

***Instrument of Delegation from the Waterway Manager
to Members of Council Staff***



**Strathbogie Shire Council
(as Waterway Manager for the Goulburn River from Hughes Creek
to Goulburn Weir including Lake Nagambie)**

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the power conferred by s 217 of the *Marine Safety Act 2010*, Strathbogie Shire Council, as Waterway Manager for the Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to:
 - DCP - Director Community & Planning
 - DPG – Director People & Governance
 - DSI – Director Sustainable Infrastructure
 - MCS – Manager Community Safety
3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on August 2022
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.

The Common Seal of the) Councillor
Shire of Strathbogie) Councillor
was hereunto affixed) Chief Executive Officer

on the _____ day of August 2022

SCHEDULE

MARINE SAFETY ACT 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 193(1)	duty to notify the Safety Director of the intention to make a request under s 194	DCP	
s 193(3)(b)	function of receiving notice from the Safety Director	DCP	
s 193(5)	function of receiving advice from the Safety Director	DCP	
s 193(6)	function of receiving advice from the Safety Director	DCP	
s 193(7)	function of receiving advice from the Safety Director	DCP	
s 194(1)	power to request that the Safety Director makes waterway rules	DCP, DSI	in relation to waters under its control
s 196(1)	duty to invite submissions and comments regarding proposed waterway rule	DCP	subject to pt 5.1
s 196(2)	duty to publish notice and make copies available	DCP	
s 196(5)	duty to take into account every submission or comment received	DCP	
s 200	function of consulting with the Safety Director	DCP	
s 202	duty to comply with a standard determined under s 199	DCP	
s 203(3)	power to make a declaration that provides for the matters listed in ss 203(3)(a) - 203(3)(c)	DCP, MCS	where Council is an applicable regulatory entity

MARINE SAFETY ACT 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 203(6)	duty to publish declaration	DCP	where Council is an applicable regulatory entity
s204(1)	duty to give certain documents to the Safety Director	DCP	
s 204(4)	duty to comply with a direction of the Safety Director	DCP	
s 208(2)	power to prohibit a person, or class of person, or vessel, or class of vessel, from entering or remaining in a specified part of waters under Council's control	DCP, MCS	subject to ss 208 and 209
s 209(1)	duty to give a draft of the notice to the Safety Director	DCP	
s 209(4)	duty to comply with a direction of the Safety Director	DCP	
s 211(1)(a)	power to give directions to masters of vessels in relation to the navigation and movement of those vessels	DCP, DSI, DPG	where Council is an applicable regulatory entity
s211(1)(b)	power to publish notice in the Government Gazette prohibiting the navigation and movement of vessels, and/or regulating the position and manner in which vessels may anchor or be secured	DCP, DPG	where Council is an applicable regulatory entity subject to s 212
s 212(1)	duty to give draft of the notice to the Safety Director	DCP	
s 212(4)	duty to comply with a direction of the Safety Director	DCP	
s 215(1)	function of determining that, due to an emergency, persons must not enter or remain in a part of waters	DCP	
s 215(2)	power to direct a person not to enter or remain in the waters	DCP, MCS	

MARINE SAFETY ACT 2010			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 215(3)	duty to make a written copy of the direction and keep a copy for 6 years after the date of the direction	DCP	
s 216(1)(a)	function of managing vessel activities on the water	DCP	Council must carry out functions under s 216(1) in a manner that ensures the safe operation of vessels and minimises the risk of environmental damage from the operation of vessels
s 216(1)(b)	function of managing and allocating moorings and berths in water	DCP	Council must carry out functions under s 216(1) in a manner that ensures the safe operation of vessels and minimises the risk of environmental damage from the operation of vessels
s 216(1)(c)	function of providing and maintaining navigation aids, including appropriate signage as to water levels, hazards and applicable laws	DCP	in accordance with any standards developed by the Safety Director Council must carry out functions under s 216(1) in a manner that ensures the safe operation of vessels and minimises the risk of environmental damage from the operation of vessels
s 216(1)(d)	function of controlling the navigation and vessel movement in the water	DCP	Council must carry out functions under s 216(1) in a manner that ensures the safe operation of vessels and minimises the risk of environmental damage from the operation of vessels
s 216(1)(e)	function of designating areas in which anchorage of vessels is permitted and not permitted	DCP	Council must carry out functions under s 216(1) in a manner that ensures the safe operation of vessels and minimises the risk of environmental damage from the operation of vessels

MARINE SAFETY ACT 2010			
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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 216(1)(f)	function of altering and dredging channels for navigation in water	DCP	in accordance with any directions or determination of the Safety Director Council must carry out functions under s 216(1) in a manner that ensures the safe operation of vessels and minimises the risk of environmental damage from the operation of vessels
s 216(1)(g)	function of removing or marking obstructions in the water	DCP	Council must carry out functions under s 216(1) in a manner that ensures the safe operation of vessels and minimises the risk of environmental damage from the operation of vessels
s 216(3)(a)	power to enter into contracts and agreements for the carrying out of Council's functions under s 216 of the <i>Marine Safety Act 2010</i>	DCP, MCS	
s 216(3)(b)	power to enter into contracts or agency agreements with persons to assist in the carrying out of Council's functions under the <i>Marine Safety Act 2010</i>	DCP, MCS	
s 216(3)(c)	power to charge the prescribed fees for any service provided	DCP, DSI, DPG, MCS	Council must have regard to any relevant regulations made under s 311
s 216(3)(d)	power to do all things necessary to enable Council to carry out its functions under s 216 <i>Marine Safety Act 2010</i>	DCP, MCS	
s 219A(1)	power to move any 'thing' or cause any 'thing' to be moved from water	DCP, DSI	subject to s 219A(1)(a) and 219A(1)(b)
s219A(2)	power to immediately remove a 'thing' from water	DCP, DSI	subject to s 219A(2)(a) and s 219A(2)(b)

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s219B(1)	power to enter the vehicle or vessel using reasonable force if necessary	DCP,DSI	for the purpose of conveniently or expediently moving the vehicle or vessel
s 2198(2)	duty to move the 'thing' to the nearest safe and convenient place	DCP	
s 219C	duty to make all reasonable enquiries to establish the identity or location of the owner of the property	DCP	
s 2190(1)	power to dispose of a 'thing'	DCP	Council must not to dispose of a 'thing' under s 2190(1) subject to s 219D(2)(a)- (b) and 2190(3)
s219O(4)	duty to give the owner of a 'thing' that has been moved notice, in writing, that Council intends to dispose of it	DCP	
s219D(5)	power to dispose of the 'thing' after 28 days, either by gift, sale, destruction, or by otherwise dealing with the 'thing'	DCP	if notice in writing is given under s 2190(4) to the owner and the owner does not recover the 'thing'
s 219E(1)	power to recover costs from the owner of the 'thing'	DCP	if a 'thing' has been moved under ss 219A(1) or 219A(2)
s 219F(1)	duty to pay to the owner, and any other person with an interest in the 'thing', an amount commensurate with the value of the person's interest in the 'thing', less any amount payable under s 219E	DCP	if the owner of a 'thing' is unable to recover possession of the 'thing' because the thing has been disposed of under pt 5.5 div 2
s 219G(a)	power to recover the costs of moving and disposing of the 'thing'	DCP, MCS	if the 'thing' has been disposed of under s 2190(1) and the identity or location of the owner has not been established
s 220(5)	duty to ensure that a licensed harbour master is engaged at all	DCP	in respect of any part of waters in which the Safety

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	times		Director has determined that a licensed harbour master is required to be engaged
s 221(1)	duty to issue identity card to harbour master	DCP	if Council has engaged a harbour master
s 229(4)	power to authorise, in writing, a person to act as an assistant harbour master	DCP, MCS	if a harbour master is engaged, the harbour master has been consulted and the Safety Director has given written approval
s 281	function of consulting with the Safety Director regarding development and review of the Marine Enforcement Policy	DCP	