

RelianSys® Compliance
Transforming Compliance

Categories of Obligations

Compliance Module

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There are various kinds of Obligations in Subscribed Registers. It can be quite confusing to both analyse and interpret them all. Our Legislative Analysts, who are qualified and experienced Lawyers, have developed 'rules' to identify them. This FAQ explains these Rules.

OBLIGATION TYPE	DEFINITION	EXAMPLE
Unconditional obligation	An obligation for which no legal alternative exists. The Act requires it, no matter what. It may be a duty to do something, or a prohibition against doing something.	Preparation of financial statements yearly. <i>Local Government Act 1989 ('LG Act') s 131.</i>
Conditional obligation	An obligation which exists in certain circumstances. The Act requires it, following another event or following the exercise of a discretion.	If Council decides to sell land it will ensure that public notice is given in accordance with LG Act s189. OR LG Act s 20 (3) If the Chief Executive Officer is satisfied that having the address of the person making the request shown on any voters' roll places or would place the personal safety of the person or of members of the person's family at risk, the Chief Executive Officer must ensure that the address of the person is not entered on any voters' roll.
Unconditional discretion	A power which exists regardless of the circumstances. The Act permits it, regardless of other circumstances.	LG Act s 167(2A) A Council may allow a person to pay a rate or charge in a lump sum.
Conditional discretion	A power which exists in certain circumstances. The Act permits it, but only if certain circumstances apply.	<i>Equal Opportunity Act s 26</i> - An employer may limit the offering of employment to people of one sex if it is a genuine occupational requirement of the employment that the employees be people of that sex.
Informative	Extracts from legislation that have no specific requirement to act in any of the circumstances listed above, but which nonetheless are relevant and/or useful to understand the context for application of other Obligations.	<i>Local Government Act 1989 (Vic) s 3E</i> describes the Functions of a Council. There is no specific action attached to this, but it is important to know nonetheless.

Note - This FAQ applies to Obligations in Subscribed Registers purchased through RelianSys Pty. Ltd. Other providers may apply different Rules.