

Murrindindi Shire Council Policy

Title:	Policy Development and Approvals Delegation
File Number	10/01/01
Type:	Council
Date Adopted	5 June 2007
Next Review Date:	2011

1. Purpose

This policy formally establishes a delegation structure for the approval of policies and clarifies roles of the Council and the organisation in relation to the development of policies, guidelines and procedures.

2. Rationale

Historically all policies produced by Murrindindi Shire Council have been approved by Council regardless of the nature of the policy i.e. whether it covered a governance or operational issue. Given that the role of Councillors is to provide leadership for the good governance of Council and the role of the CEO to implement governance decisions operationally it was felt the policy approval process associated with these responsibilities should be separated to better reflect the underlying responsibility.

3. Scope Of Policy

This policy covers policies, guidelines and procedures as defined below

4. Policy

4.1 A Council Policy:

- is a governing principle that mandates or constrains actions in relation to Council's external conduct or financial risk.
- has Council-wide application.
- changes infrequently and sets a course for the foreseeable future.
- helps ensure compliance, fulfils Council's mission or reduces institutional risk.
- Council sets the parameters for policies to be developed by the Chief Executive Officer and senior officers (to pick up cross portfolio issues)
- is approved by the Council at a Council Meeting.
- is recorded in the Council policy manual, which is kept in the central document repository.

Example: Community Consultation Policy.

4.2 An Organisational Policy:

- is a governing principle that mandates or constrains actions in relation to staff and operational issues.
- has Council-wide application and will comply with the Council Plan and the directions set by Council.
- changes infrequently and sets a course for the foreseeable future.
- helps ensure compliance, fulfils the Council's mission or reduces institutional risk.
- is developed by the Chief Executive Officer and/or senior managers, to identify cross-department issues.
- is approved by the Chief Executive Officer; with a list of approved policies published as part of the quarterly review.
- is recorded in the Council policy manual, which is kept in the central document repository.

Example: Induction Policy.

4.3 A Department, Unit or Team Policy:

- is a governing principle that mandates or constrains actions within a department.
- relates to a specific department.
- is developed in conjunction with the senior managers.

- is approved by the Chief Executive Officer to identify any cross-departmental issues and ensure consistency between departments.
- is recorded in the department, unit or team policy manual.
Example: Family Day Care Policies.

4.4 An Operational Guideline:

- outlines how things are to be done in a particular workplace.
- do not mandate action but rather imply an intention and a pattern for taking action.
- are generally workplace specific.
- is approved by C-Team to identify cross-departmental issues.
- is recorded in a worksite operational manual.

Example: Meeting room usage guidelines.

4.5 A Procedure:

- is a series of interrelated steps that are taken in accordance with operational guidelines to help implement a policy.
- is recorded in the central document repository and linked to the relevant policy.

Example: Vehicle Booking Procedure

4.6 A Process:

- is a series of sequential steps which takes an input from a supplier adds value and produces an output for a customer.
- occurs repeatedly.
- are represented by process flow charts.

Example: How to sign off correspondence.

4.7 All policies, guidelines and procedures will be stored in a central document repository.

5. Supporting Documents

Council minutes 5 June 2006 and 1 May 2007 and 15 October 2007
The policy manual used prior to the implementation of this policy.
The policy template.

6. Related Policies

Nil

7 Governance

A policy review schedule will be maintained and stored in the document repository.

8 Portfolio and/or Riding Councillor Input

Councillor input obtained and minuted June 2006 and May 2007

9 Responsible Officer

General Manager Operations

10. Human Rights Charter

This policy does not contravene the Human Rights Charter



Murrindindi Shire Council

Technical Services Policy Number: 2

Topic: Special Rate and Charge - Roadworks
Property contribution

Adopted by Council: 18 December 1995

Amended by Council: 15 October 1997

Rural Roads

Council will fund the construction of rural roads based on traffic and engineering consideration. These will include traffic volume & composition, existing road standard and a cost / benefit analysis.

Council will also consider joint funding of road construction if approached by an adjoining landowner or group of landowners. Council will negotiate with the landowners regarding apportionment of costs.

Urban Roads

5 lots or more of 0.5 Ha or less.

This covers the following scenarios:

- Industrial or Commercial
- Court / Cul-de-sac / No through road
- Other

a) Industrial or Commercial

Industrial or Commercial land is deemed to be of priority use to the people within that commercial area with some general ratepayer benefit in being able to either visit or travel through the area as if it were a through road.

Commercial land such as Grant Street, Alexandra does have through traffic other than general shoppers and retailers, thus Council may make some form of contribution to these types of systems. Council contribution will be for part of the cost of through lanes and footpath. Through lanes and footpaths are required for general public to use to move through the scheme area without utilising any of the services within that area. See attachment for explanation of terms.

b) Court, Cul-de-sac, No through road.

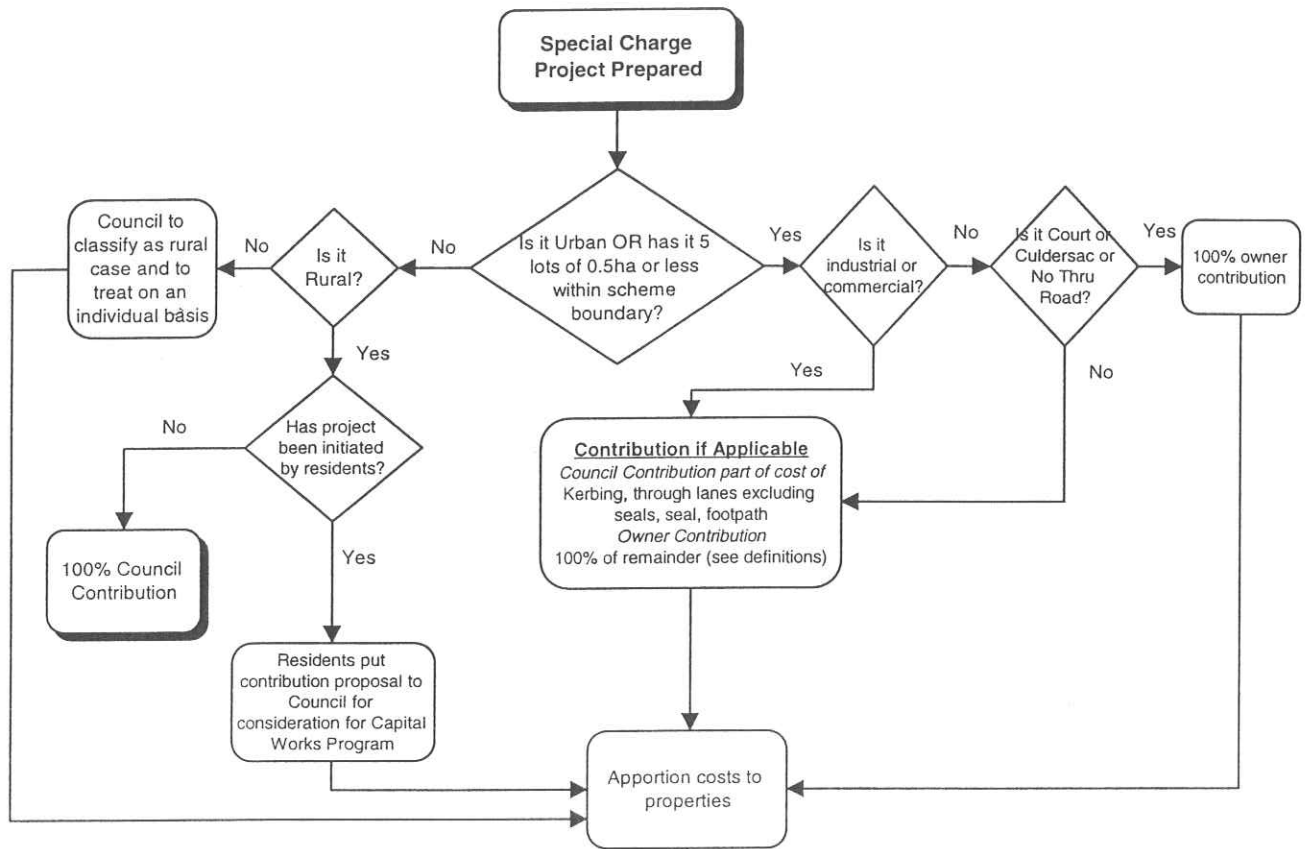
These roads service the occupiers of the abutting land for the majority of the time and that the general ratepayer gains no benefit for the upgrading of these roads and therefore the owner contribution is 100%. Council may vary this under exceptional circumstances i.e. only part of the length of the road to be constructed.

c) Other

This includes roads within the network that are through roads with residential land abutting. They serve local traffic as well as general through road traffic.

The principles as under a) Industrial and Commercial, are followed in respect to contribution. No reference is given to Asphalt, as these types of roads will be spray sealed and it will be an exceptional circumstance where asphalt is to be used.

Special Rate & Charge (Roadworks) Property Contribution Policy



Definition Of Terms

Through Lanes - deemed to be:
 - not greater than 5.5m total seal or formation on any special charge project
 - this over rides any other Council policy for this policy only

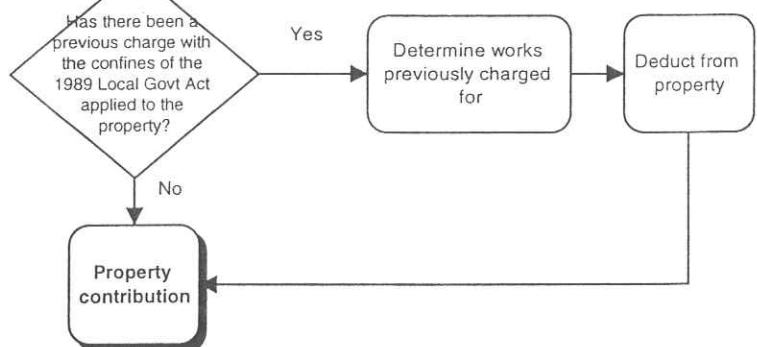
Works - any construction carried out within the defines of the scheme

Roadworks - including but not limited to:

- earthworks
- road construction
- drainage works
- footpath works
- streetscape works
- naturestrip works

Remainder - including but not limited to:

- 100% drainage
- traffic calming devices (eg speed humps, bollards)
- streetscape/landscaping
- widening beyond 5.5m





Murrindindi Shire Council

Technical Services Policy Number: 1

Topic: Special Rate or Charge Schemes

Adopted by Council: 16 October 1995

Amended by Council: 15 October 1997

A. PURPOSE

The purpose of this policy is to provide a procedure for the implementation of Special Rate or Charge Schemes as prescribed under the Local Government Act, 1989.

B. SCOPE OF POLICY

The policy applies to Contributory Schemes, Road Construction, Reconstruction, Drainage, Maintenance and any other works as determined that required owners contributions. The policy will outline the procedure required under the Local Government Act, 1989 and will ensure sufficient and adequate public consultation prior to the declaration of a special rate or charge.

Below is the procedure required described in detail and Appendix 1 shows the procedure in a flowchart.

C. POLICY

1. Public Participation

The Local Government Act prescribes for contributors to have rights of objection to proposals for street schemes.

It is not considered adequate for the objection period only to be the basis of public consultation and therefore the following procedure should be adhered to prior to the adoption of a Special Rate of Charge.

- 1.1 The Director Engineering Services shall circulate a letter and questionnaire to all potential contributors to a street scheme and determine from this support for such a scheme. The letter is to briefly state the procedures involved in declaring a special rate/charge, inform the owners that they will be responsible for part cost or all of the cost of the scheme, apportionment and a separate questionnaire to be filled in and returned within fourteen days.

The Director Engineering Services shall determine if a public meeting or owners committee meeting is required and if so, whether it be before or after the circulation of letters.

This letter may be as a result of continuing requests or complaints from land owners in the area, at the request of a Councillor, as a result of formal complaints from Statutory Authorities, or a significant problem which the Director Engineering Services has identified could be overcome by the implementation of the scheme.

- 1.2 The Director Engineering Services shall report to Council within 28 days after the forwarding of such letter detailing the reasons for the initial letter and the response received. The Council will then be required to determine if the scheme is to proceed.

- 1.3 In considering whether to proceed with the scheme the council shall consider the following matters but be not limited in the extent of matters they consider:

- Feedback from those liable to pay;
- Community need for the project;
- Community feedback;
- Planning issues;
- Maintenance Issue;
- Public Liability Issues;
- Council's Corporate Plan and Vision;
- Economic Climate

- 1.4 If the Council is to proceed with the scheme it must give notice of its intention to declare the special rate or charge.

Advice is sent to all contributors and a public notice shall be published in a local newspaper and shall detail the following:

- Indicate council's intention to declare a special rate or charge.
- An outline of proposed declaration.
- The date on which it is proposed to make the declaration.
- An explanation of the basic principles of a street scheme and the future steps leading to the finalisation of a scheme.
- The right to make submissions under Section 223 with regard to the matters listed in Section 182 of the Local Government Act.
- Set a time, date and place for hearing of any submissions.

2. Submissions

Council must consider submission received within 14 days of the public notice.

After consideration of any submissions Council may determine to:-

- Proceed with scheme by declaring the special rate or charge on the date set.
- Not proceed with the scheme and notify owners.
- Modify the scheme and publish a notice of Councils intention to declare a special rate or charge for the modified scheme.

3. Declaration & Levy Special Rate or Charge.

3.1 If Council proceeds with the scheme it declares the special rate or charge on the date set.

3.2 The special rate or charge is levied on affected landowners by sending them a notice of their liability to pay.

4. A.A.T. APPEAL

Following the levying of the special rate or charge, aggrieved persons may appeal directly to the Administrative Appeals Tribunal within one month after the date of issue of a notice on the grounds that:

- The works will not provide a "Special Benefit" to that person,
- The basis of distribution of the rate or charge is unreasonable,
- If the special rate or charge is inconsistent with any relevant planning policies or objectives of the Planning scheme.
- If the works are unnecessary, unreasonable, excessive, insufficient, unsuitable or costly, having regard to the locality or environment and to the probable use of the road.

5. Following determination by the AAT, notices will be issued requiring payment of the special rate or charge one month after works begin, or alternatively, owners will be advised of the abandonment of the works.

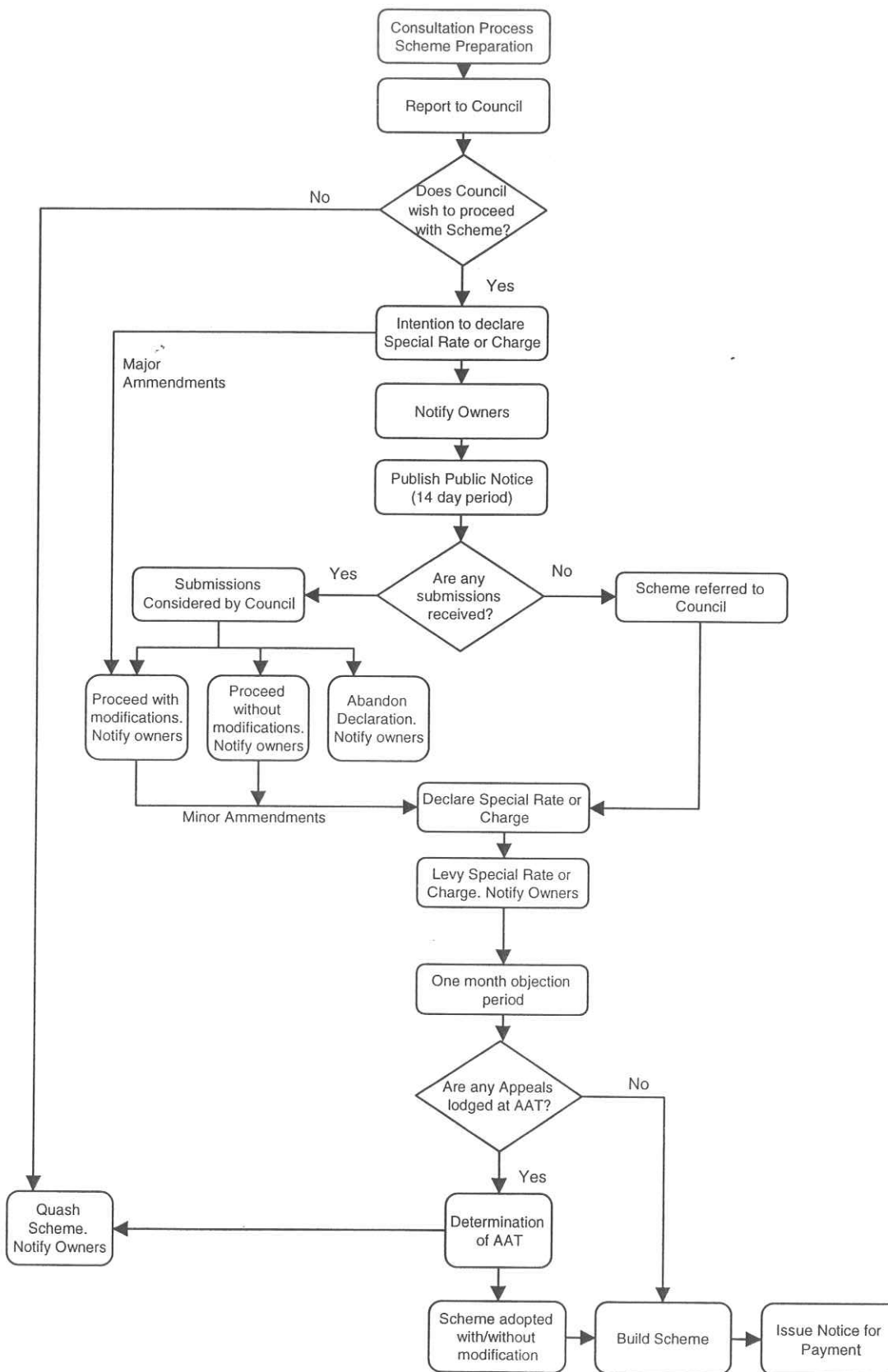
6. Following completion of the works, costs are certified. If the actual cost is less than the amount raised by the special rate or charge, a refund is forwarded to those contributors for which the charge has been received in full.

If the actual cost is greater than the amount raised by the charge, Council may vary the amount to be paid by the owners by notification.

7. Contract

All special rate or charge schemes are to be tendered unless a specific resolution of Council is passed to the contrary.

Special Rate of Charge Scheme



Murrindindi Shire Council

Council Policy Number: 13

Topic: Risk Management - Occupation of Road Reserves -
tables, chairs and awnings

Adopted by Council:

Review Date:



Items placed in streets often add life and vitality to a commercial area. They do however cause a possible claim situation for Council.

All signs, tables, chairs and awnings occupying footpaths require a permit in terms of the Local Laws.

As part of the permit process the owner of the tables, chairs, signs or awnings will require to indemnify Council against an insurance claim (using the standard indemnity form), produce a current insurance certificate which contains an endorsement regarding the said articles, in favour of the Shire of Murrindindi.

Ideally, the insurance cover should be \$5 million public liability.

Records of all permits will be maintained in the Local Laws Register and the property files.

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

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 25 February 2015.
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.
3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

DATED this day of 2015

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

Chief Executive Officer

Councillor

SCHEDULE

The power to

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

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

Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract exceeding the value of \$150,000 for operating and \$200,000 for capital.
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 4.9 appointment of councillor or community delegates or representatives to external organisations; or
 - 4.10 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action, act or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 7.1 policy; or
 - 7.2 strategy
adopted by Council; or
8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

S6. Instrument of Delegation – Members of Staff

Murrindindi Shire Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;

2. records that a reference in the Schedule to:

“CAD” means Coordinator Assets and Development

“CADIS” means Coordinator Aged and Disability

“CADCC” means Coordinators Aged and Disability Community Care

“CCW” means Coordinator Capital Works

“CES” means Coordinator Environmental Services

“CEO” means Chief Executive Officer

“CFAM” means Coordinator Facilities and Assets Management

“CG” means Coordinator Governance

“CHBC” means Coordinator Home Based Childcare

“CHR” means Coordinator Human Resources

“CIT” means Coordinator Information Technology

“CIO” Coordinator Infrastructure Operations - Depots

“CLS” means Coordinator Library Services

“CLL” means Coordinator Local Laws

“CMCH” means Coordinator Maternal & Child Health

“CPSI” means Coordinator Procurement, Saleyards and Insurance

“CRPM” means Coordinator Roads and Park Maintenance

“CRR” means Coordinator Rates and Revenue

“CSP” means Coordinator Statutory Planning

“CYR” means Coordinator Youth & Recreation

“CWM” means Coordinator Waste Management

“DMERO” means Deputy Municipal Emergency Resource Officer

“EHO” means Environmental Health Officer

“FA” means Financial Accountant

“GMCCS” means General Manager Corporate & Community Services

“GMIDS” means General Manager Infrastructure and Development Services

“GC” means Grants Coordinator

“MA” means Management Accountant

“MIA” means Manager Infrastructure Assets

“MBS” means Municipal Building Surveyor

“MBUS” means Manager Business Services

“MCC” means Manager Customer & Communications

“MCHN” means Maternal & Child Health Nurse

“MCS” means Manager Community Services & Recovery

“MDES” means Manager Development & Environmental Services

“MIO” means Manager Infrastructure Operations

“MERO” means Municipal Emergency Resource Officer

“MRM” means Municipal Recovery Manager

“PO” means Planning Officer

“RS” means Records Supervisor

“SPO” means Strategic Planning Officer

“YCTS” means Yea Cemetery Trust Secretary

3. declares that:

3.1 this Instrument of Delegation is authorised by **resolution** of Council passed on **25 February 2015**

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



Maddocks

- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy
 adopted by Council; or
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

DATED this day of 2015

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

Chief Executive Officer

Councillor



SCHEDULE



INDEX

CEMETERIES AND CREMATORIA ACT 2003	1
DOMESTIC ANIMALS ACT 1994.....	13
ENVIRONMENT PROTECTION ACT 1970.....	13
FOOD ACT 1984.....	13
HERITAGE ACT 1995.....	18
PLANNING AND ENVIRONMENT ACT 1987.....	18
RAIL SAFETY ACT 2006.....	41
RESIDENTIAL TENANCIES ACT 1997	43
ROAD MANAGEMENT ACT 2004	44
CEMETERIES AND CREMATORIA REGULATIONS 2005	54
PLANNING AND ENVIRONMENT REGULATIONS 2005.....	57
PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2014.....	58
RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010	59
ROAD MANAGEMENT (GENERAL) REGULATIONS 2005	61
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005.....	63

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.8(1)(a)(ii)	power to manage one or more public cemeteries	GMCCS	<ul style="list-style-type: none"> where appointed to manage cemetery by Governor in Council GMIDS is a secondary delegate in the absence of GMCCS
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	GMCCS	where council is a Class B cemetery trust GMIDS is a secondary delegate in the absence of GMCCS
s.12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	GMCCS	where council is a Class B cemetery trust GMIDS is a secondary delegate in the absence of GMCCS
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.14	power to manage multiple public cemeteries as if they are one cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.15(1) and (2)	power to delegate powers or functions other than those listed	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.15(4)	duty to keep records of delegations	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.17(1)	power to employ any persons necessary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	power to engage any professional, technical or other assistance considered necessary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s. 17(3)	power to determine the terms and conditions of employment or engagement	GMCCS	subject to the any guidelines or directions of the Secretary GMIDS is a secondary delegate in the absence of GMCCS
s.18(3)	duty to comply with a direction from the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.19	power to carry out or permit the carrying out of works	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.20(1)	duty to set aside areas for the interment of human remains	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.21(1)	power to establish and operate a crematorium in a public cemetery	GMCCS	council must not establish or operate a crematorium set aside for particular religious or community groups. GMIDS is a secondary delegate in the absence of GMCCS

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22	power to establish mausolea facilities	GMCCS	subject to the prior written approval of the Secretary GMIDS is a secondary delegate in the absence of GMCCS
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.26(1)	power to make rules for or with respect to the general care, protection and management of a public cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	GMCCS	subject to the approval of the Minister GMIDS is a secondary delegate in the absence of GMCCS
s.37	power to grant leases over land in a public cemetery in accordance with this section	GMCCS	subject to the Minister approving the purpose GMIDS is a secondary delegate in the absence of GMCCS
s.39(1)	power to fix fees and charges or a scale of fees and charges for its services in accordance with this section	GMCCS	subject to the approval of the Secretary under section 40 unless exempt under section 40A GMIDS is a secondary delegate in the absence of GMCCS
s.39(3)	power to fix different fees and charges for different cases or classes of cases	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.40	duty to notify Secretary of fees and charges fixed under section 39	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.45	power to invest money	GMCCS	subject to any direction of the Minister This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment powers are governed by the Local Government Act 1989. GMIDS is a secondary delegate in the absence of GMCCS
s.46	power to borrow money to enable it to perform its functions and exercise its powers	GMCCS	subject to the approval and conditions of the Treasurer This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing & investment powers are governed by the Local Government Act 1989. GMIDS is a secondary delegate in the absence of GMCCS
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	GMCCS	provided the street was constructed pursuant to the Local Government Act 1989 GMIDS is a secondary delegate in the absence of GMCCS

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	GMCCS	applies only to municipal councils, not cemetery trusts report must contain the particulars listed in s.57(2) GMIDS is a secondary delegate in the absence of GMCCS
s.59	duty to keep records for each public cemetery	GMCCS, YCTS	
s.60(1)	duty to make information in records available to the public for historical or research purposes	GMCCS, YCTS	
s.60(2)	power to charge fees for providing information	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.64B(d)	power to permit interments at a reopened cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	GMCCS	the application must include the requirements listed in s.66(2)(a)–(d) GMIDS is a secondary delegate in the absence of GMCCS
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.70(2)	duty to make plans of existing place of interment available to the public	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.71(2)	power to dispose of any memorial or other structure removed	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.72(2)	duty to comply with request received under section 72	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.73(1)	power to grant a right of interment	GMCCS, YCTS	
s.73(2)	power to impose conditions on the right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.75	power to grant the rights of interment set out in subsections (a) and (b)	GMCCS, YCTS	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	GMCCS, YCTS	
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	GMCCS, YCTS	

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.80(1)	function of receiving notification and payment of transfer of right of interment	GMCCS, YCTS	
s.80(2)	function of recording transfer of right of interment	GMCCS, YCTS	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	GMCCS	the notice must be in writing and contain the requirements listed in s.85(2) GMIDS is a secondary delegate in the absence of GMCCS
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.91(1)	power to cancel a right of interment in accordance with this section	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.91(3)	duty to publish notice of intention to cancel right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.100(1)	power to require a person to remove memorials or places of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.100(3)	power to recover costs of taking action under section 100(2)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.103(1)	power to require a person to remove a building for ceremonies	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.103(3)	power to recover costs of taking action under section 103(2)	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(2)	power to require the holder of the right of interment to provide for an examination	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.106(4)	power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.108	power to recover costs and expenses	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.109(1)(a)	power to open, examine and repair a place of interment	GMCCS	where the holder of right of interment or responsible person cannot be found GMIDS is a secondary delegate in the absence of GMCCS
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	GMCCS	where the holder of right of interment or responsible person cannot be found GMIDS is a secondary delegate in the absence of GMCCS
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	GMCCS	where the holder of right of interment or responsible person cannot be found GMIDS is a secondary delegate in the absence of GMCCS
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS

CEMETERIES AND CREMATORIA ACT 2003			
[##The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.112	power to sell and supply memorials	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.116(4)	duty to notify the Secretary of an interment authorisation granted	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.119	power to set terms and conditions for interment authorisations	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.131	function of receiving an application for cremation authorisation	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	GMCCS	Subject to subsection (2) GMIDS is a secondary delegate in the absence of GMCCS
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	GMCCS	GMIDS is a secondary delegate in the absence of GMCCS
s.146	power to dispose of bodily remains by a method other than interment or cremation	GMCCS	subject to the approval of the Secretary

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

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.41A(1)	power to declare a dog to be a menacing dog	GMIDS, MDES	Council may delegate this power to an authorised officer

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	GMIDS, MDES, EHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	GMIDS, MDES, EHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	GMIDS, MDES, EHO	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	GMIDS, MDES	refusal must be ratified by council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	GMIDS, MDES	refusal must be ratified by council or it is of no effect

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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MDES, EHO	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	MDES, EHO	If section 19(1) applies
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	GMIDS, MDES, EHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	GMIDS, MDES, 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).	GMIDS, MDES, 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	GMIDS, MDES, EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	GMIDS, MDES, EHO	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	MDES, EHO	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	MDES, EHO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MDES, 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	MDES, EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	MDES, 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	MDES, EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	MDES, 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	MDES, 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	MDES, 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	MDES, EHO	where council is the registration authority
---	power to register, renew or transfer registration	MDES, 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))

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MDES, 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)	MDES, EHO	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	MDES, 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	MDES, EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	MDES, EHO	where council is the registration authority
s.38B(1)(c)	duty to inspect premises	MDES, EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	MDES, 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	MDES, EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	MDES, EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	MDES, EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	MDES, EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38E(4)	duty to register the food premises when conditions are satisfied	MDES, EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	MDES, EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	MDES, 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>	MDES, EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	MDES, EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	MDES, 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	MDES, 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	MDES, EHO	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	MDES, EHO	where council is the registration authority

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

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

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

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

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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	GMIDS, MDES	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	GMIDS, MDES, CSP	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	GMIDS, MDES, CSP	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMIDS, MDES, CSP	
s.46O(1)(a) & (2)(a)	power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	GMIDS, MDES, CSP	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMIDS, MDES, CSP	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	GMIDS, MDES, CSP	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMIDS, MDES,	
s.46Q(1)	duty to keep proper accounts of levies paid	GMIDS, MDES, CSP	
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	GMIDS, MDES, CSP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc.	GMIDS, MDES, CSP	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMIDS, MDES	only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area	GMIDS, MDES, CSP	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	GMIDS, MDES	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	GMIDS, MDES	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any amount of levy payable under Part 3B	GMIDS, MDES, CSP	
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	GMIDS, MDES, CSP	
s.46Y	duty to carry out works in conformity with the approved strategy plan	GMIDS, MDES, CSP	
s.47	power to decide that an application for a planning permit does not comply with that Act	GMIDS, MDES, CSP	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	GMIDS, MDES, CSP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.49(2)	duty to make register available for inspection	GMIDS, MDES, CSP	
s.50(4)	duty to amend application	GMIDS, MDES, CSP	
s.50(5)	power to refuse to amend application	GMIDS, MDES, CSP	
s.50(6)	duty to make note of amendment to application in register	GMIDS, MDES, CSP	
s.50A(1)	power to make amendment to application	GMIDS, MDES, CSP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	GMIDS, MDES, CSP	
s.50A(4)	duty to note amendment to application in register	, GMIDS, MDES, CSP	
s.51	duty to make copy of application available for inspection	GMIDS, MDES, CSP	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	GMIDS, MDES, CSP, PO	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	GMIDS, MDES, CSP, PO, SPO	
s.52(1)(ca)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	GMIDS, MDES, CSP, PO, SPO	
s.52(1)(cb)	duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	GMIDS, MDES, CSP, PO, SPO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	GMIDS, MDES, CSP, PO, SPO	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	GMIDS, MDES, CSP, PO, SPO	
s.52(3)	power to give any further notice of an application where appropriate	GMIDS, MDES, CSP, PO, SPO	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMIDS, MDES, CSP, PO, SPO	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMIDS, MDES, CSP, PO, SPO	
s.54(1)	power to require the applicant to provide more information	GMIDS, MDES, CSP, PO, SPO	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	, GMIDS, MDES, CSP, PO, SPO	
s.54(1B)	duty to specify the lapse date for an application	GMIDS, MDES, CSP, PO, SPO	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMIDS, MDES, CSP, PO, SPO	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	GMIDS, MDES, CSP, PO, SPO	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	GMIDS, MDES, CSP, PO, SPO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	GMIDS, MDES, CSP	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	GMIDS, MDES, CSP, PO, SPO	
s.57(5)	duty to make available for inspection copy of all objections	GMIDS, MDES, CSP	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	GMIDS, MDES, CSP, PO, SPO	
s.57A(5)	power to refuse to amend application	GMIDS, MDES, CSP	Subject to Council ratification
s.57A(6)	duty to note amendments to application in register	GMIDS, MDES, CSP, PO, SPO	
s.57B(1)	duty to determine whether and to whom notice should be given	GMIDS, MDES, CSP, PO, SPO	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMIDS, MDES, CSP, PO, SPO	
s.57C(1)	duty to give copy of amended application to referral authority	GMIDS, MDES, CSP, PO, SPO	
s.58	duty to consider every application for a permit	GMIDS, MDES, CSP	
s.58A	power to request advice from the Planning Application Committee	GMIDS, MDES	
s.60	duty to consider certain matters	GMIDS, MDES, CSP, PO, SPO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s60(1A)	power to consider certain matters before deciding on application	GMIDS, MDES, CSP	
s.61(1)	power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	GMIDS, MDES, CSP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i> The power to refuse a permit application or to determine an application for which objections have been lodged is not delegated.
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	GMIDS, MDES, CSP	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMIDS, MDES, CSP	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMIDS, MDES, CSP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMIDS, MDES, CSP, PO, SPO	
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMIDS, MDES, CSP, PO, SPO	
s.62(2)	power to include other conditions	GMIDS, MDES, CSP, PO, SPO	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	GMIDS, MDES, CSP, PO, SPO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	GMIDS, MDES, CSP	
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	GMIDS, MDES, CSP, PO, SPO	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMIDS, MDES, CSP, PO, SPO	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	GMIDS, MDES, CSP	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	GMIDS, MDES, CSP	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	GMIDS, MDES, CSP, PO, SPO	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	GMIDS, MDES, CSP, PO, SPO	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	GMIDS, MDES, CSP, PO, SPO	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	GMIDS, MDES, CSP	this provision applies also to a decision to grant an amendment to a permit - see section 75

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	GMIDS, MDES, CSP,PO, SPO	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	GMIDS, MDES, CSP,PO, SPO	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	GMIDS, MDES, CSP,PO, SPO	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	GMIDS, MDES, CSP,PO, SPO	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	GMIDS, MDES, CSP,PO, SPO	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	GMIDS, MDES, CSP,PO, SPO	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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69(1)	function of receiving application for extension of time of permit	GMIDS, MDES, CSP, PO, SPO	
s.69(1A)	function of receiving application for extension of time to complete development	GMIDS, MDES, CSP, PO, SPO	
s.69(2)	power to extend time	GMIDS, MDES, CSP	
s.70	duty to make copy permit available for inspection	GMIDS, MDES, CSP, PO, SPO	
s.71(1)	power to correct certain mistakes	GMIDS, MDES, CSP	
s.71(2)	duty to note corrections in register	GMIDS, MDES, CSP	
s.73	power to decide to grant amendment subject to conditions	GMIDS, MDES, CSP	
s.74	duty to issue amended permit to applicant if no objectors	GMIDS, MDES, CSP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	GMIDS, MDES, CSP	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	GMIDS, MDES, CSP, PO, SPO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	GMIDS, MDES, CSP, PO, SPO	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	GMIDS, MDES, CSP, PO, SPO	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	GMIDS, MDES, CSP, PO, SPO	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	GMIDS, MDES, CSP	
s.83	function of being respondent to an appeal	GMIDS, MDES, CSP	
s.83B	duty to give or publish notice of application for review	GMIDS, MDES, CSP	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMIDS, MDES, CSP	
s.84(2)	duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	GMIDS, MDES, CSP	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	GMIDS, MDES, CSP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(6)	duty to issue permit on receipt of advice within 3 working days	GMIDS, MDES, CSP	
s.86	duty to issue a permit at order of Tribunal within 3 working days	GMIDS, MDES, CSP	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	GMIDS, MDES, CSP	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	GMIDS, MDES, CSP	
s.91(2)	duty to comply with the directions of VCAT	GMIDS, MDES, CSP	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	GMIDS, MDES, CSP	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	GMIDS, MDES, CSP	
s.93(2)	duty to give notice of VCAT order to stop development	GMIDS, MDES, CSP	
s.95(3)	function of referring certain applications to the Minister	GMIDS, MDES, CSP	
s.95(4)	duty to comply with an order or direction	GMIDS, MDES, CSP	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	GMIDS, MDES, CSP	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMIDS, MDES, CSP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMIDS, MDES, CSP	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	GMIDS, MDES, CSP	
s.96F	duty to consider the panel's report under section 96E	GMIDS, MDES, CSP	
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	GMIDS, MDES, CSP	
s.96H(3)	power to give notice in compliance with Minister's direction	GMIDS, MDES, CSP	
s.96J	power to issue permit as directed by the Minister	GMIDS, MDES, CSP	
s.96K	duty to comply with direction of the Minister to give notice of refusal	GMIDS, MDES, CSP	
s. 96Z	duty to keep levy certificates given to it under ss. 47 or 96A for no less than 5 years from receipt of the certificate	GMIDS, MDES, CSP	Note: this provision is not yet in force and will commence on 1 July 2015
s.97C	power to request Minister to decide the application	GMIDS, MDES, CSP	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	GMIDS, MDES, CSP	
s.97G(3)	function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	GMIDS, MDES, CSP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	GMIDS, MDES, CSP	
s.97L	duty to include Ministerial decisions in a register kept under section 49	GMIDS, MDES, CSP	
s.97MH	duty to provide information or assistance to the Planning Application Committee	GMIDS, MDES, CSP	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	GMIDS, MDES	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	GMIDS, MDES, CSP	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	GMIDS, MDES, CSP	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	GMIDS, MDES, CSP	
s.97Q(4)	duty to comply with directions of VCAT	GMIDS, MDES, CSP	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	GMIDS, MDES, CSP	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	GMIDS, MDES	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	GMIDS, MDES	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.101	function of receiving claim for expenses in conjunction with claim	GMIDS, MDES	
s.103	power to reject a claim for compensation in certain circumstances	GMIDS, MDES	
s.107(1)	function of receiving claim for compensation	GMIDS, MDES	
s.107(3)	power to agree to extend time for making claim	GMIDS, MDES	
s.114(1)	power to apply to the VCAT for an enforcement order	GMIDS, MDES	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	GMIDS, MDES	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	GMIDS, MDES	
s.123(1)	power to carry out work required by enforcement order and recover costs	GMIDS, MDES	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	GMIDS, MDES	except Crown Land
s.129	function of recovering penalties	GMIDS, MDES	
s.130(5)	power to allow person served with an infringement notice further time	GMIDS, MDES	
s.149A(1)	power to refer a matter to the VCAT for determination	GMIDS, MDES	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	GMIDS, MDES	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	GMIDS, MDES	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	GMIDS, MDES	
s.171(2)(g)	power to grant and reserve easements	GMIDS, MDES	
s.173	power to enter into agreement covering matters set out in section 174	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	GMIDS, MDES	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	GMIDS, MDES	
s.177(2)	power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178A(1)	function of receiving application to amend or end an agreement	GMIDS, MDES	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	GMIDS, MDES	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	GMIDS, MDES	
s.178A(5)	power to propose to amend or end an agreement	GMIDS, MDES	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	GMIDS, MDES	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	GMIDS, MDES	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	GMIDS, MDES	
s.178C(4)	function of determining how to give notice under s.178C(2)	GMIDS, MDES	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	GMIDS, MDES	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	GMIDS, MDES	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	GMIDS, MDES	If no objections are made under s.178D Must consider matters in s.178B

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(2)(c)	power to refuse to amend or end the agreement	GMIDS, MDES	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	GMIDS, MDES	After considering objections, submissions and matters in s.148B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	GMIDS, MDES	After considering objections, submissions and matters in s.148B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	GMIDS, MDES	After considering objections, submissions and matters in s.148B
s.178E(3)(d)	power to refuse to amend or end the agreement	GMIDS, MDES	After considering objections, submissions and matters in s.148B
s.178F(1)	duty to give notice of its decision under s.178E(3)(a) or (b)	GMIDS, MDES, CSP	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	GMIDS, MDES, CSP	
s.178F(4)	duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	GMIDS, MDES, CSP	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	GMIDS, MDES	

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

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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	scheme or condition in a permit	GMIDS, MIA, CAD	As it relates to Engineering Plans relating to developments.
-	power to give written authorisation in accordance with a provision of a planning scheme	GMIDS, MDES, CSP	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	GMIDS, MDES, CSP	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	GMIDS, MDES, CSP	

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	GMIDS, MIA	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	GMIDS, MIA	duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	GMIDS, MIA	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	GMIDS, MIA	where council is the relevant road authority

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	GMIDS, MIA	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	GMIDS, MIA	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	GMIDS, MIA	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	GMIDS, MIA	where council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	GMIDS, MIA	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMIDS, MIA	where council is the relevant road authority
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	GMIDS, MIA	where council is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	GMIDS, MIA	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMIDS, MIA	where council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	GMIDS, MIA	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	GMIDS, MIA	where council is the relevant road authority

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

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	GMIDS, MDES,EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	GMIDS, MDES,EHO	
s. 142G(2)	power to enter certain information in the Rooming House Register	GMIDS, MDES,EHO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	GMIDS, MDES,EHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	GMIDS, MDES,EHO	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	GMIDS, MDES,EHO	where council is the landlord

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	GMIDS, MDES, 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	GMIDS, MDES, EHO	
s.522(1)	power to give a compliance notice to a person	GMIDS, MDES, EHO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	GMIDS, MDES, EHO	
s.525(4)	duty to issue identity card to authorised officers	GMIDS, MDES, EHO	
s.526(5)	duty to keep record of entry by authorised officer under section 526	GMIDS, MDES, EHO	
s.526A(3)	function of receiving report of inspection	GMIDS, MDES, EHO	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	GMIDS, MDES, EHO	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	GMIDS, MIA	obtain consent in circumstances specified in section 11(2)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	GMCCS, GMIDS, MIA, CSP	
s.11(9)(b)	duty to advise Registrar	GMIDS, MIA, CSP, CAD	
s.11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	GMIDS, MIA, CAD	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Sustainability and Environment or nominated person	GMIDS, MIA, CAD	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	GMIDS, MIA, MDES	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMIDS, MIA, MDES	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	GMIDS, MIA, MDES	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	GMIDS, MIA, MDES	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	GMIDS, GMCCS, MIA, MDES, CAD,	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(10)	duty to notify of decision made	GMIDS, MDES, MIA, CAD	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	GMIDS, MDES, MIA	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	GMIDS, MIA	
s.14(7)	power to appeal against decision of VicRoads	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.15(2)	duty to include details of arrangement in public roads register	GMIDS, MIA	
s.16(7)	power to enter into an arrangement under section 15	GMIDS, MIA	
s.16(8)	duty to enter details of determination in public roads register	GMIDS, MIA	
s.17(2)	duty to register public road in public roads register	GMIDS, MIA	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	GMIDS, MIA	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(3)	duty to register a road reasonably required for general public use in public roads register	GMIDS, MIA	where council is the coordinating road authority
s.17(4)	power to decide that a road is no longer reasonably required for general public use	GMIDS, MIA	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	GMIDS, MIA	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	GMIDS, MIA	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	GMIDS, MIA, CAD	where council is the coordinating road authority
s.19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	GMIDS, MIA, CAD	
s.19(4)	duty to specify details of discontinuance in public roads register	GMIDS, MIA, CAD	
s.19(5)	duty to ensure public roads register is available for public inspection	GMIDS, MIA, CAD	
s.21	function of replying to request for information or advice	GMIDS, GMCCS, MIA	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	GMIDS, GMCCS, MIA	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	GMIDS, GMCCS, MIA	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22(5)	duty to give effect to a direction under this section.	GMIDS, GMCCS, MIA	
s.40(1)	duty to inspect, maintain and repair a public road.	GMIDS, MIA, MIO, CRPM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	GMIDS, MIA, MIO	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	GMIDS, MIA, MIO	
s.42(1)	power to declare a public road as a controlled access road	GMIDS	power of coordinating road authority and Schedule 2 also applies GMCCS is a secondary delegate in the absence of GMIDS
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	GMIDS	power of coordinating road authority and Schedule 2 also applies GMCCS is a secondary delegate in the absence of GMIDS
s.42A(3)	duty to consult with VicRoads before road is specified	GMIDS, MIA	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	GMIDS, MIA	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMIDS, MIA	where council is the responsible road authority, infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	GMIDS, MIA	
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	GMIDS, MIA	
s.49	power to develop and publish a road management plan	GMIDS, MIA	
s.51	power to determine standards by incorporating the standards in a road management plan	GMIDS, MIA	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMIDS, MIA	
s.54(2)	duty to give notice of proposal to make a road management plan	GMIDS, MIA	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMIDS, MIA	
s.54(6)	power to amend road management plan	GMIDS, MIA	
s.54(7)	duty to incorporate the amendments into the road management plan	GMIDS, MIA, CAD	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMIDS, MIA, CAD	
s.63(1)	power to consent to conduct of works on road	GMIDS, MIA, CAD	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	,GMIDS, MIA, CAD	where council is the infrastructure manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.64(1)	duty to comply with clause 13 of Schedule 7	,GMIDS, MIA	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	GMIDS, MIA, CAD	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	GMIDS, MIA, CAD	where council is the coordinating road authority
s.67(3)	power to request information	,GMIDS, MIA, CAD	where council is the coordinating road authority
s.68(2)	power to request information	,GMIDS, MIA, CAD	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	,GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.72	duty to issue an identity card to each authorised officer	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.85	function of receiving report from authorised officer	GMIDS, MIA	
s.86	duty to keep register re section 85 matters	GMIDS, MIA	
s.87(1)	function of receiving complaints	GMIDS, MIA	
s.87(2)	duty to investigate complaint and provide report	GMIDS, MIA	
s.112(2)	power to recover damages in court	GMIDS	GMCCS is a secondary delegate in the absence of GMIDS
s.116	power to cause or carry out inspection	GMIDS, MIO, MIA, CAD, CRPM	
s.119(2)	function of consulting with VicRoads	GMIDS, MIA, MIO	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMIDS, MIA, MIO	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	GMIDS, MIA, MIO	
s.121(1)	power to enter into an agreement in respect of works	GMIDS, MIA	
s.122(1)	power to charge and recover fees	GMIDS, MIA	
s.123(1)	power to charge for any service	GMIDS, MIA	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	GMIDS, MIA	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	GMIDS, MIA	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	GMIDS, MIA	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	GMIDS, MIA	
Schedule 2 Clause 5	duty to publish notice of declaration	GMIDS, MIA	
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMIDS, MIA, MIO	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	GMIDS, MIA, CAD	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	GMIDS, MIA, CAD	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	GMIDS, MIA	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	GMIDS, MIA, CAD	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	GMIDS, MIA	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	GMIDS, MIA	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	GMIDS, MIA,	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	GMIDS, MIA, CAD	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	GMIDS, MIA, CAD	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMIDS, MIA	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMIDS, MIA	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	GMIDS, MIA	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMIDS, MIA	where council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	GMIDS, MIA	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	GMIDS, MIA	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

CEMETERIES AND CREMATORIA REGULATIONS 2005			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS

CEMETERIES AND CREMATORIA REGULATIONS 2005			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.17	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	GMCCS, YCTS	
r.18(1)	power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	GMCCS, YCTS	
r.18(2)	duty to ensure any fittings removed of are disposed in an appropriate manner	GMCCS, YCTS	
r.19	power to dispose of any metal substance or non-human substance recovered from a cremator	GMCCS, YCTS	
r.20(2)	power to release cremated human remains to certain persons	GMCCS, YCTS	Subject to any order of a court
r.21(1)	duty to make cremated human remains available for collection within 2 working days after the cremation	GMCCS, YCTS	
r.21(2)	duty to hold cremated human remains for at least 12 months from the date of cremation	GMCCS, YCTS	
r.21(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	GMCCS, YCTS	
r.21(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	GMCCS, YCTS	
r.22	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	GMCCS, YCTS	

CEMETERIES AND CREMATORIA REGULATIONS 2005			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.26	duty to provide statement that alternative vendors or supplier of monuments exist	GMCCS, YCTS	
r.36	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	GMCCS, YCTS	
r.38(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	GMCCS, YCTS	
Schedule 6, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 6	GMCCS, YCTS	
Schedule 6, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	GMCCS, YCTS	
Schedule 6, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	GMCCS, YCTS	
Schedule 6, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted	GMCCS, YCTS	
Schedule 6, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	GMCCS, YCTS	
Schedule 6, clause 11(1)	power to remove objects from a memorial or place of interment	GMCCS, YCTS	
Schedule 6, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	GMCCS, YCTS	

CEMETERIES AND CREMATORIA REGULATIONS 2005			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 6, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	GMCCS, YCTS	
Schedule 6, clause 14	power to approve an animal to enter into or remain in a cemetery	GMCCS, YCTS	

PLANNING AND ENVIRONMENT REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	GMIDS, MDES	
r. 8	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	GMIDS, MDES, CSP	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.
r.22	power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act	GMIDS, MDES	
r.40	function of receiving notice under section 96C(1)(c) of the Act	GMIDS, MDES,	where Council is not the planning authority and the

	from a planning authority of its preparation of an amendment to a planning scheme	CSP	amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.55	duty of responsible authority to tell Registrar of Titles under section 183 of the Act of the cancellation or amendment of an agreement	GMIDS, MDES	

PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2014			
Note: these Regulations expire on 16 October 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMIDS, MDES	
r.17	power to waive or rebate a fee relating to an amendment of a planning scheme	GMIDS, MDES	
r.18	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or	GMIDS, MDES	

17		
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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	function of entering into a written agreement with a caravan park owner	GMIDS, MDES, EHO	
r.11	function of receiving application for registration	GMIDS, MDES, EHO	
r.13(1)	duty to grant the registration if satisfied that the caravan park complies with these regulations	GMIDS, MDES	
r.13(2)	duty to renew the registration if satisfied that the caravan park complies with these regulations	GMIDS, MDES	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	GMIDS, MDES	
r.13(4) & (5)	duty to issue certificate of registration	GMIDS, MDES	
r.15(1)	function of receiving notice of transfer of ownership	GMIDS, MDES, EHO	
r.15(3)	power to determine where notice of transfer is displayed	GMIDS, MDES, EHO	
r.16(1)	duty to transfer registration to new caravan park owner	GMIDS, MDES	
r.16(2)	duty to issue a certificate of transfer of registration	GMIDS, MDES	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	GMIDS, MDES	
r.18	duty to keep register of caravan parks	GMIDS, MDES,	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		EHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	GMIDS, MDES, EHO	
r.19(6)	power to determine where certain information is displayed	GMIDS, MDES, EHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	GMIDS, MDES, EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	GMIDS, MDES, EHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	GMIDS, MDES, EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	GMIDS, MDES, EHO	
r.25(3)	duty to consult with relevant floodplain management authority	GMIDS, MDES	
r.26	duty to have regard to any report of the relevant fire authority	GMIDS, MDES	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	GMIDS, MDES	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	GMIDS, MDES, EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	GMIDS, MDES	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.40(4)	function of receiving installation certificate	GMIDS, MDES, EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	GMIDS, MDES	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	GMIDS, MDES, EHO	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.301(1)	duty to conduct reviews of road management plan	GMIDS, MIA, MIO	
r.302(2)	duty to give notice of review of road management plan	GMIDS, MIA, MIO	
r.302(5)	duty to produce written report of review of road management plan and make report available	GMIDS, MIA, MIO	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	GMIDS, MIA, MIO	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	GMIDS, MIA, MIO	
r.501(1)	power to issue permit	GMIDS, MIA,	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under regulation 501(1)	GMIDS, MIA, CAD	where council is the coordinating road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	GMIDS, MIA	where council is the coordinating road authority
r.508(3)	power to make submission to Tribunal	GMIDS, MIA	where council is the coordinating road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	GMIDS, MIA, MIO, CRPM	where council is the responsible road authority
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with regulation 509(3))	GMIDS	where council is the responsible road authority GMCCS is a secondary delegate in the absence of GMIDS
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	GMIDS, GMCCS, MIA, MIO,	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.10	power to exempt a person from requirement under clause 13(1) of Schedule 7 to the Act to give notice as to the completion of those works	GMIDS, MIA	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	GMIDS, MIA	where council is the coordinating road authority

S11. Instrument of Appointment and Authorisation

Murrindindi Shire Council

Instrument of Appointment and Authorisation

Instrument of Appointment and Authorisation

In this instrument "officer" means -

- “CLL” means Coordinator Local Laws – Andrew Daly
- “CSP” means Coordinator Statutory Planning – Karen Girvan
- “DMERO” means Deputy Municipal Emergency Resource Officers – Mark Leitinger & John Canny
- “EHO” means Environmental Health Officer – Natalie Stewart
- “GMCCS” means General Manager Corporate & Community Services – Michael Chesworth
- “GMIDS” means General Manager Infrastructure and Development Services – Elaine Wyatt
- “LLO” means Local Laws Officer – Casey Southurst
- “MBS” means Municipal Building Surveyor – Robert Skinner
- “MDES” means Manager Development & Environmental Services – Matt Parsons
- “MERO” means Municipal Emergency Resource Officer – Matt Parsons
- “MIA” means Manager Infrastructure Assets – John Canny
- “MIO” means Manager Infrastructure Operations – Mark Leitinger
- “VAL” means Valuation Contractor – Marcus Hann, Oliver Boyd

By this instrument of appointment and authorisation Murrindindi Shire Council -

PART A

1. under section 224 of *the Local Government Act 1989* - appoints the officers to be authorised officers for the administration and enforcement of -
- | | |
|--|-------------------------|
| the <i>Building Act 1993</i> | [MDES, MBS, EHO] |
| the <i>Country Fire Authority Act 1958</i> | [EHO, MDES, CLL, LLO] |
| the <i>Domestic Animals Act 1994</i> | [MDES, CLL, LLO, EHO] |
| the <i>Emergency Management Act 1986</i> | [MERO, DMERO] |
| the <i>Environment Protection Act 1970</i> | [EHO, MDES, CLL, LLO] |
| the <i>Fire Services Property Levy Act 2012</i> | [GMCCS] |
| the <i>Food Act 1984</i> | [MDES, EHO] |
| the <i>Graffiti Prevention Act 2007</i> | [MIA, MIO, MDES] |
| the <i>Housing Act 1983</i> | [MBS, MDES, EHO] |
| the <i>Impounding of Livestock Act 1994</i> | [MDES, CLL, LLO] |
| the <i>Local Government Act 1989</i> | [MDES, EHO, CLL, LLO] |
| the <i>Public Health and Wellbeing Act 2008</i> ¹ | [MDES, EHO] |
| Part 14 of the <i>Residential Tenancies Act 1997</i> | [MDES, EHO] |
| the <i>Road Management Act 2004</i> | [GMIDS] |
| the <i>Road Safety Act 1986</i> | [GMIDS, MDES, CLL, LLO] |

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

the <i>Sex Work Act</i> 1994	[MDES, CSP]
the <i>Shop Trading Reform Act</i> 1996	[EHO, MDES, CLL, LLO]
the <i>Summary Offences Act</i> 1966	[EHO, MDES, CLL, LLO]
the <i>Tobacco Act</i> 1987 ²	[MDES, EHO]
the <i>Valuation of Land Act</i> 1960	[VAL]

the regulations made under each of those Acts
the local laws made under the *Local Government Act* 1989
and any other Act, regulation or local law which relates to the functions and powers of the Council;

PART B

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

[MBS]

AND/OR

3. under section 228(2) of the *Building Act* 1993 appoints the officers to be authorised persons for the purposes of the *Building Act* 1993.

[MBS, MDES, EHO]

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

[CLL]

AND

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

[MDES, LLO]

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

[MDES, CLL, LLO]

7. under section 21 of the *Emergency Management Act* 1986 – appoints the officer to be Municipal Emergency Resource Officer

[MERO, DMERO]

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

[EHO, MDES, CLL, LLO]

AND

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

9. under section 48A of the *Environment Protection Act 1970* – appoints the officers to be authorised officers for the purposes of section 48A.
[EHO, MDES, CLL, LLO]
-
10. under section 23 of the *Fire Services Property Levy Act 2012* – appoints the officers to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012*³ .
[VAL]
-
11. for the purposes of 20 of the *Food Act 1984* = appoints the officers to be authorised officers for the purposes of the *Food Act 1984*⁴⁵
[MDES, EHO]
-
12. under section 19(1) of the *Graffiti Prevention Act 2007* – appoints the officers to be authorised persons for the purposes of carrying out Council's functions under section 18⁶
[MIA, MIO, MDES, CLL]
-
13. under section 71(1) of the *Housing Act 1983* – appoints the officer to be an authorised person for the purposes of entering a house or building and conducting an inspection under section 71.
[MBS, MDES, EHO]
-
14. under section 190 of the *Land Act 1958* – authorises the officers for the purposes of section 190 of that Act.⁷
[MIA, MIO, MDES, CLL]
-
15. under section 29 of the *Public Health and Wellbeing Act 2008*, - appoints the officer to be the Environmental Health Officer⁸ for the purposes of enforcing the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*.
[MDES, EHO]
- AND/OR
16. under section 147(1)(b)(i) of the *Public Health and Wellbeing Act 2008*, - authorises the officer to issue immunisation status certificates under section 148 of the *Public Health and Wellbeing Act 2008*.
[MDES, EHO]
17. under section 525(2) of the *Residential Tenancies Act 1997* - appoints the officer to exercise the powers set out in section 526 of that Act.

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

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

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

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

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

⁸ Council must be sure that the EHO is suitably trained or qualified under section 31(2) of the *Public Health and Wellbeing Act 2008*.

[MDES, EHO]

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

[GMIDSS, MIA]

19. under section 59(1)(a)(ii) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under section 59(1)(a) of that Act.

[GMIDS, MDES, CLL, LLO]

AND/OR

20. under section 59(1)(d) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under section 59(1)(d) of that Act.

[GMIDS, MDES, CLL, LLO]

AND/OR

AND/OR

21. under section 87(1A) of the *Road Safety Act 1986* – authorises the officers to exercise the power in section 87(1A) of that Act.⁹

[GMIDS, MDES, CLL, LLO]

AND/OR

22. under section 87(1B)(c) of the *Road Safety Act 1986* – authorises the officers to exercise the power in section 87(1B)(c).

[GMIDS, MDES, CLL, LLO]

AND/OR

23. under regulation 84(c)(ii) of the *Road Safety (General) Regulations 2009* – authorises the officers for the purposes of filing a charge or an offence under section 90E of the *Road Safety Act 1986* or under a regulation under that Act.

[GMIDS, MDES, CLL, LLO]

24. under section 3(1) of the *Sex Work Act 1994* - appoints the officer to be an authorised officer of the responsible authority for the purposes of enforcing Parts 4 and 5 of that Act.

[MDES, CSP]

⁹ Council must ensure that a person appointed under section 87 is competent, of good repute and character and has agreed in writing to exercise the functions conferred on an authorised person (see section 87(1C))

25. under section 13DA(1) of the *Valuation of Land Act* 1960 – appoints the persons who are not members of Council's staff for the purposes of section 13DA of that Act.¹⁰

[VAL]

AND

26. under section 13J of the *Valuation of Land Act* 1960 – appoints the persons for the purposes of section 13J of that Act.¹¹

[VAL]

PART C

27. under -

section 232 of the *Local Government Act* 1989¹²

section 527 of the *Residential Tenancies Act* 1997

section 77(2)(b) of the *Road Safety Act* 1986¹³

section 77(4) of the *Road Safety Act* 1986 [only where Council is a Committee of Management under the *Crown Land (Reserves) Act* 1978]

sections 48A(9)(c) and 59(3) of the *Environment Protection Act* 1970

section 241 of the *Building Act* 1993

section 92 of the *Domestic Animals Act* 1994¹⁴

section 96 of the *Road Management Act* 2004

section 33A of the *Impounding of Livestock Act* 1994

section 10(4) of the *Graffiti Prevention Act* 2007

section 219 of the *Public Health and Wellbeing Act* 2008

section 45AC of the *Food Act* 1984

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

¹⁰ Council must ensure that the person appointed holds the qualifications or experience specified from time to time by the Minister by notice published in the Government Gazette.

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

¹² A person authorised under section 232 of the *Local Government Act* 1989 is also authorised to bring proceedings under the *Fire Services Property Levy Act* 2012 (see section 22 *Fire Services Property Levy Act* 2012).

¹³ A person authorised under sections 77(2)(b) and/or 77(4) of the *Road Safety Act* 1986 is also an authorised officer for the purposes of rules 203 and 307 of the *Road Safety Road Rules* 2009.

¹⁴ Council may only appoint an authorised officer who is also appointed under section 72 of the Act.

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

Murrindindi Shire Council

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

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

In this instrument "officer" means -

- “CSP” means Coordinator Statutory Planning – Karen Girvan
- “MDES” means Manager Development & Environmental Services – Matt Parsons
- “PO” means Planning Officer – Angelina Bell, Melissa Crane
- “SPO” means Strategic Planning Officer - Grant Scale

By this instrument of appointment and authorisation Murrindindi Shire Council -

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

[MDES, CSP, PO, SPO]

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

[MDES, CSP, PO, SPO]

It is declared that this instrument -

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

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

DATED this day of 2015

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

Chief Executive Officer

Councillor

Powers, duties and functions vested in Council's Chief Executive Officer under the *Local Government Act 1989*

Provision	Power/Duty/Function
s. 13(4)	duty to enrol certain persons (where it appears that there are more than 2 owners)
s. 13(5)	duty to give effect to request regarding enrolment on voters' roll
s. 13(7)	duty to choose one rateable property in respect of which the ratepayer entitlement to be enrolled is to be exercised
s. 15(6)	duty to notify the owner or joint owners that the Council has received an application under s.15(1)
s. 17(1)	duty to enrol person on voters' roll unless belief of non-entitlement
s. 17(2)(a)	duty to refuse to enrol person
s. 17(2)(b)	duty to advise person of refusal to enrol in writing, and to give person the reason for the refusal
s. 17(3)	power to request orally, or in writing, any person or corporation to provide information to enable determination of enrolment eligibility
s. 17(4)	power to require information be given in writing and signed by the person giving the information
s. 20	power to determine request that address of person not be shown on voters' roll and notify person accordingly
s. 21(3)	duty to supply Victorian Electoral Commission with information requested to prepare voters' list
s. 22(1)	function of being responsible for preparation of the voters' list of ratepayers and the maintenance of any records to facilitate preparation of an accurate and complete voters' list
s. 22(2)	duty to prepare and supply voters' list of ratepayers to Registrar within 7 days of general election
s. 23A(1)	duty to give a letter to a person or a corporation as specified
s. 23A(2)	duty to send a letter to a person or corporation as specified
s.23A(4B)(a)	duty to provide voters' lists as per ss 21 and 22 in case of by-election or poll of voters
s. 24(5)	duty to provide Registrar sufficient information to update exhibition roll in

	respect to ratepayer entitlements under ss.13 - 16
s. 24(6)	duty to certify that voters' roll had been prepared in accordance with the Act
s. 24A(1)	power to amend voters' roll in the circumstances listed in (a)-(c)
s. 24A(2)	duty to obtain the approval of the Victorian Electoral Commission in certain circumstances
s. 24A(3)	duty to certify an amendment to the voters' roll under subsection (1)
s. 24B	duty to ensure voters' roll is available for public inspection
s. 24C(2)	duty to provide voters' roll to election candidates
s. 24C(4)	power to provide voters' roll to any person or organisation, subject to the requirements in subsections (a)-(c)
s. 24C(4)(a)-(c)	power to determine form, conditions and fees under section 24C(4)
s. 24C(7)	duty to forward a request for a 'permitted purpose' to the Commissioner for Privacy and Data Protection
s. 24C(10)	duty to reject a request for a copy of the voters' roll to be used for a public interest purpose, if the Commissioner for Privacy and Data Protection does not approve the proposed use
s. 28(1B)	function of receiving notice of any change to any entitlement relating to the enrolment of a Councillor
s. 37(2)	duty to notify the Minister of decision to fill an extraordinary vacancy within 6 months before a general election, within 3 working days of the Council making the decision
s. 38(1B)	duty to notify the Minister that an extraordinary vacancy has occurred within 3 working days
s. 40(2)	power to appoint a prosecution officer for the purposes of s.40
s. 40(3)	power to serve, or cause to be served, an infringement notice
s.62	function of receiving election campaign donation return
s 62A(1)	duty to submit report to Minister specifying names of persons who were candidates in the election and those who submitted an election donation return within 14 days after the period specified in section 62(1)
s.62A(2)	duty to ensure that a summary of each election campaign donation return is made available on Council's website, within the prescribed time
s.62A(2A)	duty to ensure that a summary of each election campaign donation return is made available on Council's website (where return is given after time period specified in section 62(1))
s.62A(2C)	duty to ensure that a summary of each election campaign donation return is made available on Council's website until the entitlement date for next general election

s.62A(3)	duty to ensure election campaign donation return is available for inspection
s.68A(1) & s.69(1)(c)	function of receiving resignation from a Councillor
s. 68A(4)	power to commence the holding of an election to fill extraordinary vacancy
s.72(1)(c)	function of receiving resignation of the Mayor
s.77(2)(c)	power to designate information to be 'confidential information' for the purposes of s.77A
ss.79(2)(a)(ii)	function of receiving advice of a conflict of interest of a Councillor or member of a special committee
s. 79(5)(a)	duty to keep written disclosures given to him or her under this section in a secure place for 3 years after the date the Councillor or member of a special committee who made the disclosure ceases to be Councillor or member of a committee
s. 79(5)(b)	duty to destroy the written disclosure when the 3 year period referred to in section 79(5)(a) has expired
s. 79(8)	duty to record a conflict of interest in the minutes of a meeting
s. 80(1)(b)	power to apply, in writing, to the Minister, after receiving written declarations of conflicts of interest from a majority of Councillors, for an exemption of those Councillors from any or all of the provisions of section 79
s. 80(1A)	function of providing additional information regarding an application made under section 80(1)(b)
s. 80A(1)	duty to ensure that at an assembly of Councillors, a written record is kept of the names of all Councillors and members of Council staff attending, the matters considered and any conflict of interest disclosures made by a Councillor attending under section 80A(3)
s. 80A(2)(a)	duty to ensure a written record of an assembly of Councillors is, as soon as practicable, reported at an ordinary meeting of the Council
s. 80A(2)(b)	duty to ensure a written record of an assembly of Councillors is, as soon as practicable, incorporated in the minutes of that Council meeting
s. 80B(2)(b)	duty to disclose type and nature of conflict of interest to the Mayor or the Council
s. 80B(2)(c)	function of receiving written disclosure of conflict of interest from staff member
s.81(1)	power to nominate a 'nominated officer'
s.81(2)	function of receiving a primary return from a Councillor or a member of a special committee

s.81(4)	function of receiving a primary return from a nominated officer
s.81(5)	function of receiving an ordinary return from a Councillor, member of a special committee or a nominated officer
s.81(9)	duty to maintain a register of the interests of Councillors, members of special committees and nominated officers
s.81(10)	duty to allow a person to inspect the register following a written request to the Chief Executive Officer
s.81(12)	duty to take all reasonable steps to ensure that only persons who made written applications may inspect the register
s. 81(13A)	duty to maintain a record of the names of persons who have inspected the register of interests under section 81(10)
s.81(16)	duty to remove all the returns submitted by a Councillor or a member of a special committee or a nominated officer from the register, as soon as practicable after a person ceases to hold that position
s.84(3)	duty to call the special meeting as specified in a notice or resolution
s.84A	power to call a special meeting within 14 days after the results of a general election are publicly declared
s.85(1)	power to require all Councillors to attend a call of the Council meeting if a quorum cannot be formed or maintained
s.85(4)	duty to immediately advise the Minister if a Councillor does not remain at or attend a call of the Council meeting within 30 minutes after the fixed time
s.94A(2)	power to appoint members of Council staff to enable the statutory functions of Council or the Chief Executive Officer to be carried-out
s. 94A(3)	function of appointing, directing, managing and dismissing Council staff
s.94B(1)	power to appoint a senior officer
s.94B(3)	duty to ensure that ensure that a person who has filled a senior officer's position on an acting basis for 12 months is not remunerated in any way for anything the person does in respect of that position after that 12 month period (unless subsection (1) applies).
s.94D	duty to give Council staff an opportunity to apply for any vacant permanent full-time Council staff position
s. 95AA(1)	duty to develop and implement a code of conduct for Council staff
s. 95AA(3)	duty to ensure members of Council staff have access to the code of conduct for Council staff
s. 95B(5)	duty to comply with a notice under section 95B(3)(b)
s.95B(6)	duty to employ a person on an acting basis where the Council or the Chief Executive officer is forbidden to fill a vacancy by a notice

s.97A(2)	duty to review the performance of every senior officer at least once each year
s.138	duty to give quarterly statements at a Council meeting that is open to the public
s.219(12)	duty to summon a Council meeting within 14 days after the public declaration of the election result
s.230	function of receiving notice in relation to the disposition of any land
s.231	function of receiving notice in relation to the acquisition of any land
s.229(2)(b)	function of receiving an application for a land information certificate
s.242(2)	power to sign a certificate certifying any matter relating to the contents of any document kept by a Council
Cl. 1(2)(b) Sch 2	power to appoint a member of Council staff to be the returning officer
Cl.14(1) Sch 3	function of receiving returning officer's report
Cl.14(3) Sch 3	duty to ensure that the returning officer's report is submitted to the Council at the earliest meeting of Council that is practicable
Cl.17(1)(c) Sch 3	power to appoint a scrutineer
Cl.7A(1)(a) Sch 3A	function of receiving notice of failure of the countback or the returning officer's failure to fill an extraordinary vacancy
Cl.7(e) Sch 5	function of receiving record of Councillor Conduct Panel process
Cl.8(1) Sch 5	duty to appoint a member of Council staff to be the CCP Registrar
Cl.8(2)(a) Sch 5	duty to ensure that the members of a Councillor Conduct Panel are paid in accordance with the schedule of fees set by the MAV
Cl.8(2)(b) Sch 5	duty to ensure the sealed records of the Councillor Conduct Panel are stored safely and made accessible only in accordance with sub-clause (3) for a period of 7 years after the conclusion of the matter
Cl.8(3) Sch 5	duty to comply with a request for the sealed records from VCAT, a court or an Inspector of Municipal Administration

MURRINDINDI SHIRE COUNCIL

CHARTER OF THE AUDIT COMMITTEE

1. OBJECTIVES

The Audit Committee is an independent advisory committee to Council. The primary objective of the Audit Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Audit Committee is established to assist the co-ordination of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.

As part of Council's governance obligations to its community, Council has constituted an Audit Committee to facilitate:

- The enhancement of the credibility and objectivity of internal and external financial reporting;
- Effective management of financial and other risks and the protection of Council assets;
- Compliance with laws and regulations as well as use of best practice guidelines;
- The effectiveness of the internal audit function;
- The provision of an effective means of communication between the external auditor, internal audit, management and the Council.

2. TERMS OF REFERENCE

General

- (a) The Audit Committee is a formally appointed committee of the Council and is responsible to that body. The Audit Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Audit Committee does not have any management functions and is therefore independent of management.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.

Membership

- (b) The Audit Committee will comprise a minimum of six members – three external independent persons (voting rights), two Councillors (voting rights) and the Mayor (or substitute - both non-voting).
- (c) Appointments of external independent persons shall be made by Council by way of public advertisement and be for a term of two years with an option of a one year extension. The terms of the appointment should be arranged to ensure a staggered rotation and continuity of membership despite changes to Council's elected representatives. The term of the Chair is to be 12 months, with a maximum of three (3) consecutive years with a break of at least one (1) year. The term of the Chair is to commence in the first quarter of each financial year.
- (d) All external independent persons will have senior business or financial management/reporting knowledge and experience, and be conversant with the financial and other reporting requirements. The evaluation of potential members will be undertaken by the Mayor, member Councillor and Chief Executive Officer taking account of the experience of candidates and their likely ability to apply appropriate analytical and strategic management skills, and a recommendation for appointment put to Council.
- (e) 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 meeting which is open to the public, if the member so requests.
- (f) Remuneration will be determined by Council and reviewed periodically. Payment will be paid to each independent member of the Committee on a quarterly basis in arrears.
- (g) The Chairperson shall be appointed from the external members of the Committee by the Audit Committee subject to Council's approval. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.
- (h) A quorum will be a simple majority of the members of the Committee.
- (i) The Chief Executive Officer and internal auditor (whether a member of staff or contractor) should attend all meetings, except when the Committee chooses to meet without management in attendance. Other members of Council or Council staff may be invited to attend at the discretion of the Committee to advise and provide information when required.
- (j) Representatives of the external auditor should be invited to attend at the discretion of the Committee but **must** attend meetings considering the draft annual financial report and results of the external audit.

- (k) Council shall provide secretarial and administrative support to the Committee.
- (l) Induction of new members – any prospective new committee members should be provided with a copy of the audit committee’s charter and with the following documentation:
 - Council plan;
 - Annual report;
 - Key financial reporting policies, including related-party issues; and
 - Current council plan performance report.

Annual Agenda

- (m) An annual agenda including schedule of meeting dates will be developed and agreed to by the members. As an indicative guide, meetings would be arranged to coincide with relevant Council reporting deadlines, for example to coincide with the approval of the Council Plan, annual plans and budgets and in August to coincide with the finalisation of the financial statements and the draft annual report to the Minister.

The Committee shall meet at least quarterly.

Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Committee, internal or external auditor.

All meetings of the Committee shall be conducted in accordance with Council’s Governance Local Law No. 2, 2014.

Reporting

- (n) The Audit Committee shall after every meeting forward the minutes of that meeting to the next ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.
- (o) The Committee shall report annually to the Council summarising the activities of the Committee during the previous financial year.

Duties and Responsibilities

- (p) The following are the duties and responsibilities of the Audit Committee in pursuing its Charter:
 - (i) To review the scope of the internal audit plan and program and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addresses:

- internal controls over significant areas of risk, including non- financial management control systems;
 - internal controls over revenue, expenditure, assets and liability processes;
 - the efficiency, effectiveness and economy of significant
 - Council programs; and
 - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
- (ii) Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
- (iii) Review the level of resources allocated to internal audit and the scope of its authority.
- (iv) Review reports of internal audit and the extent to which Council and management respond to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
- (v) Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
- (vi) Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference. Review management's response to, and actions taken as a result of the issues raised.
- (vii) Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
- (viii) Monitor ethical standards and related party transactions by determining whether the systems of control are adequate.
- (ix) Review Council's draft annual financial report, focusing on:
- accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates; significant adjustments to the financial report (if any) arising from the audit process;

- compliance with accounting standards and other reporting requirements;
 - significant variances from prior years.
- (x) Recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- (xi) Discuss with the external auditor the scope of the audit and the planning of the audit.
- (xii) Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- (xiii) Review procurement practices against best practice and legislation and advise Council.
- (xiv) Review the annual performance statement and recommend its adoption to Council.
- (xv) Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators.
- (xvi) Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council if appropriate. Oversee any subsequent investigation, including overseeing of the investigation of any suspected cases of fraud within the organisation.
- (xvii) Monitor the progress of any major lawsuits facing the Council.
- (xviii) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.
- (xix) The Audit Committee in conjunction with Council and the Chief Executive Officer should develop the Committee's performance indicators.
- (xx) Receiving mandatory quarterly financial statements.
- (xxi) Review key policies impacting the effectiveness of Council's governance framework, including the Code of Conduct, Fraud Prevention & Control Policy, Protected Disclosures Policy, etc.

- (q) The Audit Committee, through the Chief Executive Officer and following authorisation from Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.

Review

- (r) The audit committee shall be subject to a periodic review, including a review by the Council and the completion of a self-assessment program. The reviews should include the following:
- Obtaining feedback on the committee's performance and operations from key people such as the external auditor, the internal auditor, and senior financial and other management staff.
 - Obtaining feedback from the Council on the effectiveness of the committee.
 - Assessing the performance of the audit committee against its terms of reference.
 - Assessing the contribution of individual committee members (review to be completed by the committee's chairperson) and the chairperson (review by committee members), for discussion with the Mayor.

3. MISUSE OF POSITION

In accordance with section 76D of the *Local Government Act 1989* as amended (the Act), 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.

4. CONFLICT OF INTEREST

In accordance with Section 79 of the Act, members are required to disclose all conflicts of interest and may not be eligible to vote on a matter or attend a meeting at which the subject of the conflict will be considered, depending on the nature of the conflict. Members are expected to be aware of the provisions of the Act with regard to conflicts of interest and disclosure thereof. Failure to comply with the provisions of the Act with regard to conflicts of interest may result in the member's appointment being terminated.

5. CONFIDENTIALITY

All members are expected to be aware of their responsibilities with regard to the confidentiality of information about Council's affairs pursuant to Section 77 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.

6. ATTACHMENTS

The Council has attached the following documents or copies of the document to this Charter.

- Governance Local Law 2, 2014

The Audit Committee Charter was endorsed by the Murrindindi Shire Council on .

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Margaret Abbey
CHIEF EXECUTIVE OFFICER

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