summary.....</b>	<b>13</b>
<b>Cash and Investments.....</b>	<b>14</b>
<b>Debtors Report.....</b>	<b>16</b>
<b>Loan Report.....</b>	<b>17</b>

## FINANCE REPORT - SEPTEMBER 2019: CARRY FORWARDS & MAJOR VARIATIONS

### Summary of Variations

The variation between the 2019/20 Adopted Budget and the 2019/20 Forecast is made up of the following components: -

		\$
<b>Opening Cash</b>		
	Additional Cash @ 30 June 2019 vs 1920 Opening Budgeted Cash Position	<u>3,129,000</u>
<b>Explanation of Additional Cash</b>		
	<i>Carry Forward to 2019/20:</i>	
	Capital Works & Projects	1,366,595
	Projects Grants & Contributions	823,187
	Operating Programs	75,900
		<u>2,265,682</u>
<b>Explanations of Further Variances Against Additional Cash</b>		
	Savings in Employee Services	662,000
	Increase in Income Received	201,000
		<u>863,000</u>

### Summary of Carry Forwards & Major Variations

<b>Carry Forwards</b>		\$
	Capital Works & Projects	1,366,595
	Project Grants & Contributions	823,187
	Operating Programs	75,900
	Emergency Restoration	0
		<u>2,265,682</u>
<b>YTD Major Variations</b>		
	Delay in recovery of windfarm rates in lieu	225,000
	Waste Services - Additional requirements	84,500
	E-Waste Project - Additional requirements	54,500
	Insurance Costs - Additional Requirements	28,000
	Balance of 18/19 Flood Income	(1,394,315)
	Additional income recovered against annual budget	(41,520)
		<u>(1,043,835)</u>

**FINANCE REPORT - SEPTEMBER 2019: CARRY FORWARDS & MAJOR VARIATIONS**

Cash Flow	Actual 2018-19	Forecast 2018-19	Budget 2019-20	Carry Forwards	Variations 2019-20	Forecast 2019-20
<b>Operating Activities</b>						
<b>Revenue</b>						
Rates & Charges	(17,362)	(17,453)	(18,110)	-	183	(17,927)
Grants - Operating	(10,207)	(10,098)	(5,564)	-	-	(5,564)
Statutory Fees & Fines	(361)	(331)	(320)	-	-	(320)
User Fees	(1,718)	(2,045)	(1,811)	-	-	(1,811)
Contributions	(666)	(573)	(117)	-	-	(117)
Other Revenue	110	(429)	(705)	-	-	(705)
<b>Revenue</b>	<b>(30,204)</b>	<b>(30,929)</b>	<b>(26,627)</b>	<b>-</b>	<b>183</b>	<b>(26,444)</b>
<b>Expenses</b>						
Employee Benefits	13,050	14,339	14,234	-	-	14,234
Materials & Services	8,514	10,525	9,576	899	113	10,588
Finance Costs	124	124	111	-	-	111
Other Expenses	1,719	1,277	1,647	-	-	1,647
<b>Expenses</b>	<b>23,407</b>	<b>26,265</b>	<b>25,568</b>	<b>899</b>	<b>113</b>	<b>26,580</b>
<b>Net Operating</b>	<b>(6,797)</b>	<b>(4,664)</b>	<b>(1,059)</b>	<b>899</b>	<b>296</b>	<b>136</b>
<b>Investing Activities</b>						
Capital Expenditure	10,104	12,942	16,158	1,367	55	17,579
Grants - Capital	(8,192)	(6,149)	(7,598)	-	-	(7,598)
Capital Contributions	(52)	(423)	(243)	-	-	(243)
Repayment of Loans & Advances	(41)	113	(41)	-	-	(41)
<b>Net Investing Activities</b>	<b>1,819</b>	<b>6,483</b>	<b>8,276</b>	<b>1,367</b>	<b>55</b>	<b>9,697</b>
<b>Major Emergency Restoration Investment Activities</b>						
Capital Expenditure	-	879	-	-	-	0
Capital Grants	-	(4,806)	-	-	(1,394)	(1,394)
<b>Net Major Emergency Restoration</b>	<b>-</b>	<b>(3,927)</b>	<b>-</b>	<b>-</b>	<b>(1,394)</b>	<b>(1,394)</b>
<b>Financing Activities</b>						
Principal Repayments	322	322	210	-	-	210
Trust Deposit Movements (Net)	-	219	-	-	-	-
<b>Net Financing Activities</b>	<b>322</b>	<b>541</b>	<b>210</b>	<b>-</b>	<b>-</b>	<b>210</b>
<b>Net Movement for the Year</b>	<b>(4,656)</b>	<b>(1,567)</b>	<b>7,427</b>	<b>2,266</b>	<b>(1,044)</b>	<b>8,649</b>
<b>Opening Cash</b>	<b>16,199</b>	<b>16,199</b>	<b>17,726</b>			<b>20,855</b>
<b>Closing Cash</b>	<b>20,855</b>	<b>17,766</b>	<b>10,299</b>			<b>12,206</b>

## Executive Summary as at 30 September, 2019

It should be noted that this report only reflects spending to 30 September, 2019.

The forecast shows a favourable movement of \$1.9M in expected closing cash held at the end of the financial year compared to budget.

It is projected that the Council will end the year with \$12.2M cash.

## Cash Flow Statement as at 30 September, 2019

	Actuals to September, 2019 \$`000	Total Forecast \$`000	Budget 2019-20 \$`000	Variations to Budget Fav (Unfav) \$`000
<b>Operating Activities</b>				
<b>Revenue</b>				
Rates & Charges	(5,297)	(18,004)	(18,110)	(106)
Operating Grants	(1,842)	(5,888)	(5,564)	324
Statutory Fees & Fines	(2)	(463)	(320)	143
User Fees	2,025	(1,661)	(1,811)	(150)
Contributions	(74)	(455)	(117)	338
Other Revenue	(162)	(364)	(705)	(341)
<b>Total Revenue</b>	<b>(5,352)</b>	<b>(26,835)</b>	<b>(26,627)</b>	<b>208</b>
<b>Expenses</b>				
Employee Costs	4,073	14,725	14,234	(491)
Materials & Services	2,132	10,947	9,576	(1,371)
Borrowing Costs	-	111	111	-
Other Expenses	392	1,313	1,647	334
<b>Total Expenses</b>	<b>6,597</b>	<b>27,096</b>	<b>25,568</b>	<b>(1,528)</b>
<b>Net Operating</b>	<b>1,245</b>	<b>261</b>	<b>(1,059)</b>	<b>(1,320)</b>
<b>Investing Activities</b>				
Capital Expenditure	2,354	19,482	16,158	(3,324)
Capital Grants	(2,893)	(8,991)	(7,598)	1,393
Capital Income	(56)	(56)	-	56
Capital Contributions	(3)	(971)	(243)	728
Repayment of Loans & Advances	(91)	(9)	(41)	(32)
<b>Net Investing Activities</b>	<b>(689)</b>	<b>9,455</b>	<b>8,276</b>	<b>(1,179)</b>
<b>Major Emergency Restoration Investment Activities</b>				
Capital Expenditure	-	-	-	-
Capital Grants	(762)	(1,394)	-	1,394
<b>Net Major Emergency Restoration</b>	<b>(762)</b>	<b>(1,394)</b>	<b>0</b>	<b>1,394</b>
<b>Financing Activities</b>				
Principal Repayments	52	211	210	(1)
Net Trust Movement	113	116	-	(116)
<b>Net Financing Activities</b>	<b>165</b>	<b>327</b>	<b>210</b>	<b>(117)</b>
<b>Net Movements for Year</b>	<b>(41)</b>	<b>8,649</b>	<b>7,427</b>	<b>(1,222)</b>
Opening Cash	20,855	20,855	17,726	3,129
<b>Closing Cash</b>	<b>20,896</b>	<b>12,206</b>	<b>10,299</b>	<b>1,907</b>

## Operating Statement as at 30 September, 2019

25% through the year

	YTD Committed Actuals	Forecast	Adopted Budget	% Actuals to Forecast
<b>Revenue</b>				
<b>Rates &amp; Charges</b>				
Residential	(8,003,869)	(8,004,000)	(7,964,000)	100%
Farm/Rural	(4,503,376)	(4,500,000)	(4,500,000)	100%
Commercial	(920,382)	(923,000)	(923,000)	100%
Industrial	(309,160)	(312,000)	(312,000)	99%
Cultural & Recreational	(13,769)	(13,769)	(13,769)	100%
Municipal Charge	(1,282,017)	(1,278,000)	(1,278,000)	100%
Garbage Charge	(2,795,394)	(2,795,559)	(2,795,559)	100%
Rates in Lieu	(23,585)	(99,000)	(324,000)	24%
<b>Rates &amp; Charges</b>	<b>(17,851,552)</b>	<b>(17,925,328)</b>	<b>(18,110,328)</b>	<b>100%</b>
<b>Grants Capital</b>				
Capital Grants	(2,679,831)	(10,384,729)	(6,744,500)	26%
<b>Grants Capital</b>	<b>(2,679,831)</b>	<b>(10,384,729)</b>	<b>(6,744,500)</b>	<b>26%</b>
<b>Grants Operating</b>				
Aged & Disability Services Grants	(338,331)	(698,319)	(698,319)	48%
Child Care Grants	(217,438)	(545,073)	(545,073)	40%
Environmental Grants	(75,000)	(100,000)	(100,000)	75%
Untied Grants	(947,729)	(3,906,660)	(3,906,660)	24%
Operating Grants	(265,235)	(514,436)	(290,500)	52%
Public Safety Grants	(404)	(123,120)	(123,120)	0%
<b>Grants Operating</b>	<b>(1,844,136)</b>	<b>(5,887,608)</b>	<b>(5,663,672)</b>	<b>31%</b>
<b>User Fees</b>				
Aged and Disability Service Fees	(114,802)	(443,953)	(443,953)	26%
Building Fees	-	(278)	(278)	0%
Child Care Fees	(93,320)	(243,095)	(243,095)	38%
Leisure Fees	(126,357)	(559,040)	(559,040)	23%
Local Law Fees	(9,433)	(113,441)	(113,441)	8%
Other Fees	(18,841)	(139,000)	(139,000)	14%
Public Health Fees	(18,715)	(78,230)	(78,230)	24%
Rental Income	(55,258)	(89,030)	(89,030)	62%
Private Works Infrastructure	(1,520)	(1,520)	-	100%
Waste Management Fees	(5,660)	(24,900)	(4,900)	23%
<b>User Fees</b>	<b>(443,907)</b>	<b>(1,692,487)</b>	<b>(1,670,967)</b>	<b>26%</b>
<b>Statutory Fees and Fines</b>				
Building Fees	(35,228)	(329,935)	(329,935)	11%
Local Law Fees	(1,180)	(5,437)	(5,437)	22%
Other Fees	(3,663)	(15,480)	(15,480)	24%
Planning Fees	(40,595)	(112,014)	(112,014)	36%
<b>Statutory Fees and Fines</b>	<b>(80,666)</b>	<b>(462,866)</b>	<b>(462,866)</b>	<b>17%</b>
<b>Contributions</b>				
Contributions Child Care	(137,666)	(308,000)	(308,000)	45%
Contributions to Capital	(3,050)	(1,027,000)	(933,000)	0%
Contributions Debt Collectors	(5,246)	(30,000)	(30,000)	17%
Contributions Other	(53,278)	(116,680)	(116,680)	46%
<b>Contributions</b>	<b>(199,240)</b>	<b>(1,481,680)</b>	<b>(1,387,680)</b>	<b>13%</b>
<b>Other Revenue</b>				
Interest Income	(15,399)	(210,950)	(210,950)	7%
Other Revenue	(76,926)	(153,188)	(153,188)	50%
<b>Other Revenue</b>	<b>(92,325)</b>	<b>(364,138)</b>	<b>(364,138)</b>	<b>25%</b>
<b>Revenue</b>	<b>(23,191,657)</b>	<b>(38,198,836)</b>	<b>(34,404,151)</b>	<b>61%</b>
<b>Revenue (excl Rates &amp; Charges)</b>	<b>(5,340,105)</b>	<b>(20,273,508)</b>	<b>(16,293,823)</b>	<b>26%</b>

## Operating Statement as at 30 September, 2019

25% through the year

	YTD Committed Actuals	Forecast	Adopted Budget	% Actuals to Forecast
<b>Expenses</b>				
<b>Employee Benefits</b>				
Salary & Wages	3,383,305	12,534,898	12,333,149	27%
Superannuation	307,681	1,288,033	1,255,033	24%
LSL Provision Movement	-	354,609	354,609	0%
Fringe Benefit Tax	17,995	18,500	18,500	97%
Workcover	263,217	277,826	277,826	95%
Training	22,598	251,140	240,190	9%
<b>Employee Benefits</b>	<b>3,994,796</b>	<b>14,725,006</b>	<b>14,479,307</b>	<b>27%</b>
<b>Materials &amp; Services</b>				
Advertising	16,071	70,570	70,570	23%
Audit Fees	976	87,700	72,950	1%
Bank Fees	16,925	57,260	57,260	30%
Catering	5,503	59,500	59,500	9%
Communications	24,560	178,440	178,440	14%
Professional Advice	(6,005)	393,000	368,960	-2%
Contractors	659,861	3,620,246	3,174,797	18%
Contributions - Reciprocal	62,752	116,000	116,000	54%
Cost of Goods Sold	38,705	169,220	169,220	23%
Equipment Mtc & Repair	311,048	671,240	671,240	46%
Fuel	172,949	559,970	559,970	31%
Insurance	462,345	463,100	435,100	100%
Leases	111,072	426,780	426,780	26%
Legal Expenses	22,477	95,000	95,000	24%
Memberships & Subscriptions	42,584	206,661	206,661	21%
Minor Equipment	1,087	79,711	77,439	1%
Office Supplies	2,521	8,750	8,750	29%
Other Materials and Services	263,005	1,659,523	1,184,481	16%
Postage & Freight	9,125	39,700	39,700	23%
Printing	18,824	80,149	80,149	23%
Recruitment & Retention Expenses	545	9,540	9,540	6%
Security Expenses	6,522	47,246	47,246	14%
Software Costs	295,519	919,650	843,750	32%
Uniforms & Protective Clothing	76,793	131,000	117,500	59%
Utilities	93,569	459,675	459,675	20%
Contract Employees	156,135	438,788	438,788	36%
<b>Materials &amp; Services</b>	<b>2,865,467</b>	<b>11,048,419</b>	<b>9,969,466</b>	<b>26%</b>
<b>Depreciation</b>				
Depreciation	-	9,467,065	9,467,065	0%
<b>Depreciation</b>	-	<b>9,467,065</b>	<b>9,467,065</b>	<b>0%</b>
<b>Finance Costs</b>				
Finance Costs	-	111,241	111,241	0%
<b>Finance Costs</b>	-	<b>111,241</b>	<b>111,241</b>	<b>0%</b>
<b>Other Expenses</b>				
Contributions - Non Reciprocal	302,836	1,069,975	1,069,975	28%
Councillor Allowances	68,612	209,940	209,940	33%
Other Expenses	20,723	32,780	32,780	63%
<b>Other Expenses</b>	<b>392,171</b>	<b>1,312,695</b>	<b>1,312,695</b>	<b>30%</b>
<b>Expenses</b>	<b>7,252,434</b>	<b>36,664,426</b>	<b>35,339,774</b>	<b>20%</b>
<b>Expenses (excl Depreciation)</b>	<b>7,252,434</b>	<b>27,197,361</b>	<b>25,872,709</b>	<b>27%</b>
<b>Other Income Statement Items</b>				
Proceeds of Asset Sales	(55,878)	(62,500)	(62,500)	89%
Written Down Value of Assets Sold	-	62,500	62,500	0%
<b>Other Income Statement Items</b>	<b>(55,878)</b>	<b>0</b>	<b>0</b>	<b>0%</b>
<b>Operating Statement</b>	<b>(15,995,101)</b>	<b>(1,534,410)</b>	<b>935,623</b>	

## Operating Statement as at 30 September, 2019

25% through the year

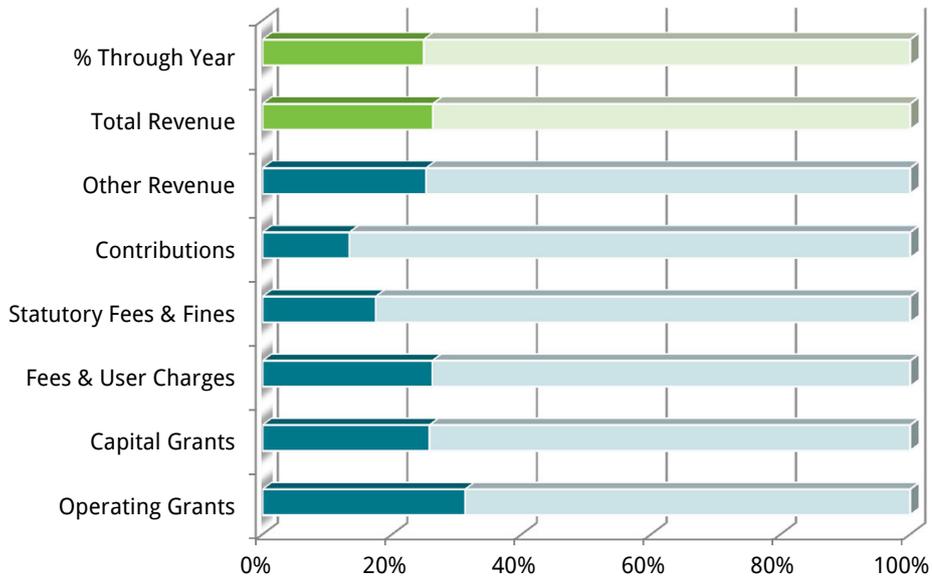
	YTD Committed Actuals	Forecast	Adopted Budget	% Actuals to Forecast
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### Discussion:

The depreciation expense is calculated and charged to the general ledger at the end of the financial year. Based on the budgeted depreciation the Adjusted Operating Statement result as at September 2019 is a surplus of \$13.6m.

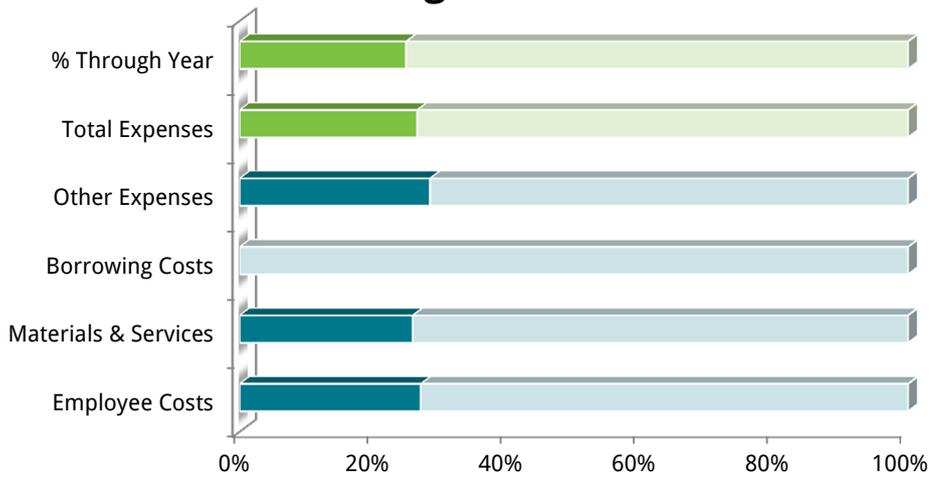
Operating Result	(15,995,101)
Less Depreciation	<u>2,366,766</u>
<b>Adjusted Operating Result</b>	<b>(13,628,334)</b>

## Ordinary Operating Revenue Progress



*This graph excludes rates & charges, with the details for this area shown in the Debtors Report.*

## Ordinary Operating Expenditure Progress



## Capital & Project Expenditure Summary

Programs	Actuals	Forecast	% Complete	Remaining
Major Emergency Restoration	(22,894)	-	0%	100%
Roads	1,568,619	10,780,135	15%	85%
Bridges	317,236	2,056,050	15%	85%
Building	109,453	1,285,025	9%	91%
Drainage	31,700	237,905	13%	87%
Open Spaces	31,615	4,062,725	1%	99%
IT -	1,118	-	0%	100%
Plant, Vehicles & Equipment	345,595	1,187,305	29%	71%
Projects	138,972	1,169,384	12%	88%
<b>Total Capital &amp; Projects</b>	<b>2,519,179</b>	<b>20,785,393</b>	<b>12%</b>	<b>88%</b>

### 2018/19 Capital Program

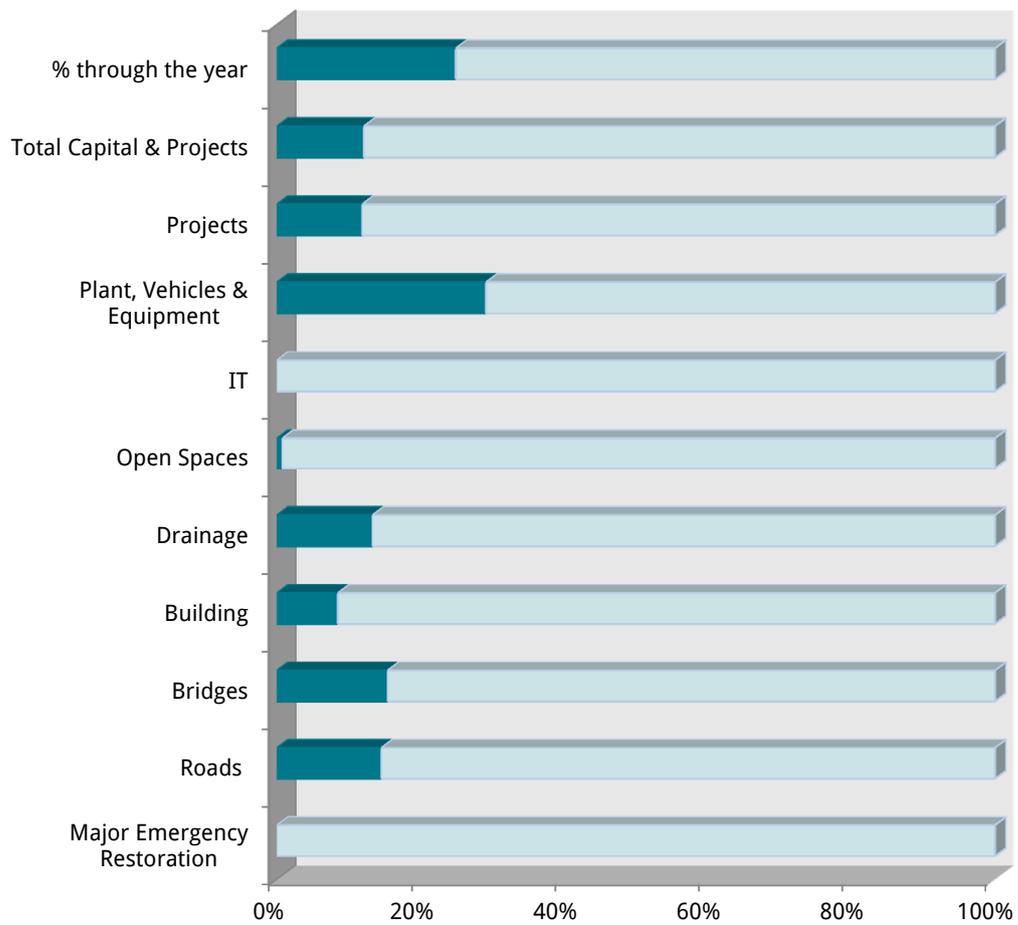
Capital Projects	2,360,326	19,549,380
Expensed Projects	181,747	1,236,013

### 2018/19 Major Emergency Restoration

Capital Projects	-	-
Expensed Projects	- 22,894	-

<b>Total Capital &amp; Projects</b>	<b>2,519,179</b>	<b>20,785,393</b>
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## Capital & Project Expenditure Progress



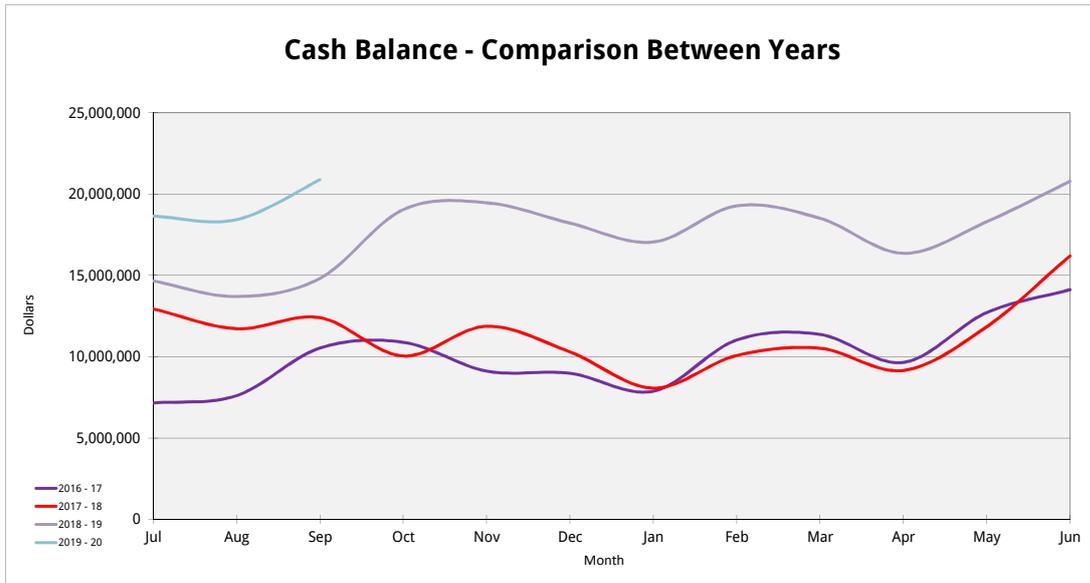
## Capital & Project Expenditure Summary as at 30 September, 2019

	YTD Actuals (incl Commitments)	Forecast	Adopted Budget	% Committed to Forecast
<b>02 - Capital</b>				
1112 - B - Roads - Aerodrome Program	58	463,700	400,000	0
1101 - B - Roads - Final Seal Program	178,390	680,000	680,000	26
1110 - B - Roads - Footpaths Program	0	132,000	132,000	0
1100 - B - Roads - Kerb & Channel Program	11,465	294,920	285,000	4
1102 - B - Roads - Major Rural Roads Program	79,727	1,814,100	1,731,500	4
1104 - B - Roads - Resealing Program	282,090	1,100,000	1,100,000	26
1105 - B - Roads - Resheeting Program	86,974	1,050,000	1,050,000	8
1106 - B - Roads - Rural & Residential Program	263,615	1,081,000	1,081,000	24
1111 - B - Roads - Streetscapes	363,063	1,176,500	500,000	31
1107 - B - Roads - Town Street Sealing Program	0	86,000	86,000	0
1108 - B - Roads - Transport Dev Program	252,774	1,849,480	470,000	14
1109 - B - Roads - Urban Rd Improvement Program	34,271	100,000	100,000	34
1103 - B - Roads - Rehabilitation Program	16,193	952,435	939,000	2
1113 - C - Bridge & Major Culverts Program	317,236	2,056,050	1,873,000	15
1115 - D - Building Program	109,453	1,285,025	600,000	9
1116 - E - Drainage Program	31,700	237,905	130,000	13
1122 - F - Open Spaces Program	31,615	4,062,725	3,985,000	1
1120 - G - Land & Land Improvement Program	0	6,864	0	0
1119 - H - IT Program	(1,118)	0	0	0
1118 - H - Plant, Vehicles & Equipment Program	345,595	1,187,305	715,000	29
1121 - J - Projects	138,972	1,169,384	520,500	12
<b>Total 02 - Capital</b>	<b>2,542,073</b>	<b>20,785,393</b>	<b>16,378,000</b>	<b>12</b>
<b>04 - Emergency Capital</b>				
0223 - 01/11 Natural Disaster Funding - Bridges	0	0	0	0
0251 - 09/16 Flood Event	(22,894)	0	0	0
0254 - 09/16 Natural Disaster - Bridges	0	0	0	0
0253 - 09/16 Natural Disaster - Drainage	0	0	0	0
0255 - 09/16 Natural Disaster - Roads	0	0	0	(3)
<b>Total 04 - Emergency Capital</b>	<b>(22,894)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grand Total</b>	<b>2,519,179</b>	<b>20,785,393</b>	<b>16,378,000</b>	<b>12</b>

## Capital & Project Revenue Summary as at 30 September, 2019

Level 2	YTD Actuals (incl Commitments)	Forecast	Adopted Budget	% Committed to Forecast
<b>02 - Capital</b>				
1112 - B - Roads - Aerodrome Program	0	(300,000)	(300,000)	0
1101 - B - Roads - Final Seal Program	(132,800)	(498,000)	(498,000)	27
1110 - B - Roads - Footpaths Program	0	0	0	0
1100 - B - Roads - Kerb & Channel Program	0	0	0	0
1102 - B - Roads - Major Rural Roads Program	(413,400)	(1,152,500)	(1,152,500)	36
1104 - B - Roads - Resealing Program	0	(699,000)	(699,000)	0
1105 - B - Roads - Resheeting Program	0	(305,000)	(305,000)	0
1106 - B - Roads - Rural & Residential Program	(280,800)	(745,000)	(745,000)	38
1111 - B - Roads - Streetscapes	(310,000)	(1,200,000)	0	26
1107 - B - Roads - Town Street Sealing Program	0	(86,000)	(86,000)	0
1108 - B - Roads - Transport Dev Program	0	(884,000)	(270,000)	0
	0	(100,000)	(100,000)	0
1103 - B - Roads - Rehabilitation Program	0	(655,000)	(655,000)	0
1113 - C - Bridge & Major Culverts Program	(346,400)	(1,552,000)	(1,247,000)	22
1115 - D - Building Program	(18,911)	(380,914)	(205,000)	5
1116 - E - Drainage Program	0	0	0	0
1122 - F - Open Spaces Program	(418,700)	(1,460,000)	(1,415,000)	29
1120 - G - Land & Land Improvement Program	0	0	0	0
1119 - H - IT Program	0	0	0	0
1118 - H - Plant, Vehicles & Equipment Program	(55,878)	(62,500)	(62,500)	89
1121 - J - Projects	(218,446)	(427,556)	(195,000)	51
<b>Total 02 - Capital</b>	<b>(2,195,335)</b>	<b>(10,507,470)</b>	<b>(7,935,000)</b>	<b>21</b>
<b>04 - Emergency Capital</b>				
0256 - 09/16 Natural Disaster Funding Income	(761,870)	0	0	0
<b>Total 04 - Emergency Capital</b>	<b>(761,870)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grand Total</b>	<b>(2,957,205)</b>	<b>(10,507,470)</b>	<b>(7,935,000)</b>	<b>28</b>

## Cash and Investments as at 30 September, 2019



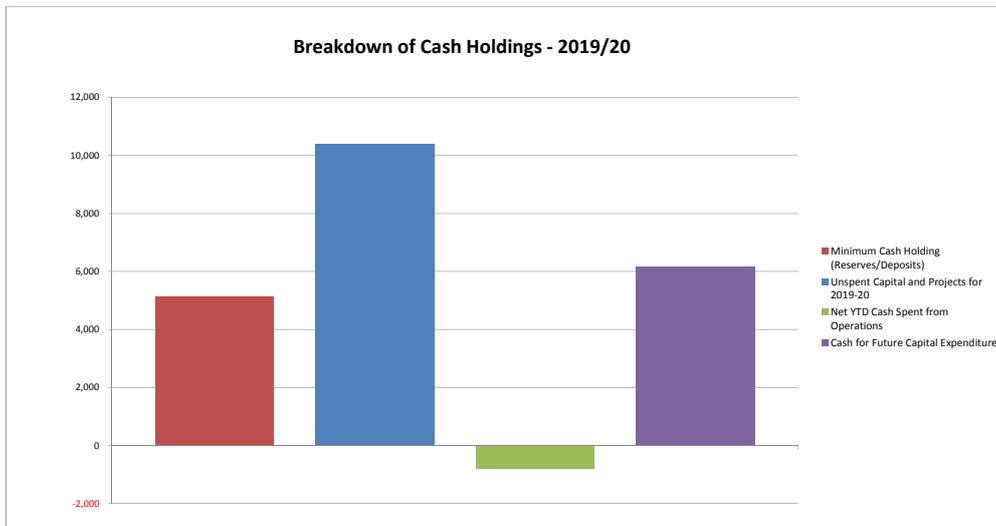
**Total Cash Balance at Month End**

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<b>2016 - 17</b>	7,150,270	7,605,796	10,533,227	10,892,081	9,118,341	8,984,411	7,880,632	11,027,392	11,371,794	9,651,765	12,712,368	14,125,041
<b>2017 - 18</b>	12,943,095	11,722,616	12,402,540	10,045,586	11,871,466	10,298,760	8,070,124	10,076,254	10,520,858	9,157,008	11,843,662	16,202,519
<b>2018 - 19</b>	14,662,878	13,696,212	14,814,349	19,043,239	19,466,664	18,213,979	17,049,983	19,275,427	18,514,123	16,357,309	18,298,119	20,785,979
<b>2019 - 20</b>	18,642,143	18,424,373	20,885,937									

<b>Restricted Cash required as at 30 June 2020</b>	<b>\$ 5,148,000</b>
<b>Available Cash as at 30 September, 2019</b>	<b>\$ 15,737,937</b>
	<b>\$ 20,885,937</b>

### [1] Breakdown of Cash Holdings

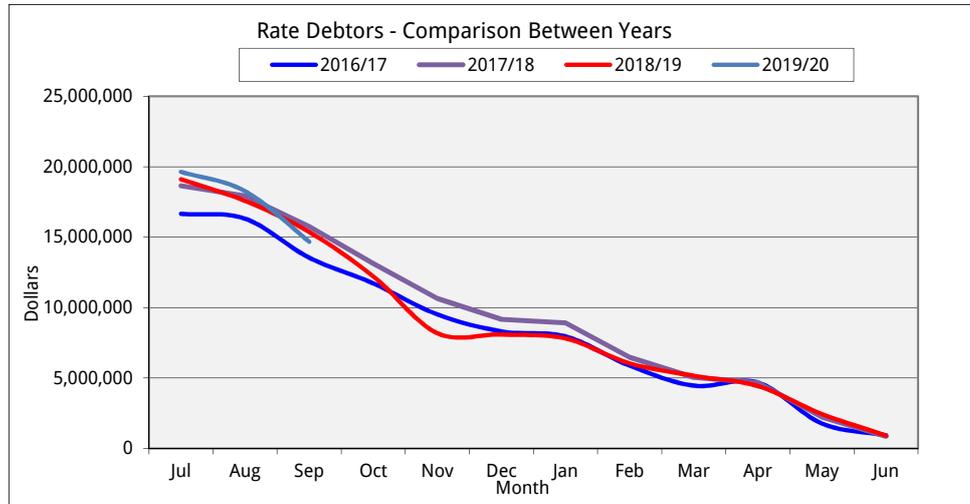
	\$000's
Minimum Cash Holding (Reserves/Deposits)	5,148
Cash for Future Capital Expenditure	6,162
Unspent Capital and Projects for 2019-20	10,398
	<u>21,708</u>
Net YTD Cash Spent from Operations	<u>-822</u>
<b>Total Cash held as at 30 September 2019</b>	<b>20,886</b>



**Discussion:**

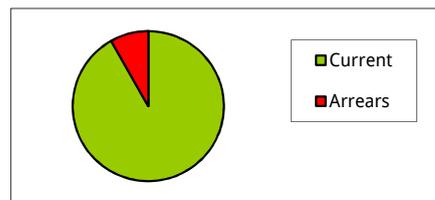
Council should see a slight increase in the cash held into the future. Council will be holding more cash as it builds up it's funds to pay off the long term interest only loans entered into together with future capital program expenditure. Council has also received funding for flood damage which has inflated the cash balance. By 30 June 2019 it is anticipated that the cash balance will be down at \$12.2m.

# Debtors Reports as at 30 September, 2019



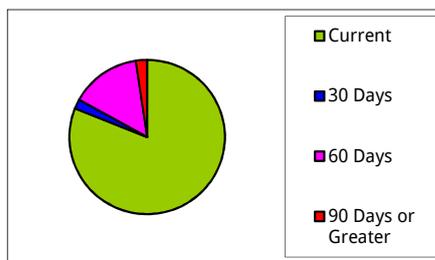
## Rates Debtors YTD

	\$	%
Current	13,468,575	92%
Arrears	1,206,249	8%
<b>Total</b>	<b>14,674,824</b>	<b>100%</b>



## Sundry Debtors YTD

	\$	%
Current	1,403,134	81.0%
30 Days	34,436	2.0%
60 Days	253,196	14.6%
90 Days or Greater	40,883	2.4%
<b>Total</b>	<b>1,731,649</b>	<b>100%</b>



### Details:

Current	The majority of the current balance of sundry debtors is made up of grant funding requested in relation to Fixing Country Road projects (\$993k); Milestone 3 of the Halls Gap Streetscape (\$200k); Final Milestone for Stawell Main Street (\$110k).
60 days	Funding requested from Stawell Cemetery for burial fees (\$61k) together with funding for Concongella Bridge Upgrade Project (\$180k)
90 Days or Greater	A total of 16 sundry debtors remain unpaid with outstanding amounts ranging from a minimum of \$11 to a maximum of \$24,000. This amounts to a total unpaid of \$33,800 on the general sundry debtors. Further unpaid invoices for Fire Hazard Removal of \$5,200 together with a balance of \$1,900 remaining on a disputed account with a service provider make up the remaining balance on sundry debtors for the 90 days or greater.

## Loan Report - Budget 2019/2020

### Borrowing Principles:

#### Indebtedness

Our level of debt will not exceed 60% or \$11.1 Million of Rates and Charges Revenue.

Indebtness Calculation Check 13% ✓

#### Debt Servicing Costs

Our level of annual debt servicing costs (principal plus Interest) will not exceed 5% or \$1.8 Million of our Total Operating Revenue.

Debt Servicing Calculation Check 2% ✓

### Loans Budgeted 2019/2020:

#### Principal

	\$000's
Loans Outstanding as at 30 June, 2019	2,617
Add proposed new loans 2019/2020	-
Less Scheduled Repayments 2019/2020	(210)
Loans Outstanding as at 30 June, 2020	2,407

#### Expiry of Existing Loans

	Expiry	Current Balance \$000's
Loan 15	Jun-21	131
Loan 16	Jun-23	276
Loan 18	Nov-21	1,000
Loan 20	Jun-26	1,000
		<b>2,407</b>

#### 10. Notices of Motion or Rescission

At this point in the meeting, Cr Karen Hyslop sought direction on whether or not she could move a motion of rescission for Item 9.2. On being provided with the relevant clauses from the Northern Grampians Shire Council's Meeting Procedure Local Law, Cr Hyslop agreed to not proceed with a motion.

#### 11. Reports from Councillors/Committees

11.1.1. Queen Mary Botanic Gardens Committee Minutes

11.1.2. St Arnaud Recreation Advisory Group Minutes

Cr Merrilee Reid provided a brief report on the St Arnaud Arts Council event.

#### RESOLUTION

**That the reports be received.**

**Moved: Cr Tony Driscoll**  
**Seconded: Cr Merrilee Reid**

**Carried**

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**MINUTES OF THE MEETING OF THE QUEEN MARY BOTANIC GARDENS  
COMMITTEE HELD ON WEDNESDAY 20th MARCH 2019**

**PRESENT:**

Dorothy Baldwin (CWA)  
Rosalind Small (Friends of QMG)  
Lynne Box ( Friends Of QMG)  
Jason Abbott (Parks & Gardens)(Secretary)  
Margaret Mc Cahon (CWA)  
Joanne Hamilton (Chairperson)(Friends of QMG)  
Dorothy Patton (Community)  
Cr Tony Driscoll

1. **OPEN MEETING:** The Chair declared the meeting open.
2. **APOLOGIES:** Ella Ebery,lindee Parry,Flora Mc Rae
3. **DISCLOSURES OF INTEREST & DECLARATIONS OF CONFLICT OF INTEREST:**  
  
Nil
4. **CONFIRMATION OF THE MINUTES:**  
  
'That the minutes of the Meeting held on Wednesday 19th September as circulated be adopted.'  
  
**Moved: J Abbott**  
**Seconded: D Patton** **Carried**
- 5.0 **MATTERS ARISING FROM MINUTES:**
  - 5.1 Shane Birthisel has contracted to repair fountain lights.
  - 5.2 The committee has to acknowledged and tabled the petition received from Maurie and Pat Wood. Jo has responded by letter and Jason,Jo and Ros have met with them personally in regards to the petition.
  - 5.3 Funding has been allocated to the Eastern corner which will be acquitted by September. Friends maybe able to help financially to ensure completion of the project.
6. **CORRESPONDENCE**

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6.1 Nil

7. **REPORTS:** Nil

8. **GENERAL BUSINESS:**

8.1 Jason, Jo and Ros met with Maurie and Pat Wood in the gardens to address their correspondence and petition about the planting of hedges in the gardens. All points of view were put forward by both parties as to the pros and cons of the hedge. This was relayed to the committee who have decided to stay with their original decision as voted for in general business at the September meeting 2018. GB item 8.3 The committee voted to reduce the height of the hedge along Mc Mahon and Millet street to 1.2 meters (four feet). GB item 8.4 The committee also decided to proceed with the hedge along the eastern corner and Inkerman street which is also to be maintained at 1.2 meters.

8.2 Flora Mc Rae has resigned from the committee due to ill health. The committee will send a card thanking her for her years of service.

8.3 Two new members needed to replace Eric Walker and Flora Mc rae.

8.4 Wind farm grant of \$3050 dollars for trees on eastern corner.

8.5 No gala day this year, Steps at rear of Mechanics hall have been installed. Unable to contact mechanics president re: steps.

8.6 Young farmers asked if the info board in the QMG was being moved. It is staying for the foreseeable future may be moved if a better site can be found.

8.7 Info board at pioneer park needs maintenance on lettering.

9. **NEXT MEETING: 15-2019 St Arnaud Town Hall**

10. **CLOSE:**

The Meeting closed at 6.40PM

Confirmed .....

# Northern Grampians Shire Council

## St Arnaud Recreation Advisory Group Meeting Minutes

The scheduled meeting was held at **6pm** on Thursday 31 October 2019 in the Community Meeting Room, St Arnaud

*To develop the strategic and long term vision of the Lord Nelson Park Precinct for the St Arnaud community*

**Chair:** Cr Reid

**Attendees:** Cr Driscoll, Nicole Amos, Tara Lowe, Kim Birthisel, Sharlene Bertalli, Bruce Hando, Peter Knights, Kaye Boyd, Naomi Goode

**Apologies:** Mark MacTaggart, Tony Dark

### 1. General Business:

Item	Topic	Discussion	Action/ Outcome
1.1	Multipurpose Facility Design	Group discussion following on from last meeting, including concerns from the Football Club regarding the draft concept design. The Football Club have met and agreed that the draft concept includes the non-negotiable components of the final design including change room size, and would like to consider minor modifications to the kiosk area and consideration for one building rather than two in the next stage of design. Group consensus to move the project to the next stage of the project - detailed design. Discussed the 'design and construct' project approach to be sought as a cost effective, achievable and quality build.	<b>Action:</b> <b>Project Manager to prepare the draft project brief for design and construct expression of interest</b>
1.2	Bendigo Stadium	Nathan O'Neill, CEO Bendigo Stadium attended the Council Briefing on 28 October 2019. Nathan highlighted the Bendigo Stadium is open to multiple management models at Lord Nelson Park and various sponsorship models for user groups.	<b>Action:</b> <b>Continue discussions with Bendigo Stadium and user groups</b>
1.3	Membership of Group	Initial 24 month term for group members expires in November. All current members agreed to another term. If at any stage the user groups want to make a change to their representative, a new nomination can be made.	<b>Action:</b> <b>All members to continue their role in the advisory group</b>
1.4	Fundraising	Group discussion on the fundraising community meeting, including the feedback from community members that there is a willingness to fundraise; however, would prefer to see the final design prior to significant fundraising efforts.	<b>Action:</b> <b>Fundraising group to set a first meeting</b>

		The fundraising group have an ABN and is set up ready to set their first meeting. Tara, Nicole and Kim to progress.	
<b>1.5</b>	<b>Event Debriefs</b>	Event debriefs provided by Peter following the Ag Show, and Sharlene and Nicole following the Grand Final. Positive feedback on the support given from Council's maintenance and parks & gardens teams assisting in the preparation of Lord Nelson Park for both events. Kaye provided an update on preparations for the upcoming Harness Racing event. Additional maintenance requests to be submitted with the aim of completion prior to the event.	<b>Action: Maintenance requests discussed to be submitted by Council officer to the maintenance team</b>
<b>1.6</b>	<b>Road Preparation</b>	The roadworks to be completed around the netball court would ideally be undertaken prior to the multipurpose building completion.	<b>Action: Determination of timing for the road preparation works to be completed and provided to the group at the next meeting</b>

**2. Other discussed:**

Nil

**3. Close:** 7.40pm

**4. Next Meeting:** Tuesday 26 November at 7.30pm

## 12. Urgent Business

Cr Murray Emerson asked that the matter of arrangements for the Stawell Gift be considered as Urgent Business.

### RESOLUTION

That the items as listed be considered as Urgent Business.

Moved: Cr Murray Emerson

Seconded: Cr Merrilee Reid Carried

### RESOLUTION

That Council writes to the Minister of Sport & Recreation in support of the Stawell Athletic Club's decision on the Stawell Gift and inform him that Council is happy to continue the current arrangements for financial support and preparation of the town and surrounds.

Moved: Cr Murray Emerson

Seconded: Cr Karen Hyslop Carried

## 13. Public Question Time

Nil

#### 14. Closure of Meeting Pursuant to Section 89(2) of the Local Government Act 1989

A Council or Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following :

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matter;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any other person;
- (i) A resolution to close the meeting to members of the public.

14.1 C5 2019/20 - Roadside Weeds & Pests Program - New Contract

14.2 C1 2019/20 - North Park Multi-Purpose Clubroom Development - New Contract

#### RESOLUTION

That items 14.1 and 14.2 be considered in Closed Council as they deal with confidential matters as detailed in section 89 of the *Local Government Act 1989*.

Moved: Cr Murray Emerson

Seconded: Cr Tony Driscoll

Carried

#### RESOLUTION

That the meeting be closed to consider the items listed pursuant to section 89(2) of the *Local Government Act 1989*.

Moved: Cr Murray Emerson

Seconded: Cr Tony Driscoll

Carried

#### OPEN COUNCIL

The Acting Chief Executive Officer reported on the item discussed in Closed Council.

14.1 That Council awards Contract No. C5 2019/20 - Roadside Weeds & Pests Program and appoints the preferred contractors Barongarook Weed & Pest Control, Project Platypus Association Incorporated and Tom McLoughlan Contracting Pty Ltd t/as TMC Enviro on to the panel.

14.2 That Council proceeds with Contract C1 2019/20 - North Park Multi-Purpose Clubroom Development with a reviewed budget allocation and engages the preferred tenderer BLR Provincial Construction Pty Ltd.

**15. Close**

**There being no further business the Chairman declared the meeting closed at 1.05pm.**

CR KEVIN ERWIN  
CHAIRPERSON