



CITY OF
MITCHAM

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE LOCAL
GOVERNMENT (ELECTIONS) ACT 1999

28 OCTOBER 2022

Delegation Sources

- Local Government (Elections) Act 1999

Positions

Abbreviation	Position	Name
Chief Executive Officer	Chief Executive Officer	
GM Organisational and Community Development	General Manager Organisational and Community Development	
Governance Officer	Governance Officer	
Manager Finance and Rates	Manager Finance and Rates	
Manager Performance and Strategy	Manager Performance and Strategy	
Remains with Council	Remains with Council	
Senior Rating Services Officer	Senior Rating Services Officer	
Team Leader Governance	Team Leader Governance	

Instrument of Delegation under the Local Government (Elections) Act 1999

Local Government (Elections) Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 4(2)(d)	Fix a day for a poll	Remains with Council		council
section 8(1)	Appoint a person or persons to the office or officer not filled by a supplementary election which has wholly or partially failed or been declared void	Remains with Council		council
section 9(1)	Hold a poll	Remains with Council		council
section 9(3)	Fix a day as polling day for a poll by notice in a newspaper circulating in the council area	Remains with Council		council
section 9(4)	Fix a day as the day on which the voters roll for the purposes of the poll closes	GM Organisational and Community Development, Chief Executive Officer,		council

Local Government (Elections) Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Team Leader Governance, Manager Performance and Strategy		
section 10(3)	Nominate a person as a deputy returning officer of the council area	Remains with Council		council
section 10(9)	Participate in consultation with the Electoral Commissioner regarding the proposed removal of a deputy returning officer nominated by the council	GM Organisational and Community Development, Chief Executive Officer, Manager Performance and Strategy		council
section 12(b)	Provide information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area, and to advise its local community about the outcome of elections and polls conducted in its area	GM Organisational and Community Development, Chief Executive Officer, Governance Officer, Team Leader Governance, Manager Performance and Strategy		council

Local Government (Elections) Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 13A(2)(a)	Inform potential electors in the council area of the requirements to be enrolled on the voters roll	Chief Executive Officer, Manager Finance and Rates, Senior Rating Services Officer		council
section 13A(2)(b)	Arrange advertising Informing potential electors in the council area of the requirements to be enrolled on the voters roll	Chief Executive Officer, Manager Finance and Rates, Governance Officer, Team Leader Governance		council
section 15(14)	Provide copies of the voters roll for the council area for inspection at the principal office of the council	Chief Executive Officer, Manager Finance and Rates		council
section 15(15)	Provide a copy of the voters roll to a nominated candidate for the election	Chief Executive Officer, Manager Finance and Rates		council
section	Participate in consultation with the returning officer regarding the use of a computer program to carry out	Chief Executive Officer, Governance Officer, Team		council

Local Government (Elections) Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
55(1)	steps involved in the recording, scrutiny or counting of votes in an election or poll	Leader Governance		
section 70(3)	Contest a petition to the Court by lodging a reply	GM Organisational and Community Development, Chief Executive Officer, Team Leader Governance, Manager Performance and Strategy		council
section 75(1)(a)	Participate in proceedings as a party pursuant to an order of the Court	Remains with Council		council
section 75(1)(b)	Apply to intervene in proceedings	Remains with Council		council
section 75(3)	Intervene in proceedings in the manner and to the extent directed by the Court and on such other conditions as the court directs	Remains with Council		council

Local Government (Elections) Act 1999

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 76	Engage counsel to represent the council in proceedings	GM Organisational and Community Development, Chief Executive Officer, Manager Performance and Strategy		council
section 77	Apply to the court to refer a question of law to the Court of Appeal	GM Organisational and Community Development, Chief Executive Officer		council
section 91A(1)	Prepare and adopt a caretaker policy	Chief Executive Officer, Governance Officer, Team Leader Governance, Manager Performance and Strategy	Preparation only, with adoption by Council.	council
section 91A(3)	Apply in writing for an exemption from the prohibition against making a designated decision during an election period	Remains with Council		council