

<Organisation Name>

Delegated Provisions for Positions

<Date>

Positions

Title 1: Position1 – Name1

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Delegation Sources

- Independent Broad-Based Anti-Corruption Commission Act 2011 ((Instrument of Sub-Delegation - CEO to Staff) - Independent Broad-Based Anti-Corruption Commission Act 2011
- PLANNING & ENVIRONMENT ACT (Vic) 1987 - PLANNING AND ENVIRONMENT ACT 1987
- S12 Municipal Building Surveyor Package - Building Act 1993
- S14 Instrument of Delegation by CEO for VicSmart Applications under the Planning and Environment Act 1987 - Planning and Environment Act 1987
- S5 Instrument of Delegation to Chief Executive Officer - Local Government Act 1989
- S6 Instrument of Delegation - Members of Staff - Cemeteries and Crematoria Act 2003
- VIC Food Act 1984 - Food Act 1984
- Cemeteries and Crematoria Act 2003 - Cemeteries and Crematoria Act 2003
- Financial Delegations - Procurement Policy
- Housing Act 1983 (Instrument of Sub Delegation - CEO to Staff) - Housing Act 1983
- S7 Instrument of Sub-Delegation by CEO - Building Act 1993
- S7 Instrument of Sub-Delegation by CEO - Food Act 1984

Provisions for <Position1>

Independent Broad-Based Anti-Corruption Commission Act 2011 ((Instrument of Sub-Delegation - CEO to Staff) - Independent Broad-Based Anti-Corruption Commission Act 2011			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.29	power to enter into agreements or arrangements for use of services with the Independent Broad-Based Anti-Corruption Commission (IBAC)	CEO, MPC	
s.39(1)	power to provide the IBAV with information relevant to the carrying out of IBAC's functions	CEO, MPC	
PLANNING & ENVIRONMENT ACT (Vic) 1987 - PLANNING AND ENVIRONMENT ACT 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
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	GMA, InfM, CO, Exec Mgmt Grp, Enf Grp	<p>New dwellings in a Heritage Overlay and alterations and additions to existing dwelling in a Heritage Overlay.</p> <p>Before exercising their delegation the Statutory Planning Officer (SP) must consult with the Manager Statutory Planning and/ or Coordinator Statutory Planning.</p> <hr/> <p>Compliance with Council Planning Scheme including Council's Heritage Policy.</p>
S12 Municipal Building Surveyor Package - Building Act 1993			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.17	Function of receiving application for a building permit	CEO	
s.18A(2)	Duty to provide to Development Victoria without delay notice setting out information in s 18A(2)(a) and a copy of any relevant planning permit, in certain circumstances where s 18A(1) is satisfied	CEO	
s.18B(2)	Duty to give notice of an application which satisfies s 18B(1), to the Commissioner of State Revenue	CEO	
s.21(2)	Duty to consider whether building work is minor or does not compromise the suitability of the building for occupation	CO, Exec Mgmt Grp	
s.23	Duty to notify the reporting authority of permit and give the reporting authority a copy of the permit, where issues a building permit which differs from or fails to implement the recommendations in the reporting authority's report under Schedule 2 on the application for the permit	CEO, CSM, EHO	Does not apply to classes of buildings set out in r 1805
s.24(1)	Duty to not issue building permit unless satisfied of matters set out in s 24(1), subject to s 24A	CEO	

S12 Municipal Building Surveyor Package - Building Act 1993

Provision	Item Delegated	Delegate	Conditions and Limitations
s 24A(1)	Power to consider whether satisfied of the matters set out in s 24(1)(a) – (d)	CO, Exec Mgmt Grp	
s.25	Duty to notify applicant for a permit in writing without delay of refusal of permit and reasons refusal	Dir A & E, EHOs, CEO	

S14 Instrument of Delegation by CEO for VicSmart Applications under the Planning and Environment Act 1987 - Planning and Environment Act 1987

Provision	Item Delegated	Delegate	Conditions and Limitations
s 93(2)	Duty to give notice of VCAT order to stop development	Dir A & E, Exec Mgmt Grp	

S5 Instrument of Delegation to Chief Executive Officer - Local Government Act 1989

Provision	Item Delegated	Delegate	Conditions and Limitations
98(1)	<p>SCHEDULE</p> <p>The power to</p> <ol style="list-style-type: none"> 1. determine any issue; 2. take any action; or 3. do any act or thing <p>arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.</p>	CEO, Enf Grp	<p>The delegate must not determine the issue, take the action or do the act or thing</p> <ol style="list-style-type: none"> 4. if the issue, action, act or thing is an issue, action, act or thing which involves <ol style="list-style-type: none"> 4.1 awarding a contract exceeding the value of [insert amount]; 4.2 making a local law under Part 5 of the Act; 4.3 approval of the Council Plan under s.125 of the Act; 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;

S6 Instrument of Delegation - Members of Staff - Cemeteries and Crematoria Act 2003

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

Provision	Item Delegated	Delegate	Conditions and Limitations
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	CEO	<p>Where Council is a Class A cemetery trust</p> <hr/> <p>Subject to position authority.</p>
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	Dir A & E, CEO, Exec Mgmt Grp	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	Exec Mgmt Grp	Where Council is a Class A cemetery trust

S6 Instrument of Delegation - Members of Staff - Cemeteries and Crematoria Act 2003
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Provision	Item Delegated	Delegate	Conditions and Limitations
s 20(1)	Duty to set aside areas for the interment of human remains	CEO	Subject to position authority.

VIC Food Act 1984 - Food Act 1984

Provision	Item Delegated	Delegate	Conditions and Limitations
s.19(4)(b)	Notify the department of order under section 19(3)(a) or (b) made by a council or CEO	Mgr C S, EHO, Exec Mgmt Grp	
s.19CB(4)(b)	Require proprietor to provide copy of minimum records within the time specified	CEO, EHO, GMA	
s.19E(1)(d)	Require copy of food safety program for the premises within the time specified	CEO, CSM	
s.19GB	Require written details of the name and qualifications of the current food safety supervisor for the premises within 7 days of being asked in writing to do so	CEO, CSM	

Provisions for <Position2>

Cemeteries and Crematoria Act 2003 - Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.8(1)(a)(ii)	Power to manage one or more cemeteries	Dir A & E, EHOs, GMCorp	where appointed to manage cemetery by Governor in Council
s.12(2)	duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	Dir A & E, Mgr C S, EHOs	where Council is a Class A cemetery trust <hr/> special condition # 1
Financial Delegations - Procurement Policy			
Financial delegations for purchasing of goods & services			
Provision	Item Delegated	Delegate	Conditions and Limitations
1	Procurement of Goods & Services	Dir A & E, MPC, EHO, Enf Grp	Both capex and opex: maximum \$1000 <hr/> Position Authority takes precedence in event of inconsistency.
Housing Act 1983 (Instrument of Sub Delegation - CEO to Staff) - Housing Act 1983			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.15(1)(d)	function of consenting to any development, control, etc. of any land	Dir A & E, GMCD	
PLANNING & ENVIRONMENT ACT (Vic) 1987 - PLANNING AND ENVIRONMENT ACT 1987			
Provision	Item Delegated	Delegate	Conditions and Limitations
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	Dir A & E	New dwellings on lots less than 500 m ² and extensions to dwellings on lots less than 500 m ² . Before exercising their delegation the Statutory Planning Officer (SP) must consult with the Manager Statutory Planning and/ or Coordinator Statutory Planning. <hr/> Compliance with the Planning Scheme.

PLANNING & ENVIRONMENT ACT (Vic) 1987 - PLANNING AND ENVIRONMENT ACT 1987

Provision	Item Delegated	Delegate	Conditions and Limitations
			Compliance with the ResCode and Residential Urban Character Study
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	GMA, InfM, CO, Exec Mgmt Grp, Enf Grp	New dwellings in a Heritage Overlay and alterations and additions to existing dwelling in a Heritage Overlay. Before exercising their delegation the Statutory Planning Officer (SP) must consult with the Manager Statutory Planning and/ or Coordinator Statutory Planning. Compliance with Council Planning Scheme including Council's Heritage Policy.

S12 Municipal Building Surveyor Package - Building Act 1993

Provision	Item Delegated	Delegate	Conditions and Limitations
s.10(2)	Power to be satisfied and to certify in writing that substantial progress was made on the design of a building before a building regulation or amendment commenced.	Dir A & E, EHOs, ISM	
s.21(2)	Duty to consider whether building work is minor or does not compromise the suitability of the building for occupation	CO, Exec Mgmt Grp	
s 24A(1)	Power to consider whether satisfied of the matters set out in s 24(1)(a) – (d)	CO, Exec Mgmt Grp	
s.25	Duty to notify applicant for a permit in writing without delay of refusal of permit and reasons refusal	Dir A & E, EHOs, CEO	
s.28(1)	Power to issue building permit for carrying out of building work that does not comply with building regulations if the work is to be carried out on, or in connection with a building included on the Heritage Register, subject to s24	Dir A & E	
s.29B(1) and (3)	Function of receiving notice from the responsible authority	Dir A & E	

S14 Instrument of Delegation by CEO for VicSmart Applications under the Planning and Environment Act 1987 - Planning and Environment Act 1987

Provision	Item Delegated	Delegate	Conditions and Limitations
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	Dir A & E	Notice requirements under s 52(1)(a), (b), (c) and (d) are exempt. Other notice requirements apply
s 93(2)	Duty to give notice of VCAT order to stop development	Dir A & E, Exec Mgmt Grp	

S6 Instrument of Delegation - Members of Staff - Cemeteries and Crematoria Act 2003
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Provision	Item Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	Dir A & E, EHO, CO	Where Council is a Class B cemetery trust
s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	Dir A & E, FYSM	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	Dir A & E	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	Dir A & E, CEO, Exec Mgmt Grp	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	Exec Mgmt Grp	Where Council is a Class A cemetery trust

S7 Instrument of Sub-Delegation by CEO - Building Act 1993

Provision	Item Delegated	Delegate	Conditions and Limitations
s 29A	Function of giving consent to building permit for demolition in its capacity as responsible authority under the Planning and Environment Act 1987	Dir A & E	

VIC Food Act 1984 - Food Act 1984

Provision	Item Delegated	Delegate	Conditions and Limitations
s.19(1) and (2)	Order directing premises be cleaned, or steps taken to ensure food is safe etc, on being satisfied about unsatisfactory nature of the premises or food	Dir A & E, EHOs	
s.19(4)(a)	Direct that a copy of order made under section 19(3)(a) or (3)(b) be affixed to premises, and/or publish a notice in a newspaper or other means, informing the public about the order	Dir A & E, EHOs	
s.19(4)(b)	Notify the department of order under section 19(3)(a) or (b) made by a council or CEO	Mgr C S, EHO, Exec Mgmt Grp	
s.19(4)(c)	Notify other registration authority of an order made under section 19(3)(a) or (b)	Dir A & E	

Provisions for <Position3>

Cemeteries and Crematoria Act 2003 - Cemeteries and Crematoria Act 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.8(1)(a)(ii)	Power to manage one or more cemeteries	Dir A & E, EHOs, GMCorp	where appointed to manage cemetery by Governor in Council
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	EHOs	
s.12(2)	duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	Dir A & E, Mgr C S, EHOs	where Council is a Class A cemetery trust ----- special condition # 1
s.12A(1)	function to do the activites set out in paragraphs (a) - (n)	EHOs	where Council is a Class A cemetery trust
s.12A(2)	duty to have regards to matters set out in paragraphs (a) - (e) in exercising its functions	EHOs	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	EHOs, GMCorp	----- special condition #2
s.14	power to manage multiple public cemeteries as if they are one cemetery	EHOs, CSM	
Housing Act 1983 (Instrument of Sub Delegation - CEO to Staff) - Housing Act 1983			
Provision	Item Delegated	Delegate	Conditions and Limitations
s.34(1)	function of entering into arrangements with the Director whereby Council carries out works	EHOs, GMComm, CSM	
s.34(3)	power to enter into arrangements with the Director for the purposes of this Act	EHOs, GMComm, CSM	
s.67(1)(a)	power to do all things to make house comply with regulations or to give effect to direction	EHOs, GMComm, CSM	
s.67(2)	power to recover expenses	EHOs, GMComm, CSM	
s.67(3)	power to sell or dispose of material	EHOs, GMComm, CSM	
s.68(1)	power to order that house (a) be and remain unoccupied; or (b) be vacated by the occupier	EHOs, GMComm, CSM, EHO	----- condition 6
s.68A	power to revoke declaration	EHOs, GMComm, CSM	

S12 Municipal Building Surveyor Package - Building Act 1993

Provision	Item Delegated	Delegate	Conditions and Limitations
s.10(2)	Power to be satisfied and to certify in writing that substantial progress was made on the design of a building before a building regulation or amendment commenced.	Dir A & E, EHOs, ISM	
s.21(1)	Duty to specify in building permit whether occupancy permit is required under s 21(2) for the whole or part of the building	EHOs	
s.25	Duty to notify applicant for a permit in writing without delay of refusal of permit and reasons refusal	Dir A & E, EHOs, CEO	

S6 Instrument of Delegation - Members of Staff - Cemeteries and Crematoria Act 2003
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]

Provision	Item Delegated	Delegate	Conditions and Limitations
s 18l	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	EHOs	Where Council is a Class A cemetery trust <hr/> Subject to position authority.

S7 Instrument of Sub-Delegation by CEO - Food Act 1984

Provision	Item Delegated	Delegate	Conditions and Limitations
s 19(4)(c)	Duty to notify the registration authority of the making of the order and any appeal and the outcome of the appeal	EHOs	If s 19(1) applies and if Council is not the registration authority
s 19A(4)(b)	Function of receiving notice from authorised officer	EHOs	Where Council is the registration authority

VIC Food Act 1984 - Food Act 1984

Provision	Item Delegated	Delegate	Conditions and Limitations
s.19(1) and (2)	Order directing premises be cleaned, or steps taken to ensure food is safe etc, on being satisfied about unsatisfactory nature of the premises or food	Dir A & E, EHOs	
s.19(4)(a)	Direct that a copy of order made under section 19(3)(a) or (3)(b) be affixed to premises, and/or publish a notice in a newspaper or other means, informing the public about the order	Dir A & E, EHOs	
s.19H(4)(b) and (5)	Specify the range of frequencies and intervals for assessment or audit that may be applied to a specific premises, instead of the default requirements	EHOs	