

# S13 INSTRUMENT OF DELEGATION

By the Chief Executive Officer  
Under the *Local Government Act 2020*



**Campaspe**  
Shire Council

Approved by CEO: 1 December 2021

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# S13 Instrument of Delegation of Chief Executive Officer powers, duties and functions

## Instrument of Sub-Delegation

**By this Instrument of Delegation, in exercise of the power conferred by s 47(2) of the *Local Government Act 2020*, I, DECLAN MOORE as Chief Executive Officer of Campaspe Shire Council:**

1. Delegate each duty and/or function and/or power respectively described in the Provision column of the Schedule (and summarised in the Thing Delegated column of the Schedule) to the member of council staff holding, acting in or performing the duties of the office or position respectively described in the Delegate column of the Schedule;

2. Record that a reference in the Schedule to:

ALL GM	All General Managers
ALL M	All Managers
EMG	Executive Management Group
GMCOR	General Manager Corporate
GMDEV	General Manager Development
MF	Manager Finance
MGS	Manager Governance & Strategy
MHR	Manager Human Resource
MPB	Manager Planning & Building
RDTL	Rates/Debtor Team Leader

3. Record that on the coming into force of this Instrument of Delegation each delegation under the Instrument of Delegation dated 22 May 2020 and executed by Declan Moore is revoked;

4. Declare that this Instrument of Sub-Delegation:

4.1 comes into force immediately upon its execution;

4.2 remains in force until varied or revoked;

4.3 is subject to any conditions and limitations set out in paragraph 5, and in the Schedule; and

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

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

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**This Instrument of Delegation** is dated **1 December 2021** and is made by the Chief Executive Officer.

Signed by

Declan Moore, Chief Executive Officer:        )



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Date:

1 December 2021  
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# S13 Instrument of Delegation of Chief Executive powers, duties and functions

<b>CHILD WELLBEING AND SAFETY ACT 2005</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS / COMMENT</b>
s 29(3)	Power to consent to inspection of relevant premises without written notice by the Commission for Children and Young People	GMDEV	
s 46K(1)(g)	Power to authorise, in writing, a person employed or engaged by Council, in relation to childhood services implementation or policy, as a Child Link user	MHR	

<b>EMERGENCY MANAGEMENT ACT 2013</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS / COMMENT</b>
s 54(1)(a)(vii)	Power to nominate a person, position or role to be a member of the Regional Emergency Management Planning Committee		Not delegated
s 59B(1)(b)	Power to nominate a member of Council staff to be the chairperson of the Municipal Emergency Management Planning Committee		Delegates cannot nominate themselves

<b>FINES REFORM ACT 2014</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS / COMMENT</b>
s 175(1)(b)	Power to certify that exceptional circumstances apply requiring Council not to provide required information		Where Council is a 'specified agency'

<b>FIRE SERVICES PROPERTY LEVY ACT 2012</b>			
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS / COMMENT</b>
s 66	Power to disclose information in capacity as a collection agency unless that information will or is likely to identify a particular person	GMCOR MF	s 66 does not apply if the disclosure is permitted by, or is necessary for the administration of, this Act
s 68(1)(b)	Power to authorise the secondary disclosure of information obtained under, or in relation to the administration of, this Act	GMCOR MF	

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FREEDOM OF INFORMATION ACT 1982			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT
s 61GA(3)	Power to apply for extension	MGS	
s 61H	Power to reach an agreement with a complaint	MGS	
s 61I(2)	Power to make submissions in relation to a complaint	MGS	
s 61L(5)	Power to comment on and response to a draft recommendation or draft comment	MGS	
s 61R(4)	Power to respond to adverse material	MGS	
s 63BA(1)	Power to apply to the Supreme Court for a determination	MGS	
s 63BA(4)(a)	Power to make an application	MGS	
s 63E(3)(b)	Power to give written consent to a disclosure	MGS	

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT
s 41	Power of receiving information acquired by the Independent Broad-based Anti-corruption Commission (IBAC)		Not delegated
s 73	Power of receiving a complaint pertaining to Council staff, under circumstances in which it would be more appropriate for Council to conduct the investigation		Not delegated
s 159	Power of receiving IBAC recommendations about the action to be taken following an IBAC investigation		Not delegated
s 162(2)	Power of receiving and responding to an IBAC special report that includes matters pertaining to Council		Not delegated
s 163(3)	Power of receiving written information about the commencement, conduct or results of an IBAC investigation pertaining to Council		Not delegated

# S13 Instrument of Delegation of Chief Executive powers, duties and functions

s 165(2)	Power of receiving and responding to IBAC material that includes matters pertaining to Council, to be published in the IBAC annual report	Not delegated
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LOCAL GOVERNMENT ACT 2020			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT
s 46(3)(b)	Power to approve the filling of vacancies or the creation, reclassification, or abolition of positions within budget		Not delegated. Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to fix salaries for vacant positions		Not delegated
s 46(3)(b)	Power to approve the appointment, engagement or promotion of full time, part time and casual staff		Not delegated Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 46(3)(b)	Power to approve position descriptions	ALL GM MHR	Within existing classification banding level
s 46(3)(b)	Power to create or approve creation of new positions		Not delegated
s 46(3)(b)	Power to conduct disciplinary action under relevant awards and policies	All GM All M	In accordance with approved Council or Administration Policy/Procedure
s 46(3)(b)	Power to terminate or suspend the employment of, or to suspend from duty, a member of Council staff		Not delegated
s 46(3)(b)	Power to conduct interviews for staff annual review	All GM All M	In accordance with approved Council or Administration Policy/Procedure
s 46(3)(b)	Power to authorise sick, annual and family leave	All GM All M	In accordance with approved Council or Administration Policy/Procedure

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LOCAL GOVERNMENT ACT 2020			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT
s 46(3)(b)	Power to approve long service leave and compassionate leave	All GM	In accordance with approved Council or Administration Policy/Procedure
s 46(3)(b)	Power to authorise all forms of study and training leave and educational assistance		Not delegated
s 46(3)(b)	Power to approve leave without pay	All GM All M	In accordance with approved Council or Administration Policy/Procedure
s 46(3)(b)	Power to authorise time sheets, higher duties, time-in-lieu, overtime and travel expense claims	All GM All M	In accordance with approved Council or Administration Policy/Procedure
s 46(3)(b)	Power to approve attendance at conferences and seminars by staff	ALL GM	In accordance with approved Council or Administration Policy/Procedure
s 46(3)(b)	Power to approve attendance at training programs by staff	ALL GM	In accordance with approved Council or Administration Policy/Procedure
s 46(3)(b)	Power to give approval for staff to travel	ALL GM	In accordance with approved Council or Administration Policy/Procedure
s 46(3)(b)	Power to approve travel accommodation for staff	EMG	In accordance with approved Council or Administration Policy/Procedure
s 46(3)(b)	Power to sign Notice of Injury and Work Injury Form	MHR	
s 46(3)(b)	Power to approve claims under WorkCover excess	MHR	
s 46(3)(b)	Power to approve expenses relating to an approved course of study for staff	ALL GM	In accordance with approved Council or Administration Policy/Procedure
s 46(3)(b)	Power to approve staff engaging in other employment		Not delegated
s 46(3)(b)	Power to determine acceptance or denial of liability in the event of a WorkCover claim	MHR	
s 46(3)(b)	Power to sign Letter of Acceptance of Resignation	ALL GM MHR	In accordance with approved Council or Administration Policy/Procedure



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LOCAL GOVERNMENT ACT 2020			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT
s 46(3)(b)	Power to provide references on Council letterhead		Not delegated
s 46(3)(b)	Power to authorise access to a staff member's personal file	ALL GM	In accordance with approved Council or Administration Policy/Procedure
s 48(1)	Power to appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be performed		Subject to section 48(6) prohibiting appointment of a person who has been a Councillor of the Council within 2 years after the person ceases to hold that office
s 132(1)	Power to nominate a 'nominated officer'		Not delegated
s 246(2)	Power to refuse enrolment and duty to give written reasons for refusal application for enrolment		Not delegated
s 246(3)	Power to request information orally or in writing to enable her or him to determine a person's eligibility for enrolment		Not delegated
s 246(4)	Power to require information to be given in writing and signed by the person giving the information		Not delegated
s 247(3)	Power to decide whether address should be placed on voters' roll and to then take action accordingly		Not delegated
s 248(2)	Power to include in the list supplied to the Victorian Electoral Commission people whose address on the rate notice is outside of the municipal district		Not delegated For the purposes of section 243
s 254(1)	Power to use the Council voters' roll for communicating or consulting the local community on the performance of the Council's functions		Not delegated Subject to section 254(2)(a) and (b)
s 254(4)	Power to request the Victorian Electoral Commission to provide a copy of the voters' roll		Not delegated
s 313(2)	Power to represent the Council in all respects as though the person was the party concerned in any proceedings in which the Council is a party or has an interest		Not delegated
s 324(2)	Power to sign a certificate certifying any matter relating to the contents of any document kept by a Council		Not delegated

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LOCAL GOVERNMENT ACT 1989			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT

PLANNING AND ENVIRONMENT ACT 1987			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT
s 140	Power to certify copies of instruments, documents, maps or plans under this Act	GMDEV MPB	Where the Council is the relevant responsible authority
s 141	Power to provide evidentiary statement pertaining to land use and permits under this Act	GMDEV MPB	Where the Council is the relevant responsible authority
s 142	Power to provide evidentiary statement pertaining to s 173 agreements under this Act	GMDEV MPB	Where the Council is the relevant responsible authority

PUBLIC HEALTH AND WELLBEING ACT 2008			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT
s 226(2)	Power to sign evidentiary certificates under this Act	GMDEV	

SERVICE VICTORIA ACT 2018			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT
s 8(2)	Power to delegate the transferred customer service function to any person or class of person employed by, or acting on behalf of, the service agency from which the function is transferred		Not delegated Where Council's CEO has been transferred a transferred customer service function

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s 13(2)	Power to delegate the transferred identity verification function to any person or class of person employed by, or acting on behalf of, the service agency from which the function is transferred	Not delegated Where Council's CEO has been transferred a transferred identity verification function
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SHERIFF ACT 2009		
PROVISION	THING DELEGATED	DELEGATE
s 54	Power to exempt Council from providing information to the Sheriff otherwise authorised by a warrant if exceptional circumstances apply	Not delegated

VALUATION OF LAND ACT 1960		
PROVISION	THING DELEGATED	DELEGATE
s 3(5)(ba)	Power to request valuations of land	GMCOR

VICTORIAN DATA SHARING ACT 2017		
PROVISION	THING DELEGATED	DELEGATE
s 15(1)	Power to disclose identifiable data to the Chief Data Officer in response to a request under s 8	Not delegated In accordance with s 5
s 15(2)	Power to disclose identifiable data to a data analytics body for the purpose of data integration	Not delegated In accordance with s 5

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LOCAL GOVERNMENT (ELECTORAL) REGULATIONS 2020			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT
r 15(2)	Power to exchange relevant information to enrolment entitlements with the VEC	MGS RDTL	

LOCAL GOVERNMENT (GOVERNANCE AND INTEGRITY) REGULATIONS 2020			
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS / COMMENT
r 5(b)	Power to approve the taking of the oath or affirmation of office by means of an audio-visual link for the purposes of s 30 of the <i>Local Government Act 2020</i>		Not delegated