

## Community Grant Summary and Assessment Committee Recommendations

March to May 2017

No	Org/Club	Project Name/Brief Description	Project Value	Amount Requested	Amount Allocated	Previous Grant?	Comments
1	Committee of Management – Yea Racecourse and Recreation Reserve Inc	<b>Public Night Safety Access</b> The project will install lights and a sensor in the car park so people will be able to access the buildings safely for evening activities and events.	\$737	\$737	\$0	Not in the past 3 years	The Assessment Committee recommends this application be deferred to a future round to allow the applicant to investigate other funding sources to assist in the funding of these works.
2	Keep the Faith Ministry Incorporated (Trading as Highwood Health Retreat)	<b>Food to Move</b> This project will deliver two 5 hour sessions with a Blenda Bike, cooking demonstrations, tastings and nutritional information. The sessions will be held outside Foodworks, Alexandra	\$7,200	\$2,500	\$0	No	The Assessment Committee recommends not funding this project and the applicant be advised there were insufficient grant funds.
3	Kinglake Ranges Boomerang Bags	<b>Kinglake Ranges Boomerang Bags</b> This project will remove Kinglake as a source of single use plastic bags by using volunteers to make handmade reusable, cloth shopping totes. Kinglake retailers will have these for free communal use (with the understanding the totes will be returned for others to use) or can be purchased outright.	\$8,051	\$3,776	\$2,500	No	The Assessment Committee recommends funding the project for \$2,500 and not for the full amount sought given the limited funds available.
4	Yea Agricultural, Pastoral and Horticultural Society Inc	<b>Friday Night Fun for Everyone</b> The project will provide entertainment and activities for the Friday Night Carnival( 24 Nov) before the Yea Show on Saturday 25 <sup>th</sup> November.	\$1,860	\$1,460	\$660	Yes (2014/15)	The Assessment Committee recommends funding the project for \$660 for the children’s activities and not for the full amount sought given the limited funds available.
<b>TOTALS</b>			<b>\$17,848</b>	<b>\$8,473</b>	<b>\$3,160</b>		



## COUNCILLOR REPRESENTATIVE LIST 2017 (Revised 28 June 2017)

### *Council Committees*

#### **Special Committees**

<b>Committee Name</b>	<b>2017</b>
Audit Advisory Committee	Cr C Bisset Cr S McAulay Cr L Dunscombe
Chief Executive Officer Performance Review Sub-Committee	All Councillors
Municipal Emergency Management Planning Committee	Cr S McAulay
Murrindindi Environment Advisory Committee	Cr R Bowles

#### **Section 86 Committees of Management**

<b>Committee Name</b>	<b>2017</b>
Buxton Recreation Reserve Committee of Management	Cr S McAulay
Eildon Alliance Boat Ramp Committee of Management	Cr J Ashe
Eildon Community Resource Centre Committee of Management	Cr J Ashe
Friends of Yea Railway Committee of Management	Cr R Bowles
Gallipoli Park Precinct Committee of Management	Cr S McAulay
Glenburn Community Centre Committee of Management	Cr E Lording
Kinglake Memorial Reserve Committee of Management	Cr L Dunscombe
Mount Pleasant Reserve Committee of Management	Cr M Rae
Strath Creek Reserves & Hall Committee of Management	Cr R Bowles
Yea Pioneer Reserve Committee of Management	Cr R Bowles
Yea Saleyards Committee of Management	Cr C Bisset Cr R Bowles (Alternate)
Yea Showgrounds & Recreation Reserve Committee of Management	Cr R Bowles
Yea Wetlands Committee of Management	Cr R Bowles

#### **Trust**

<b>Committee Name</b>	<b>2017</b>
Yea Cemetery Trust	All Councillors



## COUNCILLOR REPRESENTATIVE LIST 2017 (Revised 28 June 2017)

### *External Committees*

#### *Department of Environment, Land, Water and Planning (DELWP)*

##### **Committees of Management**

<b>Committee Name</b>	<b>2017</b>
Alexandra Racecourse & Recreation Reserve Committee of Management	Cr M Rae
Alexandra Showgrounds & Recreation Reserve Committee of Management	Cr M Rae
Flowerdale Community Hall Reserve Committee Inc	Cr E Lording
Murrindindi Scenic Reserve Committee of Management	Cr C Bisset
Steavenson Falls Scenic Reserve Committee of Management	Cr S McAulay
Toolangi Forest Discovery Centre Committee of Management	Cr L Dunscombe

##### **Other External Committees**

<b>Committee Name</b>	<b>2017</b>
Central Ranges Local Learning & Employment Network (CRLLEN)	Cr J Ashe Cr M Rae (Alternate)
Goulburn River Valley Tourism Board	Cr J Ashe
Goulburn Valley Waste & Resource Recovery Local Government Forum	Cr E Lording Cr L Dunscombe (Alternate)
Municipal Association of Victoria (MAV)	Cr C Bisset Cr M Rae (Alternate)
Peri Urban Group of Rural Councils	Cr R Bowles Cr M Rae (Alternate)
Timber Towns Victoria	Cr R Bowles

***S5. Instrument of Delegation to Chief Executive Officer***

**Murrindindi Shire Council**

**Instrument of Delegation**

**to**

**The Chief Executive Officer**



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### Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act 1989 (the Act)* and all other powers enabling it, the Murrindindi Shire Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on 28 June 2017
- 2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.
- 3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

DATED this     day of                   2017

THE COMMON SEAL OF THE MURRINDINDI     )  
SHIRE COUNCIL was hereunto affixed in the     )  
presence of:                                     )

Chief Executive Officer .....

Councillor .....

## SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 4.1 awarding a contract exceeding the value of \$150,000 for operating and \$200,000 for capital.
  - 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;
  - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
  - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
  - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
  - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
  - 4.9 appointment of councillor or community delegates or representatives to external organisations; or
  - 4.10 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;



7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
  - 7.1 policy; or
  - 7.2 strategyadopted by Council; or
8. 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, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.



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***S6. Instrument of Delegation – Members of Staff***

**Murrindindi Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**





## Instrument of Delegation

In exercise of the power conferred by section 98(1) of the *Local Government Act* 1989 and the other legislation referred to in the attached Schedule, the Council:

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. record that references in the Schedule are as follows:

**“CAM” means Coordinator Assets Management**

**“CEMLL” means Coordinator Emergency Management and Local Laws**

**“CEH” means Coordinator Environmental Health**

**“CLL” means Coordinator Local Laws**

**“CRPM” means Coordinator Roads and Park Maintenance**

**“CSP” means Coordinator Statutory Planning**

**“CWM” means Coordinator Waste Management**

**“DMERO” means Deputy Municipal Emergency Resource Officer**

**“EHO” means Environmental Health Officer**

**“GMCCS” means General Manager Corporate & Community Services**

**“GMIDS” means General Manager Infrastructure and Development Services**

**“MIA” means Manager Infrastructure Assets**

**“MBUS” means Manager Business Services**

**“MCLC” means Manager Communications, Library & Customer Service**

**“MDS” means Manager Development Services**

**“MIO” means Manager Infrastructure Operations**

**“MERO” means Municipal Emergency Resource Officer**

**“MRM” means Municipal Recovery Manager**

**“POS” means Senior Planning Officer**

**“YCTS” means Yea Cemetery Trust Secretary**



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- 3. declares that:
  - 3.1 this Instrument of Delegation is authorised by **resolution** of Council passed on **28 June 2017**
  - 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 sub-paragraph 3.3, and the Schedule; and
    - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
    - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
    - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
      - (a) policy; or
      - (b) strategy
 adopted by Council; or
    - 3.3.3 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, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
    - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

DATED this     day of                   2017

THE COMMON SEAL OF THE MURRINDINDI )  
SHIRE COUNCIL was hereunto affixed in the )  
presence of: )

Chief Executive Officer .....

Councillor .....



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## **SCHEDULE**



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<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##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)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.8(1)(a)(ii)	power to manage one or more public cemeteries	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
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	GMCCS	where council is a Class B cemetery trust GMIDS is a secondary delegate in the absence of GMCCS
s.12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	GMCCS	where council is a Class B cemetery trust GMIDS is a secondary delegate in the absence of GMCCS
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.14	power to manage multiple public cemeteries as if they are one cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.15(1) and (2)	power to delegate powers or functions other than those listed	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.15(4)	duty to keep records of delegations	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.17(1)	power to employ any persons necessary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.17(2)	power to engage any professional, technical or other assistance considered necessary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s. 17(3)	power to determine the terms and conditions of employment or engagement	GMCCS	subject to any guidelines or directions of the Secretary GMIDS is a secondary delegate in the absence of GMCCS
s.18(3)	duty to comply with a direction from the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.19	power to carry out or permit the carrying out of works	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.20(1)	duty to set aside areas for the interment of human remains	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	GMCCS	subject to the approval of the Minister GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.37	power to grant leases over land in a public cemetery in accordance with this section	GMCCS	subject to the Minister approving the purpose GMIDS is a secondary delegate in the absence of GMCCS
s.40	duty to notify Secretary of fees and charges fixed under section 39	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	GMCCS	provided the street was constructed pursuant to the Local Government Act 1989 GMIDS is a secondary delegate in the absence of GMCCS
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	GMCCS	applies only to municipal councils, not cemetery trusts report must contain the particulars listed in s.57(2) GMIDS is a secondary delegate in the absence of GMCCS
s.59	duty to keep records for each public cemetery	GMCCS, YCTS	
s.60(1)	duty to make information in records available to the public for historical or research purposes	GMCCS, YCTS	
s.60(2)	power to charge fees for providing information	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.64B(d)	power to permit interments at a reopened cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	GMCCS	the application must include the requirements listed in s.66(2)(a)–(d) GMIDS is a secondary delegate in the absence of GMCCS
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.70(2)	duty to make plans of existing place of interment available to the public	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.71(2)	power to dispose of any memorial or other structure removed	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.72(2)	duty to comply with request received under section 72	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.73(1)	power to grant a right of interment	GMCCS, YCTS	
s.73(2)	power to impose conditions on the right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS



<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.75	power to grant the rights of interment set out in subsections (a) and (b)	GMCCS, YCTS	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	GMCCS, YCTS	
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	GMCCS, YCTS	
s.80(1)	function of receiving notification and payment of transfer of right of interment	GMCCS, YCTS	
s.80(2)	function of recording transfer of right of interment	GMCCS, YCTS	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	GMCCS	the notice must be in writing and contain the requirements listed in s.85(2) GMIDS is a secondary delegate in the absence of GMCCS
s.85(2)(b)	duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	GMCCS	does not apply where right of interment relates to remains of a deceased veteran.  GMIDS is a secondary delegate in the absence of GMCCS
85(2)(c)	power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;  remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	GMCCS	may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment  GMIDS is a secondary delegate in the absence of GMCCS
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.86(3)(a)	power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.86(5)	duty to provide notification before taking action under s.86(4)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s 86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.91(1)	power to cancel a right of interment in accordance with this section	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.91(3)	duty to publish notice of intention to cancel right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.100(1)	power to require a person to remove memorials or places of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.100(3)	power to recover costs of taking action under section 100(2)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##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)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.103(1)	power to require a person to remove a building for ceremonies	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.103(3)	power to recover costs of taking action under section 103(2)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(2)	power to require the holder of the right of interment to provide for an examination	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(4)	power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##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)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.108	power to recover costs and expenses	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.109(1)(a)	power to open, examine and repair a place of interment	GMCCS	where the holder of right of interment or responsible person cannot be found GMIDS is a secondary delegate in the absence of GMCCS
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	GMCCS	where the holder of right of interment or responsible person cannot be found GMIDS is a secondary delegate in the absence of GMCCS
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	GMCCS	where the holder of right of interment or responsible person cannot be found GMIDS is a secondary delegate in the absence of GMCCS
s. 110A	power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##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)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.112	power to sell and supply memorials	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.116(4)	duty to notify the Secretary of an interment authorisation granted	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.119	power to set terms and conditions for interment authorisations	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.131	function of receiving an application for cremation authorisation	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	GMCCS	Subject to subsection (2) GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA ACT 2003</b>			
[##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)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.146	power to dispose of bodily remains by a method other than interment or cremation	GMCCS	subject to the approval of the Secretary GMIDS is a secondary delegate in the absence of GMCCS
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.149	duty to cease using method of disposal if approval revoked by the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.151	function of receiving applications to inter or cremate body parts	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
Schedule 1 clause 8(8)	power to regulate own proceedings	GMCCS	subject to clause 8 GMIDS is a secondary delegate in the absence of GMCCS



<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.41A(1)	power to declare a dog to be a menacing dog	GMIDS, MDS, MIO	

<b>ENVIRONMENT PROTECTION ACT 1970</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.53M(3)	power to require further information	GMIDS, MDS, MIO, CEH, EHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	GMIDS, MDS, MIO, CEH, EHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	GMIDS, MDS, MIO, CEH, EHO	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	GMIDS, MDS, MIO	refusal must be ratified by council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	GMIDS, MDS, MIO	refusal must be ratified by council or it is of no effect

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	EHO	If section 19(1) applies

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHO	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHO	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	GMIDS, MDS, MIO, CEH, EHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	GMIDS, MDS, MIO, CEH, EHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	GMIDS, MDS, MIO, CEH, EHO	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	EHO	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	EHO	where council is the registration authority

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	EHO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO	where council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHO	where council is the registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHO	where council is the registration authority
---	power to register, renew or transfer registration	EHO	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	EHO	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	EHO	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	EHO	where council is the registration authority
s.38B(1)(c)	duty to inspect premises	EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	EHO	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.38E(4)	duty to register the food premises when conditions are satisfied	EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	EHO	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHO	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHO	where council is the registration authority

<b>HERITAGE ACT 1995</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.84(2)	power to sub-delegate Executive Director's functions	GMIDS, MDS	must obtain Executive Director's written consent first.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.4B	power to prepare an amendment to the Victoria Planning Provisions	GMIDS, MDS	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	GMIDS, MDS	
s.4H	duty to make amendment to Victoria Planning Provisions available	GMIDS, MDS, CSP, POS	
s.4I	duty to keep Victoria Planning Provisions and other documents available	GMIDS, MDS, CSP, POS	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	GMIDS, MDS	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	GMIDS, MDS	
s.8A(5)	function of receiving notice of the Minister's decision	GMIDS, MDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMIDS, MDS	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	GMIDS, MDS	
s 12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	GMIDS, MDS	
s.12B(1)	duty to review planning scheme	GMIDS, MDS	
s.12B(2)	duty to review planning scheme at direction of Minister	GMIDS, MDS	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMIDS, MDS	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	GMIDS, MDS	
s.17(1)	duty of giving copy amendment to the planning scheme	GMIDS, MDS	
s.17(2)	duty of giving copy s.173 agreement	GMIDS, MDS	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	GMIDS, MDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.18	duty to make amendment etc. available	GMIDS, MDS	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	GMIDS, MDS	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	GMIDS, MDS, CSP, POS	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	GMIDS, MDS	
s.21(2)	duty to make submissions available	GMIDS, MDS, CSP, POS	
s.21A(4)	duty to publish notice in accordance with section	GMIDS, MDS, CSP, POS	
s.22	duty to consider all submissions	GMIDS, MDS, CSP, POS	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	GMIDS, MDS, CSP, POS	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	GMIDS, MDS, CSP, POS	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	GMIDS, MDS, CSP, POS	



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.26(1)	power to make report available for inspection	GMIDS, MDS, CSP, POS	
s.26(2)	duty to keep report of panel available for inspection	GMIDS, MDS, CSP	
s.27(2)	power to apply for exemption if panel's report not received	GMIDS, MDS	
s.28	duty to notify the Minister if abandoning an amendment	GMIDS, MDS	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	GMIDS, MDS	
s.30(4)(b)	duty to provide information in writing upon request	GMIDS, MDS	
s.32(2)	duty to give more notice if required	GMIDS, MDS	
s.33(1)	duty to give more notice of changes to an amendment	GMIDS, MDS	
s.36(2)	duty to give notice of approval of amendment	GMIDS, MDS	
s.38(5)	duty to give notice of revocation of an amendment	GMIDS, MDS	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	GMIDS, MDS	
s.40(1)	function of lodging copy of approved amendment	GMIDS, MDS	
s.41	duty to make approved amendment available	GMIDS, MDS, CSP, POS,	
s.42	duty to make copy of planning scheme available	GMIDS, MDS, CSP, POS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	GMIDS, MDS	
s.46GF	duty to comply with directions issued by the Minister	GMIDS, MDS	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	GMIDS, MDS, CSP, POS	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	GMIDS, MDS, CSP, POS	where council is a collecting agency
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	GMIDS	where council is a collecting agency  GMCCS is a secondary delegate in the absence of GMIDS
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	GMIDS	where council is a collecting agency  GMCCS is a secondary delegate in the absence of GMIDS
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	GMIDS, MDS, CSP, POS	must be done in accordance <i>with Local Government Act 1989</i> .

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	GMIDS, MDS, CSP, POS	
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	GMIDS, MDS, CSP, POS	
s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	GMIDS, MDS	
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	GMIDS, MDS	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	GMIDS, MDS	where council is a collecting agency
s.46GM	duty to prepare report and give a report to the Minister	GMIDS, MDS	where council is a collecting agency or development agency
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	GMIDS, MDS, CSP, POS	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	GMIDS, MDS, CSP, POS	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMIDS, MDS, CSP, POS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	GMIDS, MDS, CSP, POS	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMIDS, MDS, CSP, POS	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	GMIDS, MDS, CSP, POS	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMIDS, MDS,	
s.46Q(1)	duty to keep proper accounts of levies paid	GMIDS, MDS, CSP, POS	
s.46Q(1A)	duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	GMIDS, MDS, CSP, POS	
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc.	GMIDS, MDS, CSP, POS	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMIDS, MDS	only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	GMIDS, MDS, CSP, POS	must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister

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s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	GMIDS, MDS	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	GMIDS, MDS	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	GMIDS, MDS, CSP, POS	
s.46QD	duty to prepare report and give a report to the Minister	GMIDS, MDS	where council is a collecting agency or development agency
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	GMIDS, MDS, CSP, POS	
s.46Y	duty to carry out works in conformity with the approved strategy plan	GMIDS, MDS, CSP, POS	
s.47	power to decide that an application for a planning permit does not comply with that Act	GMIDS, MDS, CSP, POS	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	GMIDS, MDS, CSP, POS	
s.49(2)	duty to make register available for inspection	GMIDS, MDS, CSP, POS	
s.50(4)	duty to amend application	GMIDS, MDS, CSP, POS	
s.50(5)	power to refuse to amend application	GMIDS, MDS, CSP, POS	

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s.50(6)	duty to make note of amendment to application in register	GMIDS, MDS, CSP, POS	
s.50A(1)	power to make amendment to application	GMIDS, MDS, CSP, POS	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	GMIDS, MDS, CSP, POS	
s.50A(4)	duty to note amendment to application in register	GMIDS, MDS, CSP, POS	
s.51	duty to make copy of application available for inspection	GMIDS, MDS, CSP, POS	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	GMIDS, MDS, CSP, POS	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	GMIDS, MDS, CSP, POS,	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	GMIDS, MDS, CSP, POS	
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	GMIDS, MDS, CSP, POS	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	GMIDS, MDS, CSP, POS	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	GMIDS, MDS, CSP, POS	

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s.52(3)	power to give any further notice of an application where appropriate	GMIDS, MDS, CSP, POS	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMIDS, MDS, CSP, POS	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMIDS, MDS, CSP, POS	
s.54(1)	power to require the applicant to provide more information	GMIDS, MDS, CSP, POS	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	GMIDS, MDS, CSP, POS	
s.54(1B)	duty to specify the lapse date for an application	GMIDS, MDS, CSP, POS	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMIDS, MDS, CSP, POS	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	GMIDS, MDS, CSP, POS	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	GMIDS, MDS, CSP, POS	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	GMIDS, MDS, CSP, POS	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	GMIDS, MDS, CSP, POS	

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s.57(5)	duty to make available for inspection copy of all objections	GMIDS, MDS, CSP, POS	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	GMIDS, MDS, CSP, POS	
s.57A(5)	power to refuse to amend application		Refusal to amend is a Council decision.
s.57A(6)	duty to note amendments to application in register	GMIDS, MDS, CSP, POS	
s.57B(1)	duty to determine whether and to whom notice should be given	GMIDS, MDS, CSP, POS	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMIDS, MDS, CSP, POS	
s.57C(1)	duty to give copy of amended application to referral authority	GMIDS, MDS, CSP, POS	
s.58	duty to consider every application for a permit	GMIDS, MDS, CSP, POS	
s.58A	power to request advice from the Planning Application Committee	GMIDS, MDS	
s.60	duty to consider certain matters	GMIDS, MDS, CSP, POS	
s60(1A)	power to consider certain matters before deciding on application	GMIDS, MDS, CSP, POS	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	GMIDS, MDS, CSP, POS	



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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	GMIDS, MDS, CSP, POS	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>  The power to refuse a permit application or to determine an application for which objections have been lodged (and not withdrawn) is not delegated
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	GMIDS, MDS, CSP, POS	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMIDS, MDS, CSP, POS	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMIDS, MDS, CSP, POS	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMIDS, MDS, CSP, POS	
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMIDS, MDS, CSP, POS	
s.62(2)	power to include other conditions	GMIDS, MDS, CSP, POS	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	GMIDS, MDS, CSP, POS	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	GMIDS, MDS, CSP, POS	

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s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	GMIDS, MDS, CSP, POS, SPO	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMIDS, MDS, CSP, POS, SPO	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	GMIDS, MDS, CSP, POS	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	GMIDS, MDS, CSP, POS	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	GMIDS, MDS, CSP, POS	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	GMIDS, MDS, CSP, POS	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	GMIDS, MDS, CSP, POS	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	GMIDS, MDS, CSP, POS	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	GMIDS, MDS, CSP, POS	this provision applies also to a decision to grant an amendment to a permit - see section 75A

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s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	GMIDS, MDS, CSP, POS	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	GMIDS, MDS, CSP, POS	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	GMIDS, MDS, CSP, POS	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	GMIDS, MDS, CSP, POS	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	GMIDS, MDS, CSP, POS	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	GMIDS, MDS, CSP, POS	
s.69(1A)	function of receiving application for extension of time to complete development	GMIDS, MDS, CSP, POS	

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s.69(2)	power to extend time	GMIDS, MDS, CSP, POS	
s.70	duty to make copy permit available for inspection	GMIDS, MDS, CSP, POS	
s.71(1)	power to correct certain mistakes	GMIDS, MDS, CSP, POS	
s.71(2)	duty to note corrections in register	GMIDS, MDS, CSP, POS	
s.73	power to decide to grant amendment subject to conditions	GMIDS, MDS, CSP, POS	
s.74	duty to issue amended permit to applicant if no objectors	GMIDS, MDS, CSP, POS	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	GMIDS, MDS, CSP, POS	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	GMIDS, MDS, CSP, POS	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	GMIDS, MDS, CSP, POS	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	GMIDS, MDS, CSP, POS	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit

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s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	GMIDS, MDS, CSP, POS	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	GMIDS, MDS, CSP, POS	
s.83	function of being respondent to an appeal	GMIDS, MDS, CSP, POS	
s.83B	duty to give or publish notice of application for review	GMIDS, MDS, CSP, POS	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMIDS, MDS, CSP, POS	
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	GMIDS, MDS, CSP, POS	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	GMIDS, MDS, CSP, POS	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	GMIDS, MDS, CSP, POS	
s.86	duty to issue a permit at order of Tribunal within 3 working days	GMIDS, MDS, CSP, POS	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	GMIDS, MDS, CSP, POS	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	GMIDS, MDS, CSP, POS	

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s.91(2)	duty to comply with the directions of VCAT	GMIDS, MDS, CSP, POS	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	GMIDS, MDS, CSP, POS	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	GMIDS, MDS, CSP, POS	
s.93(2)	duty to give notice of VCAT order to stop development	GMIDS, MDS, CSP, POS	
s.95(3)	function of referring certain applications to the Minister	GMIDS, MDS, CSP, POS	
s.95(4)	duty to comply with an order or direction	GMIDS, MDS, CSP, POS	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	GMIDS, MDS, CSP, POS	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMIDS, MDS, CSP, POS	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMIDS, MDS, CSP, POS	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	GMIDS, MDS, CSP, POS	
s.96F	duty to consider the panel's report under section 96E	GMIDS, MDS, CSP, POS	

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s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i> )	GMIDS, MDS, CSP, POS	
s.96H(3)	power to give notice in compliance with Minister's direction	GMIDS, MDS, CSP, POS	
s.96J	power to issue permit as directed by the Minister	GMIDS, MDS, CSP, POS	
s.96K	duty to comply with direction of the Minister to give notice of refusal	GMIDS, MDS, CSP, POS	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	GMIDS, MDS, CSP, POS	
s.97C	power to request Minister to decide the application	GMIDS, MDS, CSP, POS	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	GMIDS, MDS, CSP, POS	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	GMIDS, MDS, CSP, POS	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	GMIDS, MDS, CSP, POS	
s.97L	duty to include Ministerial decisions in a register kept under section 49	GMIDS, MDS, CSP, POS	

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s.97MH	duty to provide information or assistance to the Planning Application Committee	GMIDS, MDS, CSP, POS	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	GMIDS, MDS	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	GMIDS, MDS, CSP, POS	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	GMIDS, MDS, CSP, POS	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	GMIDS, MDS, CSP, POS	
s.97Q(4)	duty to comply with directions of VCAT	GMIDS, MDS, CSP, POS	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	GMIDS, MDS, CSP, POS	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	GMIDS, MDS	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	GMIDS, MDS	
s.101	function of receiving claim for expenses in conjunction with claim	GMIDS, MDS	
s.103	power to reject a claim for compensation in certain circumstances	GMIDS, MDS	



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s.107(1)	function of receiving claim for compensation	GMIDS, MDS	
s.107(3)	power to agree to extend time for making claim	GMIDS, MDS	
s.114(1)	power to apply to the VCAT for an enforcement order	GMIDS, MDS	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	GMIDS, MDS	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	GMIDS, MDS	
s.123(1)	power to carry out work required by enforcement order and recover costs	GMIDS, MDS	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	GMIDS, MDS	except Crown Land
s.129	function of recovering penalties	GMIDS, MDS	
s.130(5)	power to allow person served with an infringement notice further time	GMIDS, MDS	
s.149A(1)	power to refer a matter to the VCAT for determination	GMIDS, MDS	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	GMIDS, MDS	

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s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	GMIDS, MDS	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	GMIDS, MDS	
s.171(2)(g)	power to grant and reserve easements	GMIDS, MDS	
s.173	power to enter into agreement covering matters set out in section 174	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	GMIDS, MDS	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	GMIDS, MDS	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS

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s.178A(1)	function of receiving application to amend or end an agreement	GMIDS, MDS	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	GMIDS, MDS	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	GMIDS, MDS	
s.178A(5)	power to propose to amend or end an agreement	GMIDS, MDS	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	GMIDS, MDS	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	GMIDS, MDS	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	GMIDS, MDS	
s.178C(4)	function of determining how to give notice under s.178C(2)	GMIDS, MDS	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	GMIDS, MDS	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	GMIDS, MDS	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	GMIDS, MDS	If no objections are made under s.178D Must consider matters in s.178B

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s.178E(2)(c)	power to refuse to amend or end the agreement	GMIDS, MDS	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	GMIDS, MDS	After considering objections, submissions and matters in s.178B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	GMIDS, MDS	After considering objections, submissions and matters in s.178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	GMIDS, MDS	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	GMIDS, MDS	After considering objections, submissions and matters in s.148B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	GMIDS, MDS, CSP, POS	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	GMIDS, MDS, CSP, POS	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	GMIDS, MDS, CSP, POS	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	GMIDS, MDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	GMIDS, MDS	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	GMIDS, MDS	
s.179(2)	duty to make available for inspection copy agreement	GMIDS, MDS	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	GMIDS, MDS	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	GMIDS, MDS, CSP, POS	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	GMIDS, MDS, CSP, POS	
s.182	power to enforce an agreement	GMIDS, MDS	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	GMIDS, MDS, CSP, POS	
s.184F(1)	power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	GMIDS, MDS	
s.184F(2)	duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	GMIDS, MDS	

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	GMIDS, MDS	
s.184F(5)	function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	GMIDS, MDS	
s.184G(2)	duty to comply with a direction of the Tribunal	GMIDS, MDS	
s.184G(3)	duty to give notice as directed by the Tribunal	GMIDS, MDS	
s.198(1)	function to receive application for planning certificate	GMIDS, MDS, CSP, POS	
s.199(1)	duty to give planning certificate to applicant	GMIDS, MDS, CSP, POS	
s.201(1)	function of receiving application for declaration of underlying zoning	GMIDS, MDS, CSP, POS	
s.201(3)	duty to make declaration	GMIDS, MDS, CSP	
-	power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	GMIDS, MDS, CSP	
	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	GMIDS, MDS, CSP	
	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	GMIDS, MDS, CSP	
		GMIDS, MIA, CAM	As it relates to Engineering Plans relating to developments.

<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
-	power to give written authorisation in accordance with a provision of a planning scheme	GMIDS, MDS, CSP, POS	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	GMIDS, MDS, CSP	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	GMIDS, MDS, CSP, POS	

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.33	duty to comply with a direction of the Safety Director under this section	GMIDS, MIA	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	GMIDS, MIA	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 section 33(1)	GMIDS, MIA	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	GMIDS, MIA	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	GMIDS, MIA	where council is the relevant road authority

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.34D(2)	function of receiving written notice of opinion	GMIDS, MIA	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	GMIDS, MIA	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	GMIDS, MIA	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 section 34E(2)(a)-(c)	GMIDS, MIA	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMIDS, MIA	where council is the relevant road authority
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	GMIDS, MIA	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 section 34D(2)(a)	GMIDS, MIA	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMIDS, MIA	where council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	GMIDS, MIA	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	GMIDS, MIA	where council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	GMIDS, MIA	where council is the relevant road authority



<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	GMIDS, MIA	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	GMIDS, MIA	where council is the relevant road authority

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.142D	function of receiving notice regarding an unregistered rooming house	GMIDS, MDS, MIO, CEH, EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	GMIDS, MDS, MIO, CEH, EHO	
s. 142G(2)	power to enter certain information in the Rooming House Register	GMIDSMDS, MIO, CEH, EHO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	GMIDS, MDS, MIO, CEH, EHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	GMIDS, MDS, MIA, MIO, CEH, EHO	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	GMIDS, MDS, MIA, MIO, CEH, EHO	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	GMIDS, MDS, MIO, CEH, EHO	

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	GMIDS, MDS, MIO, CEH, EHO	
s.522(1)	power to give a compliance notice to a person	GMIDS, MDS, MIO, CEH, EHO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	GMIDS, MDS, MIO, CEH, EHO	
s.525(4)	duty to issue identity card to authorised officers	GMIDS, MDS, MIO, CEH, EHO	
s.526(5)	duty to keep record of entry by authorised officer under section 526	GMIDS, MDS, MIO, CEH, EHO	
s.526A(3)	function of receiving report of inspection	GMIDS, MDS, MIO, CEH, EHO	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	GMIDS, MDS, MIO, CEH, EHO	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	GMIDS, MIA	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	GMCCS, GMIDS, MIA, CSP	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.11(9)(b)	duty to advise Registrar	GMIDS, MIA, CSP, CAM	
s.11(10)	duty to inform Secretary to Department Environment, Land, Water and Planning of declaration etc.	GMIDS, MIA, CAM	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department Environment, Land, Water and Planning or nominated person	GMIDS, MIA, CAM	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	GMIDS, MIA, MDS	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMIDS, MIA, MDS	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	GMIDS, MIA, MDS	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	GMIDS, MIA, MDS	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	GMIDS, GMCCS, MIA, MDS, CAM,	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	GMIDS, MDS, MIA, CAM	duty of coordinating road authority where it is the discontinuing body does not apply where an exemption is specified by the regulations or given by the Minister

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	GMIDS, MDS, MIA	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	GMIDS, MIA	
s.14(7)	power to appeal against decision of VicRoads	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.15(2)	duty to include details of arrangement in public roads register	GMIDS, MIA	
s.16(7)	power to enter into an arrangement under section 15	GMIDS, MIA	
s.16(8)	duty to enter details of determination in public roads register	GMIDS, MIA	
s.17(2)	duty to register public road in public roads register	GMIDS, MIA	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	GMIDS, MIA	where council is the coordinating road authority
s.17(3)	duty to register a road reasonably required for general public use in public roads register	GMIDS, MIA	where council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	GMIDS, MIA	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	GMIDS, MIA	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	GMIDS, MIA	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	GMIDS, MIA, CAM	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	GMIDS, MIA, CAM	
s.19(4)	duty to specify details of discontinuance in public roads register	GMIDS, MIA, CAM	
s.19(5)	duty to ensure public roads register is available for public inspection	GMIDS, MIA, CAM	
s.21	function of replying to request for information or advice	GMIDS, GMCCS, MIA	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	GMIDS, GMCCS, MIA	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	GMIDS, GMCCS, MIA	
s.22(5)	duty to give effect to a direction under this section.	GMIDS, GMCCS, MIA	
s.40(1)	duty to inspect, maintain and repair a public road.	GMIDS, MIA, MIO, CRPM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	GMIDS, MIA, MIO	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	GMIDS, MIA, MIO	
s.42(1)	power to declare a public road as a controlled access road	GMIDS	power of coordinating road authority and Schedule 2 also applies  GMCCS is a secondary delegate in the absence of GMIDS
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	GMIDS	power of coordinating road authority and Schedule 2 also applies  GMCCS is a secondary delegate in the absence of GMIDS
s.42A(3)	duty to consult with VicRoads before road is specified	GMIDS, MIA	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	GMIDS, MIA	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMIDS, MIA	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the relevant authority for purposes of developing guidelines under section 48M	GMIDS, MIA	
s.49	power to develop and publish a road management plan	GMIDS, MIA	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.51	power to determine standards by incorporating the standards in a road management plan	GMIDS, MIA	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMIDS, MIA	
s.54(2)	duty to give notice of proposal to make a road management plan	GMIDS, MIA	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMIDS, MIA	
s.54(6)	power to amend road management plan	GMIDS, MIA	
s.54(7)	duty to incorporate the amendments into the road management plan	GMIDS, MIA, CAM	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMIDS, MIA, CAM	
s.63(1)	power to consent to conduct of works on road	GMIDS, MIA, CAM	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMIDS, MIA, MIO, CAM,	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	GMIDS, MIA	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	GMIDS, MIA, CAM	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	GMIDS, MIA, CAM	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.67(3)	power to request information	GMIDS, MIA, CAM	where council is the coordinating road authority
s.68(2)	power to request information	GMIDS, MIA, CAM	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.72	duty to issue an identity card to each authorised officer	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.85	function of receiving report from authorised officer	GMIDS, MIA	
s.86	duty to keep register re section 85 matters	GMIDS, MIA	
s.87(1)	function of receiving complaints	GMIDS, MIA	
s.87(2)	duty to investigate complaint and provide report	GMIDS, MIA	
s.112(2)	power to recover damages in court	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.116	power to cause or carry out inspection	GMIDS, MIO, MIA, CAM, CRPM	
s.119(2)	function of consulting with VicRoads	GMIDS, MIA, MIO	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMIDS, MIA, MIO	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	GMIDS, MIA, MIO	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.121(1)	power to enter into an agreement in respect of works	GMIDS, MIA	
s.122(1)	power to charge and recover fees	GMIDS, MIA	
s.123(1)	power to charge for any service	GMIDS, MIA	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	GMIDS, MIA	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	GMIDS, MIA	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	GMIDS, MIA	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	GMIDS, MIA	
Schedule 2 Clause 5	duty to publish notice of declaration	GMIDS, MIA	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	GMIDS, MIA, CAM	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	GMIDS, MIA, CAM	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	GMIDS, MIA	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	GMIDS, MIA, CAM	where council is the works manager

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 13(2)	power to vary notice period	GMIDS, MIA	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	GMIDS, MIA	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	GMIDS, MIA,	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	GMIDS, MIA, CAM	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	GMIDS, MIA, CAM	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMIDS, MIA	where council is the coordinating road authority

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMIDS, MIA	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	GMIDS, MIA	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMIDS, MIA, MIO	where council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	GMIDS, MIA, MIO	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	GMIDS, MIA, MIO	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, 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)			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.24	duty to ensure that cemetery complies with depth of burial requirements	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, 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)			
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.27	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.28(1)	power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.28(2)	duty to ensure any fittings removed of are disposed in an appropriate manner	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.29	power to dispose of any metal substance or non-human substance recovered from a cremator	GMCCS	
r.30(2)	power to release cremated human remains to certain persons	GMCCS	subject to any order of a court  GMIDS is a secondary delegate in the absence of GMCCS
r.31(1)	duty to make cremated human remains available for collection within 2 working days after the cremation	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.31(2)	duty to hold cremated human remains for at least 12 months from the date of cremation	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.31(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, 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)			
r.31(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.32	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.33(1)	duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.33(2)	duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.34	duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.36	duty to provide statement that alternative vendors or supplier of monuments exist	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r. 40	power to approve a person to play sport within a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r. 41(1)	power to approve fishing and bathing within a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r. 42(1)	power to approve hunting within a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r. 43	power to approve camping within a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r. 45(1)	power to approve the removal of plants within a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, 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)			
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r. 47(3)	power to approve the use of fire in a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
r.48(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
<b>Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules</b>			
Schedule 2, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, 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)			
Schedule 2, clause 8	power to approve certain mementos on a memorial	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 11(1)	power to remove objects from a memorial or place of interment	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 14	power to approve an animal to enter into or remain in a cemetery	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 16(1)	power to approve construction and building within a cemetery	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 17(1)	power to approve action to disturb or demolish property of the cemetery trust	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	GMCCS	see note above regarding model rules GMIDS is a secondary delegate in the absence of GMCCS



<b>PLANNING AND ENVIRONMENT REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r. 6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	GMIDS, MDS	where Council is not the planning authority and the amendment affects land within its municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	GMIDS, MDS	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	GMIDS, MDS, CSP, POS	where Council is the responsible authority
r.25(b))	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	GMIDS, MDS, CSP, POS	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	GMIDS, MDS	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

<b>PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	GMIDS, MDS	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMIDS	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	GMIDS, MDS	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.7	function of entering into a written agreement with a caravan park owner	GMIDS, MDS, MIO, CEH, EHO	
r.11	function of receiving application for registration	GMIDS, MDS, MIO, CEH, EHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	GMIDS, MDS, MIO, CEH, EHO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	GMIDS, MDS, MIO, CEH, EHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	GMIDS, MDS, MIO, CEH, EHO	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.13(4) & (5)	duty to issue certificate of registration	GMIDS, MDS, MIO, CEH, EHO	
r.15(1)	function of receiving notice of transfer of ownership	GMIDS, MDS, MIO, CEH, EHO	
r.15(3)	power to determine where notice of transfer is displayed	GMIDS, MDS, MIO, CEH, EHO	
r.16(1)	duty to transfer registration to new caravan park owner	GMIDS, MDS, MIO, CEH, EHO	
r.16(2)	duty to issue a certificate of transfer of registration	GMIDS, MDS, MIO, CEH, EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	GMIDS, MDS, MIO, CEH, EHO	
r.18	duty to keep register of caravan parks	GMIDS, MDS, MIO, CEH, EHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	GMIDS, MDS, MIO, CEH, EHO	
r.19(6)	power to determine where certain information is displayed	GMIDS, MDS, MIO, CEH, EHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	GMIDS, MDS, MIO, CEH, EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	GMIDS, MDS, MIO, CEH, EHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	GMIDS, MDS, MIO, CEH, EHO	

<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	GMIDS, MDS, MIO, CEH, EHO	
r.25(3)	duty to consult with relevant floodplain management authority	GMIDS, MDS, MIO	
r.26	duty to have regard to any report of the relevant fire authority	GMIDS, MDS, MIO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	GMIDS, MDS, MIO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	GMIDS, MDS, MIO, CEH, EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	GMIDS, MDS, MIO	
r.40(4)	function of receiving installation certificate	GMIDS, MDS, MIO, CEH, EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	GMIDS, MDS, MIO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	GMIDS, MDS, MIO, CEH, EHO	

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.8(1)	duty to conduct reviews of road management plan	GMIDS, MIA, MIO	
r. .9(2)	duty to produce written report of review of road management plan and make report available	GMIDS, MIA, MIO	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	GMIDS, MIA, MIO	where council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	GMIDS, MIA, MIO	
r.13(1)	Duty to publish notice of amendments to road management plan	GMIDS, MIA, MIO	where council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	GMIDS, MIA, MIO	
r.16(3)	power to issue permit	GMIDS, MIA	where council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	GMIDS, MIA	where council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	GMIDS, MIA	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	GMIDS, MIA	where council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	GMIDS, MIA, MIO, CRPM	where council is the responsible road authority

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.25(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	GMIDS	where council is the responsible road authority GMCCS is a secondary delegate in the absence of GMIDS
r. 25(5)	power to recover in the Magistrates' Court, expenses from person responsible	GMIDS, GMCCS, MIA, MIO	

<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	GMIDS, MIA	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	GMIDS, MIA	where council is the coordinating road authority

## ***S11. Instrument of Appointment and Authorisation***

**Murrindindi Shire Council**

**Instrument of Appointment and Authorisation**

## Instrument of Appointment and Authorisation

In this instrument "officer" means -

**"CAM" means Coordinator Assets Management - Larry Kelly**

**"CBS" means Coordinator Building Services – Robert Skinner**

**"CEMLL" means Coordinator Emergency Management and Local Laws – Chris Price**

**"CEH" means Coordinator Environmental Health – Natalie Stewart**

**"CHR" means Coordinator Human Resources – Elizabeth Peddie**

**"CLL" means Coordinator Local Laws – Andrew Daly**

**"CMCH" means Coordinator Maternal & Child Health**

**"CRPM" means Coordinator Roads and Park Maintenance – Gareth Antrobus**

**"CRR" means Coordinator Rates and Revenue – Janelle Reddie**

**"CSP" means Coordinator Statutory Planning – Karen Girvan**

**"DMERO" means Deputy Municipal Emergency Resource Officer – Mark Leitinger, Shivaun Brown**

**"EHO" means Environmental Health Officer – Natalie Stewart**

**"GMCCS" means General Manager Corporate & Community Services – Michael Chesworth**

**"GMIDS" means General Manager Infrastructure and Development Services – Stuart McConnell**

**"LLO" means Local Laws Officer – Casey Southurst, Natalie Stewart, Ian Coller**

**"MA" means Management Accountant - Stephen Mortenson**

**"MERO" means Municipal Emergency Resource Officer – John Canny**

**"MIA" means Manager Infrastructure Assets – John Canny**

**"MBS" means Municipal Building Surveyor – Robert Skinner**

**"MBUS" means Manager Business Services – Andrew Bond**

**"MCHN" means Maternal & Child Health Nurse**

**"MCS" means Manager Community Services & Recovery – Naomi McNamara**

**"MDS" means Manager Development Services – Shivaun Brown**

**"MIO" means Manager Infrastructure Operations – Mark Leitinger**

**"VAL" means Valuation Contractor – Marcus Hann, Oliver Boyd**





**By this instrument of appointment and authorisation** Murrindindi Shire Council -

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**PART A**

1. under section 224 of *the Local Government Act 1989* - appoints the officers to be authorised officers for the administration and enforcement of -
- |  |  |
|--|--|
| the <i>Building Act 1993</i>                                 | [GMIDS, MDS, CBS, MBS, CEH, EHO]   |
| the <i>Country Fire Authority Act 1958</i>                   | [GMIDS, MERO, DMERO, MDS, MIO, CEMLL, CLL, LLO]  |
| the <i>Domestic Animals Act 1994</i>                         | [GMIDS, MDS, MIO, CEMLL, CLL, LLO]   |
| the <i>Emergency Management Act 1986</i>                     | [GMIDS, MERO, DMERO]   |
| the <i>Environment Protection Act 1970</i>                   | [GMIDS, MDS, MIO, CEH, CEMLL, CLL, EHO, LLO]   |
| the <i>Fire Services Property Levy Act 2012</i>              | [GMCCS, MBUS]  |
| the <i>Food Act 1984</i>                                     | [GMIDS, MDS, MIA, CEH, EHO]  |
| the <i>Graffiti Prevention Act 2007</i>                      | [GMIDS, MIA, MIO]  |
| the <i>Housing Act 1983</i>                                  | [GMIDS,, MDS, MIO, CBS, MBS]   |
| the <i>Impounding of Livestock Act 1994</i>                  | [GMIDS, MDS, MIO, CEMLL, CLL, LLO]   |
| the <i>Land Act 1958</i>                                     | [GMCCS, GMIDS ]  |
| the <i>Local Government Act 1989</i>                         | [GMCCS, GMIDS, MBUS, MCLC, MCS, MDS, MIA,<br>MIO, CAM, CEMLL, CHR, CLL, CPRM, CSP,<br>CRR, MA, MBS, LLO] |
| the <i>Public Health and Wellbeing Act 2008</i> <sup>1</sup> | [GMCCS, GMIDS, MCS, MDS, MIO, CEH,<br>CEMLL, CLL, EHO, LLO]  |
| Part 14 of the <i>Residential Tenancies Act 1997</i>         | [GMIDS, MDS, MIA, MIO, CEH, EHO]   |
| the <i>Road Management Act 2004</i>                          | [GMCCS, GMIDS, MDS, MIA, MIO, CAM, CSP, CRPM ]   |
| the <i>Road Safety Act 1986</i>                              | [GMIDS, MDS, MIO, CEMLL, CLL, LLO]   |
| the <i>Sex Work Act 1994</i>                                 | [GMIDS, MDS]   |
| the <i>Shop Trading Reform Act 1996</i>                      | [MDS,MIO, EHO, CEMLL, CLL, LLO]  |
| the <i>Summary Offences Act 1966</i>                         | [MDS, MIO, EHO, CEMLL, CLL, LLO]   |
| the <i>Tobacco Act 1987</i> <sup>2</sup>                     | [EHO]  |
| the <i>Valuation of Land Act 1960</i>                        | [GMCCS,MBUS, MA, CRR, VAL]   |

the regulations made under each of those Acts

the local laws made under the *Local Government Act 1989*

and any other Act, regulation or local law which relates to the functions and powers of the Council;

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**PART B**

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<sup>1</sup> Council only to appoint a person suitably qualified or trained under section 31(2).

<sup>2</sup> This Act provides for the CEO of a council to nominate a person to be an inspector for the purposes of the Act and the Secretary may then appoint them to be an inspector (see section 36). An environmental health officer appointed under the *Public Health and Wellbeing Act 2008* is also regarded as an inspector under this Act.



## Maddocks

2. under section 3 of the *Building Act 1993* (**Building Act**), appoints the officer to be Municipal Building Surveyor for the purposes of the *Building Act 1993*.

[MBS]

AND/OR

3. under section 228(2) of the *Building Act 1993* authorises the offices to exercise the powers of ##[an#] authorised person##s under Division 2 of Part 13 of the *Building Act 1993*.

[GMIDS, MDS, MIA, CBS, MBS]

- 
4. under section 96A(1)(a) of the *Country Fire Authority Act 1958* – appoints these officers to be the fire prevention officers.

[GMIDS, MDS, MIO, CEMLL, CLL, LLO]

AND

5. under section 96A(1)(b) of the *Country Fire Authority Act 1958* – appoints these officers to be assistant fire prevention officers.

[[CLL, LLO,]

- 
6. under section 72 of the *Domestic Animals Act 1994* - appoints these officers to be authorised officers for the purposes of the *Domestic Animals Act 1994*.

[GMIDS, MDS, MIO, CEMLL, CLL, LLO]

- 
7. under section 21 of the *Emergency Management Act 1986* – appoints these officers to be Municipal Emergency Resource Officers.

[MERO, DMERO]

- 
8. under section 4(1) of the *Environment Protection Act 1970* - appoints these officers to be litter enforcement officers for the purposes of the *Environment Protection Act 1970*.

[GMIDS, MDS, MIO, CEMLL, CLL, LLO]

AND

9. under section 48A of the *Environment Protection Act 1970* – appoints these officers to be authorised officers for the purposes of section 48A.

[GMIDS, MDS, MIO, CEMLL, CLL, LLO]

- 
10. under section 23 of the *Fire Services Property Levy Act 2012* – appoints the officer to be authorised officer for the purposes of the *Fire Services Property Levy Act 2012*<sup>3</sup> .

[GMCCS, MBUS, VAL]

11. for the purposes of 20 of the *Food Act 1984* = appoints the officer to be authorised officer for the purposes of the *Food Act 1984*<sup>45</sup>

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<sup>3</sup> Persons appointed or authorised officers under the *Local Government Act 1989* are taken to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012* (except in Part 4 of that Act)

<sup>4</sup> Council must be satisfied that the person appointed is suitably qualified or trained to be an authorised officer.



## Maddocks

[GMIDS, MDS, CEH, EHO]

- 
12. under section 19(1) of the *Graffiti Prevention Act 2007* – appoints these officers to be authorised persons for the purposes of carrying out Council's functions under section 18<sup>6</sup>

[GMIDS, MDS, MIA, MIO, CEMLL, CRPM, CLL, LLO]

- 
13. under section 71(1) of the *Housing Act 1983* – appoints these officers to be authorised persons for the purposes of entering a house or building and conducting an inspection under section 71.

[GMIDS, MDS, MIO, CBS, CEH, MBS, EHO]

- 
14. under section 190 of the *Land Act 1958* – authorises these officers for the purposes of section 190 of that Act.<sup>7</sup>

[GMIDS, MDS, MIA, MIO, CEMLL, CLL, LLO]

- 
15. under section 81Y of the *Local Government Act 1989* – appoints the officer to be the Principal Conduct Officer.<sup>8</sup>

[GMCCS]

- 
16. under section 29 of the *Public Health and Wellbeing Act 2008*, - appoints the officer to be the Environmental Health Officer<sup>9</sup> for the purposes of enforcing the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*.

[EHO]

AND

17. under section 147(1)(b)(i) of the *Public Health and Wellbeing Act 2008*, - authorises the officer to issue immunisation status certificates under section 148 of the *Public Health and Wellbeing Act 2008*.

[EHO]

- 
18. under section 525(2) of the *Residential Tenancies Act 1997* - appoints the officer to exercise the powers set out in section 526 of that Act.

[GMIDS, MDS, MIO, CEH, EHO]

- 
19. under section 71(3) of the *Road Management Act 2004* – appoints these officers to be authorised officers for the purposes of the *Road Management Act 2004*.

[GMIDS, MIA]

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<sup>5</sup> Environmental Health Officers appointed under section 29 of the *Public Health and Wellbeing Act 2008* are regarded as an authorised officer for the purposes of the *Food Act 1984*.

<sup>6</sup> Authorised person must agree in writing to exercise functions and powers of an authorised person under Part 4 of the *Graffiti Prevention Act 2007* and in accordance with any performance criteria determined by Council (see section.19(2)).

<sup>7</sup> Authorisation requires the consent of the Minister (see section 190 of the *Land Act 1958*).

<sup>8</sup> Only an 'eligible person' may be appointed (see the requirements in section 81Y of the *Local Government Act 1989*).

<sup>9</sup> Council must be sure that the EHO is suitably trained or qualified under section 31(2) of the *Public Health and Wellbeing Act 2008*.



## Maddocks

- 
20. under section 59(1)(a)(ii) of the *Road Safety Act 1986* – authorises these officers to exercise the powers under section 59(1)(a) of that Act.  
[GMIDS, MDS, MIO, CEMLL, CLL, LLO]  
AND
21. under section 59(1)(d) of the *Road Safety Act 1986* – authorises these officers to exercise the powers under section 59(1)(d) of that Act.  
[GMIDS, MDS, MIO, CEMLL, CLL, LLO]  
AND
22. under section 87(1A) of the *Road Safety Act 1986* – authorises these officers to exercise the power in section 87(1A) of that Act.<sup>10</sup>  
[GMIDS, MDS, MIO, CEMLL, CLL, LLO]  
AND
23. under section 87(1B)(c) of the *Road Safety Act 1986* – authorises the officers to exercise the power in section 87(1B)(c).  
[GMIDS, MDS, MIO, CEMLL, CLL, LLO]  
AND
24. under regulation 84(c)(ii) of the *Road Safety (General) Regulations 2009* – authorises the officers for the purposes of filing a charge or an offence under section 90E of the *Road Safety Act 1986* or under a regulation under that Act.  
[GMIDS, MDS, MIO, CEMLL, CLL, LLO]
25. under section 87(8) of the *Road Safety Act 1986* – authorises the person who not a members of Council's staff for the purposes of section 87 of that Act.  
[N/A]
- 
26. under regulation 84(c)(ii) of the *Road Safety (General) Regulations 2009* – authorises these officers for the purposes of filing a charge or an offence under section 90E of the *Road Safety Act 1986* or under a regulation under that Act.  
[GMIDS, MDS, MIO, CEMLL, CLL, LLO]
- 
27. under section 3(1) of the *Sex Work Act 1994* - appoints these officers to be an authorised officer of the responsible authority for the purposes of enforcing Parts 4 and 5 of that Act.  
[GMIDS, MDS]
28. under section 13DA(1) of the *Valuation of Land Act 1960* – appoints the persons who are not members of Council's staff for the purposes of section 13DA of that Act.<sup>11</sup>  
[VAL]

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<sup>10</sup> Council must ensure that a person appointed under section 87 is competent, of good repute and character and has agreed in writing to exercise the functions conferred on an authorised person (see section 87(1C))

<sup>11</sup> Council must ensure that the person appointed holds the qualifications or experience specified from time to time by the Minister by notice published in the Government Gazette.



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AND

29. under section 13J of the *Valuation of Land Act* 1960 – appoints the persons for the purposes of section 13J of that Act.<sup>12</sup>

[VAL]

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**PART C**

30. under -

section 232 of the *Local Government Act* 1989<sup>13</sup>  
section 527 of the *Residential Tenancies Act* 1997  
section 77(2)(b) of the *Road Safety Act* 1986<sup>14</sup>  
section 77(4) of the *Road Safety Act* 1986 [only where Council is a Committee of Management under the *Crown Land (Reserves) Act* 1978]  
sections 48A(9)(c) and 59(3) of the *Environment Protection Act* 1970  
section 241 of the *Building Act* 1993  
section 92 of the *Domestic Animals Act* 1994<sup>15</sup>  
section 96 of the *Road Management Act* 2004  
section 33A of the *Impounding of Livestock Act* 1994  
section 10(4) of the *Graffiti Prevention Act* 2007  
section 219 of the *Public Health and Wellbeing Act* 2008  
section 45AC of the *Food Act* 1984

authorises the officers generally to institute proceedings and represent Council in proceedings for offences against the Acts, regulations and local laws described in this instrument.

**It is declared that** this Instrument -

- (a) comes into force immediately upon its execution;  
(b) remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Murrindindi Shire Council

DATED this     day of                     2017

THE COMMON SEAL OF THE MURRINDINDI     )

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<sup>12</sup> Council must ensure that the person appointed holds the qualifications or experience specified from time to time by the Minister by notice published in the Government Gazette.

<sup>13</sup> A person authorised under section 232 of the *Local Government Act* 1989 is also authorised to bring proceedings under the *Fire Services Property Levy Act* 2012 (see section 22 of the *Fire Services Property Levy Act* 2012).

<sup>14</sup> A person authorised under sections 77(2)(b) and/or 77(4) of the *Road Safety Act* 1986 is also an authorised officer for the purposes of rules 203 and 307 of the *Road Safety Road Rules* 2009.

<sup>15</sup> Council may only appoint an authorised officer who is also appointed under section 72 of the Act.



Maddocks

SHIRE COUNCIL was hereunto affixed in the )  
presence of: )

Chief Executive Officer .....

Councillor .....



Maddocks

***S11A. Instrument of Appointment and Authorisation (Planning and Environment Act 1987)***

**Murrindindi Shire Council**

**Instrument of Appointment and Authorisation  
(*Planning and Environment Act 1987* only)**



Maddocks

**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

- “CEMLL” means Coordinator Emergency Management & Local Laws – Chris Price
- “CLL” means Coordinator Local Laws – Andrew Daly
- “CSP” means Coordinator Statutory Planning – Karen Girvan
- “GMIDS” means General Manager Infrastructure and Development Services – Stuart McConnell
- “LLO” means Local Laws Officer – Casey Southurst, Natalie Stewart, Ian Collier
- “MDS” means Manager Development Services – Shivaun Brown
- “POS” means Senior Planning Officer – Melissa Crane
- “PTO” means Planning Technical Officer – Nicole Maguire

By this instrument of appointment and authorisation Murrindindi Shire Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

[GMIDS, MDS, CEMLL, CLL, CSP, LLO, POS, PTO]

2. under section 232 of the *Local Government Act 1989* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

[GMIDS, MDS, CSP, POS]

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Murrindindi Shire Council on

DATED this      day of                      2017

THE COMMON SEAL OF THE MURRINDINDI )  
SHIRE COUNCIL was hereunto affixed in the )  
presence of: )

Chief Executive Officer .....

Councillor .....



Conflict of Interest

<b>Title:</b>	<b>Conflict of Interest Policy</b>
<b>Type:</b>	<b>Council</b>
<b>Reviewed &amp; Adopted:</b>	"[Insert Date]"
<b>File No:</b>	17/32278
<b>Attachments:</b>	Nil

**1. Purpose**

The Murrindindi Shire Council is constituted under the *Local Government Act 1989* (“the Act”) and Council commits to act with integrity and ensure transparency in decision making processes. The Conflict of Interest Policy outlines the types of interest and sets the disclosure requirements of Councillors, Members of Special Committees, the Chief Executive Officer (“the CEO”), Council employees, committee members and contractors.

**2. Rationale**

Councillors, the CEO, Council employees, committee members and contractors hold a position of public trust and are required to undertake their duties impartially and in the best interests of the community. The Act is very specific regarding what amounts to a conflict of interest and the disclosure requirements. Open and transparent processes instil trust in the decision making process. It must be clear to the public that private interests are not affecting the functions carried out by Council.

**3. Scope**

This policy applies to all Members of Council, including:

- a) Councillors;
- b) The CEO;
- c) Staff employed by the CEO or a person authorised by the CEO;
- d) People employed to perform or assist in performing the functions of Council and / or the CEO (including contractors); and
- e) Members of “Special Committees of Council”.

The requirements of this policy and the Act in relation to conflicts of interest must be adhered to at all times when conducting Council business.

**4. Definitions**

<b>Reference Term</b>	<b>Definition</b>
Member of Council	A “Member of Council” for the purposes of this Policy includes: <ul style="list-style-type: none"> <li>a) Councillors;</li> <li>b) Staff employed by the CEO or a person authorised by the CEO;</li> <li>c) The CEO;</li> <li>d) People employed to perform or assist in performing the functions of Council and / or CEO (including contractors); and</li> <li>e) Members of “Special Committees of Council”.</li> </ul>
The Act	The <i>Local Government Act 1989</i>

## Conflict of Interest

### 5. Policy

The primary objective of a Member of Council is to perform the functions of their role with integrity and accountability. Conflict of interest identification and declaration is essential to maintaining transparency, equity and impartiality when undertaking decision making and the functions of Council. Consistency in the approach and handling of conflicts of interest instils confidence in the public that a Member of Council will not act prejudicially or improperly.

#### 5.1 Defining Conflicts of Interest

Section 77A of the Act defines a conflict of interest as having a direct or indirect interest in the matter.

##### 5.1.1 Direct Interests

Section 77B states "A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way". A direct interest exists where a Member of Council themselves has the direct interest. Examples of direct interests are where a proposal may impact a Member of Council's salary, valuation of their property, permit application or the operations of a company owned by the Member of Council or immediate partner. Direct interests are not limited to financial gain or loss.

##### 5.1.2 Indirect Interests

Section 78 outlines the classifications of indirect interests. There are 6 classes of indirect interests:

###### Close Association

A Member of Council has an indirect interest by close association when a member of their family, a relative or a household member has an interest. If a resident family member has a direct or indirect interest then the Member of Council would have an indirect interest by close association. If a relative or housemate (non family) has a direct interest then the Member of Council also has an indirect interest by close association.

Examples of where an indirect interest by close association would arise are where a Member of Council's housemate owns a company tendering for a Council contract, or where a Member of Council's wife is the President of a committee applying for a Council Grant.

###### Financial Interest

A Member of Council has an indirect financial interest where they or a family member are likely to gain or lose in a way that can be measured by money, resulting from the interests of another person, company or body.

Examples of where an indirect financial interest would arise is where a Member of Council or their family member owns a business which is a subcontractor for a company tendering for a Council contract. A further example is where a Member of Council's partner owns shares in a company that would be affected by a Council decision.

###### Conflicting Duty

A conflicting duty arises when a Member of Council or member of their family has a particular duty to another person or organisation that may conflict or overlap with their Council related duties. This arises where a Member of Council or their family members have any of the following positions or relationships with another person or organisation:

- A manager or a member of a board / committee of an organisation / club
- A partner, consultant , contractor, agent or employee of the person or organisation
- A trustee for the person

## Conflict of Interest

Examples of where a conflicting duty indirect interest would arise is where a Member of Council or their family member is on the committee of a club which has applied for a Council grant, or where a Member of Council or family member works part time for a person applying for a permit or a contract. A further example is where a Member of Council is on the board of an organisation applying for a permit.

A conflicting duty also arises where the Member of Council used to have a particular duty to another person or organisation. For example the Member of Council's last job was with a company tendering for a Council contract. For Councillors this relates to any positions held in the 12 months prior to the beginning of the Council term.

However, where a Member of Council is representing Council there is not a conflicting duty, i.e. in a position nominated by Council or in the course of employment with Council.

### Applicable Gift

A Member of Council can have an indirect interest due to them, or a member of their family, being the recipient of an applicable gift. An applicable gift includes a gift or gifts received:

- In the past five years; and
- Is in the form of money, goods or services; and
- Exceeds the value of \$500 total from the one source.

An example of an indirect interest due to an applicable gift is where a Member of Council's friend is applying for a permit and they let the Member of Council use their holiday house each year which would equate to more than \$500 value. A further example is where a Member of Council plays football for a local club and has received over \$500 in match payments over the last 5 years and the club is applying for a Council grant.

### Applicable Gift Exemptions:

- Gifts received more than 12 months before beginning the role with Council
- Reasonable hospitality provided at a function or event attended as a representative of Council

The Councillor Code of Conduct and the Employee Code of Conduct provide further information regarding gifts and the disclosure of an offer of a gift.

### Party to the Matter

An indirect interest arises where a Member of Council or a member of their family has been a party to civil proceedings relating to a matter. This includes being an applicant or respondent in a past or present court case or in a matter before a tribunal. There is no time limit in regards to this interest.

An example of where a 'party to a matter indirect interest' would arise is if a Member of Council is and /or was an applicant in a VCAT case against a proposed retail development near their home.

### Residential Amenity

An indirect interest can arise where a Member of Council's residential amenity or that of their family is reasonably likely to be altered by a decision of Council. The distance from the residential amenity is difficult to judge and needs to be assessed on a case by case basis.

An example of where an indirect interest due to residential amenity impact would arise is where there is to be a change in use to a nearby property to a Member of Council's residence or their child, parent or siblings residence and which could impact on amenity, such as construction, noise, dust, drop in property value etc.

Responsible Officer: Coordinator Governance and Performance

"[Insert Date Approved / Adopted]"

TRIM Reference: 17/33278

## Conflict of Interest

### 5.1.3 Exemptions

A Member of Council is exempt from a conflict of interest in the following situations:

- Where the interests are so remote or insignificant that they would not influence decisions or are not reasonably capable of influencing decisions or actions; or
- Where the interests are held in common with other ratepayers, resident, staff etc; or
- Where the Member of Council does not have knowledge of the circumstances that would create the conflict of interest; or
- Where a legislated exemption allows.

The CEO is responsible for general staffing policies, adoption of the Code of Conduct for Staff and delegation of powers and functions to Council Staff. The CEO is exempt from Conflicts of Interest in carrying out these functions.

There are a number of specific exemptions related to Councillors. These relate to matters where Councillors would normally be expected to vote as a matter of Council business. These exemptions apply to the following decisions:

- Electing the Mayor;
- Appointing members and chairs to special committees;
- Appointing Councillors to non-remunerated positions;
- Setting Mayor and Councillor allowances;
- Adopting a policy regarding Councillor expenses;
- Adopting the Councillor Code of Conduct;
- An application to the Minister for conflict of interest exemptions;
- Eligibility for superannuation guarantee under taxation legislation;
- A submission to an electoral representation review or subdivision review; and
- Some Councillor conduct matters including internal disputes, allegations of misconduct, application for a Councillor Conduct Panel or an application to VCAT on a Councillor conduct matter

### 5.1.4 Clubs and Community Organisations

Simply being a member of a club or community organisation is not a conflict of interest, however a conflict of interest will be present when a Member of Council who has a conflicting duty, receives an applicable gift or has an indirect financial interest.

Examples of where a conflict of interest exists is when a Member of Council is a member of the committee or is a player receiving match payments and that club applies for a grant or a permit or where the Member of Council is simply a member and a decision of Council will affect the cost of their membership fees.

An important point to remember is that a conflict of interest can exist if a Member of Council's family has the conflict of interest. For example a Member of Council's wife or child is a committee member or remunerated player.

## Conflict of Interest

### 5.1.5 Business Connections

A Member of Council or their family members may own or run private businesses in the municipality. Conflicts of interest need to be considered not only if directly impacting on said business but if a decision, action or advice will directly impact upon a customer or supplier of that business.

If a Member of Council is employed outside of Council then they are likely to have a conflict of interest where that employer is affected by any decision, action or advice, but only where the employer has a direct interest. Further information and requirements regarding outside employment and contracts is available in the Staff Code of Conduct.

For example if a Member of Council co-owns a building business and the business is applying for a permit then there would be a conflict of interest or where a Member of Council has a part time position with a cleaning contractor that is tendering for a Council contract.

## 5.2 Disclosure and Declaration

### 5.2.1 General responsibilities

Under section 80B of the Act where a Member of Council has a delegated duty, power or function of the Council or the CEO, then any conflicts of interest must be disclosed. Examples of delegated powers are permit approvals, entering into contracts, employing staff, financial delegations, delegated responsibilities from the Council or CEO, etc. Section 80C of the Act requires the Member of Council to disclose a conflict of interest when providing advice to a relevant committee or to Council. Failure to disclose a conflict of interest may result in disciplinary action; however failure to disclose is also a breach of the *Local Government Act* and can result in prosecution in court, a conviction, a fine and/or disqualification from the role of a Councillor for 7 years.

Disclosure of an interest that could compromise or be seen to compromise the unbiased performance of a Member of Council's work is the first step towards effectively managing the conflict.

- Step 1. Recognise and disclose
- Step 2. Exit the process

### 5.2.2 Councillors

In accordance with section 79 of the Act and Council's Governance Local Law 2, 2014 the following requirements must be met.

#### Council Meetings

In accordance with section 79 of the Act a Councillor or member of a special committee must:

1. Disclose the conflict of interest at the beginning of a Council meeting (except where the conflict of interest relates to a matter which will be considered in a Council meeting closed to the public in accordance with the Act); or
2. Immediately prior to consideration of the matter; or
3. Advising the Chief Executive Officer in writing before the meeting;
4. Classify the interest as Direct (section 77B) or specifying the type of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
5. Describe the nature of the interest;
6. Where a Councillor or member of a special committee has two or more conflicts of interest on matters being considered consecutively, they must disclose the interests prior to the first matter being heard;
7. Where any Councillor has made a declaration the Chair should pause after announcing any matter in relation to which a declaration has been made to allow a declaration prior to

## Conflict of Interest

consideration of the matter;

8. A failure by the Chair to pause does not remove any obligation on an individual Councillor to make a declaration in accordance with the Act.
9. While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must:
  - a) Leave the room and notify the Mayor or the Chair of the special committee that he or she is doing so; and
  - b) Remain outside the room and any gallery or other area in view or hearing of the room.
  - c) The Mayor or the Chair of the special committee must cause the Councillor or member of a special committee to be notified that he or she may return to the room after consideration of the matter and all votes on the matter.
10. All declarations must be recorded in the minutes.

### Assemblies of Councillors

Where consideration of a matter that is likely to be the subject of a decision by Council then any conflicts of interest must be declared. A Member of Council must declare the conflict of interest but does not need to give details of the interest and then must leave the meeting while the matter is discussed.

The disclosure and the absence must be recorded on the Assembly of Councillors form and will be reported to a Council meeting and form part of the minutes.

### Confidentiality

If disclosing the details of the interest would mean publicly disclosing information that is confidential or private then:

1. The Councillor must disclose the type, class and nature of the interest to the CEO in writing prior to the meeting/assembly.
2. The Councillor must then declare a conflict of interest, the type and the class as part of the meeting procedure.
3. The Councillor must remove themselves while discussion and voting takes place.
4. The minutes must then state the Councillor, the type of interest, the class and the duration of the absence and then state "a written disclosure was provided to the CEO".

### **5.2.3 Members of Special Committees**

Special Council Committees includes Section 86 Committees of Management, Advisory Committees, Section 223 Committees and the Audit Committee.

Once a conflict of interest is identified the member of the Special Committee must:

1. Disclose the conflict of interest immediately before the matter is considered in the meeting, including the:
  - a) Type of interest and class; and
  - b) The nature of the interest.
2. Notify the Chair that they are leaving the meeting.
3. Leave the room and vicinity while the matter is being considered and await the Chairs direction to return.
4. Notify the Chair prior to the meeting if they are not going to be present at the meeting

## Conflict of Interest

If details are private in nature then the nature of the interest can be declared to the Chair in writing prior to the meeting and the disclosure will simply be the type of interest and class.

Disclosure of conflicts of interest must be minuted.

### 5.2.4 People Employed or Delegated by the CEO

Once a Conflict of Interest is identified the Member of Council must:

1. notify the CEO in writing stating:
  - a) The type and class of interest
  - b) Detailed nature of the interest
2. The Member of Council then must not exercise the relevant power, duty or function.

It is the responsibility of the CEO, General Manager or relevant Manager to ensure that another appropriate Member of Council is appointed to carry out the power, or function.

### Briefing Notes, Sessions and Council Reports

When a Council employee or Council contractor is providing advice to Council via a Briefing Note or Session or a Council Report then they must disclose any conflicts of interest that have arisen in relation to the matter being discussed. The CEO or General Manager will decide on a course of action.

This disclosure needs to outline any officers who may have been involved and then removed themselves from the process, any conflicts the contractors involved may have had and any conflicts of interest the person providing the advice may have. Disclosure must include the type, class and nature of the interest.

### Confidentiality

If disclosing the details of the interest would mean publicly disclosing information that is confidential or private, a full disclosure must be made to the CEO in writing before the meeting/ briefing and the only the type and class of the interest then needs to be disclosed in the meeting.

### 5.2.5 The Chief Executive Officer

The Chief Executive Officer must declare any of his / her conflicts of interest to the Mayor. Any declarations must then be tabled as part of the next Ordinary Meeting of Council.

### 5.2.6 Other Disclosures

Under section 95 of the Act, a Member of Council is required to act with integrity and to generally avoid conflicts of interest. Where a Member of Council is providing advice to another Member of Council, responding to a public enquiry or performing any other duty or function of Council then there is still an obligation to notify the CEO of a potential conflict.

## 5.3 Primary and Ordinary Returns

Councillors, nominated officers and non-exempt members of special committees must lodge primary and ordinary returns of interests. Two types of interest returns are required to be lodged under section 81 of the Act:

- Primary Returns – which must be lodged after taking office or commencing in a specified role.
- Ordinary Returns – which must be lodged twice yearly while holding office or occupying the role.

## Conflict of Interest

A 'nominated officer' includes all senior officers of the Council and other staff nominated by the Chief Executive Officer. Senior officers are:

- The CEO
- Any officer with management responsibilities who reports directly to the CEO
- Any other member of staff whose total annual remuneration exceeds the remuneration threshold

Within 12 months of an election Council can resolve to exempt certain special committee members from being required to submit primary and ordinary returns. This is at the discretion of the CEO and Council.

The CEO ensures that the relevant staff are nominated to complete primary and ordinary returns of interests. The CEO will also monitor which members of staff are senior officers and ensure that officers with significant delegations are nominated officers. The CEO will ensure that all relevant staff, Councillors and non-exempt special committee members are aware of their obligations.

### 5.3.1 Lodging Primary and Ordinary Returns

#### Primary Returns

After the election of a Councillor, either at a general election or a by-election, a person who becomes a Councillor must submit a primary return in the prescribed form to the CEO within:

- i. 30 days of election day; or
- ii. 7 days of making the oath of office of a Councillor;

Non-exempt special committee members must submit a primary return in the prescribed form to the CEO within 30 days of election to the committee.

A person who becomes a nominated officer must within 30 days of being appointed as a nominated officer submit a primary return to the CEO in the prescribed form.

#### Ordinary Returns

All Councillors, nominated officers and non-exempt special committee members must submit ordinary returns biannually by 9 February and 9 August.

One week prior to sending out Ordinary Returns forms the Chief Executive Officer will review the current register for any additions and/or deletions. The CEO's Executive Assistant will circulate the prescribed form to all Councillors, nominated officers and non-exempt special committee members on 30 June and 31 December.

The Act specifies that a Register of Interests must be maintained by the CEO. Once all completed Primary and Ordinary returns are received, the Executive Assistant will create a new register which will list the last three returns lodged by each individual. The most current register is a publicly available document upon request to view and is also reported to the Audit Committee.

Where a person ceases to be a Councillor, a non-exempt special committee member or a nominated officer then the CEO and Executive Assistant will ensure that their details are removed from the register and their primary and ordinary returns are archived appropriately. Returns must be retained for a period of three years.



## Conflict of Interest

### 6. Related Policies, Strategies and Legislation

The *Local Government Act 1989*

Governance Local Law 2, 2014

Councillor Code of Conduct

Staff Code of Conduct

### 7. Council Plan

The Conflict of Interest Policy supports all goals, strategic objectives and actions under the Council Plan. Its requirements are essential in maintaining good governance and the responsibility of all undertaking actions supporting the Council Plan.

### 8. Management and Review

It is the responsibility of all Councillors, Council Staff Members, Members of Special Committees and any person delegated by the Council or CEO to ensure that this policy is implemented and adhered to. The policy will be monitored by the Mayor and Chief Executive Officer.

This policy will be reviewed by the CEO and Councillors in May 2020.

### 9. Consultation

There was no required external consultation in relation to this policy. All officers and contractors of Council must be made aware of the requirements of this policy.

### 10. Human Rights Charter

This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.

<b>Title:</b>	<b>Portfolio Councillor Policy</b>
<b>Type:</b>	<b>Council</b>
<b>Adopted:</b>	"[Insert Date]"
<b>File No:</b>	17/40840
<b>Attachments:</b>	

### 1. Purpose

Murrindindi Shire Council has established the Portfolio Councillor system. The purpose of this Policy is to articulate the role and support to be provided to Portfolio Councillors.

### 2. Rationale

With the appointment of Portfolio Councillors, it is desirable that the objectives of establishing these roles and the support that will be provided to Councillors is articulated.

### 3. Scope

This policy applies to Portfolio Councillors and Council officers who have a responsibility in ensuring that the Portfolio Councillor is kept informed on key matters relating to their area of portfolio responsibility. Currently there are six portfolios covering the following areas:

- Land Use Planning
- Economic Development
- Corporate and Customer Services
- Community Services
- Natural Environment and Climate Change
- Infrastructure and Waste

Portfolio Councillors are appointed at the Special Meeting held each year. In order to enable Councillors to gain a broader experience of Portfolio roles, Councillors will generally not represent a portfolio for more than two years.

The role of the Portfolio Councillor recognises that the day to day management and direction of staff in implementing Council policy and strategy remains the responsibility of the relevant General Manager. Good governance identifies that the authority of councillors can only be exercised when they meet formally as Council at a properly constituted Council meeting. Outside the Council meeting, individual councillors have no authority.

### 4. Definitions

Nil

### 5. Policy

#### 5.1 Objectives of the Portfolio Councillor System

The objectives of establishing a Portfolio Councillor system are:

- To enable Councillors to have a greater understanding and input to strategic and policy development on portfolio issues. This facilitates the active and regular engagement of Councillors in major planning, projects and services related to the portfolio
- To enable Councillors to advocate and "Champion" on strategic and policy issues to Council and the community
- To enable the briefing of other Councillors on specialist areas by the Portfolio Councillor

- To assist Councillors develop the fullest possible understanding of matters being put to the Council, through the Portfolio Councillor leading discussion of relevant items

## 5.2 Portfolio Councillor's Duties

The role of the Portfolio Councillor will include:

- Advocating on strategic and policy issues to Council and the community
- Briefing of other Councillors on strategic areas through specific workshops or presentation of reports
- Represent Council on local, regional or state bodies of relevance to the portfolio
- Act as the spokesperson of Council on matters relating to the Portfolio, including, quotes in Media Releases and speaking on Radio and Television as required
- Where there is a relevant Council Committee to be the nominated chair for that committee, unless legislative provisions provide otherwise

## 5.3 Support Provided to Portfolio Councillors

Support to Portfolio Councillors to enable them to fulfil this role will be provided through:

- A designated General Manager being appointed as the primary contact for the Portfolio Councillor
- Induction by the General Manager, and other relevant staff or organisations, in relation to the key issues affecting the portfolio
- The designated General Manager will initiate regular meetings with the Portfolio Councillor, and other officers where relevant, to keep them briefed on issues (not less than bi monthly) and at other times necessary for the Portfolio Councillor to fulfil their role
- Facilitating the participation of the Portfolio Councillor in relevant committees
- The provision of memberships, publications, training and/or conference attendance where appropriate to enable the Portfolio Councillor to be informed on issues relevant to their portfolio

## 5.4 Reporting of Portfolio Councillors

Council will enable the Portfolio Councillor to report on matters that are relevant to their portfolio by:

- Presentation of minutes and recommendations of Committees that are related to their portfolio at the Ordinary Meeting of Council
- Presenting a report on the strategic/policy activities of the portfolio Councillor at the Ordinary Meeting of Council
- Leading discussion at Councillor Briefing Sessions on matters relevant to their portfolio
- Leading discussion in the development and annual review of the Council Plan

## 6. Related Policies, Strategies and Legislation

- *Local Government Act, 1989*
- *Governance Local Law No. 2, 2014*
- Councillor Code of Conduct

## 7. Council Plan

This Policy supports the Council Plan 2017-2021 strategy under the Our Promise Strategic Objective to "represent and advocate for our community in a transparent and equitable way".

## 8. Management and Review

This Policy will be implemented by members of the Executive Management Team and monitored by the Chief Executive Officer.

This Policy will be reviewed by Council in May 2021.

**9. Consultation**

Review of this Policy has been conducted by the Executive Management Team and Councillors.

**10. Human Rights Charter**

This policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.

Councillor Reimbursement

<b>Title:</b>	<b>Councillor Reimbursement Policy</b>
<b>Type:</b>	<b>Council</b>
<b>Adopted:</b>	"[Insert Date]"
<b>File No:</b>	17/40839
<b>Attachments:</b>	Nil

**1. Purpose**

To establish the expense entitlements and requirements for a Councillor in relation to:

- Reimbursement or pre payment of out of pocket expenses incurred while performing duties as a Councillor;
- Support entitlements that will be provided to Councillors to allow them to effectively carry out their duties; and
- Support available to Councillors for professional development during their term of office.

**2. Rationale**

The Councillor Reimbursement Policy (Policy) gives a broad overview of how Council can provide assistance to its Councillors in carrying out their functions. It cannot prescribe for every possible situation that may arise.

This Policy is also prepared to enable an equitable distribution of resources to allow Councillors to enhance their skill development and knowledge relevant to the local government sector.

The *Local Government Act 1989* (Section 75) provides for the reimbursement of out of pocket expenses incurred while performing the duties as a Councillor.

In addition, Mayoral and Councillor Allowances are provided separately to the reimbursement of expenses and the costs of facilities/resource support.

As well as legislation, there is an information guide issued by the Victorian Government that outlines the entitlements and support to be provided to Mayors and Councillors.

The basic test that will be applied to determine whether or not an expense is lawfully incurred is whether the expenditure is necessary because it is supplemental or incidental to or consequent on the exercise of Council functions. Where these criteria are satisfied and a Councillor has incurred an out of pocket expense they will be reimbursed by Council.

**3. Scope**

This Policy covers both the Mayoral and Councillor allowances, the provision of resources to enable Councillors to undertake professional development activities and the reimbursement of any reasonable expenses incurred by Councillors in undertaking their duties.

**4. Definitions**

<b>Reference Term</b>	<b>Definition</b>
Act	The <i>Local Government Act 1989</i>
CEO	The Chief Executive Officer appointed by Council under section 94 of the <i>Act</i> .

Responsible Officer: Chief Executive Officer  
"[Insert Date Approved / Adopted]"  
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## Councillor Reimbursement

Reference Term	Definition
Council	The seven Councillors elected to represent the Murrindindi Shire when they are acting in a formal decision making forum.
Councillors	The seven Councillors elected to represent the Murrindindi Shire Council.

## 5. Policy

### 5.1 Mayoral and Councillor Allowances

Mayoral and Councillor Allowances, including an amount equivalent to the superannuation guarantee under Commonwealth taxation legislation, are to be paid to the Councillors monthly in advance at the rate which will be determined at the annual Special Council meeting.

Council will provide Councillors within two weeks of the end of each financial year, a breakdown of allowances and reimbursements received during the previous financial year. It is important to note that the Mayoral and Councillor allowances are considered taxable incomes and that Council does not make any tax instalments (PAYG) on behalf of the Councillor. As such Councillors will need to seek independent advice from an Accountant/Financial Advisor in relation to their taxation requirements and not from officers.

### 5.2 Travel

Travelling expenses will be paid to Councillors at the rate specified by the Victorian Local Authorities Award 2001, under the following circumstances:

- To attend Ordinary and Special Council Meetings and meetings of Committees of Council
- To attend formal briefing sessions and civic or ceremonial functions convened by the Council or Mayor
- To attend meetings scheduled by Council or the Mayor
- To attend meetings necessary for the Councillor to exercise a delegation given by Council
- To attend a meeting, function or other official role attended as a representative of the Council or Mayor
- To attend meetings of a group, organisation or Statutory Body to which the Councillor has been appointed Council delegate. The reimbursement by Council is to be diminished by however much the body pays travelling expenses directly
- To attend to inspect a street, property or area (or to discuss with any person) any matter affecting or affected by the Council, and/or in order to carry out activities in the capacity of a Councillor
- To attend meetings of any Council appointed committee or any incorporated charity or community organisation, as a representative of the Council
- To attend meetings or to participate in delegations or deputations to which the Councillor has been appointed as a representative by Council, the Chief Executive Officer or Mayor
- When Councillors are travelling interstate, the mode of transport is to be determined on the advice of the Chief Executive Officer based on the most cost effective form of transport

Councillors can seek reimbursement of toll charges and car parking fees associated with attending meetings or functions on behalf of Council.

### 5.3 Remote Area Allowance

Council will pay the Remote Area Allowance in accordance with the Government Gazette of 29 March

Responsible Officer: Chief Executive Officer

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## Councillor Reimbursement

2001. The allowance is for circumstances when a Councillor (including a Mayor) normally resides more than 50 kilometres by the shortest possible practicable road distance, from an Ordinary, Special or Committee meeting of the Council or any municipal or community functions which have been authorised by Council resolution for the Councillor to attend.

A Councillor may decline to accept the Remote Area Allowance by advising the Chief Executive Officer in writing at any time.

### 5.4 Insurance

Councillors are covered under the following Council insurance policies whilst discharging their duties as a Councillor:

- Public liability
- Professional indemnity
- Councillors and officers liability; and
- Personal accident (accompanying partners are also covered).

Each Councillor has a responsibility to disclose details of any circumstances which may result in a claim for breach of professional duty. Similarly, if a Councillor becomes aware of a matter that exposes the Council to risk of a potential claim or that exposes the public to potential injury or harm, the matter is to be reported immediately to the Chief Executive Officer.

### 5.5 Professional Development

Professional development of Councillors is strongly encouraged and the selection of training or attendance at a conference or seminar should be based around relevance to the individual Councillor, and be of demonstrable benefit to the enhancement and development of the Council's skills and abilities with regard to effective community representation.

Newly elected Councillors shall be supported in their role through a comprehensive induction program as soon as possible after an election. This will include legislative requirements, roles and responsibilities of Councillors, policy development, strategic planning as well as issues affecting the Murrindindi Shire Council

A number of conferences and seminars are organised throughout the year by professional bodies to develop the skill set Councillors need to undertake their roles and responsibilities as elected community representatives. Throughout the term of a Council opportunities will be presented to all Councillors to access various conferences, seminars, functions and training. Councillors will be given the opportunity of attending training programs, conferences and functions. The selection of a conference or function should be based on its relevance to the role and development of the Councillor or his/her Ward or portfolio responsibilities.

#### 5.5.1 Budget Allocation and Expenses

The budget allocated for the Councillors to attend conferences, professional development and training, shall be divided by the number of Councillors (7), plus one. This is so that each Councillor will be allocated a budget which is one eighth of the total. If a Councillor is to exceed their personal budget allocation for conferences, professional development and training the Mayor is required to approve such expenditure prior to it occurring.

Where the conference or training cost is greater than \$1,000 the agreement with other Councillors will be required. Municipal Association of Victoria (MAV) points will be used ahead of a financial contribution to the training or conference.

Where domestic travel is undertaken and a Council vehicle is not available for use a Councillor may claim the cost of public transport or the use of their private vehicle to the event. Where interstate or

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## Councillor Reimbursement

overseas travel is undertaken the travel arrangements, including air fares and accommodation bookings, will be made by Council on behalf of the Councillor.

Councillors must ensure that:

- Any private travel associated with Council related travel is identified and paid for by the Councillor
- They have any required passports, visas, travel insurance, vaccinations, etc.

Reasonable costs associated with attendance at conferences, training or other events, such as food and beverage cost, communication expenses (telephone, fax, internet) and the like, may be claimed. Councillors are responsible for any expenditure related to their partner attending a conference, training or other events with them, except in such cases where Council has invited a Councillor's partner to attend an event with the Councillor.

Where Councillors are paid a fee for presenting at a conference or other events the fee will be paid into Council's general revenue. Any gifts received are to be recorded in the Gift Register.

### 5.5.2 Information Sharing and Reporting

Where a Councillor has attended a conference or seminar in an official capacity they will endeavour to share with the other councillors information such as the value of the conference/seminar, benefits to the shire and any recommendations for further action.

A report (in log format) will be presented annually on the conferences and seminars attended by Councillors.

### 5.6 Accompanying Partner/Guests

Attendance at seminars, conferences and civic functions with a partner or guest shall be at the expense of the Councillor unless otherwise authorised by the Mayor and CEO.

### 5.7 Family Care Expenses

Expenses for bona fide child care services (for children being cared for up to the age of 14 years) will be paid or reimbursed by Council, if claimed, when a Councillor attends:

- Meetings of the Council or its Committees
- Meetings, briefing sessions and civic or ceremonial functions convened by the Mayor, the Council or the Chief Executive Officer
- Meetings arising as a result of a Councillor being appointed by the Council to an external body or committee except where the body itself reimburses relevant child care expenses incurred by the Councillor
- A meeting, function, or other official role as a representative of the Mayor or Council
- The offices, to discuss with the Mayor, other Councillors or Officers any matter relating to Council. This may relate to Ward or Committee responsibilities or areas of focus or specialisation
- Conferences or study tours, training sessions and seminars in capacity as a Councillor
- Other Civic related engagements where the payment of child care has been pre-approved by the Mayor

Recognised child care expenses consist of reasonable hourly fees, agency booking fees (if applicable) and reasonable associated travelling expenses. Fees are generally payable per hour or part of an hour subject to any minimum period which is part of the care provider's usual terms.

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## Councillor Reimbursement

Reasonable child care fees will be determined as not exceeding reasonable prevailing child care market rates. The Chief Executive Officer may determine reasonable market rates. Child care costs are not eligible for payment or reimbursement if paid to a person who normally or regularly lives with the Councillor, except where a live-in (professional) helper such as a nanny is required to work extra time at extra expenses because of the Councillor's duties.

Child care expense payment or reimbursement claims should be submitted to the Chief Executive Officer and must be accompanied by a receipt from the care provider showing the date and time care was provided and other details nominating the reasons child care was necessary. (e.g.: what Council function/meeting Councillor attended).

### 5.8 Communications Equipment

Councillors will be provided with the following equipment to allow them to effectively carry out their duties:

- Laptop
- Mobile phone

Councillors will be responsible for all personal related charges. If Council provided equipment cannot be effectively used, alternative equipment including the use of private equipment may be considered, provided that the use was approved prior to its installation.

Administrative support, including photocopying, for work directly related to the duties of office will be provided through the Chief Executive Officer's office.

### 5.9 Stationery

Council shall, upon request, provide Councillors with standard stationery held or obtained generally for the organisation's requirements.

Requests for stationery should be made to the Executive Assistant to the Mayor and Chief Executive Officer.

### 5.10 Secretarial Services

Limited administrative support is available to Councillors for work directly related to the duties of the office. All support will be coordinated by the Executive Assistant to the Mayor and Chief Executive Officer.

### 5.11 Protective Clothing

Council shall provide Councillors with protective clothing as required.

### 5.12 Meetings and Function Rooms

Subject to availability, meeting/function rooms owned and controlled by Council can be booked by Councillors, free of charge for meetings, interviews and other functions provided they are associated with Council business.

### 5.13 Procedures for Reimbursement of Councillor Expenses

When a Councillor requires reimbursement of monies expended whilst conducting Council business, provided such expenditure is deemed acceptable under the provisions of this policy, he/she should follow the procedure below:

- Obtain a receipt for any expenditure
- Complete the Councillors' Expense Reimbursement Form
- Attach the relevant receipt to the form and forward it to the Chief Executive Officer

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- The claim will be authorised by the appropriate officer
- The claim will be processed through the Accounts Payable system

### 5.14 Exclusions

Any expenses arising from a breach of road, traffic parking or other regulations or laws, will not be reimbursed or funded in any way by Council.

Claims for expenses, other than those included in the policy, will not be reimbursed, except when they are subject to a Council resolution.

Claims should be lodged monthly with the Chief Executive Officer.

### 5.15 Reporting

Reporting of Councillor direct expenses and claims for reimbursement will be included as part of the financial report which is presented to Council on a quarterly basis.

## 6. Related Policies, Strategies and Legislation

- *Local Government Act, 1989*
- Councillor Code of Conduct

## 7. Council Plan

Adoption of this Policy supports the strategy in the Our Promise Strategic Objective of the Council Plan 2017-2021 to maintain Council's financial sustainability through sound financial and asset management.

## 8. Management and Review

The Chief Executive Officer will monitor the implementation of this Policy and conduct the review of the Policy by March 2021 or earlier, if required by the review of the *Local Government Act*.

## 9. Consultation

Consultation has occurred with Councillors in the review of this Policy.

## 10. Human Rights Charter

This Policy has been developed with consideration of the requirements under the Charter of Human Rights and Responsibilities.