



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

# Murrindindi Shire Council

## Instrument of Delegation

**to**

## The Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (**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 **22 July 2020**
- 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.

DATED this     day of                             2020

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

Mayor     .....

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

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 1.1 entering into a contract exceeding the value of \$150,000 for goods and services or \$200,000 for works
  - 1.2 making any expenditure that exceeds \$150,000 for good and services or \$200,000 for works (unless it is expenditure made under a contract already entered into or is expenditure which Council is, by or under legislation, required to make in which case it must not exceed \$150,000 for good and services or \$200,000 for works);
  - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 1.4 electing a Mayor or Deputy Mayor;
  - 1.5 granting a reasonable request for leave under s 35 of the Act;
  - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 1.7 approving or amending the Council Plan;
  - 1.8 adopting or amending any policy that Council is required to adopt under the Act;
  - 1.9 adopting or amending the Governance Rules;
  - 1.10 appointing the chair or the members to a delegated committee;
  - 1.11 making, amending or revoking a local law;
  - 1.12 approving the Budget or Revised Budget;
  - 1.13 approving the borrowing of money; or
  - 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;

2. 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;
3. 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;
4. 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
  - 4.1 policy; or
  - 4.2 strategyadopted by Council;
5. 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 s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. 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.

***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 powers conferred by the 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**

**“CEH” means Coordinator Environmental Health**

**“CCM” means Complex Case Manager**

**“CP” means Coordinator Planning**

**“CPD” means Coordinator Project Delivery**

**“DA&D” means Director Assets & Development**

**“DCE” means Director Community Engagement**

**“DC&SS” means Director Corporate & Shared Services**

**“EHO” means Environmental Health Officer**

**“MBUS” means Manager Business Services**

**“MCA” means Manager Community Assets**

**“MDS” means Manager Development Services**

**“MG&R” means Manager Governance & Risk**

**“SP” means Senior Planner**

**“PO” means Planning Officer**

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a **resolution** of Council passed on **22 July 2020** and

- 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



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- 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;
- 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;
- 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; 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 or delegated committee.

DATED this      day of                      2020

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

Chief Executive Officer .....

Councillor .....



## SCHEDULE

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ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	DA&D, MDS, CEH, EHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	DA&D, MDS, CEH, EHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	DA&D, MDS, 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	DA&D, MDS	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)	DA&D, MDS	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
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(3)	power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHO	If section 19(1) applies Only in relation to temporary food premises or mobile food premises
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	DA&D, MDS, 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	DA&D, MDS, 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

<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.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	DA&D, MDS, 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
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

<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>
---	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))
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

<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(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).
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

<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.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.116	power to sub-delegate Executive Director's functions, duties or powers	DA&D, MDS	must first obtain Executive Director's written consent Council can only sub-delegate if the instrument of delegation from the Executive Director authorises sub-delegation

<b>LOCAL GOVERNMENT ACT 1989</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.181H	power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO <sup>1</sup>	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO <sup>2</sup>	

<sup>1</sup> The only member of staff who can be a delegate in Column 3 is the CEO.

1987		
	Column 3	Column 4
	DELEGATE	CONDITIONS & LIMITATIONS
Amendment to the Victorian Planning	DA&D, MDS	if authorised by the Minister
scribed documents and a copy of the sions from the Minister	DA&D, MDS, CP, CCM, SP	
nt to Victorian Planning Provisions	DA&D, MDS, CP, CCM, SP	
Planning Provisions and other	DA&D, MDS, CP, CCM, SP, PO, PTO	
Amendment to the planning scheme where consent under s.8A	DA&D, MDS	
er to prepare an amendment to the	DA&D, MDS	
ice of the Minister's decision	DA&D, MDS, CP, CCM	
Amendment specified in the application thorisation if no response received	DA&D	
Minister for authorisation to prepare an	DA&D, 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.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	DA&D, MDS, CP, CCM	
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> )	DA&D, MDS	
s.12B(1)	duty to review planning scheme	DA&D, MDS	
s.12B(2)	duty to review planning scheme at direction of Minister	DA&D, MDS	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DA&D, MDS, CP, CCM	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	DA&D, MDS, CP, CCM, SP, PO, PTO	
s.17(1)	duty of giving copy amendment to the planning scheme	DA&D, MDS, CP, CCM	
s.17(2)	duty of giving copy s.173 agreement	DA&D, MDS, CP, CCM	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DA&D, MDS, CP, CCM	
s.18	duty to make amendment etc. available	DA&D, MDS, CP, CCM	
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	DA&D, 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.19	function of receiving notice of preparation of an amendment to a planning scheme	DA&D, MDS, CP, CCM, SP	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	DA&D, MDS	
s.21(2)	duty to make submissions available	DA&D, MDS, CP, CCM	
s.21A(4)	duty to publish notice in accordance with section	DA&D, MDS, CP, CCM, SP	
s.22	duty to consider all submissions	DA&D, MDS, CP, CCM, SP, PO	except submissions which request a change to the items in s.22(5)(a) and (b)
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	DA&D, MDS, CP, CCM, SP	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	DA&D, MDS, CP, CCM, SP	
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	DA&D, MDS, CP, CCM, SP	
s.26(1)	power to make report available for inspection	DA&D, MDS, CP, CCM, SP	
s.26(2)	duty to keep report of panel available for inspection	DA&D, MDS, CP, CCM	
s.27(2)	power to apply for exemption if panel's report not received	DA&D, 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.28	duty to notify the Minister if abandoning an amendment	DA&D, MDS, CP, CCM	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	DA&D, MDS, CP, CCM	
s.30(4)(b)	duty to provide information in writing upon request	DA&D, MDS, CP, CCM	
s.32(2)	duty to give more notice if required	DA&D, MDS, CP, CCM	
s.33(1)	duty to give more notice of changes to an amendment	DA&D, MDS, CP, CCM	
s.36(2)	duty to give notice of approval of amendment	DA&D, MDS, CP, CCM, SP	
s.38(5)	duty to give notice of revocation of an amendment	DA&D, MDS, CP, CCM, SP	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	DA&D, MDS, CP, CCM	
s.40(1)	function of lodging copy of approved amendment	DA&D, MDS, CP, CCM, SP, PO	
s.41	duty to make approved amendment available	DA&D, MDS, CP, CCM, SP	
s.42	duty to make copy of planning scheme available	DA&D, MDS, CP, CCM, SP, PO	

<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.46AAA	duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	DA&D	where Council is a responsible public entity and is a planning authority  note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of Councils
s.46AS(ac)	power to request the Victorian Planning Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	DA&D, MDS	
s.46AW	function of being consulted by the Minister	DA&D, MDS	where Council is a responsible public entity
s.46AX	function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy  power to endorse the draft Statement of Planning Policy	DA&D, MDS	where Council is a responsible public entity
s.46AZC(2)	duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DA&D, MDS	where Council is a responsible public entity
s.46AZK	duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DA&D, MDS	where Council is a responsible public entity
s.46GI(2)(b)(i) )	power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DA&D, MDS	where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency

<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.46GJ(1)	function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DA&D, MDS	
s.46GK	duty to comply with a Minister's direction that applies to Council as the planning authority	DA&D, MDS	
s.46GN(1)	duty to arrange for estimates of values of inner public purpose land	DA&D, MDS	
s.46GO(1)	duty to give notice to owners of certain inner public purpose land	DA&D, MDS	
s.46GP	function of receiving a notice under s.46GO	DA&D, MDS	where Council is the collecting agency
s.46GQ	function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DA&D, MDS	
s.46GR(1)	duty to consider every submission that is made by the closing date for submissions included in the notice under s.46GO	DA&D, MDS	
s.46GR(2)	power to consider a late submission  duty to consider a late submission if directed to do so by the Minister	DA&D, MDS	
s.46GS(1)	power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s.46GQ	DA&D, 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.46GS(2)	duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	DA&D, MDS	
s.46GT(2)	duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DA&D, MDS	
s.46GT(4)	function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DA&D, MDS	
s.46GT(6)	function of receiving, from the valuer-general, written notice of a determination under s.46GT(5)	DA&D, MDS	
s.46GU	duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP, CCM plan area of the plan unless the criteria in s.46GU(1)(a) and (b) are met	DA&D, MDS	
s.46GV(3)	function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  power to specify the manner in which the payment is to be made	DA&D, MDS	where Council is the collecting agency
s.46GV(3)(b)	power to enter into an agreement with the applicant	DA&D, MDS	where Council is the collecting agency

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<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.46GV(4)(a)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	DA&D, MDS	where Council is the development agency
s.46GV(4)(b)	function of receiving the inner public purpose land in accordance with s.46GV(5) and (6)	DA&D, MDS	where Council is the collecting agency
s.46GV(7)	duty to impose the requirements set out in s.46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP, CCM plan area	DA&D, MDS	
s.46GV(9)	power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DA&D, MDS	where Council is the collecting agency
s.46GX(1)	power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DA&D, MDS	where Council is the collecting agency
s.46GX(2)	duty, before accepting the provision of works, services or facilities by an applicant under s.46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DA&D, MDS	where Council is the collecting agency
s.46GY(1)	duty to keep proper and separate accounts and records	DA&D, MDS	where Council is the collecting agency
s.46GY(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DA&D, MDS	where Council is the collecting agency

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZ(2)(a)	duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is that planning authority
s.46GZ(2)(a)	function of receiving the monetary component	DA&D, MDS	where the Council is the planning authority this duty does not apply where Council is also the collecting agency
s.46GZ(2)(b)	duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan this provision does not apply where Council is also the relevant development agency
s.46GZ(2)(b)	function of receiving the monetary component	DA&D, MDS	where Council is the development agency under an approved infrastructure contributions plan this provision does not apply where Council is also the collecting agency
s.46GZ(4)	duty to use any land equalisation amounts to pay land credit amounts under s.46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s.46GZ(5)	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZ(5)	duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan  this provision does not apply where Council is also the relevant development agency
s.46GZ(5)	function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DA&D, MDS	where Council is the development agency specified in the approved infrastructure contributions plan  this provision does not apply where Council is also the collecting agency
s.46GZ(7)	duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s.46GW	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZ(9)	duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DA&D, MDS	if any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s.46GV(4)  where Council is the collecting agency under an approved infrastructure contributions plan  this duty does not apply where Council is also the development agency



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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZ(9)	function of receiving the fee simple in the land	DA&D, MDS	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency
s.46GZA(1)	duty to keep proper and separate accounts and records	DA&D, MDS	where Council is a development agency under an approved infrastructure contributions plan
s.46GZA(2)	duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	DA&D, MDS	where Council is a development agency under an approved infrastructure contributions plan
s.46GZB(3)	duty to follow the steps set out in s.46GZB(3)(a) – (c)	DA&D, MDS	where Council is a development agency under an approved infrastructure contributions plan
s.46GZB(4)	duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DA&D, MDS	if the VPA is the collecting agency under an approved infrastructure contributions plan where Council is a development agency under an approved infrastructure contributions plan
s.46GZD(2)	duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZD(2)(a) and (b)	DA&D, MDS	where Council is the development agency under an approved infrastructure contributions plan

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZD(3)	duty to follow the steps set out in s.46GZD(3)(a) and (b)	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZD(5)	duty to make payments under s.46GZD(3) in accordance with ss.46GZD(5)(a) and 46GZD(5)(b)	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZE(2)	duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DA&D, MDS	where Council is the development agency under an approved infrastructure contributions plan this duty does not apply where Council is also the collecting agency
s.46GZE(2)	function of receiving the unexpended land equalisation amount	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan this duty does not apply where Council is also the development agency
s.46GZE(3)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s.46GZE(3)(a) and (b)	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF(2)	duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	DA&D, MDS	where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	DA&D, MDS	where Council is the development agency under an approved infrastructure contributions plan

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46GZF(3)	s.46GZF(3)(a) function of receiving proceeds of sale	DA&D, MDS	where Council is the collection agency under an approved infrastructure contributions plan this provision does not apply where Council is also the development agency
s.46GZF(4)	duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP, CCM plan area and pay each current owner a portion of the proceeds in accordance with s.46GZF(5)	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZF(6)	duty to make the payments under s.46GZF(4) in accordance with s.46GZF(6)(a) and (b)	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZH	power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DA&D, MDS	where Council is the collecting agency under an approved infrastructure contributions plan
s.46GZI	duty to prepare and give a report to the Minister at the times required by the Minister	DA&D, MDS	where Council is a collecting agency or development agency
s.46GZK	power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	DA&D, MDS	where Council is a collecting agency or development agency
s.46LB(3)	duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s.46LB (2)	DA&D, MDS	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	DA&D, MDS, CP, CCM	

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s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	DA&D, MDS, CP, CCM	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	DA&D, MDS, CP, CCM	
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	DA&D, MDS, CP, CCM	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	DA&D, MDS, CP, CCM	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	DA&D, MDS, CP, CCM	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	DA&D, MDS	
s.46Q(1)	duty to keep proper accounts of levies paid	DA&D, MDS, CP, CCM	
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	DA&D, MDS, CP, CCM	
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.	DA&D, MDS, CP, CCM	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	DA&D, MDS, CP, CCM	only applies when levy is paid to Council as a 'development agency'

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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)	DA&D, MDS, CP, CCM	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
s.46Q(4)(d)	duty to submit to the Minister an amendment to the approved development contributions plan	DA&D, MDS	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	DA&D, 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	DA&D, MDS, CP, CCM	
s.46QD	duty to prepare report and give a report to the Minister	DA&D, 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	DA&D, MDS, CP, CCM	
s.46Y	duty to carry out works in conformity with the approved strategy plan	DA&D, MDS, CP, CCM	
s.47	power to decide that an application for a planning permit does not comply with that Act	DA&D, MDS, CP, CCM, SP	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	DA&D, MDS, CP, CCM, SP	
s.49(2)	duty to make register available for inspection	DA&D, MDS, CP, CCM, SP, PO	
s.50(4)	duty to amend application	DA&D, MDS, CP, CCM, SP, PO	
s.50(5)	power to refuse to amend application	DA&D, MDS, CP, CCM	
s.50(6)	duty to make note of amendment to application in register	DA&D, MDS, CP, CCM, SP, PO	
s.50A(1)	power to make amendment to application	DA&D, MDS, CP, CCM, SP, PO	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	DA&D, MDS, CP, CCM, SP, PO	
s.50A(4)	duty to note amendment to application in register	DA&D, MDS, CP, CCM, SP, PO, PTO	
s.51	duty to make copy of application available for inspection	DA&D, MDS, CP, CCM, SP, PO, PTO	
s.52(1)(b)	duty to give notice of the application to other municipal Councils where appropriate	DA&D, MDS, CP, CCM, SP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	DA&D, MDS, CP, CCM, SP, PO	
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	DA&D, MDS, CP, CCM, SP, PO	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DA&D, MDS, CP, CCM, SP, PO	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	DA&D, MDS, CP, CCM, SP, PO	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	DA&D, MDS, CP, CCM, SP, PO	
s.52(3)	power to give any further notice of an application where appropriate	DA&D, MDS, CP, CCM, SP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	DA&D, MDS, CP, CCM, SP, PO	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	DA&D, MDS, CP, CCM, SP, PO	
s.54(1)	power to require the applicant to provide more information	DA&D, MDS, CP, CCM, SP, PO	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	DA&D, MDS, CP, CCM, SP, PO	
s.54(1B)	duty to specify the lapse date for an application	DA&D, MDS, CP, CCM, SP, PO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	DA&D, MDS, CP, CCM	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	DA&D, MDS, CP, CCM	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DA&D, MDS, CP, CCM, SP, PO	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	DA&D, MDS	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	DA&D, MDS, CP, CCM, SP, PO	
s.57(5)	duty to make available for inspection copy of all objections	DA&D, MDS, CP, CCM, SP, PO	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	DA&D, MDS, CP, CCM	
s.57A(5)	power to refuse to amend application	DA&D, MDS	After advertising
s.57A(6)	duty to note amendments to application in register	DA&D, MDS, CP, CCM, SP, PO	
s.57B(1)	duty to determine whether and to whom notice should be given	DA&D, MDS, CP, CCM, SP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	DA&D, MDS, CP, CCM, SP	
s.57C(1)	duty to give copy of amended application to referral authority	DA&D, MDS, CP, CCM, SP, PO	
s.58	duty to consider every application for a permit	DA&D, MDS, CP, CCM, SP, PO	
s.58A	power to request advice from the Planning Application Committee	DA&D, MDS	



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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.60	duty to consider certain matters	DA&D, MDS, CP, CCM, SP, PO	
s60(1A)	power to consider certain matters before deciding on application	DA&D, MDS, CP, CCM, SP, PO,	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	DA&D, MDS, CP, CCM, SP, PO	
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	DA&D, MDS, CP, CCM, SP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>  <b>The power to refuse a permit application, or to determine an application for which two or more objections have been lodged (and not withdrawn) is not delegated</b>
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DA&D, MDS, CP, CCM	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	DA&D, MDS, CP, CCM, SP	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	DA&D, MDS, CP, CCM, SP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DA&D, MDS, CP, CCM	
s.62(1)	duty to include certain conditions in deciding to grant a permit	DA&D, MDS, CP, CCM	

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.62(2)	power to include other conditions	DA&D, MDS, CP, CCM, SP, PO	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DA&D, MDS, CP, CCM, SP, PO	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DA&D, MDS, CP, CCM, SP, PO	
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	DA&D, MDS, CP, CCM, SP, PO	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DA&D, MDS, CP, CCM, SP, PO	
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 ss.46N(1), 46GV(7) or 62(5)	DA&D, MDS, CP, CCM, SP	
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)	DA&D, MDS, CP, CCM, SP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	DA&D, MDS, CP, CCM, SP	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	DA&D, MDS, CP, CCM, SP, PO	this provision applies also to a decision to grant an amendment to a permit - see section 75

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.64(3)	duty not to issue a permit until after the specified period	DA&D, MDS, CP, CCM, SP, PO	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	DA&D, MDS, CP, CCM, SP, PO	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	DA&D, MDS, CP, CCM, SP, PO	this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	DA&D, MDS, CP, CCM, SP, PO	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	DA&D, MDS, CP, CCM, SP, PO	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	DA&D, MDS, CP, CCM, SP, PO	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	DA&D, MDS, CP, CCM, SP, PO	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

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<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DA&D, MDS, CP, CCM, SP	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	DA&D, MDS, CP, CCM, SP, PO	
s.69(1A)	function of receiving application for extension of time to complete development	DA&D, MDS, CP, CCM, SP, PO	
s.69(2)	power to extend time (or to refuse to extend time)	DA&D, MDS, CP, CCM	
s.70	duty to make copy permit available for inspection	DA&D, MDS, CP, CCM, SP, PO	
s.71(1)	power to correct certain mistakes	DA&D, MDS, CP, CCM, SP	
s.71(2)	duty to note corrections in register	DA&D, MDS, CP, CCM, SP	
s.73	power to decide to grant amendment subject to conditions	DA&D, MDS, CP, CCM, SP	
s.74	duty to issue amended permit to applicant if no objectors	DA&D, MDS, CP, CCM, SP, PO	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DA&D, MDS, CP, CCM, SP, PO	

<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.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	DA&D, MDS, CP, CCM, SP, PO	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DA&D, MDS, CP, CCM, SP, PO	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	DA&D, MDS, CP, CCM, SP, PO	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
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	DA&D, MDS, CP, CCM, SP, PO	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	DA&D, MDS, CP, CCM, SP	
s.83	function of being respondent to an appeal	DA&D, MDS, CP, CCM, SP	
s.83B	duty to give or publish notice of application for review	DA&D, MDS, CP, CCM, SP	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DA&D, MDS	
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	DA&D, MDS, CP, CCM, SP, PO	

<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.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	DA&D, MDS, CP, CCM, SP, PO	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	DA&D, MDS, CP, CCM, SP, PO	
s.84AB	power to agree to confining a review by the Tribunal	DA&D, MDS	
s.86	duty to issue a permit at order of Tribunal within 3 working days	DA&D, MDS, CP, CCM, SP, PO	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	DA&D, MDS	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	DA&D, MDS, CP, CCM, SP	
s.91(2)	duty to comply with the directions of VCAT	DA&D, MDS, CP, CCM, SP, PO	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	DA&D, MDS, CP, CCM, SP, PO	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	DA&D, MDS, CP, CCM, SP, PO	
s.93(2)	duty to give notice of VCAT order to stop development	DA&D, MDS, CP, CCM, SP, PO	
s.95(3)	function of referring certain applications to the Minister	DA&D, MDS, CP, CCM	
s.95(4)	duty to comply with an order or direction	DA&D, MDS, CP, CCM, SP, PO	

<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.96(1)	duty to obtain a permit from the Minister to use and develop its land	DA&D, MDS, CP, CCM	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DA&D, MDS, CP, CCM	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	DA&D, MDS	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	DA&D, MDS, CP, CCM, SP	
s.96F	duty to consider the panel's report under section 96E	DA&D, MDS, CP, CCM, POS	
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> )	DA&D, MDS, CP, CCM	
s.96H(3)	power to give notice in compliance with Minister's direction	DA&D, MDS, CP, CCM, SP	
s.96J	power to issue permit as directed by the Minister	DA&D, MDS, CP, CCM, SP	
s.96K	duty to comply with direction of the Minister to give notice of refusal	DA&D, MDS, CP, CCM, SP	
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	DA&D, MDS, CP, CCM, SP	
s.97C	power to request Minister to decide the application	DA&D, 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.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	DA&D, MDS, CP, CCM, SP, PO	
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	DA&D, MDS, CP, CCM, SP	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	DA&D, MDS, CP, CCM, SP, PO	
s.97L	duty to include Ministerial decisions in a register kept under section 49	DA&D, MDS, CP, CCM, SP	
s.97MH	duty to provide information or assistance to the Planning Application Committee	DA&D, MDS, CP, CCM	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	DA&D, MDS	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	DA&D, MDS, CP, CCM	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DA&D, MDS, CP, CCM, SP	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DA&D, MDS, CP, CCM, POS	
s.97Q(4)	duty to comply with directions of VCAT	DA&D, MDS, CP, CCM, SP	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	DA&D, MDS, CP, CCM, SP	



<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.98(1)&(2)	function of receiving claim for compensation in certain circumstances	DA&D, MDS	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	DA&D, MDS	
s.101	function of receiving claim for expenses in conjunction with claim	DA&D, MDS	
s.103	power to reject a claim for compensation in certain circumstances	DA&D, MDS	
s.107(1)	function of receiving claim for compensation	DA&D, MDS	
s.107(3)	power to agree to extend time for making claim	DA&D, MDS	
s.114(1)	power to apply to the VCAT for an enforcement order	DA&D, MDS	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	DA&D, MDS	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	DA&D, MDS	
s.123(1)	power to carry out work required by enforcement order and recover costs	DA&D, MDS	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	DA&D, MDS	except Crown Land
s.129	function of recovering penalties	DA&D, MDS, CP, CCM	

<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.130(5)	power to allow person served with an infringement notice further time	DA&D, MDS, CP, CCM	
s.149A(1)	power to refer a matter to the VCAT for determination	DA&D, MDS	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	DA&D, MDS	
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)	DA&D, MDS	where Council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	DA&D, MDS	
s.171(2)(g)	power to grant and reserve easements	DA&D, MDS	
s.172C	power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	DA&D, MDS	where Council is a development agency specified in an approved infrastructure contributions plan
s.172D(1)	power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s.46GV(4)	DA&D, MDS	where Council is a collecting agency specified in an approved infrastructure contributions plan
s.172D(2)	power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s.46GV(4)	DA&D, MDS	where Council is the development agency specified in an approved infrastructure contributions plan

<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.173(1)	power to enter into agreement covering matters set out in section 174	DA&D	
s.173(1A)	power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	DA&D	where Council is the relevant responsible authority
---	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</i> 1987 requires something to be to the satisfaction of Council or Responsible Authority	DA&D, MDS, CP, CCM	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires that something may not be done without the consent of Council or Responsible Authority	DA&D, MDS, CP, CCM	
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	DA&D	
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	DA&D	
s.178A(1)	function of receiving application to amend or end an agreement	DA&D, MDS, CP, CCM, SP	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	DA&D, MDS, CP, CCM, SP	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DA&D, MDS, CP, CCM, SP	

<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.178A(5)	power to propose to amend or end an agreement	DA&D, MDS, CP, CCM, SP	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	DA&D, MDS, CP, CCM, SP	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DA&D, MDS, CP, CCM, SP	
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	DA&D, MDS, CP, CCM, SP	
s.178C(4)	function of determining how to give notice under s.178C(2)	DA&D, MDS, CP, CCM, SP	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	DA&D, MDS, CP, CCM, SP	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	DA&D, 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	DA&D, MDS	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	DA&D, 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	DA&D, MDS	After considering objections, submissions and matters in s.178B

<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.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DA&D, 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	DA&D, MDS	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend or end the agreement	DA&D, 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)	DA&D, MDS, CP, CCM, SP	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	DA&D, MDS, CP, CCM, SP	
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	DA&D, MDS, CP, CCM, SP	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	DA&D, MDS	
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	DA&D, MDS	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DA&D, MDS, CP, CCM, SP	
s.179(2)	duty to make available for inspection copy agreement	DA&D, MDS, CP, CCM, SP	

<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.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DA&D, MDS, CP, CCM, SP	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	DA&D, MDS, CP, CCM, SP	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	DA&D, MDS, CP, CCM, SP	
s.182	power to enforce an agreement	DA&D, MDS	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DA&D, MDS, CP, CCM, SP	
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	DA&D, 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	DA&D, MDS, CP, CCM, SP	
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	DA&D, MDS, CP, CCM, SP	
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	DA&D, MDS, CP, CCM, SP	
s.184G(2)	duty to comply with a direction of the Tribunal	DA&D, MDS, CP, CCM, SP	

<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.184G(3)	duty to give notice as directed by the Tribunal	DA&D, MDS, CP, CCM, SP	
s.198(1)	function to receive application for planning certificate	DA&D, MDS, CP, CCM, SP	
s.199(1)	duty to give planning certificate to applicant	DA&D, MDS, CP, CCM, SP	
s.201(1)	function of receiving application for declaration of underlying zoning	DA&D, MDS, CP, CCM	
s.201(3)	duty to make declaration	DA&D, MDS, CP, CCM	
-	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	DA&D, MDS, CP, CCM	
	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	DA&D, MDS, CP, CCM, SP	
	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	DA&D, MDS, CP, CCM, SP	
		DA&D, MCA, CAM, CPD	Development Plan to be considered by Council
-	power to give written authorisation in accordance with a provision of a planning scheme	DA&D, MDS, CP, CCM, SP	
s.201UAB(1)	function of providing the Victorian Planning Authority with information relating to any land within municipal district	DA&D, MDS, CP, CCM	
s.201UAB(2)	duty to provide the Victorian Planning Authority with information requested under subsection (1) as soon as possible	DA&D, MDS, CP, CCM	

<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 91ZU(1)	Power to give a renter a notice to vacate rented premises	DA&D	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	DA&D	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	DA&D	Where Council is a public statutory authority engaged in the provision of housing
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	DA&D	Where Council is a public statutory authority engaged in the provision of housing
s.142D	function of receiving notice regarding an unregistered rooming house	DA&D, MDS, CEH, EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	DA&D, MDS, CEH, EHO	
s. 142G(2)	power to enter certain information in the Rooming House Register	DA&D, MDS, 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.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	DA&D, MDS, CEH, EHO	
s 206AZA(2)	Function of receiving written notification	DA&D, MDS, CEH, EHO	
s 207ZE(2)	Function of receiving written notification	DA&D, MDS, CEH, EHO	
s 311A(2)	Function of receiving written notification	DA&D, MDS, CEH, EHO	
s 317ZDA(2)	Function of receiving written notification	DA&D, MDS, CEH, EHO	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DA&D, MDS, CEH, EHO	
s.522(1)	power to give a compliance notice to a person	DA&D, MDS, CEH, EHO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	DA&D, MDS, CEH, EHO	
s.525(4)	duty to issue identity card to authorised officers	DA&D, MDS, CEH, EHO	
s.526(5)	duty to keep record of entry by authorised officer under section 526	DA&D, MDS, CEH, EHO	
s.526A(3)	function of receiving report of inspection	DA&D, MDS, 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.527	power to authorise a person to institute proceedings (either generally or in a particular case)	DA&D, MDS, 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	DA&D, MCA	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	DA&D, DCE, DC&SS, MCA, MDS, CP, CCM	
s.11(9)(b)	duty to advise Registrar	DA&D, MCA, MDS, CP, CCM, CAM, CPD	
s.11(10)	duty to inform Secretary to Department Environment, Land, Water and Planning of declaration etc.	DA&D, MCA, MDS, CAM, CPD, CP, CCM	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department Environment, Land, Water and Planning or nominated person	DA&D, MCA, MDS, CAM, CPD, CP, CCM	where Council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DA&D, MCA, MDS	were Council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DA&D, MCA, MDS, CAM, CPD, CP, CCM	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies

<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.12(5)	duty to consider written submissions received within 28 days of notice	DA&D, MCA, 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	DA&D, MCA, MDS, CAM, CPD, CP, CCM	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	DA&D, DC&SS, MCA, MDS, CAM, CPD, CP, CCM	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DA&D, MCA, MDS, CAM, CPD, CP, CCM	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
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	DA&D, MDS, MCA	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 the Head, Transport for Victoria	DA&D, MCA, CAM, CPD	
s.14(7)	power to appeal against decision of the Head, Transport for Victoria	DA&D	
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	DA&D	

<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.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DA&D	
s.15(2)	duty to include details of arrangement in public roads register	DA&D, MCA, CAM, CPD	
s.16(7)	power to enter into an arrangement under section 15	DA&D, MCA	
s.16(8)	duty to enter details of determination in public roads register	DA&D, MCA, CAM, CPD	
s.17(2)	duty to register public road in public roads register	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DA&D, MCA, CAM, CPD	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	DA&D, MCA, CAM, CPD	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	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority
s.18(1)	power to designate ancillary area	DA&D, MCA, CAM, CPD	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	DA&D, MCA, CAM, CPD	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	DA&D, MCA, CAM, CPD	

<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.19(4)	duty to specify details of discontinuance in public roads register	DA&D, MCA, CAM, CPD	
s.19(5)	duty to ensure public roads register is available for public inspection	DA&D, MCA, CAM, CPD	
s.21	function of replying to request for information or advice	DA&D, MCA, CAM, CPD	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	DA&D, MCA	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DA&D, DC&SS, MCA	
s.22(5)	duty to give effect to a direction under this section.	DA&D, MCA, CAM, CPD	
s.40(1)	duty to inspect, maintain and repair a public road.	DA&D, MCA, CAM, CPD, CRPM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DA&D, MCA, CAM, CPD	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DA&D, MCA, CAM, CPD	
s.42(1)	power to declare a public road as a controlled access road	DA&D	power of coordinating road authority and Schedule 2 also applies

<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.42(2)	power to amend or revoke declaration by notice published in Government Gazette	DA&D	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DA&D, MCA, CAM, CPD	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	DA&D, MCA	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)	DA&D, MCA, CAM, CPD	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	DA&D, MCA, CAM, CPD	
s.49	power to develop and publish a road management plan	DA&D, MCA	
s.51	power to determine standards by incorporating the standards in a road management plan	DA&D, MCA	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DA&D, MCA, CAM, CPD	
s.54(2)	duty to give notice of proposal to make a road management plan	DA&D, MCA, CAM, CPD	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DA&D, MCA	

<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.54(6)	power to amend road management plan	DA&D, MCA	
s.54(7)	duty to incorporate the amendments into the road management plan	DA&D, MCA, CAM, CPD	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DA&D, MCA, CAM, CPD	
s.63(1)	power to consent to conduct of works on road	DA&D, MCA, CAM, CPD, DE	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	DA&D, MCA, CAM, CPD,	where Council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DA&D, MCA	where Council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DA&D, MCA, CAM, CPD	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	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority
s.67(3)	power to request information	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority
s.68(2)	power to request information	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	DA&D	
s.72	duty to issue an identity card to each authorised officer	DA&D, DC&SS, MG&R, CCC	
s.85	function of receiving report from authorised officer	DA&D, MCA	

<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.86	duty to keep register re section 85 matters	DA&D, MCA, CAM, CPD	
s.87(1)	function of receiving complaints	DA&D, MCA, CAM, CPD	
s.87(2)	duty to investigate complaint and provide report	DA&D, MCA, CAM, CPD	
s.112(2)	power to recover damages in court	DA&D	
s.116	power to cause or carry out inspection	DA&D, MCA, CAM, CPD, CRPM	
s.119(2)	function of consulting with the Head, Transport for Victoria	DA&D, MCA, CAM, CPD	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DA&D, MCA	
s.120(2)	duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in section 120(1)	DA&D, MCA	
s.121(1)	power to enter into an agreement in respect of works	DA&D, MCA	
s.122(1)	power to charge and recover fees	DA&D, MCA	
s.123(1)	power to charge for any service	DA&D, MCA	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DA&D, MCA	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	DA&D, MCA	



<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 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	DA&D, MCA	
Schedule 2 Clause 4	function of receiving details of proposal from the Head, Transport for Victoria	DA&D, MCA, CAM, CPD	
Schedule 2 Clause 5	duty to publish notice of declaration	DA&D, MCA, CAM, CPD	
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	DA&D, MCA, CAM, CPD	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	DA&D, MCA, CAM, CPD	where Council is the infrastructure manager or works manager
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	DA&D, MCA	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	DA&D, MCA, CAM, CPD	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 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DA&D, MCA, CAM, CPD	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	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DA&D, MCA	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)	DA&D, MCA, CAM, CPD	where Council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	DA&D, MCA	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)	DA&D, MCA, CAM, CPD	where Council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DA&D, MCA,	where Council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority, responsible authority or infrastructure 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 16(5)	power to consent to proposed works	DA&D, MCA	where Council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DA&D, MCA	where Council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DA&D, MCA	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	DA&D, MCA	where Council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DA&D, MCA	where Council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DA&D, MCA, CAM, CPD	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	DA&D, MCA	where Council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DA&D, MCA, CAM, CPD	where Council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DA&D, MCA, CAM, CPD	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	DA&D, MCA	where Council is the responsible 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 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	DA&D, MCA	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	DA&D, MCA	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>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	DA&D, 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	DA&D, MDS	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	DA&D, MDS, CP, CCM, SP	where Council is the responsible authority

<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.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	DA&D, MDS, CP, CCM, SP	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	DA&D, 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	DA&D, MDS	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DA&D	
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	DA&D, 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	DA&D, MDS, CEH, EHO	
r.11	function of receiving application for registration	DA&D, MDS, CEH, EHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	DA&D, MDS, CEH, EHO	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	DA&D, MDS, CEH, EHO	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DA&D, MDS, CEH, EHO	
r.13(4) & (5)	duty to issue certificate of registration	DA&D, MDS, CEH, EHO	
r.15(1)	function of receiving notice of transfer of ownership	DA&D, MDS, CEH, EHO	
r.15(3)	power to determine where notice of transfer is displayed	DA&D, MDS, CEH, EHO	
r.16(1)	duty to transfer registration to new caravan park owner	DA&D, MDS, CEH, EHO	
r.16(2)	duty to issue a certificate of transfer of registration	DA&D, MDS, CEH, EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	DA&D, MDS, CEH, EHO	
r.18	duty to keep register of caravan parks	DA&D, MDS, 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.19(4)	power to determine where the emergency contact person's details are displayed	DA&D, MDS, CEH, EHO	
r.19(6)	power to determine where certain information is displayed	DA&D, MDS, 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	DA&D, MDS, CEH, EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	DA&D, MDS, CEH, EHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	DA&D, MDS, CEH, EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	DA&D, MDS, CEH, EHO	
r.25(3)	duty to consult with relevant floodplain management authority	DA&D, MDS, MCA	
r.26	duty to have regard to any report of the relevant fire authority	DA&D, MDS, MCA	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	DA&D, MDS, MCA	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	DA&D, MDS, CEH, EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	DA&D, MDS, MCA	
r.40(4)	function of receiving installation certificate	DA&D, MDS, CEH,	

<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>
		EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	DA&D, MDS	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	DA&D, MDS, 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	DA&D, MCA	
r. .9(2)	duty to produce written report of review of road management plan and make report available	DA&D, MCA, CAM, CPD	
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)	DA&D, MCA, CAM, CPD	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	DA&D, MCA, CAM, CPD	
r.13(1)	Duty to publish notice of amendments to road management plan	DA&D, MCA, CAM, CPD	where Council is the coordinating 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.13(3)	duty to record on road management plan the substance and date of effect of amendment	DA&D, MCA, CAM, CPD	
r.16(3)	power to issue permit	DA&D, MCA	where Council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	DA&D, MCA	where Council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	DA&D, MCA	where Council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	DA&D, MCA, MDS	where Council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DA&D, MCA, CAM, CPD CRPM	where Council is the responsible road authority
r.25(2)	power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DA&D	where Council is the responsible road authority
r. 25(5)	power to recover in the Magistrates' Court, expenses from person responsible	DA&D, DC&SS, MCA	

<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	DA&D, MCA, MDS	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	DA&D, MCA, MDS	where Council is the coordinating road authority





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MURRINDINDI SHIRE COUNCIL  
AUDIT AND RISK COMMITTEE CHARTER

Updated 13 July 2020

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## **1. PURPOSE**

The Murrindindi Shire Council is committed to providing good governance, public transparency and accountability to the communities of the Murrindindi Shire. The Audit and Risk Committee (the Committee) is an independent advisory committee to Council, established under section 53 of the *Local Government Act 2020* (the Act) to provide oversight, guidance and assurance to assist Council and Council's Executive meet this commitment.

Section 54 of the Act requires Council to prepare and adopt a Committee Charter (the Charter) governing the functions and responsibilities of the Committee, which are to:

- monitor the compliance of Council policies and procedures with the overarching governance principles in the Act (refer appendix 1), the Act itself and any regulations and ministerial directions
- monitor Council financial and performance reporting
- monitor and provide advice on risk management and fraud prevention systems and controls, and
- oversee internal and external audit functions.

This Charter has been developed with regard to these provisions and the Victorian Auditor-General's report on *Audit Committee Governance* issued in August 2016.

The Charter sets out the Committee's purpose, authority, composition and tenure, responsibilities, reporting, administrative and governance arrangements.

## **2. AUTHORITY**

The Committee is formally appointed by Council and is responsible to Council. The Committee is an independent advisory committee and does not have any delegated powers, including executive powers, management functions, or delegated financial responsibility.

Its role is to provide independent oversight, advice and guidance regarding the adequacy and effectiveness of management's internal control, governance, ethical, risk management and financial practices and potential improvements to these practices, and to provide assurance to Council.

In order to carry out its responsibilities under this Charter, the Committee is empowered to:

- Review the internal and external auditor's annual audit plans and reports of all audits undertaken
- Seek any information or advice it requires from Councillors, management or external agencies via the Chief Executive Officer
- Convene Committee meetings in addition to the scheduled meetings as considered necessary to meet its responsibilities
- Formally meet with Councillors, management, internal and external auditors as necessary to fulfil its responsibilities
- Seek resolution on any disagreements between management and the external auditors on financial reporting
- Request external legal or other professional advice via the Chief Executive Officer, as considered reasonably necessary to meet its responsibilities, and provided at Council's expense
- Participate in the establishment of evaluation criteria for the appointment and review of internal audit services.

It is noted that the appointment of Council's internal auditor is made by Council upon recommendation of a tender evaluation panel comprising Council's senior executives and the



Chairperson of the Audit and Risk Committee, or an independent member nominated by the Committee, as the Committee's representative.

### **3. MEMBERSHIP**

The Committee will comprise five members; three external independent persons and two Councillors of the Murrindindi Shire Council.

The Committee must not include any person who is a member of the Murrindindi Shire Council staff.

#### **3.1 INDEPENDENT COMMITTEE MEMBERS**

Appointments of external independent members shall be made by Council by way of public advertisement and be for a term of three years. Independent members of the Committee will be eligible to apply for a maximum of two consecutive three year terms. Council, at its discretion, may extend the maximum allowable term of an independent member.

The terms of the appointment shall be arranged to ensure a staggered rotation and continuity of membership despite changes to Council's elected representatives. To enable orderly rotation of membership, a shorter-term reappointment may be considered, to remain within the six-year maximum term

The independent members must collectively have expertise in financial management, risk management and experience in public sector management.

Independent members should also have the ability to provide Councillors, the Chief Executive Officer and Council's administration with well-rounded and professional advice concerning the adequacy of Council's administrative, operational, financial and accounting systems and controls, performance reporting regimes, and risk management processes.

The evaluation of potential independent members will be undertaken by a selection panel of the Mayor, member Councillor and Chief Executive Officer, allowing for gender balance. The panel will take account of the experience of candidates and their likely ability to apply appropriate analytical and strategic management skills. Appointment will be subject to, and conditional upon, a satisfactory police check clearance and Council's formal endorsement of the panel's recommendation for appointment.

New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities. The induction of new independent members is to include an opportunity for all independent members to meet informally by way of introduction prior to the first Committee meeting attended by the new member.

Former Murrindindi Shire Councillors are ineligible from taking an independent position on the Committee for two years after the expiry of their term as a Councillor.

The independent members of the Committee will receive an honorarium for their attendance at meetings and the work undertaken between meetings. The level of the honorarium will be set by Council and reviewed no less than once every Council term, following benchmarking against no less than five other peer Councils. Honorariums will be paid quarterly following receipt of a Tax Invoice after each meeting.

If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with an opportunity to be heard at a Council briefing session, if the member so requests.

### **3.2 COUNCILLOR MEMBERS**

The two Murrindindi Shire Councillors will be appointed to the Committee by the Council annually. Their eligibility for continuous re-appointment is at the discretion of the Council.

Councillors appointed to the Committee will preferably have a background in finance, risk management or public sector management or be open to participate in professional development to better equip them for the role.

Council may appoint a third Councillor as a substitute should a Councillor member be unavailable to attend one or more Committee meetings.

### **3.3 COMMITTEE CHAIRPERSON**

The Chairperson shall be appointed from the external members of the Committee by the Council, upon recommendation of a nominee from the Committee.

The term of the Chairperson is 12 months, with a maximum of three consecutive years with a break of at least one year if three consecutive terms have been served. The term of the Chairperson is to commence in the first quarter of each financial year.

In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.

## **4. MEETING OF THE COMMITTEE**

### **4.1 QUORUM**

A quorum will be an absolute majority of the voting members of the Committee, including at least two independent members.

### **4.2 MEETING ATTENDANCE**

All Committee members are expected to attend each meeting in person. Occasional teleconference or online video attendance may be permitted with the approval of the Chairperson, where the technical requirements can be reasonably met, or where there is a direction from the Chief Executive Officer that a meeting cannot reasonably be conducted via physical attendance.

It is expected that all members will attend 100 percent of the Committee meetings per financial year (as per the Victorian Government's Appointment and Remuneration guidelines). Should independent members not be able to attend at least 75 percent of meetings per annum, they will be required to resign their position unless exempted by Council on recommendation of the Committee, based on reasonable grounds.

In addition to Committee Members, the following persons have a standing invitation to attend Committee Meetings in an advisory capacity or as observers:

- Chief Executive Officer and/or Director Corporate and Shared Services will attend all meetings wherever possible
- Council's Executive and Management, as determined by the Chief Executive Officer
- Murrindindi Shire Council's Internal auditors, and
- Administrative support provided by the Manager Governance and Risk or delegate.

Representatives of the external auditor will attend meetings relevant to the preparation and presentation of the annual financial report and results of the external audit. The external auditor may be invited to attend other meetings as required.

Other Council staff may be invited at the discretion of the Chairperson or as directed by the Chief Executive Officer when an agenda item related to their area of expertise and responsibility is presented.

Council can make annual appointments of observers to the Committee for a period of 12 months to enable exchange of relevant experience and knowledge for the mutual benefit of the Committee and the observer. Any appointed observers will be expected to attend all meetings and will be under the mentorship of either one of the independent members or a senior executive as determined by the Chief Executive Officer in consultation with the Chairperson. The observer will be subject to the same Conflicts of Interests and Register of Interests compliance requirements as outlined in this Charter for members as well as Confidentiality requirements as outlined in the letter of appointment. Council may extend the term of an appointed observer at its discretion. An appointed observer will not be entitled to an honorarium.

Committee meetings are not open for public attendance or viewing.

#### **4.3 MEETING CONDUCT**

The Committee will meet at least on four scheduled occasions a year, with authority to convene unscheduled meetings as circumstances require.

The Committee may, if required, agree to conduct business by circular resolution outside of scheduled meetings with the approval of the Chairperson. Such resolutions will be recorded in the minutes of the next scheduled Committee meeting.

Committee members are to abide by Part 9 of the Council's Governance Rules 2020 in relation to their conduct in the meeting and Part 12 of the Council's Governance Rules 2020 when voting. Members are to be considered Councillors for the purposes of interpreting the Governance Rules 2020. The Murrindindi Shire Council Governance Rules 2020 are published on Council's website.

Committee members must declare any general or material conflicts of interest at the commencement of each meeting, or before discussion of the relevant agenda item or topic. The member declaring the conflict of interest must leave the meeting whilst the agenda item or topic is considered by the Committee. Details of any conflicts of interest will be appropriately minuted. (Refer Section 7 Conduct and Integrity).

The Committee, without management present, will meet separately with the internal auditor at each scheduled Committee meeting and the external auditor, at least annually, to discuss issues of relevant interest.

#### **4.4 MEETING FACILITATION**

The Chief Executive Officer or delegate must facilitate the meetings of the Committee, ensure appropriate records are maintained and provide adequate secretariat support to the Committee, such that:

- Meeting agendas together with appropriate briefing material are prepared and provided in advance of the meeting date to members, generally seven calendar days
- Internal audit scopes are issued for quorum approval via circular resolution

- Minutes of meetings are prepared and distributed for approval after the meeting and then ratified at the following meeting.

## **5. RESPONSIBILITIES AND DUTIES**

Minimum requirements for the responsibilities and duties of the Committee are set out under Sec 53 of the Act, and are listed under Section 1 of this Charter. Those requirements are further expanded under the following areas of responsibility.

### **5.1 COMMITTEE GOVERNANCE**

- Receive regular updates from the CEO on significant achievements and strategic matters which increase Committee understanding of the organisational context and enable the effective performance of its role
- Adopt an annual work plan and forward meeting schedule including a proposed plan for each meeting for the forthcoming year that covers the responsibilities of this charter
- Report to Council biannually on the Committee's activities and recommendations and annually on the Committee's performance against this Charter (refer section 6 Review and Reporting).

### **5.2 FINANCE AND PERFORMANCE**

- Monitor the quarterly and annual financial and performance reporting of Murrindindi Shire Council, and consider whether it is complete, consistent with information known to the Committee, and reflects appropriate accounting principles and policy
- Review any significant accounting and reporting issues, including complex or unusual transactions, or significant adjustments to the financial report arising from the audit process and consider their effect on financial management, policy and reporting
- Monitor compliance with accounting standards, applicable regulatory and legislative changes and other reporting requirements of financial and non-financial information
- Review any significant changes to the content of reports, the operating results, financial position and performance indicators in comparison to the previous year
- Recommend the adoption of the Annual Financial and Performance Statements to Council
- Monitor Councillor expenses and approval processes and the Chief Executive Officer purchasing card expense approval process to ensure they are in line with Council policy for the appropriate use of public funds.

### **5.3 AUDIT AND ASSURANCE**

- Monitor the performance audits undertaken by the Victorian Auditor-General's Office, and other relevant reports conducted by external integrity agencies, considering the implications for Murrindindi Shire Council.
- Meet with the auditors to discuss any matters that the Committee, internal auditor or external auditor believes should be discussed in camera, without Council officers present.
- Facilitate liaison between the Internal and External Auditors to promote compatibility, to the extent appropriate, between their audit programmes.

#### **Internal Audit**

- Review with management and the internal auditor the performance of the internal audit function, ensuring the audit activities, resourcing, and access are appropriate to enable the auditor's independent review.

- Review and approve the annual audit plan and all major changes to the plan, ensuring over a 3 year period the plan addresses:
  - internal controls over significant areas of business risk, including non-financial management control systems
  - internal controls over revenue, expenditure, assets and liability processes;
  - the efficiency, effectiveness and economy of significant Council programmes; and
  - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
- Monitor the execution of the internal audit plan, by approving internal audit scopes, receiving internal audit reports, noting management's comments to recommendations and reviewing management's completion of agreed actions.

#### External audit

- Discuss with the external auditor the proposed audit scope and approach
- Review with the External Auditor and management issues arising from the audit, including all significant Management Letter items and the potential impact of those items on Council's system of internal control
- Review management's completion of agreed actions from the external audit
- Review on an annual basis the performance of the External Auditor.

### **5.4 RISK AND COMPLIANCE**

#### Risk Management

- Monitor and advise on the implementation of the Council's Enterprise Risk Management Framework and management of strategic risks and key operational risks, including consideration of the effectiveness of the key internal control environment and reliability of assurance activities
- Review insurance coverage and claims management annually to be assured of the adequacy of the insurance program as a key mitigation for financial risk exposure
- Monitor and advise on the implementation of business continuity management and disaster recovery systems, obtaining sufficient assurance that management have an appropriate and effective system in place.

#### Compliance Management

- Monitor Council's systems and processes regarding compliance with legislation and regulations
- Monitor the compliance of Council policies with the overarching governance principles in the *Local Government Act 2020*, the *Act* itself and associated regulations and any Ministerial directions.
- Monitor and advise on the implementation of the enterprise compliance management system, and management of compliance obligations, including consideration of the effectiveness of the key control environment and reliability of assurance activities
- Monitor and advise on the implementation of the fraud and corruption prevention and control management system, obtaining sufficient assurance that management have an appropriate and effective system in place
- Monitor application of integrity policies and procedures, including codes of conduct, public interest disclosures, handling of serious complaints, public transparency, gifts, benefits & hospitality and the reporting of associated registers: Gifts and Conflict of Interest
- Monitor compliance with the Council's procurement framework with a focus on the probity and transparency of policies and procedures/processes.

### **6. REVIEW AND REPORTING**

Minutes of each Committee Meeting will be tabled at the next Council Meeting for noting by Council.

The Committee will prepare a **Biannual Audit and Risk Report** that describes the activities of the Audit and Risk Committee and includes the Committee findings and recommendations in accordance with section 54(5a) of the *Act*. This report will be provided to the Chief Executive Officer for tabling at the next Council Meeting.

As a minimum the report should include:

- A summary of the work the Audit Committee performed to fully discharge its responsibilities
- A summary of management's progress in addressing the results of internal and external audit reports
- For the topics covered in the period under review, an overall assessment of management's risks, controls, and compliance processes, including details of any significant emerging risks or legislative changes impacting the organisation.

The Committee will also prepare an **Annual Committee Performance Report** that includes an annual self-assessment of Committee performance against the requirements of the Audit and Risk Committee Charter in accordance with Section 54(4a) of the *Act*. The assessment will be facilitated by Council's executive and completed with input sought from Committee members, Council's executive, and the Council's internal auditor.

This report shall include details of attendance of Committee members throughout the preceding 12 months. The Chairperson of the Committee shall be invited to present the report in person at a scheduled briefing session of the Council. The report will also be provided to the Chief Executive Officer for tabling at a Council Meeting.

## **7. CONDUCT AND INTEGRITY**

In accordance with Section 53(5) of the *Act* Committee Members are subject to many of the same conduct principles as apply to Councillors and are outlined below.

### **7.1 MISUSE OF POSITION**

In accordance with section 123 of the *Act* Committee members must not misuse their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or to cause, or attempt to cause, detriment to the Council or another person.

Circumstances include:

- a) making improper use of information acquired as member of the Audit and Risk Committee
- b) disclosing information which is confidential information
- c) directing or improperly influencing or seeking to improperly influence a member of Council staff
- d) exercising or performing, or purporting to exercise or perform, a power, duty or function that is not authorised to exercise or perform
- e) using public funds or resources in a manner which is improper or unauthorised
- f) participating in a decision on a matter in which the person has a conflict of interest.

### **7.2 CONFLICT OF INTEREST**

In accordance with Division 2 of the *Act*, members are required to disclose all conflicts of interest (general or material) and must exclude themselves from the decision making process including any discussion or vote on a matter which is the subject of the conflict. Members are expected to be aware of the provisions of the *Act* with regard to conflicts of interest and make disclosures.

Failure to comply with the provisions of the *Act* with regard to conflicts of interest may result in the member's appointment being terminated.

### **7.3 RETURNS OF INTEREST**

Independent Committee members are required to submit biannual written declarations to the CEO. These declarations will state whether members have any pecuniary or other interests of a personal nature, that create a real or potential conflict of interest, that would preclude them from performing their duties as a member of the Committee.

### **7.4 CONFIDENTIAL INFORMATION**

All members are expected to be aware of the definition of confidential information as per section 3(1) of the *Act* and their responsibilities with regard to disclosure of confidential information pursuant to section 125 of the *Act*.

Failure to comply with the provisions of the *Act* with regard to confidentiality may result in the member's appointment being terminated.

## **8. REVIEW OF CHARTER**

The Committee will review the Charter on an annual basis, or as required following relevant changes to the *Act* or other related Acts & Regulations, and recommend any changes to Council for approval.

The outcomes of the review will be reported to Council as part of the Annual Committee Performance Report (refer section 7).

The Charter was endorsed by the Murrindindi Shire Council on **(DATE)**

**Signed by the Chief Executive Officer**

## **APPENDIX 1.**

## **OVERARCHING GOVERNANCE PRINCIPLES**

### **LOCAL GOVERNMENT ACT 2020 - SECT 9**

#### **Overarching governance principles and supporting principles**

- (1) A [Council](#) must in the performance of its role give effect to the [overarching governance principles](#).
- (2) The following are the [overarching governance principles](#)—
  - (a) [Council](#) decisions are to be made and actions taken in accordance with the relevant law;
  - (b) priority is to be given to achieving the best outcomes for the [municipal community](#), including future generations;
  - (c) the economic, social and environmental sustainability of the [municipal district](#), including mitigation and planning for climate change risks, is to be promoted;
  - (d) the [municipal community](#) is to be engaged in strategic planning and strategic decision making;
  - (e) innovation and continuous improvement is to be pursued;
  - (f) collaboration with other [Councils](#) and Governments and statutory bodies is to be sought;
  - (g) the ongoing financial viability of the [Council](#) is to be ensured;
  - (h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
  - (i) the transparency of [Council](#) decisions, actions and [information](#) is to be ensured.





## Councillor Reimbursement

<b>Title:</b>	<b>Councillor Expenses and Support Policy</b>
<b>Type:</b>	<b>Council</b>
<b>Adopted:</b>	<b>July 2020 (TBC)</b>
<b>File No:</b>	
<b>Attachments:</b>	Nil

### 1. Purpose

The purpose of this Councillor Expenses and Support Policy is to establish the resources and support necessary to enable Councillors and members of delegated committees to perform their role, as defined under the *Local Government Act 2020 (the Act)*. This Policy also commits to ensuring that expenses reasonably incurred in the performance of their role are paid for directly by Council or appropriately reimbursed.

### 2. Rationale

The Councillor Expenses and Support 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 2020* provides for the reimbursement of out of pocket expenses incurred while performing the duties as a Councillor.

In addition, Mayor, Deputy Mayor (if appointed) and Councillor Allowances are provided separately to the reimbursement of expenses and the costs of facilities/resource support.

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 Mayor, Deputy Mayor and Councillor allowances, the provision of resources to enable Councillors to undertake their role effectively and the reimbursement of any reasonable expenses incurred by Councillors and Delegated Committee Members in undertaking these duties.

### 4. Definitions

<b>Reference Term</b>	<b>Definition</b>
Act	The <i>Local Government Act 2020</i>
Carer	A carer is defined under section 4 of the <i>Carers Recognition Act 2012</i>
CEO	The Chief Executive Officer appointed by Council under section 94 of the <i>Act</i> .
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.



## Councillor Reimbursement

Reference Term	Definition
Eligible Council Business	<p>The following will be deemed to be Eligible Council Business:</p> <ul style="list-style-type: none"> <li>• attending Scheduled and Unscheduled Council Meetings and meetings of Committees of Council</li> <li>• attending formal briefing sessions and civic or ceremonial functions convened by the Council or Mayor</li> <li>• attending meetings - necessary for the Councillor to exercise a delegation given by Council or as convened by the Mayor or Council</li> <li>• attending a meeting, function, sector-conferences or other official role attended as a representative of the Council or Mayor</li> <li>• attending meetings of a group, organisation or Statutory Body to which the Councillor has been appointed the Council delegate. (Where the body has its own reimbursement policies and procedures, Council will not approve further reimbursement).</li> <li>• attending 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</li> <li>• attending meetings of any Council appointed committee or any incorporated charity or community organisation, as a representative of the Council</li> <li>• attending 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</li> </ul> <p>Any claims for expense reimbursement related to matters falling outside of this definition must be approved by the CEO.</p>
Executive Office Team	'Office of the Executive and Mayor' – staff engaged by the CEO to support the Mayor, CEO and Executive

## 5. Policy

### 5.1 Allowances

#### Calculation of allowances

Under section 39 of the *Act* the Mayor, Deputy Mayor and Councillors are entitled to receive from the Council an allowance in accordance with a determination of the Victorian Independent Remuneration Tribunal.

**\*\***Until such time as a determination is made the *Local Government Act 1989* section 73B, 74 to 74B apply.

Allowances also include the addition of an amount equivalent to the superannuation guarantee (currently 9.5%).

Responsible Officer: Manager Governance & Risk  
July 2020  
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## Councillor Reimbursement

Councillors can choose to have some or all of their total allowance paid into their preferred superannuation fund (including self-managed funds) as a pre-tax salary sacrifice contribution, in accordance with Australian Tax Office (ATO) Rules.

Council officers are unable to provide personal financial advice. Councillors should seek independent advice in relation to personal financial, superannuation and taxation circumstances.

In relation to payment of the allowance:

- a Mayor, Deputy Mayor or Councillor may elect to receive the entire allowance, part of the allowance or no allowance
- allowances are taxable income and are paid monthly in advance
- payment will be made by electronic funds transfer, into an account authorised in writing by the Councillor.

Payment to a Councillor ceasing to hold office or pending an election will be calculated based on the date on which the Councillor will cease to hold office.

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.

### Remote area travel allowance

In accordance with Government policy, if a Councillor, including a Mayor, normally resides more than 50kms by the shortest possible practicable road distance from the location or locations specified for Eligible Council Business the Councillor may claim an additional allowance of \$40 in respect of each day in which one or more meetings or authorised functions were attended by that Councillor, up to a maximum of \$5,000 per annum.

## **5.2 Information & Communication Support**

### Equipment Provided

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

- A portable computer, internet enabled
- Relevant software, including MS Office Suite
- Mobile phone, internet enabled

Equipment is provided as part of a Councillor's induction process and all queries regarding provision or maintenance of equipment should be addressed to the Executive Office Team.

Accessories or services beyond the standard equipment may be provided upon request to the CEO. The additional cost of any accessories provided may be charged to the Councillor.

Administrative support, for work directly related to the duties of office will be provided through the Executive Office Team. Councillors are encouraged to undertake their role utilising documents in an electronic format as far as possible.

The Manager Business Services will maintain a register of all equipment provided to Councillors for Council business. This register will be available for public inspection.

All equipment issued to a Councillor is to be returned at the conclusion of a Councillor's term of office.

## Councillor Reimbursement

The portable computer and mobile phone (handset) will be made available for purchase at the market value price determined by the CEO at the end of the Councillors term. Should a Councillor wish to purchase an item it will be provided following receipt of payment, having been cleansed of all data and software (including the MS Office suite) and returned to original factory settings.

The phone number remains the property of Council and will not be made available for Councillors to retain for personal use at the end of their term.

### Usage Requirements and Restrictions

Mobile phone usage is restricted to domestic calls; international calls are not to be made unless first authorised by the CEO, and must directly relate to the performance of duties associated with achieving the objectives of Council and comply with the mobile phone management procedure.

All mobile phone and internet usage connected with Council property must be in accordance with Council policies and the Councillor Code of Conduct. All internet usage and telephone and text log data may be monitored by Council to ensure compliance.

### Mail

When communicating with constituents Councillors are encouraged to use electronic formats where possible. If a hard copy letter is required to be sent this must be coordinated through the Executive Office Team and will be sent on the Councillor's behalf.

## **5.3 Expense Reimbursement**

Councillors are entitled, under section 40 of the *Act* to reimbursement of expenses reasonably incurred in the performance of their duties.

Where applicable purchases are to be made by Council officers on behalf of the Councillor in accordance with Council policies. The Executive Office team will coordinate the booking, ordering and purchasing of any goods or services required for a Councillor to undertake their duties. For example all accommodation, conferences and flights are to be booked and paid for by the Executive Office team on behalf of the Councillor.

### Councillor Calendar

Councillors have access to two Outlook (electronic) calendars accessible from Council devices. One is applicable to the individual Councillor and the other is a shared calendar for all Councillors. The Executive Office Team has access to view both.

To be eligible for reimbursement, all Eligible Council Business events must be recorded in at least one of the supplied calendars and able to be verified by the Executive Office Team. Councillors may seek assistance from the Executive Office Team to ensure these events are in the appropriate Calendar.

## **5.4 Delegated Committee Members**

In accordance with section 40 of the *Act*, members of Delegated Committees are also covered by this Policy. For the purposes of the expense reimbursement part of this Policy "Councillors" also includes members of Delegated Committees.

Community Asset Committees or Advisory Committee members are not entitled to claim reimbursement of expenses incurred whilst exercising their duties as a committee member unless specifically outlined in their contract with Council or Charter or Instruments of delegation.

Responsible Officer: Manager Governance & Risk

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## Councillor Reimbursement

### 5.5 Child Care / Carer Expenses

Councillors are entitled to reimbursement for expenses relating to the care of a dependent, while the Councillor or delegated committee member is undertaking their official duties.

Council will provide reimbursement of costs where the provision of childcare or carer services is reasonably required for a Councillor or member of a delegated committee to perform their role (s 41(2)).

Reimbursement is subject to the following conditions:

- Each child care / carer expense claimed shall be substantiated by a receipt from the caregiver showing the dates and times care was provided and accompanied by a written statement from the Councillor explaining why the care was needed on each occasion
- Payments for carer and childcare services will not be made to a person who resides with the councillor or delegated committee member; has any financial or pecuniary interest with the councillor or delegated committee member; or has a relationship with the councillor, delegated committee member or their partner
- Claims for reimbursement of child care and or family care expenses must be submitted within 60 days of the date from which they are incurred; and
- For the purposes of this policy, a child shall be defined as up to, but not including, 16 years of age.

### 5.6 Travel Expenses

#### Council Vehicles

Council will provide the Mayor a vehicle for Eligible Council Business use during his/ her term. The vehicle entitlement does not extend to private use. The vehicle allocated will be determined by the CEO in accordance with Council's Vehicle Policy

Councillors are encouraged to use Council vehicles for eligible Council business except where this is not practical. Council vehicles can be booked via the Executive Office Team.

Use of Council vehicles must be in accordance with Council's Vehicle Policy, Fuel Card Policy and Driver Safety Policy.

Where a return trip is to be more than 500km a Councillor must use a Council vehicle arranged by the Executive Office Team. Any exception must be approved by the CEO in advance of the travel.

#### Private Vehicles

Where private vehicles are used by Councillors on Eligible Council Business:

- The vehicle must be comprehensively insured by the owner of the vehicle.
- The vehicle must be roadworthy.
- The owner of the vehicle must be able to prove the vehicle is registered, comprehensively insured and roadworthy.
- The owner of the vehicle should notify their insurance company that the vehicle is being used for work purposes.
- Councillors may be eligible for reimbursement of their personal excess in the event of an accident in a personal car when being used for eligible Council Business purposes. Councillors should contact Council's Director Corporate and Shared Services to confirm eligibility following an incident.

## Councillor Reimbursement

Councillors are eligible to claim car mileage expenses when using their private vehicle to attend Eligible Council Business (as per definition).

Travel is measured to and from their main Murrindindi Shire residence (or Murrindindi Shire rateable property). Councillors will be reimbursed for kilometres travelled while using their own vehicles in accordance with the applicable ATO rate.

For mileage to be reimbursed the following must be recorded:

- The Eligible Council Business reason for travel must be recorded in the Councillor's Calendar (Outlook)
- The reimbursement form must have the following:
  - date of travel
  - vehicle registration
  - the odometer reading at start of travel and at the end of travel
  - relevant locations of the travel
  - details of the business reason (refer to definition of Eligible Council Business) and the benefits to Council in attending

All travel is to be undertaken as efficiently as possible. Councillors undertaking private travel arrangements in conjunction with any travel for Eligible Council Business must ensure that all costs incurred for private purposes are clearly delineated and that appropriate records are maintained.

### Parking, Tolls and Other Vehicle associated expenses

Car parking fees will be reimbursed on the basis of original receipts and relevant details regarding the date and Eligible Council Business purpose. The most value for money parking options should be sought. Where possible parking should be booked by the Executive Office Team in advance.

Costs associated with tolls, including the use of day passes or those transactions incurred as part of existing personal e-tag accounts will be reimbursed where associated with Eligible Council Business activity or training / professional development. Copies of relevant supporting documentation must be provided.

Councillors are encouraged to use public transport for meetings and conferences to and within the Melbourne Central Business District. Public transport fares will be reimbursed upon production of receipt/ticket or a valid personal PTV account statement. Council will make available PTV Cards for Councillor use, which can be obtained through the Executive Office Team.

All public transport must be booked using economy fares. Should a Councillor wish to upgrade the fare, the difference must be paid by the Councillor directly.

Fines and Infringements will not be borne by Council. Councillors will be responsible for the payment of their own fines and infringements (in a Private Vehicle or Council Vehicle).

### Flights and Hire Car Expenses

All flights are to be booked and paid for by the Executive Office Team, with the prior approval of the Mayor and CEO. The following provisions will be applied when booking flights:

- All air travel will be booked using the best price of the day, value for money and where possible booked at least 2 weeks in advance
- Domestic air travel of 3 hours or less must be in economy class
- Business class is permitted for domestic trips that exceed 3 hours
- International travel may be booked in economy, premium economy or business class (at the discretion of the Mayor and CEO)

Responsible Officer: Manager Governance & Risk  
July 2020  
TRIM Reference: 20/41360



## Councillor Reimbursement

- Should a Councillor wish to upgrade the fare, the difference must be paid by the Councillor directly.

Hire cars required by Councillors in order to undertake Eligible Council Business must be booked and paid for by the Executive Office Team. Any exception must be approved by the CEO in advance of the travel or expenses being incurred. Vehicle type will be determined by the CEO at a comparable level to Council's Vehicle Policy and will require prior approval of the Mayor and CEO.

### 5.7 Professional Development, Conference & Training Expenses

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 during their current term in office, and be of demonstrable benefit to the enhancement and development of the Council's skills and abilities with regard to effective community representation.

All 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, responsibilities and conduct 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 Councillors will be given the opportunity of attending short training programs, conferences, seminars 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.

The approval of any training, conference or meeting attendance will be based on its relevance to the role and professional development of the Councillor for their term in office.

Municipal Association of Victoria (MAV) points will be used ahead of a financial contribution to the training or conference.

Attendance of a Councillor at standard tertiary or postgraduate level diploma or degree study courses is not eligible for Council contribution.

To aid mutual understanding and learning across Councillors, individual Councillors attending an approved conference, forum or training will be required to provide a brief report on the content and outcomes of the event at a Council briefing within 30 days of attendance or completion of the conference, forum or training.

#### Annual Financial Allocations

Council will allocate an annual amount to cover the component of training and professional development that is applicable to all Councillors as a group. This may include necessary / mandatory training, team-based development or where the Mayor or Councillors request the attendance of all Councillors.

An additional annual budget allocation will be provided for individual Councillor training, professional development and conference attendance. This allocation includes the training or conference fee and associated travel expenses. The distribution of this amount amongst Councillors will notionally be determined by dividing the budgeted amount by the number of Councillors, noting that the final distribution will be by the agreement of the Councillors and the Mayor, based on individual needs.

Responsible Officer: Manager Governance & Risk  
July 2020  
TRIM Reference: 20/41360



## Councillor Reimbursement

An application to attend or undertake any training, professional development or conferences must be completed on the "Councillor Training and Professional Development Application form" (online) and submitted to the Executive Office Team to be approved by the Mayor and CEO. This application must include an estimate of associated expenses and a valid business reason for the request.

The registration, booking and payment of the training / professional development and associated travel expenses (including accommodation) will be undertaken by the Executive Office Team.

### Where a Councillor is presenting

Where a Councillor is invited to present at a conference or event and is paid a fee, that fee will be paid into Council's general revenue. Any gifts received are to be managed in accordance with Council's Gift Policy and Councillor Code of Conduct.

## 5.8 Accommodation

Accommodation can be arranged for Councillors undertaking the Eligible Council Business, training / professional development or an approved purpose in the following circumstances:

- The Councillor is travelling 2 hours or more and is required to attend prior to 9:30am
- The Councillor is travelling 2 hours or more and the event finished after 5pm
- The Councillor is required over consecutive days
- Where the day will exceed 12 hours from leaving home to returning home
- Any other circumstances where it is deemed appropriate by the Mayor and CEO.

Accommodation will be booked and purchased by the Executive Office Team unless prior approval of the CEO is sought.

Accommodation will be sourced close to the venue taking into account suitability, safety and budget. Requests can be made and will be considered where reasonable.

Councillors wishing to make alternative arrangements will incur the additional expense above what would have been purchased.

## 5.9 Meals

### Training, Conferences or Professional Development

Reasonable expenses for meals and refreshments will be reimbursed for attending conferences, professional development workshops, and training where overnight accommodation is required or where catering is not provided by the event organisers, .

Reasonable expenses for meals and refreshments will be reimbursed when a Councillor is undertaking other Eligible Council Business and it is reasonable to expect that the Councillor purchase a meal or refreshments. The Australian Tax Office overtime meal allowance rates will be used as the indicator for the maximum amount considered for reimbursement. This amount is set annually by the ATO and will be communicated to Councillors. Reimbursement for meals and refreshments will only be made on the presentation of tax receipts for each transaction (refer 5.13).

Expenses for alcohol consumption will not be reimbursed.



## Councillor Reimbursement

### Council Meetings and Briefings

Where deemed appropriate, Councillors and relevant staff will be provided with suitable meals and refreshments while attending Council Meetings and Briefings. This will be purchased directly by Council.

Dietary requirements will be accommodated.

#### **5.10 Accompanying Partner/Guests**

Attendance at seminars, conferences and civic functions of a Councillor's partner or guest shall be at the expense of the Councillor.

Accommodation provided by Council may be shared by an additional person, so long as there is no additional cost to Council and the CEO has been advised prior.

#### **5.11 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
- Corporate Travel (accompanying partners included).

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 CEO.

#### **5.12 Other Expenses**

Other expenses incurred by Councillors will be reimbursed where they are associated with the Councillor conducting Eligible Council Business or to enable Councillors to undertake their role. The business reason for the cost, the amount and relevant evidence of purchase must be submitted as part of the reimbursement process for approval.

Councillors will be supplied with the following items:

- Business Cards
- Stationery
- Name Badge
- Relevant subscriptions – such as local publications
- Protective clothing where required.

Councillor requests for goods and services to support them undertaking their role are to be directed to the Executive Office Team to arrange a purchase if required.

### Legal expenses

Other than by specific Council resolution or in accordance with a Council policy, any legal expenses incurred by a Councillor will be the responsibility of that Councillor.

## Councillor Reimbursement

Councillors may discuss potential liability claims on a case by case basis with the CEO to determine if any legal advice or insurance claim is applicable.

### Administration 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 Office Team.

### Meeting rooms

Where a Councillor requires a meeting space this is to be coordinated with the Executive Office Team. The booking and payment of any fees will be coordinated on the Councillor's behalf.

## **5.13 Procedures for Reimbursement of Councillor Expenses**

All reimbursement claims must be submitted on the Councillor Expense Reimbursement Form within 60 days of expense being incurred. Claims in excess of 60 days will not be reimbursed.

A tax invoice / receipt must be obtained for each purchase. Where a receipt has been lost or could not be obtained a statutory declaration will be required.

The reimbursement claim including relevant evidence of purchase is to be submitted to the Executive Office Team for assessment before being forwarded to the Mayor and CEO for final assessment and approval.

The assessment process will be conducted as follows:

1. The Executive Office Team will cross match the claims with the Councillor Calendar to confirm the record of the event. Should the event not appear in the Calendar the claim will be returned to the Councillor and evidence of the event occurred will be required.
2. The Mayor will then assess and approval or refuse the reimbursement
3. The CEO will provide final sign off
4. If approved the Reimbursement Form will be forwarded to the Governance & Risk Team for processing.

The Mayor's claims will be initially assessed by the CEO and then signed off by the Director Corporate and Shared Services.

## **5.14 Reporting and Auditing**

Reporting of Councillor expenses (including purchases by Council for Councillors and reimbursements) will be included as part of the financial report which is presented to Council on a quarterly basis. This report is made publicly available.

Councillor expenses are subject to audit by the Victorian Auditor General, the Local Government Inspectorate and Council's internal auditor.



## Councillor Reimbursement

### 5.15 Breach of this Policy

Any breaches of this Policy will be dealt with in accordance with the Local Government Act 2020 and the Councillor Code of Conduct.

### 6. Related Policies, Strategies and Legislation

- *Local Government Act 2020*
- Councillor Code of Conduct
- Gifts and Hospitality Policy

### 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 July 2023 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.