



Maddocks

Maddocks Delegations and Authorisations

S6 Instrument of Delegation – Members of Staff

West Wimmera Shire Council

Instrument of Delegation

to

Members of Council Staff

Reviewed and adopted by Council, **INSERT DATE** 2022

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:
 - AM: Assets Manager
 - CEO: Chief Executive Officer
 - CFO: Chief Financial Officer
 - DCCS: Director Corporate and Community Services
 - DIDW: Director Infrastructure Development and Works
 - EHO: Environmental Health Officer
 - GM: Governance Manager
 - MIE: Manager Infrastructure Engineering
 - MPE: Manager Planning and Environment
 - ND: Not Delegated
 - RC: Rates Coordinator
 - RLLC: Ranger & Local Laws Coordinator
 - SPO: Senior Planning Officer
 - WM: Works Manager
3. declares that:
 - 3.1 this Instrument of Delegation is authorised by resolution of Council passed on **INSERT DATE** 2022;
 - 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 revokes the previous delegation dated 15 September 2021;
 - 3.2.4 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.5 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a resolution of Council;
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or



(b) strategy

adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

The Common Seal of the West Wimmera Shire Council was affixed in the presence of:)	
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_____)	
Councillor)	
)	
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_____)	
Councillor)	
)	
)	
_____)	
Chief Executive Officer)	

SCHEDULE

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CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under section 5 of this Act, and also apply to Council 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
			Council is the Cemetery Trust for the Edenhope Goroke and Kaniva cemeteries, which are all Class B cemeteries. Class A cemeteries are larger cemeteries, mostly in metropolitan Melbourne
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	DCCS, GM & CFO	
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	DCCS, GM & CFO	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) – (c) in exercising its functions	DCCS, GM & CFO	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) – (n)	Not applicable.	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions	Not applicable	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DCCS, GM & CFO	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	DCCS, GM & CFO	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 15(4)	Duty to keep records of delegations	DCCS, GM & CFO	
s 17(1)	Power to employ any persons necessary	DCCS, GM & CFO	In accordance with relevant Council policies
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	DCCS, GM & CFO	
s 17(3)	Power to determine the terms and conditions of employment or engagement	DCCS	Subject to any guidelines or directions of the Secretary.
s 18(3)	Duty to comply with a direction from the Secretary	DCCS, GM & CFO	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	Not applicable	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	Not applicable	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	Not applicable	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	Not applicable	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	Not applicable.	Where Council is a Class A cemetery trust



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	Not applicable.	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	Not applicable.	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	Not applicable.	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	Not applicable.	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	Not applicable.	Where Council is a Class A cemetery trust
s 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	Not applicable.	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	Not applicable.	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	Not applicable.	Where Council is a Class A cemetery trust



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	Not applicable.	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	Not applicable.	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	Not applicable.	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	Not applicable.	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	Not applicable.	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	Not applicable.	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year	Not applicable.	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	DCCS, GM & CFO.	
s 20(1)	Duty to set aside areas for the interment of human remains	ND	The duty remains with the Council



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	ND	The power remains with the Council
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	ND	The power remains with the Council
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	ND	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with section 36	ND	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with section 37	ND	Subject to the Minister approving the purpose
s 40	Duty to notify the Secretary of fees and charges fixed under section 39	DCCS, GM & CFO.	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	ND	Provided the street was constructed pursuant to the <i>Local Government Act 2020</i>
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DCCS, GM & CFO.	Report must contain the particulars listed in section 57(2)
s 59	Duty to keep records for each public cemetery	DCCS, GM & CFO.	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DCCS, GM & CFO.	
s 60(2)	Power to charge fees for providing information	DCCS, GM & CFO.	
s 64(4)	Duty to comply with a direction from the Secretary under section 64(3)	DCCS, GM & CFO.	
S 64B(d)	Power to permit interments at a reopened cemetery	Not applicable	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	ND	The application must include the requirements listed in section 66(2)(a)–(d) – the power remains with the Council
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	ND	
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	DCCS, GM & CFO.	
s 70(2)	Duty to make plans of existing place of interment available to the public	DCCS, GM & CFO.	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	DCCS, GM & CFO.	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 71(2)	Power to dispose of any memorial or other structure removed	ND	The power remains with the Council
s 72(2)	Duty to comply with requests received under section 72	DCCS, GM & CFO.	
s 73(1)	Power to grant a right of interment	DCCS, GM & CFO.	
s 73(2)	Power to impose conditions on the right of interment	DCCS, GM & CFO.	
S 74	Duty to offer a perpetual right of interment	DCCS, GM & CFO.	
s 75	Power to grant the rights of interment set out in section 75(a) and (b)	DCCS, GM & CFO.	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DCCS, GM & CFO.	
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	DCCS, GM & CFO.	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DCCS, GM & CFO.	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 80(2)	Function of recording transfer of right of interment	DCCS, GM & CFO.	
s 82(2)	Duty to pay a refund on the surrender of an unexercised right of interment	DCCS, GM & CFO.	
s 83(2)	Duty to pay a refund on the surrender of an unexercised right of interment	DCCS, GM & CFO.	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	DCCS, GM & CFO.	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DCCS, GM & CFO.	
s 84F(2)(d)	Function of receiving notice of a decision to vary or force the surrender of a right of interment under section 84(C)(2), (3) or (5)	DCCS, GM & CFO.	
s 84H(4)	Power to exercise the rights of a holder of a right of interment	DCCS, GM & CFO.	
s 84I(6)(a)	Power to remove any memorial on the place of interment	DCCS, GM & CFO.	
S 84I(6)(b)	Power to grant a right of interment under section 73	DCCS, GM & CFO.	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 85(1)	Duty to notify the holder of a 25 year right of interment of expiration at least 12 months before expiry	DCCS, GM & CFO.	The notice must be in writing and contain the requirements listed in section 85(2)
s 85(2)(b)	Duty to notify the holder of a 25 year right of interment of expiration of right at least 12 months before expiry	DCCS, GM & CFO.	Does not apply where right of internment relates to remains of a deceased veteran.
85(2)(c)	Power to <ul style="list-style-type: none"> • leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or; • remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location 	ND	May only be exercised where the right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment. The power remains with the Council
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	ND	The power remains with the Council
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of internment to a perpetual right of interment	ND	The power remains with the Council
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	ND	The power remains with the Council



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with section 86(3)(b)	ND	The power remains with the Council
s 86(4)	Power to take action under section 86(4) relating to removing and re-interring cremated human remains	ND	The power remains with the Council
s 86(5)	Duty to provide notification before taking action under section 86(4)	ND	The power remains with the Council
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under section 86(3)	ND	The power remains with the Council
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	ND	The power remains with the Council
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DCCS, GM & CFO.	The delegation does not extend to approving the application – see section 54(2) of the Act.
s 91(1)	Power to cancel a right of interment in accordance with section 91	DCCS, GM & CFO.	
S 91(3)	Duty to publish notice of intention to cancel right of interment	DCCS, GM & CFO.	
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	DCCS, GM & CFO.	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
S 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DCCS, GM & CFO.	
s 99	Power to approve or refuse an application made under section 98, or to cancel an approval	DCCS, GM & CFO.	
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	DCCS, GM & CFO.	
s 100(1)	Power to require a person to remove memorials or places of interment	DCCS, GM & CFO.	
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)	ND	The power remains with the Council
s 100(3)	Power to recover costs of taking action under section 100(2)	ND	The power remains with the Council
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	DCCS, GM & CFO.	
S 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	ND	The power remains with the Council
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	ND	The power remains with the Council



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 103(1)	Power to require a person to remove a building for ceremonies	ND	The power remains with the Council
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	ND	The power remains with the Council
s 103(3)	Power to recover costs of taking action under section 103(2)	DCCS, GM & CFO.	
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	DCCS, GM & CFO.	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	DCCS	
s 106(3)	Power to open and examine the place of interment if section 106(2) not complied with	DCCS	
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	DCCS	
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DCCS	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DCCS	
s 108	Power to recover costs and expenses	DCCS	
s 109(1)(a)	Power to open, examine and repair a place of interment	DCCS	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DCCS	Where the holder of right of interment or responsible person cannot be found
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	DCCS	Where the holder of right of interment or responsible person cannot be found
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	DCCS	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	DCCS.	
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	DCCS	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	ND	The power remains with the Council
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DCCS	
s 112	Power to sell and supply memorials	DCCS	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DCCS, GM & CFO.	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	DCCS	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DCCS	
s 119	Power to set terms and conditions for interment authorisations	DCCS	
s 131	Function of receiving an application for cremation authorisation	Not applicable	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	Not applicable	Subject to section 133(2)



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DCCS, GM & CFO.	Refers to the interment of deceased poor persons
s 146	Power to dispose of bodily remains by a method other than interment	DCCS	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment	DCCS	
s 149	Duty to cease using a method of disposal if approval revoked by the Secretary	DCCS, GM & CFO.	
s 150 & 152(1)	Power to authorise the interment of body parts if the requirements of Division 1 of Part 11 are met	DCCS, GM & CFO.	
s 151	Function of receiving applications to inter body parts	DCCS, GM & CFO.	
s 152(2)	Power to impose terms and conditions on authorisation granted under section 150	DCCS, GM & CFO.	
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DCCS, GM & CFO.	
sch 1 cl 8(8)	Power to regulate its own proceedings	DCCS, GM & CFO.	Subject to clause 8



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Not applicable	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate its own proceedings	Not applicable	Where Council is a Class A cemetery trust



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	MPE & RLLC	Council may delegate this power to a Council authorised officer

DRAFT



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	MPE & EHO	If section 19(1) applies. Section 19(1) provides that the direction has received a report from an “authorised officer” (as defined). Authorised officer means an environmental health officer appointed under section 29 of the <i>Public Health & Wellbeing Act 2008</i> .
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	MPE & EHO	If section 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	MPE & EHO	If section 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	MPE & 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	MPE & 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	MPE & EHO	If section 19(1) applies



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	MPE & EHO	Where Council is the registration authority. <i>Note – sub-sections (a) to (c) refer to issuing an order in relation to various matters including food, premises, equipment, vehicle and plant etc.</i>
s 19AA(4)(c)	Power to direct, in an order made under section 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	MPE & EHO	Note: the power to direct the matters under section 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 an order issued under section 19AA and give written notice of revocation, if satisfied that that order has been complied with	MPE & EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records (*)	MPE & EHO	Where Council is the registration authority. <i>(*) Refers to records of the proprietor of the food premises.</i>
s 19E(1)(d)	Power to request a copy of the food safety program	MPE & EHO	Where Council is the registration authority
s.19EA(3)	Function of receiving a copy of a revised food safety program	MPE & EHO	Where Council is the registration authority
s 19GB	Power to request a proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	MPE & EHO	Where Council is the registration authority
s.19IA(1)	Power to form an opinion that the food safety requirements or programme are non-compliant	EHO	



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19IA(2)	Duty to give written notice to the proprietor of the premises	MPE & EHO	Where Council is the registration authority. Not required if Council has taken other appropriate action in relation to deficiencies (see section 191IA(3)).
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	Not applicable	Where Council is the registration authority. Council does not conduct food safety audits.
S.19N(2)	Function of receiving notice from the auditor.	MPE & EHO	
s 19NA(1)	Power to request food safety audit reports	MPE & 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	Not applicable	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	EHO	Except for an assessment required by a declaration under section 19C or an inspection under ss 38B(1)(c) or 39
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	MPE & 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	MPE & 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	MPE & EHO	Where Council is the registration authority



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Vaioyus	Power to register or renew the registration of a food premises	MPE & EHO	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see section 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	EHO	
s 36B	Duty to pay the charge for use of online portal	EHO	
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	MPE & EHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under section 38AB(1)	Not delegated	Where Council is the registration authority – fees are determined by Council in the annual budget process
s 38A(4)	Power to request a copy of a completed food safety program template	MPE & EHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	MPE & EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of section 38A	MPE & EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in section 38B(2)(a)-(b)	MPE & 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 38D(1)	Duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	MPE & EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in section 38D(2)(a)-(d)	MPE & EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	MPE & EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	MPE & EHO	Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	MPE & EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require a proprietor to comply with requirements of this Act	MPE & EHO	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	MPE & EHO	Where Council is the registration authority
s 38G(2)	Function of receiving notice from the proprietor if there is a change of the food safety program type used for the food premises	MPE & EHO	Where Council is the registration authority
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	MPE & 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 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO	
s 39A	Power to register, renew or transfer food premises despite minor defects	MPE & EHO	Where Council is the registration authority Only if satisfied of matters in section 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary.	MPE & EHO	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	MPE & EHO	Where Council is the registration authority
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>	MPE & EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	MPE & EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	MPE & EHO	Where Council is the registration authority
s 40E	Duty to comply with a direction of the Secretary.	MPE & EHO	
s 40F	Power to cancel registration of food premises	MPE & EHO	Where Council is the registration authority.
s.43	Duty to maintain records of registration.	MPE & 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 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	MPE & 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	MPE & EHO	Where Council is the registration authority
s 45AC	Power to bring proceedings	MPE & EHO	
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	MPE & EHO	Where Council is the registration authority



HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate the Executive Director's functions, duties or powers	DIDW & MPE	Must first obtain the Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation. <i>"Executive Director" means the Executive Director of Heritage Victoria.</i>



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	ND ¹	
s 185L(4)	Power to declare and levy a cladding rectification charge	Not applicable	

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



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 Victorian Planning Provisions	MPE & SPO	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	MPE & SPO	
s 4H	Duty to make amendment to the Victorian Planning Provisions available in accordance with public availability requirements	MPE & SPO	<i>The “public availability requirements” are set out in section 197A etc and include making documents available:</i> <ul style="list-style-type: none">• <i>electronically;</i>• <i>on request;</i>• <i>in a public register; and</i>• <i>for inspection.</i>
s 4I	Duty to keep the Victorian Planning Provisions and other documents available in accordance with public availability requirements	MPE & SPO	
s 8A(2)	Power to prepare amendments to the planning scheme where the Minister has given consent under section 8A	DIDW, MPE	
s 8A(3)	Power to apply to the Minister to prepare an amendment to the planning scheme	DIDW, MPE	
s 8A(5)	Function of receiving notice of the Minister's decision	MPE & SPO	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response is received after 10 business days	DIDW, MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	ND	The power remains with the Council
s 12(3)	Power to carry out studies and do things to ensure the proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	DIDW & MPE	
s 12B(1)	Duty to review the planning scheme	DIDW & MPE	
s 12B(2)	Duty to review the planning scheme at the direction of the Minister	DIDW & MPE	
s 12B(5)	Duty to report findings of a review of the planning scheme to Minister without delay	DIDW & MPE	
s 14	Duties of a Responsible Authority as set out in section 14(a) to (d)	DIDW & MPE	
s 17(1)	Duty of giving a copy of an amendment to the planning scheme	MPE & SPO	
s 17(2)	Duty of giving a copy of a section 173 agreement	MPE & SPO	
s 17(3)	Duty of giving a copy of an amendment, explanatory report and relevant documents to the Minister within 10 business days	MPE & SPO	
s 18	Duty to make amendments etc. available in accordance with public availability requirements	MPE & SPO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DIDW & MPE	
s 19	Function of receiving notice of the preparation of an amendment to a planning scheme	MPE & SPO	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 the Minister for exemption from the requirements of section 19	DIDW & MPE	
s 21(2)	Duty to make submissions available in accordance with public availability requirements	MPE & SPO	
s 21A(4)	Duty to publish notice	MPE & SPO	<i>The section refers to joint submissions in relation to a proposed amendment.</i>
s 22	Duty to consider all submissions	MPE & SPO	Except submissions which request a change to the items in section 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DIDW & MPE	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DIDW & MPE	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in section 96D)	DIDW, MPE & SPO	



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 a report available for inspection in accordance with the requirements set out in section 197B of the Act	MPE & SPO	
s 26(2)	Duty to keep the report of panel available in accordance with public availability requirements	MPE & SPO	
s 27(2)	Power to apply for exemption if the panel's report is not received	DIDW & MPE	
s 28(1)	Duty to notify the Minister if abandoning an amendment	DIDW & MPE	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on the Internet site	MPE & SPO	<i>Refers to abandonment of amendments.</i>
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least two months	MPE & SPO	<i>Refers to abandonment of amendments.</i>
s 30(4)(a)	Duty to say if an amendment has lapsed	MPE & SPO	
s 30(4)(b)	Duty to provide information in writing upon request	MPE & SPO	
s 32(2)	Duty to give more notice if required	DIDW, MPE & SPO	
s 33(1)	Duty to give more notice of changes to an amendment	DIDW, MPE & SP	
s 36(2)	Duty to give notice of approval of an amendment	DIDW, MPE & SPO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38(5)	Duty to give notice of revocation of an amendment	DIDW, MPE & SPO	
s 39	Function of being a party to a proceeding commenced under section 39 and duty to comply with a determination by VCAT	DIDW & MPE	
s 40(1)	Function of lodging a copy of an approved amendment	DIDW, MPE & SPO	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public liability requirements during the inspection period	DIDW, MPE & SPO	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in section 197B of the Act after the inspection period ends	DIDW, MPE & SPO	
s 42	Duty to make a copy of the planning scheme available in accordance with the public availability requirements	DIDW, MPE & SPO	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	Not applicable	Where Council is a responsible public entity and is a planning authority
s 46AW	Function of being consulted by the Minister	DIDW & MPE	Where Council is a responsible public entity



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DIDW & MPE	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DIDW & MPE	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	DIDW & MPE	Where Council is a responsible public entity
			<i>Part 3AB of the Act relates to infrastructure contributions and development contributions. Currently under the relevant settings that apply, infrastructure contribution plans are only used in the growth areas namely Whittlesea, Melton, Hume, Wyndham Mitchell Casey and Cardinia.</i>
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	Not applicable	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans (ICP)	Not applicable	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	Not applicable	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	Not applicable	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	Not applicable	
s 46GP	Function of receiving a notice under section 46GO	Not applicable	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	Not applicable	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under section 46GO	Not applicable	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	Not applicable	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under section 46GQ	Not applicable	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	Not applicable	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	Not applicable	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	Not applicable	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under section 46GT(5)	Not applicable	
s 46GU	Duty not to adopt an amendment under section 29 to an ICP that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in section 46GU(1)(a) and (b) are met	Not applicable	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	Not applicable	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	Not applicable	Where Council is the collecting agency



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with section 46GV(5) and (6)	Not applicable	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with section 46GV(5) and (6)	Not applicable	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in section 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	Not applicable	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	Not applicable	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	Not applicable	Where Council is the collecting agency
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under section 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved ICP	Not applicable	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	Not applicable	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	Not applicable	Where Council is the collecting agency



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	Not applicable	Where Council is the collecting agency under an approved ICP This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	Not applicable	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	Not applicable	Where Council is the collecting agency under an approved ICP This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	Not applicable	Where Council is the development agency under an approved ICP This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under section 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	Not applicable	Where Council is the collecting agency under an approved ICP
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved ICP to that development agency	Not applicable	Where Council is the collecting agency under an approved ICP This provision does not apply where Council is also the relevant development agency



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	Not applicable	Where Council is the development agency specified in the approved ICP This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved ICP any land credit amount to which the person is entitled under section 46GW	Not applicable	Where Council is the collecting agency under an approved ICP
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved ICP as responsible for the use and development of that land	Not applicable	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under section 46GV(4) Where Council is the collecting agency under an approved ICP This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	Not applicable	Where Council is the development agency under an approved ICP This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	Not applicable	Where Council is a development agency under an approved ICP
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	Not applicable	Where Council is a development agency under an approved ICP



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZB(3)	Duty to follow the steps set out in section 46GZB(3)(a) – (c)	Not applicable	Where Council is a development agency under an approved ICP
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	Not applicable	If the VPA is the collecting agency under an approved ICP Where Council is a development agency under an approved ICP
s 46GZD(2)	Duty, within 6 months after the date on which the approved ICP expires, to follow the steps set out in section 46GZD(2)(a) and (b)	Not applicable	Where Council is the development agency under an approved ICP
s 46GZD(3)	Duty to follow the steps set out in section 46GZD(3)(a) and (b)	Not applicable	Where Council is the collecting agency under an approved ICP
s 46GZD(5)	Duty to make payments under section 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	Not applicable	Where Council is the collecting agency under an approved ICP
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved ICP expires	Not applicable	Where Council is the development agency under an approved ICP This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	Not applicable	Where Council is the collecting agency under an approved ICP This duty does not apply where Council is also the development agency



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZE(3)	Duty, within 12 months after the date on which the approved ICP expires, to follow the steps set out in section 46GZE(3)(a) and (b)	Not applicable	Where Council is the collecting agency under an approved ICP
s 46GZF(2)	Duty, within 12 months after the date on which the approved ICP expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	Not applicable	Where Council is the development agency under an approved ICP
s 46GZF(3)	Duty, if land is sold under section 46GZF(2)(b), to follow the steps in section 46GZF(3)(a) and (b)	Not applicable	Where Council is the development agency under an approved ICP
s 46GZF(3)	Function of receiving proceeds of sale	Not applicable	Where Council is the collection agency under an approved ICP This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with section 46GZF(5)	Not applicable	Where Council is the collecting agency under an approved ICP
s 46GZF(6)	Duty to make the payments under section 46GZF(4) in accordance with section 46GZF(6)(a) and (b)	Not applicable	Where Council is the collecting agency under an approved ICP
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	Not applicable	Where Council is the collecting agency under an approved ICP



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	Not applicable	Where Council is a collecting agency or development agency
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	Not applicable	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under section 46LB (2)	Not applicable	
s 46N(1)	Duty to include a condition in a permit regarding payment of development infrastructure levy	Not applicable	
s 46N(2)(c)	Function of determining the time and manner for receipt of development contributions levy	Not applicable	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of a development infrastructure levy	Not applicable	
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	Not applicable	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	Not applicable	
s 46P(1)	Power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	Not applicable	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	Not applicable	
s 46Q(1)	Duty to keep proper accounts of levies paid	Not applicable	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	Not applicable	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	Not applicable	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	Not applicable	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under section 46Q(4)(a)	Not applicable	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	Not applicable	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	Not applicable	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	Not applicable	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46QD	Duty to prepare report and give a report to the Minister	Not applicable	Where Council is a collecting agency or development agency
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not applicable	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	Not applicable	
s 47	Power to decide that an application for a planning permit does not comply with that Act	DIDW, MPE & SPO	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DIDW, MPE & SPO	
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	DIDW, MPE & SPO	
s 50(4)	Duty to amend applications	DIDW, MPE & SPO	
s 50(5)	Power to refuse to amend applications	DIDW, MPE & SPO	
s 50(6)	Duty to make note of amendments to application in the register	DIDW, MPE & SPO	
s 50A(1)	Power to make amendment to applications	DIDW, MPE & SPO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50A(3)	Power to require an applicant to notify the owner and make a declaration that notice has been given	DIDW, MPE & SP	
s 50A(4)	Duty to note amendments to applications in the register	DIDW, MPE & SPO	
s 51	Duty to make copies of applications available for inspection in accordance with the public availability requirements	DIDW, MPE & SPO	
s 52(1)(a)	Duty to give notice of the application to the owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DIDW, MPE & SPO	
s 52(1)(b)	Duty to give notice of the application to another municipal council where appropriate	DIDW & MPE	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DIDW, MPE & 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	DIDW, MPE & 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	DIDW, MPE & SPO	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DIDW, MPE & SPO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DIDW, MPE & SPO	
s 52(3)	Power to give any further notice of an application where appropriate	DIDW, MPE & SPO	
s 53(1)	Power to require the applicant to give notice under section 52(1) to persons specified by it	DIDW, MPE & SPO	
s 53(1A)	Power to require the applicant to give the notice under section 52(1AA)	DIDW, MPE & SPO	
s 54(1)	Power to require the applicant to provide more information	DIDW, MPE & SPO	
s 54(1A)	Duty to give notice in writing of information required under section 54(1)	DIDW, MPE & SPO	
s 54(1B)	Duty to specify the lapse date for an application	DIDW, MPE & SPO	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DIDW, MPE & SPO	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under section 54A(3)	DIDW, MPE & SPO	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DIDW, MPE & 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	DIDW & MPE	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DIDW, MPE & SPO	
s 57(5)	Duty to make available for inspection copy of all objections in accordance with the public availability requirements	DIDW, MPE & SPO	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to section 57A(5)	DIDW, MPE & SPO	
s 57A(5)	Power to refuse to amend applications	DIDW, MPE & SPO	
s 57A(6)	Duty to note amendments to applications in the register	DIDW, MPE & SPO	
s 57B(1)	Duty to determine whether and to whom notice should be given	DIDW, MPE & SPO	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DIDW, MPE & SPO	
s 57C(1)	Duty to give copy of amended application to referral authority	DIDW, MPE & SPO	
s 58	Duty to consider every application for a permit	DIDW, MPE & SPO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 58A	Power to request advice from the Planning Application Committee	DIDW, MPE & SPO	<i>Planning Application Committee means a Planning Application Committee established by the Minister pursuant to section 97MA.</i>
s 60	Duty to consider certain matters	DIDW, MPE & SPO	
s 60(1A)	Duty to consider certain matters	DIDW, MPE & SPO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DIDW, MPE & SPO	
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	DIDW, MPE & SPO	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of a permit	DIDW, MPE & SPO	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DIDW, MPE & SPO	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not applicable	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	DIDW, MPE & SPO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DIDW, MPE & SPO	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DIDW, MPE & SPO	
s 62(2)	Power to include other conditions	DIDW, MPE & SPO	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DIDW, MPE & SPO	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved ICP	Not applicable	
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 a section 173 agreement	DIDW, MPE & SPO	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DIDW, MPE & 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 ss 46N(1), 46GV(7) or 62(5)	DIDW, MPE & SPO	
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)	DIDW, MPE & SPO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DIDW, MPE & SPO	
s 64(1)	Duty to give notice of a decision to grant a permit to the applicant and objectors	DIDW, MPE & SPO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(3)	Duty not to issue a permit until after the specified period	DIDW, MPE & SPO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	DIDW, MPE & SPO	This provision applies also to a decision to grant an amendment to a permit – see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DIDW, MPE & SPO	This provision applies also to a decision to grant an amendment to a permit – see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under section 57	DIDW, MPE & SPO	
s 66(1)	Duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	DIDW, MPE & SPO	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DIDW, MPE & 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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DIDW, MPE & 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	DIDW, MPE & 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
s 69(1)	Function of receiving applications for extensions of time of permits	DIDW, MPE & SPO	
s 69(1A)	Function of receiving application for extension of time to complete development	DIDW, MPE & SPO	
s 69(2)	Power to extend time	DIDW, MPE & SPO	
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	DIDW, MPE & SPO	
s 71(1)	Power to correct certain mistakes	DIDW, MPE & SPO	
s 71(2)	Duty to note corrections in the register	DIDW, MPE & SPO	<i>"Register" means a Register of Applications pursuant to section 49 of the Act.</i>
s 73	Power to decide to grant an amendment subject to conditions	DIDW, MPE & SPO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 74	Duty to issue an amended permit to the applicant if no objectors	DIDW, MPE & SPO	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to a permit	DIDW, MPE & SPO	
s 76A(1)	Duty to give relevant determining referral authorities a copy of an amended permit and copy of notice	DIDW, MPE & SPO	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DIDW, MPE & 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	DIDW, MPE & 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	DIDW, MPE & 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 a direction of the Minister to issue an amended permit	DIDW, MPE & SPO	
s 83	Function of being the respondent to an appeal	DIDW, MPE & SPO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 83B	Duty to give or publish notice of an application for review	DIDW, MPE & SPO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DIDW, MPE & SPO	
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	DIDW, MPE & SPO	
s 84(3)	Duty to tell the Principal Registrar if Council decides to grant a permit after an application is made for review of its failure to grant a permit	DIDW, MPE & SPO	<i>Principal Registrar" means the Principal Registrar of VCAT.</i>
s 84(6)	Duty to issue a permit on receipt of advice within 3 working days	DIDW, MPE & SPO	
s 84AB	Power to agree to confining a review by the Tribunal	DIDW, MPE & SPO	
s 86	Duty to issue a permit at the order of the Tribunal within 3 working days	DIDW, MPE & SPO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DIDW & MPE	
s 90(1)	Function of being heard at hearing of a request for cancellation or amendment of a permit	DIDW, MPE & SPO	
s 91(2)	Duty to comply with the directions of VCAT	DIDW, MPE & SPO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91(2A)	Duty to issue an amended permit to the owner if the Tribunal so directs	DIDW, MPE & SPO	
s 92	Duty to give notice of the cancellation/amendment of a permit by VCAT to persons entitled to be heard under section 90	DIDW, MPE & SPO	
s 93(2)	Duty to give notice of a VCAT order to stop development	DIDW, MPE & SPO	
s 95(3)	Function of referring certain applications to the Minister	DIDW & MPE	
s 95(4)	Duty to comply with an order or direction	DIDW, MPE & SPO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DIDW, MPE & SPO	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DIDW, MPE & SPO	
s 96A(2)	Power to agree to consider an application for permit concurrently with the preparation of a proposed amendment	DIDW, MPE & SPO	
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	DIDW, MPE & SPO	
s 96F	Duty to consider the panel's report under section 96E	DIDW, MPE & SPO	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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>)	DIDW, MPE & SPO	
s 96H(3)	Power to give notice in compliance with the Minister's direction	DIDW, MPE & SPO	
s 96J	Power to issue a permit as directed by the Minister	DIDW, MPE & SPO	
s 96K	Duty to comply with a direction of the Minister to give notice of refusal	DIDW, MPE & SPO	
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	DIDW, MPE & SPO	
s 97C	Power to request the Minister to decide the application	DIDW & MPE	
s 97D(1)	Duty to comply with directions of the Minister to supply any document or assistance relating to application	DIDW, MPE & SPO	
s 97G(3)	Function of receiving from the Minister copy of notice of refusal to grant a permit or copy of any permit granted by the Minister	DIDW, MPE & SPO	
s 97G(6)	Duty to make a copy of permits issued under section 97F available for inspection in accordance with the public availability requirements	DIDW, MPE & SPO	

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



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	DIDW, MPE & SPO	
s 103	Power to reject a claim for compensation in certain circumstances	DIDW & MPE	<i>Note – refers to small claims, ie:</i> a) \$500 or any greater amount prescribed by the Regulations; or b) 0.1% of the value that the land had not been affected by any circumstance set out in section 98(1) or (2) or section 107.
s 107(1)	Function of receiving claims for compensation	DIDW, MPE	
s 107(3)	Power to agree to extend the time for making a claim	DIDW, MPE	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes.	Not delegated	The power remains with the Council.
s 114(1)	Power to apply to the VCAT for an enforcement order	DIDW, MPE	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DIDW & MPE	
s 120(1)	Power to apply for an interim enforcement order where section 114 application has been made	DIDW & MPE	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DIDW & MPE	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	CEO & DIDW	Except Crown Land



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 129	Function of recovering penalties	DIDW & MPE	
s 130(5)	Power to allow a person served with an infringement notice further time	DIDW & MPE	
s 149A(1)	Power to refer a matter to the VCAT for determination	DIDW & MPE	<i>Note – Part 6 of the Act refers to enforcement and legal proceedings.</i>
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a section 173 agreement	DIDW & MPE	
s 156	Duty to pay fees and allowances (including a payment to the Crown under section 156(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 section 156(2B) power to ask for contribution under section 156(3) and power to abandon amendment or part of it under section 156(4)	DIDW & MPE	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DIDW & MPE	
s 171(2)(g)	Power to grant and reserve easements	DIDW & MPE	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved ICP	Not applicable	Where Council is a development agency specified in an approved ICP
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under section 46GV(4)	Not applicable	Where Council is a collecting agency specified in an approved ICP



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under section 46GV(4)	Not applicable	Where Council is the development agency specified in an approved ICP
s 173(1)	Power to enter into agreement covering matters set out in section 174	CEO & DIDW	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	CEO	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DIDW & MPE	In consultation with DIDW
---	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	DIDW & MPE	In consultation with DIDW
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	DIDW & MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178	Power to amend 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	DIDW & MPE	<i>Note – section 178 provides:</i> <i>“An agreement may, with the approval of the Minister, be amended by agreement between the responsible authority and all persons who are bound by any covenant in the agreement”.</i>
s 178A(1)	Function of receiving application to amend or end an agreement	DIDW & MPE	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under section 178A(1)	DIDW & MPE	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DIDW & MPE	
s 178A(5)	Power to propose to amend or end an agreement	DIDW & MPE	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DIDW & MPE	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DIDW & MPE	
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	DIDW & MPE	
s 178C(4)	Function of determining how to give notice under section 178C(2)	DIDW & MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DIDW & MPE	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DIDW & MPE	If no objections are made under section 178D Must consider matters in section 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DIDW & MPE	If no objections are made under section 178D Must consider matters in section 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	DIDW & MPE	If no objections are made under section 178D Must consider matters in section 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DIDW & MPE	After considering objections, submissions and matters in section 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DIDW & MPE	After considering objections, submissions and matters in section 178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DIDW & MPE	After considering objections, submissions and matters in section 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DIDW & MPE	After considering objections, submissions and matters in section 178B
s 178F(1)	Duty to give notice of its decision under section 178E(3)(a) or (b)	DIDW & MPE	
s 178F(2)	Duty to give notice of its decision under section 178E(2)(c) or (3)(d)	DIDW & MPE	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178F(4)	Duty not to proceed to amend or end an agreement under section 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	DIDW & MPE	
s 178G	Duty to sign an amended agreement and give copy to each other party to the agreement	DIDW & MPE	
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	DIDW, MPE & SPO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DIDW, MPE & SPO	
s 179(2)	Duty to make available for inspection a copy of agreements	DIDW, MPE & SPO	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DIDW, MPE & SPO	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DIDW, MPE & SPO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DIDW, MPE & SPO	
s 182	Power to enforce an agreement	DIDW & MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DIDW, MPE & SPO	
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	DIDW & MPE	
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	DIDW, MPE & SPO	
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	DIDW, MPE & SPO	
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	DIDW, MPE & SPO	
s 184G(2)	Duty to comply with a direction of the Tribunal	DIDW, MPE & SPO	
s 184G(3)	Duty to give notice as directed by the Tribunal	DIDW, MPE & SPO	
s 198(1)	Function to receive applications for planning certificates	Not applicable	Planning certificates are issued by the DELWP
s 199(1)	Duty to give a planning certificate to the applicant	Not applicable	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 201(1)	Function of receiving application for declaration of underlying zoning	DIDW, MPE & SPO	
s 201(3)	Duty to make a declaration	DIDW, MPE & SPO	
-	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	DIDW, MPE & SPO	
	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	DIDW, MPE & SPO	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DIDW, MPE & SPO	
-	Power to give written authorisation in accordance with a provision of a planning scheme	DIDW, MPE & SPO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	Not applicable	West Wimmera is not in a "growth area".
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under section 201UAB(1) as soon as possible	Not applicable	



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DIDW, EHO & MPE	
s 522(1)	Power to give a compliance notice to a person	MPE & EHO	
s 525(2)	Power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CEO	
s 525(4)	Duty to issue identity cards to authorised officers	CEO	
s 526(5)	Duty to keep record of entry by authorised officer under section 526	EHO	
s 526A(3)	Function of receiving reports of inspections	EHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	



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 Victoria Government Gazette	DIDW, MIE & AM	Obtain consent in circumstances specified in section 11(2). <i>Note – subject to:</i> <ul style="list-style-type: none">obtaining consents (including Ministerial consent) in the circumstances specified in section 11(2); anda previous Council resolution.
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	RC	Subject to: <ul style="list-style-type: none">a Council resolution to name or change the name of a road; andcompliance with the <i>Geographic Place Names Act 1998</i>.
s 11(9)(b)	Duty to advise the Registrar	RC	<i>Note – “Registrar” refers to the Registrar of Titles.</i>
s 11(10)	Duty to inform the Secretary to Department of Environment, Land, Water and Planning (DELWP) of a declaration etc.	DIDW, MIE & AM	Subject to section 11(10A)
s 11(10A)	Duty to inform the Secretary to DELWP or nominated person	DIDW, MIE & AM	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	ND	Where Council is the coordinating road authority – the power remains with the Council
s 12(4)	Power to publish, and provide copy, of a notice of proposed discontinuance	DIDW, MIE, AM & GM	Power of coordinating road authority where it is the discontinuing body Unless section 12(11) applies



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12(5)	Duty to consider written submissions received within 28 days of notice	DIDW, MIE & AM	Duty of coordinating road authority where it is the discontinuing body Unless section 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	DIDW, MIE & AM	Function of coordinating road authority where it is the discontinuing body Unless section 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under section 12(6) and to give notice	DIDW, MIE & AM	Duty of coordinating road authority where it is the discontinuing body Unless section 12(11) applies
s 12(10)	Duty to notify submitters of the decision made	DIDW, MIE & AM	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 the Victoria Government Gazette	DIDW, MIE & AM	Power of coordinating road authority and obtain consent under section 13(3) and s 13(4) as appropriate
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	DIDW, MIE & AM	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO & DIDW	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DIDW & MIE	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DIDW & MIE	
s 15(2)	Duty to include details of arrangement in the public roads register	MIE & AM	
s 16(7)	Power to enter into an arrangement under section 15	DIDW, MIE & AM	
s 16(8)	Duty to enter details of a determination in the public roads register	MIE & AM	
s 17(2)	Duty to register public roads in the public roads register	MIE & AM	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	DIDW, MIE & AM	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	MIE & AM	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	ND	Where Council is the coordinating road authority – the power remains with the Council
s 17(4)	Duty to remove a road no longer reasonably required for general public use from the public roads register	MIE & AM	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 18(1)	Power to designate ancillary area	DIDW, MIE & AM	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	MIE & AM	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	MIE & AM	
s 19(4)	Duty to specify details of discontinuance in public roads register	MIE & AM	
s 19(5)	Duty to ensure public roads register is available for public inspection	MIE & AM	
s 21	Function of replying to a request for information or advice	DIDW, MIE & AM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on a proposed direction	DIDW, MIE, AM & WM	
s 22(4)	Duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DIDW & MIE	
s 22(5)	Duty to give effect to a direction under section 22	DIDW & MIE	
s 40(1)	Duty to inspect, maintain and repair a public road.	MIE, WM & AM	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	MIE, WM & AM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MIE, WM & AM	
s 42(1)	Power to declare a public road as a controlled access road	DIDW & MIE & AM	Power of coordinating road authority and sch 2 also applies. <i>“Controlled access road” means a public road in respect of which a declaration is in force under section 42.</i>
s 42(2)	Power to amend or revoke declaration by notice published in the Victoria Government Gazette	DIDW, MIE & AM	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with the Head, Transport for Victoria before a road is specified	DIDW, MIE, WM & AM	<i>Note - “specified road” means a road or part of a road which is specified under section 42A to be a specified road in respect of which a mode of transport is to have priority.</i> Where Council is the coordinating road authority. If road is a municipal road or part thereof.
s 42A(4)	Power to approve the Minister's decision to specify a road as a specified freight road	DIDW & MIE & AM	<i>Note – section 42A (4) provides that If a road or part of a road which is to be a specified freight road is a municipal road, the Minister must obtain the approval of the municipal council which is the coordinating road authority before the road or part of the road can be specified to be a specified freight road.</i> 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



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	MIE & AM	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under section 48M	DIDW, MIE, AM & WM	<i>Note – the section refers to bus stopping points and bus stop infrastructure.</i>
s 49	Power to develop and publish a road management plan	DIDW, MIE & AM	
s 51	Power to determine standards by incorporating the standards in a road management plan	DIDW, MIE & AM	
s 53(2)	Power to cause notice to be published in the Victoria Government Gazette of an amendment etc of a document in road management plan	MIE & AM	
s 54(2)	Duty to give notice of a proposal to make a road management plan	DIDW, MIE & AM	
s 54(5)	Duty to conduct a review of the road management plan at prescribed intervals	DIDW, MIE, WM & AM	
s 54(6)	Power to amend road management plan	MIE & AM	
s 54(7)	Duty to incorporate the amendments into the road management plan	MIE & AM	
s 55(1)	Duty to cause notice of road management plan to be published in the Victoria Government Gazette and newspapers	DIDW, MIE, WM & AM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 63(1)	Power to consent to conduct of works on road	DIDW, MIE, WM & AM	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	DIDW, MIE, WM & AM	Where Council is the infrastructure manager
s 64(1)	Duty to comply with clause 13 of schedule 7	DIDW, MIE & AM	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to a structure etc	DIDW, MIE & AM	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	MIE & AM	Where Council is the coordinating road authority <i>Note – the section refers to a person who commissions the making of an advertising sign or bill that is placed on or over a road or on a pole, bus shelter, traffic sign or other object or infrastructure on a road reserve.</i>
s 67(3)	Power to request information	DIDW, MIE, WM & AM	Where Council is the coordinating road authority
s 68(2)	Power to request information	DIDW, MIE, WM & AM	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	
s 72	Duty to issue an identity card to each authorised officer	CEO	
s 85	Function of receiving report from authorised officer	DIDW & MIE	
s 86	Duty to keep a register of section 85 matters	DIDW & MIE	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 87(1)	Function of receiving complaints	DIDW, MIE AM & WM	
s 87(2)	Duty to investigate complaints and provide a report	DIDW& MIE & AM	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	Not delegated.	
s 112(2)	Power to recover damages in court	DIDW	<i>Note – the section applies if a road authority incurs extraordinary expenses in repairing a road that has been damaged as a result of the passage of extraordinary traffic or excessive mass along the road.</i>
s 116	Power to cause or carry out inspections	DIDW, MIE & AM	
s 119(2)	Function of consulting with the Head, Transport for Victoria	DIDW & MIE	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DIDW, MIE & WM	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising a power in section 120(1)	DIDW, MIE & WM	
s 121(1)	Power to enter into an agreement in respect of works	DIDW	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 122(1)	Power to charge and recover fees	DIDW, MIE, WM & AM	<i>Note – fees may be charged if authorised under the Road Management (General) Regulations 2016. The Regulations express the fees in terms of “fee units” which are indexed annually. In 2022/23, a fee unit is \$15.29.</i>
s 123(1)	Power to charge for any service	DIDW, MIE, WM & AM	<i>Note:</i> a) <i>fees must not be inconsistent with the relevant Regulations. Fees are fixed by Council in the annual budget process; and</i> b) <i>the charge can include costs relating to</i> <ul style="list-style-type: none"><i>supplying a service, product or commodity; or</i><i>giving information.</i>
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	DIDW, MIE & AM	<i>Note – “controlled access road” means a public road in respect of which a declaration is in force under section 42.</i>
sch 2 cl 3(1)	Duty to make policy about controlled access roads	DIDW	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	DIDW	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	DIDW & MIE	<i>Note - Schedule 2 refers to management of road access.</i>
sch 2 cl 5	Duty to publish notice of declaration	DIDW, MIE & AM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 7(1)	Duty to give notice to the relevant coordinating road authority of the proposed installation of non-road infrastructure or related works on a road reserve	DIDW, MIE, WM & AM	Where Council is the infrastructure manager or works manager. <i>Note – Schedule 7 refers to infrastructure and works on roads.</i>
sch 7 cl 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	DIDW, MIE, WM & AM	Where Council is the infrastructure manager or works manager
sch 7 cl 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 the conduct of works	DIDW, MIE, WM & AM	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where it 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	DIDW, MIE, WM & AM	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DIDW, MIE, WM & AM	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct an infrastructure manager or works manager to conduct reinstatement works	DIDW, MIE & AM	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DIDW, MIE, WM & AM	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
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	MIE & WM & AM	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DIDW & ME	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant the coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DIDW, MIE & WM	Where Council is the works manager
sch 7 cl 13(2)	Power to vary a notice period	DIDW, MIE & WM	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure a works manager has complied with an obligation to give notice under sch 7 cl 13(1)	DIDW & MIE	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DIDW, MIE, WM & AM	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	DIDW, MIE & WM	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	DIDW, MIE, WM & AM	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DIDW, MIE, WM & AM	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	DIDW, MIE, WM & AM	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
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DIDW, MIE WM & AM	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	CEO, DIDW, MIE & WM	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DIDW, MIE & WM	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DIDW, MIE & WM	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DIDW, MIE, AM & WM	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	DIDW & MIE & AM	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting where the road is not an arterial road	DIDW & MIE	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting – where the road is a service road on an arterial road and adjacent areas	DIDW, MIE & WM	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4	DIDW, MIE & WM	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 2015 ##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 24	Duty to ensure that cemetery complies with depth of burial requirements	DCCS, GM & CFO	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DCCS, GM & CFO	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	Not applicable	Refers to cremation
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	Not applicable	Refers to cremation
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	Not applicable	Refers to cremation
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	Not applicable	Refers to cremation
r 30(2)	Power to release cremated human remains to certain persons	Not applicable	Refers to cremation
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	Not applicable	Refers to cremation



CEMETERIES AND CREMATORIA REGULATIONS 2015 ##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	Not applicable	Refers to cremation
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	Not applicable	Refers to cremation
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	Not applicable	Refers to cremation
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	Not applicable	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	Not applicable	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	Not applicable	
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	Not applicable	
r 36	Duty to provide a statement that alternative vendors or supplier of monuments exist	DCCS, GM & CFO	



CEMETERIES AND CREMATORIA REGULATIONS 2015 ##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 40	Power to approve a person to play sport within a public cemetery	DCCS	
r 41(1)	Power to approve fishing and bathing within a public cemetery	DCCS	
r 42(1)	Power to approve hunting within a public cemetery	DCCS	
r 43	Power to approve camping within a public cemetery	DCCS	
r 45(1)	Power to approve the removal of plants within a public cemetery	DCCS, GM & CFO	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DCCS	
r 47(3)	Power to approve the use of fire in a public cemetery	DCCS	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	DCCS	
Note: sch 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules			
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	DCCS, GM & CFO	See note above regarding model rules

**CEMETERIES AND CREMATORIA REGULATIONS 2015**

##These provisions apply to Council appointed as a cemetery trust under s 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DCCS, GM & CFO	See note above regarding model rules
sch 2 cl 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	DCCS, GM & CFO	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	DCCS, GM & CFO	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	DCCS, GM & CFO	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	DCCS, GM & CFO	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	DCCS, GM & CFO	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	DCCS, GM & CFO	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	DCCS, GM & CFO	See note above regarding model rules



CEMETERIES AND CREMATORIA REGULATIONS 2015 ##These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act 2003</i> , and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53).			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	DCCS, GM & CFO	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	ND	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	ND	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	DCCS, GM & CFO	See note above regarding model rules



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



PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DIDW & MPE	Where Council is the planning authority. <i>Note – the grounds for waiving or rebating a fee include:</i> <ul style="list-style-type: none">a) where the application is withdrawn and a new application is submitted;b) the amendment combines separate items from multiple requests for an amendment; andc) the amendment is intended to remove anomalies in the planning scheme.
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DIDW & MPE	Where Council is the responsible authority. <i>Note – the grounds for waiving or rebating a fee include:</i> <ul style="list-style-type: none">a) where the application is withdrawn and a new application is submitted;b) the application relates to land used for charitable purposes; andc) the fee is not warranted due to the minor nature of the application.
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	DIDW & MPE	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Power to enter into a written agreement with a caravan park owner	DIDW, MPE & EHO	Regulation 7 refers to an agreement between a caravan park owner and a council in relation to required works and fire prevention.
r 10	Function of receiving application for registration	MPE & EHO	
r 11	Function of receiving application for renewal of registration	MPE & EHO	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MPE & EHO	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MPE & EHO	
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MPE & EHO	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MPE & EHO	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	MPE & EHO	
r 12(4) & (5)	Duty to issue certificate of registration	MPE & EHO	
r 14(1)	Function of receiving notice of transfer of ownership	MPE & EHO	
r 14(3)	Power to determine where notice of transfer is displayed	MPE & EHO	
r 15(1)	Duty to transfer registration to new caravan park owner	MPE & EHO	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15(2)	Duty to issue a certificate of transfer of registration	MPE & EHO	
r 15(3)	Power to determine where certificate of transfer of registration is displayed	MPE & EHO	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	Not delegated	
r 17	Duty to keep register of caravan parks	MPE & EHO	
r 18(4)	Power to determine where the emergency contact person's details are displayed	MPE & EHO	
r 18(6)	Power to determine where certain information is displayed	MPE & EHO	
r 22(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	MPE & EHO	
r 22(2)	Duty to consult with relevant emergency services agencies	MPE & EHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MPE & EHO	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MPE & EHO	
r 25(3)	Duty to consult with relevant floodplain management authority	MPE & EHO	
r 26	Duty to have regard to any report of the relevant fire authority	MPE & EHO	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MPE & EHO	
r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MPE & EHO	
r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MPE & EHO	
r 41(4)	Function of receiving installation certificate	MPE & EHO	
r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MPE & EHO	
Sch 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MPE & EHO	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of the road management plan	DIDW, MIE & AM	
r 9(2)	Duty to produce a written report of the review of the road management plan and make report available	DIDW & MIE & AM	
r 9(3)	Duty to give notice where a road management review is completed and no amendments will be made (or no amendments for which notice is required)	DIDW, MIE & AM	Where Council is the coordinating road authority
r 10	Duty to give notice of an amendment which relates to the standard of construction, inspection, maintenance or repair under section 41 of the Act	DIDW, MIE & AM	
r 13(1)	Duty to publish notice of amendments to the road management plan	MIE & AM	Where Council is the coordinating road authority
r 13(3)	Duty to record on the road management plan the substance and date of effect of amendments	MIE & AM	
r 16(3)	Power to issue a permit	DIDW, MIE & AM	Where Council is the coordinating road authority.
r 18(1)	Power to give written consent regarding damage to road	DIDW, MIE, WM & AM	Where Council is the coordinating road authority.
r 23(2)	Power to make submissions to the Tribunal	DIDW, MIE & AM	Where Council is the coordinating road authority. "Tribunal" means VCAT.
r 23(4)	Power to charge a fee for an application under section 66(1) of the Road Management Act	DIDW, MIE & AM	Where Council is the coordinating road authority.



ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on a road	MIE, WM & RLLC	Where Council is the responsible road authority.
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DIDW & MIE	Where Council is the responsible road authority.
r 25(5)	Power to recover in the Magistrates' Court, expenses from the person responsible	DIDW, MIE & RLLC	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	DIDW & MIE	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	DIDW & MIE	Where Council is the coordinating road authority