

Attachment 1 – Summary of Changes to Instrument of Delegation to Council Staff (S6) – July 2020 update

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 33	Duty to comply with a direction of the Safety Director under s 33	DAO	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 s 33A	DAO	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)	DAO	Where Council is a utility under s 3
s 34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	DAO	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	DAO	Where Council is the relevant road authority
s 34D(2)	Function of receiving written notice of opinion	DAO	Where Council is the relevant road authority
s 34D(4)	Function of entering into safety interface agreement with infrastructure manager	DAO	Where Council is the relevant road authority
s 34E(1)(a)	Duty to identify and assess risks to safety	DAO	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)	DAO	Where Council is the relevant road authority
s 34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	DAO	Where Council is the relevant road authority

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under s 34D(2)(a)	DAO	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)	DAO	Where Council is the relevant road authority
s 34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	DAO	Where Council is the relevant road authority
s 34H	Power to identify and assess risks to safety as required under ss 34B, 34C, 34D, 34E or 34F in accordance with s 34H(a)-(e)	DAO	Where Council is the relevant road authority
s 34I	Function of entering into safety interface agreements	DAO	Where Council is the relevant road authority
s 34J(2)	Function of receiving notice from Safety Director	DAO	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)	DAO	Where Council is the relevant road authority
s 34K(2)	Duty to maintain a register of items set out in s 34K(a)-(b)	DAO	Where Council is the relevant road authority

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RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	CEO, DCC	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	CEO, DCC	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	CEO, DCC	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	CEO, DCC	Where Council is a public statutory authority engaged in the provision of housing
s 206AZA(2)	Function of receiving written notification	DAO, MRC, CEH	
s 207ZE(2)	Function of receiving written notification	DAO, MRC, CEH	
s 252	Power to give tenant a notice to vacate rented premises if s 252(1) applies		Where Council is a public statutory authority engaged in the provision of housing. Where Council is the landlord.
s 262(1)	Power to give tenant a notice to vacate rented premises		Where Council is a public statutory authority engaged in the provision of housing. Where Council is the landlord.
s 262(3)	Power to publish its criteria for eligibility for the provision of housing by Council		Where Council is a public statutory authority engaged in the provision of housing.
s 311A(2)	Function of receiving written notification	DAO, MRC, CEH	
s 317ZDA(2)	Function of receiving written notification	DAO, MRC, CEH	

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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 14(4)	Function of receiving notice from the Head, Transport for Victoria VicRoads	CEO, DAO, MERR, MOSP	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria VicRoads	CEO, DAO, MERR, MOSP	
s 119(2)	Function of consulting with the Head, Transport for Victoria VicRoads	CEO, DAO, MOSR, DPE, MERR, MRC	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria VicRoads)	CEO, DAO	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria VicRoads to exercise road management functions before exercising power in s 120(1)	CEO, DAO, MOSR, MERR	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria VicRoads	CEO, DAO, MERR	