



Council Plan 2017-2021

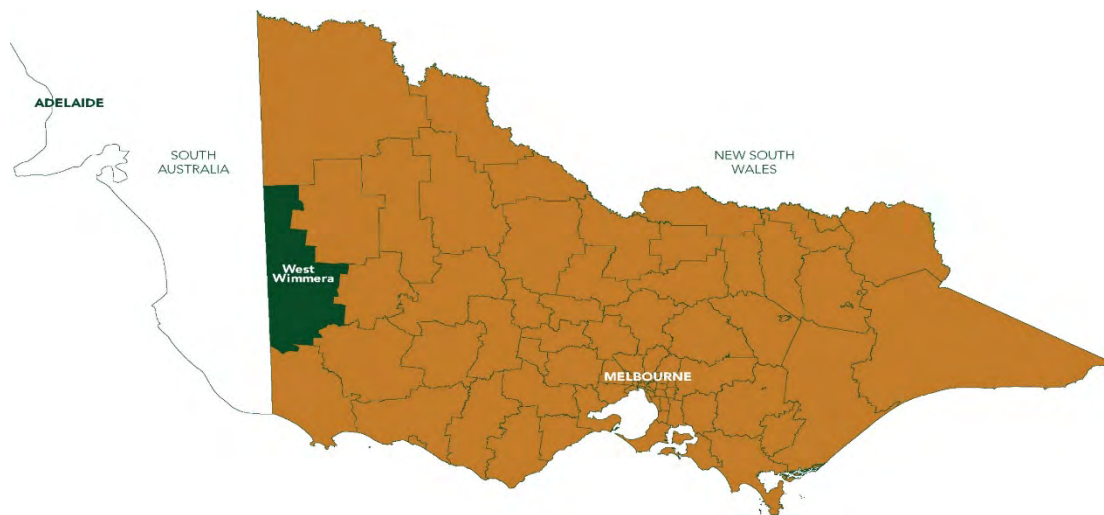
West Wimmera Shire Council



Draft – 19 April 2017

West Wimmera Shire is located in the western most part of Victoria adjacent to the South Australian Border.

Covering an area of 9,106 km² it has a resident population of approximately 4,000.



Of the 733 businesses contained within the Shire approximately 2,200 jobs have been created. These businesses which are predominantly agricultural pursuits, generate a Gross Regional Product of \$220M. Regional Agricultural Exports are in excess of \$150M and it has a very low unemployment rate of 2.45%.

The West Wimmera wellbeing report (community indicators) reveals above average ratings for the Shire in the following categories:

Subjective wellbeing	Low crime rates
Feeling part of the community	Highly skilled workforce
Child health assessments	Employment rate
Perceptions of safety	Good work life balance

The West Wimmera Shire Council Plan 2017-2021 is the key strategic document that will be used to prioritise activities across the next 4 years.

Containing actions and advocacy actions, it enables Council to act on the community's behalf to protect service standards that have an effect on the total quality of life of the resident population.

Acknowledgement of the importance of a collaborative regional approach to service delivery and advocacy is a major theme in guiding the future endeavours of West Wimmera.

The West Wimmera Shire Council also recognises the role of other regional strategies such as the Wimmera Southern Mallee Regional Investment Strategy, the Regional Growth Plan and the Regional Partnerships, as opportunities to gain investment in the Shire via a regional approach.

With an economy that is driven by diversity, this plan will look to further enhance the value provided to the Victorian State economy, by adding value to activities listed below:

<ul style="list-style-type: none">○ <i>Broad acre cropping: wheat, canola, beans, chickpeas, lentils...</i>○ <i>White clover seed & other seed production</i>○ <i>Carrots</i>○ <i>Almonds</i>○ <i>Honey</i>○ <i>Pistachios</i>○ <i>Olive oil / olives</i>	<ul style="list-style-type: none">○ <i>Wool</i>○ <i>Sheep breeding & meat</i>○ <i>Beef cattle breeding & meat</i>○ <i>Pork production</i>○ <i>Horse breeding</i>○ <i>Wine grapes</i>○ <i>Pomegranates</i>
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Message from the Mayor

More than ever, Local Government is operating in an environment of tighter fiscal constraint. This environment was one of the key factors that influenced the development of this Council Plan. It has placed more emphasis on the plan containing items that can be delivered or managed by the Shire.

Another key guiding factor was the wellbeing of the Shire's population. This has been demonstrated in the plan by the desire to see transport networks enhanced, surety around community care services, providing greater support to volunteer groups and the need to communicate and work with the Shire's youth.

The search for economic investment in West Wimmera will continue, as will engagement with existing business and industries.

With the plan providing guidance on actions and topics for advocacy or lobbying, it has taken on a new look from the previous versions. This has enabled what is almost a completely new Council to place its stamp on the direction required for the term ahead.

On behalf of the Councillors of the West Wimmera Shire, I present the Council Plan 2017-2021 as the key document to guide the Shire towards sustainability and maintenance of service levels.

As a body of Councillors we look forward to working with the community to take the Shire forward.

Councillor Bruce Meyer

WWSC Mayor 2017

Message from the CEO

In developing the strategic direction for the Shire to take over the four years of this Council, it was clearly recognised that the future of the Shire is dependent on retaining population and business investment in new and existing business.

The wellbeing of the community and its residents was at the forefront of Councillors' thinking throughout the planning process. This was evident across most categories of the discussion, whether it was a discussion about community facilities, tourism infrastructure, digital connectivity, the ageing population, or jobs and investment. The motivating factor behind all of these topics was maintaining or improving the total quality of life for the residents of West Wimmera.

The staff of the West Wimmera Shire Council will endeavour to implement the outcomes of this plan and report regularly on its progress.

While there are a number of ambitious targets to meet, the plan contains objectives that are deliverable, and strengthen the administration's efforts to ensure that the Shire remains sustainable.

We the staff of West Wimmera Shire Council look forward to the roll out of this plan, and witnessing the benefits that it can bring to the people of the Shire.

Mr David Leahy

Chief Executive Officer, West Wimmera Shire Council

West Wimmera Shire Values

In developing the Council Plan 2017-2021 the Councillors identified a set of values that will drive the direction of the Shire for the term of the current Council:

- 1. West Wimmera Shire values its resident population and its wellbeing. This will be demonstrated through the promotion of viable and sustainable communities, the retention of the current population and support to grow communities.*
- 2. West Wimmera Shire values good governance and transparent decision making. Supporting Community Groups and advocating on their behalf will enable open dialogue to occur with residents.*
- 3. Representing the whole of West Wimmera is valued highly by Councillors. Eliminating any perception of a geographical divide will greatly benefit everyone.*
- 4. A connected community, both via transport infrastructure and modern digital technology that enables us to be connected to the world for business and education.*
- 5. Partnerships (locally, regionally and with government) are valued as a way of ensuring sustainable service delivery.*

Community Vision Statement

Our West Wimmera communities are healthy, thriving, diverse, harmonious, prosperous and self-sustaining, with regional and global connectivity.

West Wimmera Shire Councillors have a positive image of the region that stretches beyond the term of this Council, which can best be described by the following statement:

Our West Wimmera communities are peaceful, prosperous and connected.

Our farmers have added value to their commodities and embrace the very latest technologies to drive efficiency and commercial success. High quality transport and digital infrastructure are enabling our agricultural producers and other businesses to thrive and compete globally.

There have been significant investments in renewable energy infrastructure within the Shire and this has generated many new local jobs. Several new and expanded businesses now operate very profitably within the Shire, and this has created significant employment opportunities attracting many new residents from diverse backgrounds.

Visitors are flocking to our stunning wetlands and recreational water and are making a significant contribution to the local economy. Tourism itineraries and quality signage guide visitors through the Shire.

Our major centres have high quality service options aligned with community need. Our small townships and communities feel well supported and are connected within the broader West Wimmera community.

Many of our young people have returned to the place where they grew up, to raise their own families. Residents of all abilities and ages are well supported.

Sporting clubs within the Shire have quality facilities and continue to be a hub for community connection and positive wellbeing outcomes.

The Council has a tremendous reputation for innovation and professionalism and is highly skilled at advocacy, which is attracting funding to drive service and infrastructure investments.

West Wimmera Agreed Strategic Objectives

The agreed key strategic objectives that drive the success of this Council Plan are:

1. A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
2. Meaningful partnerships to support advocacy priorities and service provision.
3. Quality sustainable community services and infrastructure.
4. Building on our agricultural and business strengths and supporting economic development.
5. Thriving, safe and diverse local communities.
6. Participating in activities that address health and wellbeing issues.
7. Providing access to and promoting the natural environment.

These strategic objectives will be supported by prioritised actions that may include capital investment, through the current service delivery profile or via advocacy.

Achievement of goals will be attained by operating in a team environment, and utilising existing and enhanced skill sets to provide the best opportunity for success.

PRIORITIES, ACTIONS & ADVOCACY (WITHIN STRATEGIC OBJECTIVES)

Strategic Objective 1

A proactive, well-governed, professional and financially sustainable organisation that encourages community participation

Priorities	
Improve Council's governance, functionality and reputation	
Build the capacity of Council administration through professional development	
Continue to encourage local procurement	
Focus on shared services	
Actions	Advocacy Actions
<ul style="list-style-type: none"> • Promote a professional reputation for the Shire – locally and regionally • Respectful meeting procedures • Self-evaluating meeting outcomes • Source labour and materials locally wherever possible • Leadership training for Councillors and staff to build team ethos • Participate in regional shared services activities • Working with Children and Police checks for Councillors - where necessary 	<ul style="list-style-type: none"> • Develop guidelines for advocacy • Improve efficiency (pitching for resources) • Encourage staff that are passionate about service delivery by providing access to professional development • Investigate options for future shared services arrangements

In order for West Wimmera Shire Council to successfully operate in an environment of declining revenue, it must recognise opportunities within the sector for the sharing of service provision.

This is best achieved by working in a cooperative fashion with our neighbours. The Shire must contribute to regional initiatives to enable

economic, social and service provision benefits to be realised for its residents.

The regional reputation of the Shire must be one of professionalism, positivity, innovation and welcoming of new ideas. Additional diversity of population and economy will soften the impact to the region against seasonal economic downturns.

Investment in the Shire staff and Councillors to enable them to be the best leaders for their communities will empower the organisation to make the best possible, most informed decisions on behalf of the community.

Working with our neighbouring Local Government partners, West Wimmera Shire will enhance its regional reputation by cooperating closely with various State agencies to enable access to high quality services from the State and Commonwealth to be available to its residents.

At every opportunity, procurement for major projects and large operational activities will be undertaken with businesses that have invested in the Shire. The social and economic benefit of local procurement will be an essential item of selection criteria when assessing best value for the Shire.

Strategic Objective 2

Meaningful partnerships to support advocacy priorities
and service provision

Priorities	
Develop advocacy policy and plan	
Improving digital connectivity	
Water security	
Energy capacity and reliability	
Transport (roads, accessibility, public transport & freight)	
Pest control	
Emergency management	
Community services	
Actions	Advocacy Actions
<ul style="list-style-type: none"> Investigate opportunities to improve access to utilities (gas, water, NBN, renewables, telecommunications) Participate in and promote business case development for rural pipeline supply Participate in the regional study on economic and social benefits of recreational water in the Wimmera Southern Mallee Strategy for sustainable pest control measures Support community transport initiatives and regional connectivity Partner with Landcare for pest plant & animal control measures Encourage increased digital connectivity for the majority of residents 	<ul style="list-style-type: none"> Pursue phone tower installations for small population locations Advocate for suitable NBN service provision (fixed wireless rather than SkyMuster satellite) Prioritise the top 10 issues for targeted advocacy Schedule annual strategic advocacy campaign to State Parliament Lobby for fairer funding model for CHSP /HACC to better cover costs for small rural Shires (eg. Travel costs) Lobby for CHSP to remain with Local Government to prevent market failure Advocate for coordinated pest control that will provide a regional and cross border improvement

West Wimmera Shire Council will act as the key community advocate to secure the best possible access to essential utility services. Access to natural gas, water, quality telecommunications and NBN are items that will continue to feature as high priorities in discussions with State and Federal Ministers and Government officials.

With more and more services provided in an online setting such as scheduling for community care services, purchasing, permit applications and account payments, it is critical that residents in remote areas are provided with the same access as their city counterparts.

The limited access to satellite NBN services is a deterrent to large investment as businesses are trying compete on a global footing. The exclusion of Kaniva from fixed wireless access is a point that will be strongly argued over the term of this Council.

Mobile phone blackspots have become a larger problem in recent years and the Shire will continue to advocate for increased investment for the region. The identification of access to public land for tower infrastructure will assist in the further roll out across the region. Some of the areas targeted will have limited population, so the identification of land that will not be a direct cost to the telecommunications business will enable access for residents who would have previously been excluded.

With agriculture as the major economic driver of the Shire, the control of pest plants and animals is a major issue that will require a number of partnerships to be formed to provide maximum benefit. Teaming with Landcare and various State agencies to cooperatively tackle the problem will be the most successful tactic.

Partnerships will also be necessary to manage the effect on the community of excessively high numbers of native fauna, with issues such as motor vehicle impact and damage to infrastructure from native birds, a cooperative cross agency approach is the best way to provide a balanced management process.

The transition of the State driven community care model into a Federal model will create some challenges for the Shire's ageing population.

In order to make this transition as smooth as possible for customers, West Wimmera Shire will be advocating for a fair and equitable model that will not disadvantage its residents.

Maintaining involvement through local government is also critical to keep local carers employed.

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Strategic Objective 3

Quality sustainable community infrastructure

Priorities	
Mapping community assets to improve planning and efficiency	
Sustainable community infrastructure	
Invest in quality infrastructure supported by community consultation and engagement	
Maintain the West Wimmera local road network	
Actions	Advocacy Actions
<ul style="list-style-type: none">• Invest in addressing the infrastructure funding gap• Immediate repairs to community infrastructure• Provide quality roads• Facilitate discussions on social infrastructure (shared occupancy etc)• Create evidence based priorities for infrastructure investment (including State, Federal and local dollars)• Create and implement a prioritised playground strategy• Upgrade / repair / divest Shire owned and managed assets	<ul style="list-style-type: none">• Community consultation and engagement priorities established• Advocate for high quality arterial roads• Create evidence based priorities to enable the advocacy for partnership funds into infrastructure investment• Develop advocacy strategy to reinstate LGIP or similar fund for small rural Shires

The provision of quality infrastructure is an essential key feature of successful local government authorities.

Quality infrastructure is critical to keep communities connected, active and proud of the region they call home. To enable the standard of public infrastructure to be maintained at a safe and acceptable level, the Shire will develop strategies to finance the renewal of its assets. For this to occur, some assets will need to be consolidated to enable an equal share of available funds.

By creating an evidence based investment strategy for infrastructure within the Shire, the advocacy efforts to State and Federal Government will be consistent and based on genuine need.

In partnership with the Wimmera region Councils and local government peak bodies such as Rural Councils Victoria and the Municipal Association of Victoria, West Wimmera will pursue funding that has been lost to the sector such as Local Government Infrastructure Program (LGIP) and Country Roads and Bridges.

The continuation of the Federal Roads to Recovery (R2R) Program will also be a key point of advocacy. The participation in national programs to have the program permanently linked to the fuel excise indexation is essential for West Wimmera.

Strategic Objective 4

Building on our agricultural and business strengths
and supporting economic development

Priorities	
Promote the benefits of West Wimmera to attract new business and jobs	
Support existing businesses to succeed and grow	
Promote opportunities that support our agricultural producers to diversify and / or value – add	
Actions	Advocacy Actions
<ul style="list-style-type: none"> • Pursue the development of manufacturing plants to value add to our local products • Closely liaise with “main street” businesses • Participate in business case development for utility infrastructure (water and gas pipelines and power generation) • Support for agricultural diversity • Investigate cost effective ways to support existing businesses 	<ul style="list-style-type: none"> • Pursue businesses that can add value to locally produced commodities • Promote business retention activities to be included in Economic Development Strategy • Advocacy for water security • Investigate the possibility of a Wetlands Centre of Excellence for the Edenhope region • Investigate the need for and viability of community sheep yards for Kaniva

The creation of employment opportunities through investment in value adding to the various commodities produced in the Shire will enable more of the wealth generated to remain in the Shire.

By having the products grown, processed and packaged in the Shire, this will assist in developing a credible brand that is West Wimmera. Whether that be for the red meat industry, grains or vegetable production, the customer should know that it came from West Wimmera.

To assist with the attraction of investment into processing facilities and intensive livestock opportunities, the Shire must advocate for utility services such as reliable energy sources, water security, natural gas and telecommunications infrastructure.

Continued involvement in the development of a business case to connect the Shire to the Wimmera Mallee Pipeline Network will assist with investment attraction.

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Strategic Objective 5

Thriving, safe and diverse local communities

Priorities	
Promote community planning	
Promote community education programs	
Support youth engagement	
Encourage place-making projects / initiatives that drive civic pride	
Support for volunteers	
Fulfil our legislative responsibilities towards emergency management	
Actions	Advocacy Actions
<ul style="list-style-type: none"> • Continue to provide Community Strengthening Grants and support for volunteer groups • Support for community events and activities • Create identity and improved image for small communities, by ensuring clean facilities, developing community murals and preserving its history • Continue to develop a Youth Council • Strategy for potential trail type attractions (such as silo art trail, eco trail etc) • Promote grazing leases adjacent to swamps and public land to facilitate fire prevention 	<ul style="list-style-type: none"> • Partner with education providers for community education programs and life-long learning • Support education for residents to access MyAged Care • Lobby for improved funding model to enable increased community care service for clients by government subsidised travel package • Community plans developed for regions across the Shire • Pursue the funding of defibrillators for CFA Sheds

The strength of West Wimmera is its people. The Shire has one of the highest rates of volunteerism in Victoria, and through this objective the Councillors wish to provide higher levels of support to volunteer groups.

By continuing to provide Community Strengthening Grants and assisting groups in applying for larger grants, the various groups will remain sustainable for years to come.

The provision of senior staff to work with the township committees and act as a permanent conduit for information and assistance will greatly benefit the groups and the Shire.

Assisting in providing education opportunities for the community in areas such as accessing MyAged Care and lifelong learning is an important community service that the Shire can partner with providers for. It is also an action that can be contained in community plans and prioritised to suit individual community needs.

West Wimmera Shire will also continue to lobby for the best possible customer outcome for people accessing community care services. This will include working towards a subsidised travel arrangement.

Strategic Objective 6

Participating in activities that address health and wellbeing issues

Priorities	
Improve access to health and wellbeing services	
Support preventative health programs	
Improve walking / gopher paths in townships	
Actions	Advocacy Actions
<ul style="list-style-type: none">• Support community transport options• Improve recreational access to Lake Wallace & complete retaining wall• Support outreach program(s) (eg Talk to a Mate)• Provide all weather access to pre-school facilities• Ensure that Municipal Public Health Plan supports the Council Plan• Campaign against domestic violence	<ul style="list-style-type: none">• Advocate for funding to enable improved service levels in CHSP – NDIS• Partner – where possible – with health care providers for preventative programs• Cooperate with agencies to coordinate specialist days to link with community transport options• Support Mental Health, Drug and Alcohol Awareness programs• Promote programs that prevent domestic violence and assist with victim support

By recognising that every community has its own individual health and wellbeing requirements, West Wimmera Shire will endeavour to assist with programs that target specific community needs.

Some of the actions to enhance health and wellbeing will be around the provision of safe access and having residents continue to feel safe living in the Shire. Other programs will assist in enabling residents to have access to outreach programs (such as Talk to a Mate).

All weather access to enable parents to walk children to pre-school facilities and for students to be able to walk to school, assist with community health and wellbeing.

Advocating on the community's behalf for agencies to provide preventative programs will have a positive health outcome for the community. Awareness programs around substance abuse will also act as a preventative mechanism.

The Shire staff will all participate in the Act@Work program which is designed to tackle domestic violence and more specifically violence against women. This will promote a culture of not accepting certain gender based discriminations and improve the wellbeing of many within our community.

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Strategic Objective 7

Providing access to and promoting the natural environment

Priorities	
Targeted promotion of West Wimmera as a world-class destination	
Foster Eco-Tourism development	
Link our natural, cultural and historic assets to create a cohesive experience for visitors and residents	
Actions	Advocacy Actions
<ul style="list-style-type: none">• Promote Eco-Tourism opportunities to develop a visitor economy• Support the maintenance and upkeep of lake and waterway visitor locations• Invest in media promotion	<ul style="list-style-type: none">• Support Committees of Management to develop masterplans for various sites• Investigate aquaculture opportunities including Lake Charlegrark• Work with multiple agencies to develop linked tourism trail combining the regions attractions

Celebrating West Wimmera for its natural beauty and clean environment will enable a visitor economy to be developed. Partnering with various organisations to maintain these natural assets and promoting them widely will build a name for West Wimmera as a true Eco-Tourism destination.

Developing masterplans for future developments at the various sites will cater for growth and align with economic development opportunities such as aquaculture and educational facilities.

By working in partnership with the region's Councils and other agencies, West Wimmera will become a part of a larger tourism offering across the Wimmera such as trails and indigenous tourism.

Explanatory Notes – Staff Package

Whose decision?

Most Council decisions are not made at Council meetings. Effective functioning of local government would not be possible if they were. Instead, most decision-making power is, or should be, allocated by formal delegations.

There are two forms of delegation which occur in Victorian local government:

- delegation to special committees. This type of delegation is dealt with in the Committee package;
- delegation to members of staff. This type of delegation is dealt with in this, the staff package.

Delegations are different in nature from authorisations. The decision of a delegate of Council is "deemed" to be a decision by Council. The decision by a person appointed by Council to a statutory position - for example, an authorised officer - is not. That person's powers and responsibilities are quite distinct from Council's.

Sources of Council power

A council is a statutory entity. It is able to do only those things which it is authorised by statute to do.

The sources of council authority can be summarised as:

- power to do things which a "natural person" can do - in particular, the power to enter into contracts;
- powers conferred by provisions of acts and regulations, such as the *Local Government Act 1989* and the *Planning and Environment Act 1987*;
- powers conferred by other forms of statutory instrument.

The powers of a "natural person"

A council is given by section 5 of the *Local Government Act* the power to deal with property and, more generally, the capacity to do anything which bodies corporate may by law do "which are necessary or expedient" for performing its functions and exercising its powers.

The delegation of powers of this type is provided for in the "Miscellaneous and Administrative" section of the schedule to the instrument of delegation from the chief executive officer to members of staff (S7).

The Miscellaneous and Administrative section of the Schedule to S7 includes a number of powers best described as administrative or operational in nature, where the authority does not come from specific Acts or Regulations but rather from operational requirements of Council to manage its affairs. It should be noted this Schedule does not presume to be a definitive document covering all administrative or operational powers of Council, it is merely a reference guide on a wide range of associated policy and operational authorities.

The essential features of a delegation

Most statutory bodies have a power of delegation - delegation of powers is generally considered essential to enable day-to-day decisions to be made. Because it is a common feature of legislation, not all details about delegations are set out in the empowering Act - some general features of delegation are set out in the *Interpretation of Legislation Act* 1984. In particular -

- the decision, once made, is for all legal purposes a decision of the Council itself (section 42A of the *Interpretation of Legislation Act*);
- the "delegate" is in much the same position as the Council itself in terms of making the decision - for example, where the decision requires that opinion be formed, the delegate's opinion can be the basis for the decision (section 42 of the *Interpretation of Legislation Act*);
- the fact that a delegation has been made does not affect the Council's powers in relation to the issue concerned (section 42A of the *Interpretation of Legislation Act*). This is subject, of course, to the rule that the delegate's decision (once made) is taken to be the decision of the Council itself. The Council can therefore find itself bound by a decision which it would not itself have made, and if this occurs the existence of this "residual" power may provide little solace.

For this reason, it is important that the Council have in place appropriate policies and guidelines under which delegation should be exercised.

Delegation to the chief executive officer

Most statutes impose limitations on the powers which may be delegated. Usually one of the powers which may not be delegated is the delegation power itself.

This limitation does not apply in respect of a delegation to the chief executive officer. Under section 98 of the *Local Government Act 1989* -

- "(3) The instrument of delegation to the chief executive officer may empower the chief executive officer to delegate a power of the Council other than the power of delegation to a member of Council staff."

Thus the instrument of delegation to the chief executive officer may empower the chief executive officer to exercise various powers of the Council, including the power to delegate powers to council officers.

The possibility that the chief executive officer might further delegate Council powers does carry potential for loss of control. However, the advantage for a Council in conferring on its chief executive officer the power of sub-delegation is that it need not concern itself with many of the details of Council administration, allowing the chief executive officer to issue and revoke instruments of delegation at regular intervals without the need to resubmit the issue to Council.

The Council may wish to direct its chief executive officer to report to it on any use made of the power of sub-delegation.

Delegations to officers

The power of delegation under section 98 is a power to delegate Council's powers under the *Local Government Act* or any other Act (with specific exceptions).

The delegation power does not apply to statutory appointments - these are not delegations of Council powers. Persons who are appointed to positions are acting as holders of statutory powers, and are not acting as delegates. Examples are:

- an authorised officer appointed under section 224 of the *Local Government Act*;
- a person appointed to institute proceedings on behalf of the Council (section 232 of the *Local Government Act*).

A recurring problem with delegations to Council officers is that changes occur in personnel - if delegations are to named officers, each time a new officer is appointed a further instrument of delegation must be made.

One response to this problem is to delegate to the person who, for the time being, occupies a specified office - for example, to the "Manager - Health Services".

If a restructuring of positions occurs, any delegation made in this form should be remade to refer to the new positions.

Unlike delegations to special committees, there is no express legislative provision for the Council to "require" officers to report to Council at intervals about decisions made under the delegation. However, officers are employees of Council, so this requirement can be imposed as one of the requirements of the job. One approach is to have the chief executive officer report to Council at regular intervals about decisions made by officers under delegation.

Documentation

Whatever reporting requirements are imposed on each delegate, it is important that decisions and actions taken under delegations be properly documented.

If the delegations were not in place, the exercise of functions, powers and duties of Council would be recorded in the minute book of the Council.

It is possible that decisions taken under delegation will be reviewed in other spheres (ie internal or management review, Council review, Ombudsman, Victorian Civil and Administrative Tribunal, Magistrates' (or higher) Court).

Therefore a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date.

The detail and method of recording will depend on the nature of the power duty or function. However, the need for proper documentation should be uppermost in the minds of all delegates.

The register of delegations

Under sections 87 and 98 of the *Local Government Act* the Council is required to keep a register of delegations to special committees. Under section 98 of the *Local Government Act* a register of delegations to members of Council staff must be kept. Those registers of delegations kept under sections 87 and 98, including the date when delegations were last reviewed under sections 86(6) and 98(6), must be made available for public inspection (regulation 11(j) of the *Local Government (General) Regulations 2004*).

Ratification of officer decisions

Several Acts which confer powers of delegation provide that particular decisions by delegates are of no effect unless ratified by the Council:

Decision which requires ratification	Relevant Legislation
Refusal by an officer to grant, renew or transfer registration of food premises under the <i>Food Act</i> 1984	Section 58A(2) <i>Food Act</i> 1984
Refusal by an officer to issue a permit for a septic tank system	Section 53M <i>Environment Protection Act</i> 1970

Staff Delegations and Appointments

In the case of each of the delegations, the source of power to delegate should be recited. In most cases this is a combination of section 98 of the *Local Government Act* and delegation powers under other legislation.

The selection of officers to whom various powers should be delegated will, of course, depend upon the administrative structure of the particular Council. For example, the powers delegated under the environmental and other regulatory services cover several Acts. It may be that, in some cases, Councils do not allocate responsibilities in respect of all of these Acts to the one officer.

The instrument of appointment as an **authorised** officer would normally be pursuant to section 224 of the *Local Government Act*. If a person is appointed to be an authorised officer under that section, Councils should bear in mind two essential points:

1. it will be necessary to record the appointment in the register kept by the Council under section 224(1A) of the *Local Government Act* (of appointments of persons to be authorised officers). There is a further requirement under Regulation 11(n) of the *Local Government (General) Regulations* 2004 that the register be available for public inspection;
2. section 224(2) goes on to require that Council "must issue an identity card to each authorised officer";
3. the powers conferred by this appointment are only those powers enumerated in section 224 of the *Local Government Act*. Other legislation provides other powers to Council officers if the requirements of that other legislation are followed, for example the power of entry under section 229 of the *Building Act* 1993 is available only to municipal building surveyors.

Why does the Service contain five instruments of delegation to staff and what are the differences between them?

The five instruments of delegation are as follows:

- **S5** - Instrument of Delegation **from Council to CEO**. This delegates all of Council's powers, duties and functions which are capable of delegation, subject to some exceptions and limitations, to the CEO.
- **S6** - Instrument of Delegation **from Council to members of Council staff** relating to Council powers, duties and functions within various Acts and Regulations (or specific parts of those Acts or Regulations), which contain a specific power of delegation. This delegates certain powers directly from Council to Council staff due to the legislation referred to containing specific powers of delegation (see further below).
- **S7** - Instrument of Sub-Delegation **from CEO to Council staff**. This sub-delegates Council powers, duties or functions contained in Acts or Regulations which do not include a specific power of delegation.

- S13 – Instrument of Delegation from **CEO to staff**. This instrument allows the CEO to delegate his or her powers, duties and functions existing under all Victorian legislation. This differs to the S7 Instrument in that it does not relate to *Council* powers, duties and functions, but those vested in the CEO personally.
- S14 – Instrument of Delegation from CEO to staff (VicSmart). This provides for the CEO to delegate his or her powers as a responsible authority under the *Planning and Environment Act 1987* in relation to VicSmart planning applications. The difference between the S6 and S7 instruments of delegation turn on the source of the powers of delegation.

Section 98(1) of the *Local Government Act* provides that a Council may, by instrument of delegation, delegate to a member of its staff any power, duty or function of a Council under the *Local Government Act* or any other Act, other than certain specified powers.

Section 98(2) provides that the Chief Executive Officer may, by instrument of delegation, delegate to a member of the Council staff any power, duty or function of his or her office other than the power of delegation, except the power of delegation itself.

Other Acts also empower a Council to delegate certain powers, duties or functions. For example, section 188 of the *Planning and Environment Act 1987* and section 58A of the *Food Act 1984*, empower Councils to delegate their powers under those Acts to members of Council staff.

There is a presumption that a power of delegation cannot be sub-delegated in the absence of express authority to do so.

The *Planning and Environment Act*, the *Food Act* and others contain specific powers of delegation, but do not contain an express power of sub-delegation. Therefore, it is assumed that the power of delegation cannot be sub-delegated. This means it is necessary for the delegation to come from Council to the staff members directly.

By contrast, as we have seen, the *Local Government Act* provides that the powers of delegation under that Act can be either delegated to its staff members or to the CEO, who may then sub-delegate his or her powers (provided that the delegation to the CEO specifically authorises him or her to sub-delegate). Therefore, the CEO is able to sub-delegate to Council staff without infringing the presumption.

While it could be argued that councils could simply rely on the general delegation powers in the *Local Government Act* to delegate matters under these other Acts and ignore the specific delegation powers in these other Acts, there is an appreciable risk in so doing. This would be to ignore a rule of statutory interpretation which dictates that the specific takes priority over the general.

The need to constantly review delegations and appointments

There are several reasons why delegations should be made carefully and reviewed regularly. In particular:

- accountability and responsibility for decisions is possible only if decision-makers are identified;
- in delegating responsibility, Council can set conditions, limitations and guidelines for decision-makers, including reporting requirements;
- Council decisions are often subject to legal scrutiny in courts and tribunals. This calls for precision about what decision was made, who made it and when it was made.

The approach we have taken

The Maddocks delegations service incorporates features that will assist Councils in the effective allocation and control of decision-making powers:

- **flexibility:** our documents include provision for delegation to persons holding specified office at any particular time (so that the delegation remains effective if staff movements occur) and a full use of the Chief Executive Officer's power of sub-delegation, allowing for regular "fine-tuning" of delegations;
- **control and monitoring:** using powers conferred by the *Interpretation of Legislation Act* 1984, the instrument of delegation incorporates provision for conditions and limitations on delegates' powers. Using the principles of common law, we have included guidelines in the package, to assist decision-makers to make decisions in a consistent manner. The package incorporates reporting requirements;
- **certainty:** the delegations of Council staff are structured by reference to provisions of legislation, so that each power can be allocated individually or made subject to specific conditions and limitations. Although this makes for lengthy documentation, it provides certainty about the who, what and when of statutory decision-making.



S5. Instrument of Delegation to Chief Executive Officer

The Chief Executive Officer

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

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

..... Chief Executive Officer

SCHEDULE

The power to

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

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

Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 4.1 awarding a contract exceeding the value of \$100,000;
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 4.9 appointment of councillor or community delegates or representatives to external organisations; or
 - 4.10 the return of the general valuation and any supplementary valuations;
5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 7.1 policy; or

7.2 strategy

adopted by Council; or

8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.



S6. Instrument of Delegation – Members of Staff

West Wimmera Shire Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

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

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

CEO means Chief Executive Officer

GMIDW means **General Manager Infrastructure Development and Works**

GMCCS means General Manager Corporate and Community Services

FM means Finance Manager

AM means Asset Manager

EHO means Environmental Health Officer

CM means **Contracts Manager**

MBS means **Municipal Building Surveyor**

MPE means Manager Planning and Environment

CBDM means **Community and Business Development Manager**

FCSM means Family and Community Services Manager

LL means Local Laws Officer / Fire Prevention Officer / Natural Resources Officer

3. declares that:
- 3.1 this Instrument of Delegation is authorised by [#insert "a resolution" or "resolutions"#] of Council passed on [#date#] [#add "and [date]", if appropriate#]; and
- 3.2 the delegation:
 - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.2 remains in force until varied or revoked;
 - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:



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

..... Councillor

..... Councillor

..... Chief Executive Officer



SCHEDULE



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**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.8(1)(a)(ii)	power to manage one or more public cemeteries	GMCCS FM	Where appointed by Governor in Council to manage cemetery
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	GMCCS FM	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	GMCCS FM	where council is a Class B cemetery trust
s.12A(1)	function to do the activities set out in paragraphs (a) – (n)	–	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	–	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	GMCCS FM	
s.14	power to manage multiple public cemeteries as if they are one cemetery	GMCCS FM	
s.15(1) and (2)	power to delegate powers or functions other than those listed	GMCCS FM	
s.15(4)	duty to keep records of delegations	GMCCS FM	
s.17(1)	power to employ any persons necessary	GMCCS FM	

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	power to engage any professional, technical or other assistance considered necessary	GMCCS FM	
s. 17(3)	power to determine the terms and conditions of employment or engagement	GMCCS FM	subject to any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	GMCCS FM	
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	–	where council is a Class A cemetery trust
s.18C	power to determine the membership of the governance committee	–	where council is a Class A cemetery trust
s.18D	power to determine procedure of governance committee	–	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	–	where council is a Class A cemetery trust
s.18D(1)(b)	power to appoint any additional community advisory committees	–	where council is a Class A cemetery trust
s.18D(2)	duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	–	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>	–	where council is a Class A cemetery trust

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.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	–	where council is a Class A cemetery trust
s.18H(1)	duty to hold an annual meeting before 30 December in each calendar year, in accordance with section	–	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	–	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 section 18J(2))	–	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	–	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)	–	where council is a Class A cemetery trust
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	–	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	–	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	–	where council is a Class A cemetery trust

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18O(1)	duty to prepare a strategic plan and submit the plan to the Secretary for approval	–	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	–	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	–	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.	–	where council is a Class A cemetery trust
s.19	power to carry out or permit the carrying out of works	GMCCS FM	
s.20(1)	duty to set aside areas for the interment of human remains	GMCCS FM	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	GMCCS FM	
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	GMCCS FM	
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	–	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	–	▪ subject to the approval of the Minister

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.37	power to grant leases over land in a public cemetery in accordance with this section	–	▪ subject to the Minister approving the purpose
s.40	duty to notify Secretary of fees and charges fixed under section 39	GMCCS FM	
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	–	provided the street was constructed pursuant to the Local Government Act 1989
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	GMCCS FM	report must contain the particulars listed in s.57(2)
s.59	duty to keep records for each public cemetery	GMCCS FM	
s.60(1)	duty to make information in records available to the public for historical or research purposes	GMCCS FM	
s.60(2)	power to charge fees for providing information	GMCCS FM	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	GMCCS FM	
s.64B(d)	power to permit interments at a reopened cemetery	GMCCS FM	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	GMCCS FM	the application must include the requirements listed in s.66(2)(a)–(d)

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park		Not delegated, Council direction required, acting as Cemetery Trust
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	GMCCS FM	
s.70(2)	duty to make plans of existing place of interment available to the public	GMCCS FM	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	GMCCS FM	
s.71(2)	power to dispose of any memorial or other structure removed	GMCCS FM	
s.72(2)	duty to comply with request received under section 72	GMCCS FM	
s.73(1)	power to grant a right of interment	GMCCS FM	
s.73(2)	power to impose conditions on the right of interment	GMCCS FM	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	GMCCS FM	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	GMCCS FM	

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	GMCCS FM	
s.80(1)	function of receiving notification and payment of transfer of right of interment	GMCCS FM	
s.80(2)	function of recording transfer of right of interment	GMCCS FM	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	GMCCS FM	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	GMCCS FM	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCCS FM	
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	GMCCS FM	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	GMCCS FM	the notice must be in writing and contain the requirements listed in s.85(2)
s.85(2)(b)	duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry		does not apply where right of internment relates to remains of a deceased veteran. To be decided by Council as Cemetery Trust

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
85(2)(c)	power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.		may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment. Cemetery trust decision
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		Cemetery Trust decision
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment		Not delegated – Cemetery Trust
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		Not delegated – Cemetery Trust
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)		Not delegated – Cemetery Trust
s.86(4)	power to take action under s.86(4) relating to removing and re-intering cremated human remains		Not delegated – Cemetery Trust
s.86(5)	duty to provide notification before taking action under s.86(4)		Not delegated – Cemetery Trust
s 86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)		Not delegated – Cemetery Trust

**CEMETERIES AND CREMATORIA ACT 2003**

[[#The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment		Not delegated – Cemetery Trust
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCCS FM	
s.91(1)	power to cancel a right of interment in accordance with this section	GMCCS FM	
s.91(3)	duty to publish notice of intention to cancel right of interment	GMCCS FM	
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	GMCCS FM	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	GMCCS FM	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	GMCCS FM	
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	GMCCS FM	
s.100(1)	power to require a person to remove memorials or places of interment	GMCCS FM	

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.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)		Not delegated – Cemetery Trust
s.100(3)	power to recover costs of taking action under section 100(2)		Not delegated – Cemetery Trust
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery		Not delegated – Cemetery Trust
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)		Not delegated – Cemetery Trust
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)		Not delegated – Cemetery Trust
s.103(1)	power to require a person to remove a building for ceremonies		Not delegated – Cemetery Trust
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)		Not delegated – Cemetery Trust
s.103(3)	power to recover costs of taking action under section 103(2)	GMCCS FM	
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	GMCCS FM	
s.106(2)	power to require the holder of the right of interment to provide for an examination	GMCCS FM	

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	GMCCS FM	
s.106(4)	power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	GMCCS FM	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCCS FM	
s.107(2)	power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with	GMCCS FM	
s.108	power to recover costs and expenses	GMCCS FM	
s.109(1)(a)	power to open, examine and repair a place of interment	GMCCS FM	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	GMCCS FM	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	GMCCS FM	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	GMCCS FM	

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	GMCCS FM	
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	—	
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCCS FM	
s.112	power to sell and supply memorials	GMCCS FM	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	GMCCS FM	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCCS FM	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCCS FM	
s.119	power to set terms and conditions for interment authorisations	GMCCS FM	
s.131	function of receiving an application for cremation authorisation	GMCCS FM	

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	GMCCS FM	Subject to subsection (2)
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	GMCCS FM	
s.146	power to dispose of bodily remains by a method other than interment or cremation	GMCCS FM	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 or cremation	GMCCS FM	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	GMCCS FM	
s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	GMCCS FM	
s.151	function of receiving applications to inter or cremate body parts	GMCCS FM	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	GMCCS FM	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCCS FM	

**CEMETERIES AND CREMATORIA ACT 2003**

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 1 clause 8(8)	power to regulate own proceedings	GMCCS FM	subject to clause 8
Schedule 1A clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	—	where council is a Class A cemetery trust
Schedule 1A clause 8(8)	power to regulate own proceedings	—	where council is a Class A cemetery trust subject to clause 8



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	CEO GMIDW LL	Council may delegate this power to an authorised officer



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



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	CEO GMIDW EHO	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	CEO GMIDW EHO	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO GMIDW EHO	If section 19(1) applies
s.19(6) (a)(b)(c)	duty to revoke any order under section 19 if satisfied that an order has been complied with	CEO GMIDW 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	CEO GMIDW EHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	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.19CB(4)(b)	power to request copy of records	EHO	where council is the registration authority
s.19E(1)(d) s.19EA(3)	power to request a copy of the food safety program	EHO	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	EHO	where council is the registration authority
s.19N s.19NA(1)	power to request food safety audit reports	EHO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO	where council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHO	where council is the registration authority
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHO	where council is the registration authority



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to register, renew or transfer registration	EHO	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.38AA(5)	power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO	where council is the registration authority
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	EHO	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	EHO	where council is the registration authority
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	EHO	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	EHO	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	EHO	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	EHO	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).



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



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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victoria Planning Provisions	MPE	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	MPE	
s.4H	duty to make amendment to Victoria Planning Provisions available	MPE	
s.4I	duty to keep Victoria Planning Provisions and other documents available	MPE	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	MPE	
s. 8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	MPE GMIDW	
s.8A(5)	function of receiving notice of the Minister's decision	MPE	
s.8A(7)	power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	GMIDW MPE	
s.8B(2)	power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	MPE GMIDW	
s.12(3)	power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	MPE GMIDW	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 12A(1)	duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under section 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	MPE GMIDW	
s.12B(1)	duty to review planning scheme	CEO GMIDW MPE	
s.12B(2)	duty to review planning scheme at direction of Minister	MPE	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	MPE	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	MPE	
s.17(1)	duty of giving copy amendment to the planning scheme	MPE	
s.17(2)	duty of giving copy s.173 agreement	MPE	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MPE	
s.18	duty to make amendment etc. available	MPE	
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	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19	function of receiving notice of preparation of an amendment to a planning scheme	CEO GMIDW MPE	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	MPE	
s.21(2)	duty to make submissions available	MPE	
s.21A(4)	duty to publish notice in accordance with section	MPE	
s.22	duty to consider all submissions	MPE	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	MPE GMIDW	
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	MPE	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	CEO GMIDW MPE	
s.26(1)	power to make report available for inspection	MPE	
s.26(2)	duty to keep report of panel available for inspection	MPE	
s.27(2)	power to apply for exemption if panel's report not received	MPE	
s.28	duty to notify the Minister if abandoning an amendment	MPE	Note: the power to make a decision to abandon an amendment cannot be delegated



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.30(4)(a)	duty to say if amendment has lapsed	MPE	
s.30(4)(b)	duty to provide information in writing upon request	MPE	
s.32(2)	duty to give more notice if required	MPE	
s.33(1)	duty to give more notice of changes to an amendment	MPE	
s.36(2)	duty to give notice of approval of amendment	MPE	
s.38(5)	duty to give notice of revocation of an amendment	MPE	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	MPE GMIDW	
s.40(1)	function of lodging copy of approved amendment	MPE	
s.41	duty to make approved amendment available	MPE	
s.42	duty to make copy of planning scheme available	MPE	
s.46AS(ac)	power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	—	Not Applicable
s.46GF	duty to comply with directions issued by the Minister	MPE	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	MPE	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	MPE	where council is a collecting agency



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	CEO GMIDW	where council is a collecting agency
s.46GH(3)	duty to obtain the agreement of the relevant development agency or agencies specified in the approved infrastructure contributions plan before accepting the provision of land, works, services or facilities by the applicant	CEO GMIDW	where council is a collecting agency
s.46GI(1)	duty to keep proper accounts of any amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	CEO GMIDW	must be done in accordance <i>with Local Government Act 1989</i> .
s.46GI(2)	duty to forward to a development agency any part of an infrastructure levy paid to council which is imposed for plan preparation costs incurred by development agency or for carrying out of works, services or facilities on behalf of the development agency	GMIDW	
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	GMIDW	
s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	CEO GMIDW	
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	CEO GMIDW	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	CEO GMIDW	where council is a collecting agency



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GM	duty to prepare report and give a report to the Minister	CEO GMIDW	where council is a collecting agency or development agency
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	MPE	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	MPE	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO GMIDW MPE	
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	MPE	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMIDW MPE	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	GMIDW MPE	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO GMIDW MPE	
s.46Q(1)	duty to keep proper accounts of levies paid	FM MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MPE FM	
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	MPE	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	FM MPE	only applies when levy is paid to Council as a 'development agency'
s.46Q(4)(c)	duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the council or for the provision by the council of works, services or facilities in an area under s.46Q(4)(a)	GMIDW MPE FM	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	MPE	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	MPE	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	MPE	
s.46QD	duty to prepare report and give a report to the Minister	MPE GMIDW	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	—	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Y	duty to carry out works in conformity with the approved strategy plan	MPE	
s.47	power to decide that an application for a planning permit does not comply with that Act	MPE	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	MPE	
s.49(2)	duty to make register available for inspection	MPE	
s.50(4)	duty to amend application	MPE	
s.50(5)	power to refuse to amend application	MPE	
s.50(6)	duty to make note of amendment to application in register	MPE	
s.50A(1)	power to make amendment to application	MPE	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	MPE	
s.50A(4)	duty to note amendment to application in register	MPE	
s.51	duty to make copy of application available for inspection	MPE	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	MPE	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	MPE	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	MPE	



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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MPE	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	MPE	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	MPE	
s.57(5)	duty to make available for inspection copy of all objections	MPE	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	MPE	
s.57A(5)	power to refuse to amend application	MPE	
s.57A(6)	duty to note amendments to application in register	MPE	
s.57B(1)	duty to determine whether and to whom notice should be given	MPE	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	MPE	
s.57C(1)	duty to give copy of amended application to referral authority	MPE	
s.58	duty to consider every application for a permit	MPE	
s.58A	power to request advice from the Planning Application Committee	MPE	
s.60	duty to consider certain matters	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s60(1A)	power to consider certain matters before deciding on application.	MPE	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	GMIDW MPE	
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	GMIDW MPE	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 permit	MPE	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MPE	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	—	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	MPE	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MPE	
s.62(1)	duty to include certain conditions in deciding to grant a permit	MPE	
s.62(2)	power to include other conditions	MPE	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MPE	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	MPE	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	MPE	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	MPE	
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)	MPE	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	MPE GMIDW	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	MPE	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	MPE	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	MPE	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	MPE	this provision applies also to a decision to grant an amendment to a permit - see section 75A



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	MPE	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	MPE	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	MPE	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MPE	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	MPE	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	MPE	
s.69(1A)	function of receiving application for extension of time to complete development	MPE	
s.69(2)	power to extend time	MPE	
s.70	duty to make copy permit available for inspection	MPE	
s.71(1)	power to correct certain mistakes	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(2)	duty to note corrections in register	MPE	
s.73	power to decide to grant amendment subject to conditions	MPE	
s.74	duty to issue amended permit to applicant if no objectors	MPE	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MPE	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	MPE	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MPE	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	MPE	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	MPE	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	MPE	
s.83	function of being respondent to an appeal	MPE	
s.83B	duty to give or publish notice of application for review	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MPE GMIDW	
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	MPE	
s.84(3)	duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	MPE	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	MPE	
s.86	duty to issue a permit at order of Tribunal within 3 working days	MPE	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	MPE	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	MPE	
s.91(2)	duty to comply with the directions of VCAT	MPE	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	MPE	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	MPE	
s.93(2)	duty to give notice of VCAT order to stop development	MPE	
s.95(3)	function of referring certain applications to the Minister	MPE	
s.95(4)	duty to comply with an order or direction	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	MPE	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	MPE	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	MPE	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	MPE	
s.96F	duty to consider the panel's report under section 96E	MPE	
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>)	MPE	Subject to Council resolution
s.96H(3)	power to give notice in compliance with Minister's direction	MPE	
s.96J	power to issue permit as directed by the Minister	PEO	
s.96K	duty to comply with direction of the Minister to give notice of refusal	PEO	
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	MPE	
s.97C	power to request Minister to decide the application	CEO GMIDW MPE	



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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	MPE	
s.101	function of receiving claim for expenses in conjunction with claim	MPE	
s.103	power to reject a claim for compensation in certain circumstances	CEO GMIDW MPE	
s.107(1)	function of receiving claim for compensation	MPE	
s.107(3)	power to agree to extend time for making claim	CEO GMIDW	
s.114(1)	power to apply to the VCAT for an enforcement order	MPE	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	MPE	
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	MPE	
s.123(1)	power to carry out work required by enforcement order and recover costs	MPE	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	CEO GMIDW	except Crown Land
s.129	function of recovering penalties	MPE	
s.130(5)	power to allow person served with an infringement notice further time	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.149A(1)	power to refer a matter to the VCAT for determination	MPE GMIDW	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	CEO MPE GMIDW	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B) power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	GMIDW MPE	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	MPE	
s.171(2)(g)	power to grant and reserve easements	MPE	
s.173	power to enter into agreement covering matters set out in section 174	MPE	
---	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	MPE	
---	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	MPE	
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	CEO GMIDW 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 s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	GMIDW MPE	
s.178A(1)	function of receiving application to amend or end an agreement	MPE	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	MPE	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MPE	
s.178A(5)	power to propose to amend or end an agreement	GMIDW MPE	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	MPE	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	GMIDW 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	MPE	
s.178C(4)	function of determining how to give notice under s.178C(2)	MPE	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	MPE	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	GMIDW MPE	If no objections are made under s.178D Must consider matters in s.178B



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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178H	power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	MPE	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	MPE	
s.179(2)	duty to make available for inspection copy agreement	MPE	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MPE	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	MPE	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	MPE	
s.182	power to enforce an agreement	MPE	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	MPE	
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	GMIDW 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	MPE	
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	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MPE	
s.184G(2)	duty to comply with a direction of the Tribunal	MPE	
s.184G(3)	duty to give notice as directed by the Tribunal	MPE	
s.198(1)	function to receive application for planning certificate	MPE	
s.199(1)	duty to give planning certificate to applicant	MPE	
s.201(1)	function of receiving application for declaration of underlying zoning	MPE	
s.201(3)	duty to make declaration	MPE	
-	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	MPE	
	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	MPE	
	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	MPE	
-	power to give written authorisation in accordance with a provision of a planning scheme	MPE	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	-	Not Applicable



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	—	Not Applicable



RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	GMIDW AM	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	GMIDW AM	duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	GMIDW AM	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	GMIDW AM	where council is the relevant road authority
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	GMIDW AM	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	GMIDW AM	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	GMIDW AM	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	GMIDW AM	where council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	GMIDW AM	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMIDW AM	where council is the relevant road authority



RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	GMIDW AM	where council is the relevant road authority
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	GMIDW AM	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMIDW AM	where council is the relevant road authority
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	GMIDW AM	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	GMIDW AM	where council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	GMIDW AM	where council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	GMIDW AM	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	GMIDW AM	where council is the relevant road authority



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	EHO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	EHO	
s. 142G(2)	power to enter certain information in the Rooming House Register	EHO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	EHO	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	EHO	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	EHO	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO	
s.522(1)	power to give a compliance notice to a person	EHO MBS	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CEO GMIDW	
s.525(4)	duty to issue identity card to authorised officers	CEO	



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.526(5)	duty to keep record of entry by authorised officer under section 526	EHO MBS	
s.526A(3)	function of receiving report of inspection	EHO	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	EHO MBS	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	GMCCS RC	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	GMCCS RC	
s.11(9)(b)	duty to advise Registrar	GMIDW AM RC	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMIDW AM	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMIDW AM	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	GMIDW AM	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMIDW AM	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	GMIDW AM	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(6)	function of hearing a person in support of their written submission	GMIDW AM	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	GMIDW AM	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	GMIDW 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 Government Gazette	GMIDW AM	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	GMIDW AM WM	
s.14(7)	power to appeal against decision of VicRoads	CEO GMIDW	
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	GMIDW AM	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMIDW AM	
s.15(2)	duty to include details of arrangement in public roads register	GMIDW AM	
s.16(7)	power to enter into an arrangement under section 15	GMIDW AM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.16(8)	duty to enter details of determination in public roads register	GMIDW AM	
s.17(2)	duty to register public road in public roads register	AM	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	GMIDW 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	GMIDW 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	GMIDW AM	where council is the coordinating road authority
s.17(4)	duty to remove road no longer reasonably required for general public use from public roads register	GMIDW AM	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	GMIDW AM	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)
s.18(3)	duty to record designation in public roads register	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	AM	
s.19(4)	duty to specify details of discontinuance in public roads register	AM	
s.19(5)	duty to ensure public roads register is available for public inspection	GMIDW AM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21	function of replying to request for information or advice	GMIDW AM	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	GMIDW 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.	GMIDW AM	
s.22(5)	duty to give effect to a direction under this section.	GMIDW AM	
s.40(1)	duty to inspect, maintain and repair a public road.	GMIDW AM WM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	GMIDW WM	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	GMIDW AM WM	
s.42(1)	power to declare a public road as a controlled access road	GMIDW AM	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	GMIDW AM	power of coordinating road authority and Schedule 2 also applies



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(3)	duty to consult with VicRoads before road is specified	GMIDW AM	where council is the coordinating road authority if road is a municipal road or part thereof
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	GMIDW AM	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMIDW 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	GMIDW AM WM	
s.49	power to develop and publish a road management plan	AM	
s.51	power to determine standards by incorporating the standards in a road management plan	GMIDW AM	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	AM	
s.54(2)	duty to give notice of proposal to make a road management plan	GMIDW AM	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMIDW AM	
s.54(6)	power to amend road management plan	—	NOT DELEGATED, COUNCIL DECISION



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(7)	duty to incorporate the amendments into the road management plan	GMIDW AM	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMIDW AM	
s.63(1)	power to consent to conduct of works on road	GMIDW AM WM	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	GMIDW AM WM	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	GMIDW AM	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	GMIDW 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	GMIDW AM	where council is the coordinating road authority
s.67(3)	power to request information	GMIDW AM WM	where council is the coordinating road authority
s.68(2)	power to request information		where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	GMIDW	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.72	duty to issue an identity card to each authorised officer	CEO GMIDW	
s.85	function of receiving report from authorised officer	GMIDW	
s.86	duty to keep register re section 85 matters	GMIDW AM	
s.87(1)	function of receiving complaints	GMIDW AM WM	
s.87(2)	duty to investigate complaint and provide report	GMIDW AM WM	
s.112(2)	power to recover damages in court	GMIDW	
s.116	power to cause or carry out inspection	GMIDW AM WM	
s.119(2)	function of consulting with VicRoads	GMIDW AM WM	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMIDW AM WM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	GMIDW AM WM	
s.121(1)	power to enter into an agreement in respect of works	GMIDW AM WM	
s.122(1)	power to charge and recover fees	GMIDW AM WM	
s.123(1)	power to charge for any service	GMIDW AM WM	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	GMIDW AM	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	GMIDW AM	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	GMIDW AM	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	GMIDW AM	
Schedule 2 Clause 5	duty to publish notice of declaration	GMIDW AM	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 7(1)	duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	GMIDW AM WM	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMIDW AM WM	where council is the infrastructure manager or works manager
Schedule 7, Clause 9(1)	duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	GMIDW AM WM	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	GMIDW AM WM	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMIDW AM WM	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	GMIDW AM	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	GMIDW 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
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	GMIDW AM	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	GMIDW	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	GMIDW AM	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	GMIDW AM	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	GMIDW AM	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	GMIDW AM	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	GMIDW AM	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	GMIDW AM	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMIDW AM	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	GMIDW 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
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	GMIDW AM	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	GMIDW AM	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	GMIDW AM WM	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMIDW AM WM	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMIDW AM WM	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	GMIDW AM	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMIDW AM	where council is the responsible road authority
Schedule 7A Clause 3(1)(e)	duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas	GMIDW AM	where council is the responsible road authority



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	GMIDW AM	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 Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
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	GMCCS FM	
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	GMCCS FM	
r.27	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	GMCCS FM	
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
r.28(2)	duty to ensure any fittings removed of are disposed in an appropriate manner		Not Applicable
r.29	power to dispose of any metal substance or non-human substance recovered from a cremator		Not Applicable
r.30(2)	power to release cremated human remains to certain persons		subject to any order of a court

**CEMETERIES AND CREMATORIA REGULATIONS 2015**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.31(1)	duty to make cremated human remains available for collection within 2 working days after the cremation		Not Applicable
r.31(2)	duty to hold cremated human remains for at least 12 months from the date of cremation		Not Applicable
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
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
r.32	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)		NOT DELEGATED
r.33(1)	duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)		Funeral Directors
r.33(2)	duty to ensure that remains are interred in accordance with paragraphs (a)-(b)		Funeral Directors
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 statement that alternative vendors or supplier of monuments exist	GMCCS FM	

**CEMETERIES AND CREMATORIA REGULATIONS 2015**

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

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		Not Applicable
r. 41(1)	power to approve fishing and bathing within a public cemetery		Not Applicable
r. 42(1)	power to approve hunting within a public cemetery		Not Applicable
r. 43	power to approve camping within a public cemetery		Not Applicable
r. 45(1)	power to approve the removal of plants within a public cemetery	GMCCS FM	
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	GMCCS	
r. 47(3)	power to approve the use of fire in a public cemetery	GMCCS	
r.48(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	GMCCS	
Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules			
Schedule 2, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	GMCCS FM	see note above regarding model rules
Schedule 2, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery	GMCCS FM	see note above regarding model rules



CEMETERIES AND CREMATORIA REGULATIONS 2015			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	GMCCS FM	see note above regarding model rules
Schedule 2, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted		see note above regarding model rules
Schedule 2, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials		see note above regarding model rules
Schedule 2, clause 8	power to approve certain mementos on a memorial		see note above regarding model rules
Schedule 2, clause 11(1)	power to remove objects from a memorial or place of interment		see note above regarding model rules
Schedule 2, clause 11(2)	duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner		see note above regarding model rules
Schedule 2, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies		see note above regarding model rules
Schedule 2, clause 14	power to approve an animal to enter into or remain in a cemetery		see note above regarding model rules
Schedule 2, clause 16(1)	power to approve construction and building within a cemetery		see note above regarding model rules



CEMETERIES AND CREMATORIA REGULATIONS 2015

[[These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act* 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53) (Commenced 27 June 2015)]

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2, clause 17(1)	power to approve action to disturb or demolish property of the cemetery trust		see note above regarding model rules
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery		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	MPE GMIDW	where Council is not the planning authority and the amendment affects land within its municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	MPE GMIDW	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	MPE	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	MPO GMIDW	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	GMIDW MPE	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	GMIDW	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	GMIDW	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	MPE GMIDW	



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



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		EHO GMIDW	
r.16(2)	duty to issue a certificate of transfer of registration	CEO GMIDW EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	CEO GMIDW EHO	
r.18	duty to keep register of caravan parks	EHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	GMIDW EHO	
r.19(6)	power to determine where certain information is displayed	GMIDW EHO	
r.22A(1)	duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	GMIDW EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	GMIDW EHO	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	GMIDW EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	GMIDW EHO	
r.25(3)	duty to consult with relevant floodplain management authority	GMIDW EHO	
r.26	duty to have regard to any report of the relevant fire authority	GMIDW MBS EHO	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	EHO	
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MBS EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MBS EHO	
r.40(4)	function of receiving installation certificate	MBS EHO	



RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBS EHO	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	GMIDW MBS 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 road management plan	GMIDW AM	
r.9(2)	duty to produce written report of review of road management plan and make report available	GMIDW AM	
r.9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	GMIDW AM	where council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	GMIDW AM	
r.13(1)	Duty to publish notice of amendments to road management plan	GMIDW AM	where council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of amendment	GMIDW AM	
r.16(3)	power to issue permit	GMIDW AM	where council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	GMIDW 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.23(2)	power to make submission to Tribunal	CEO GMIDW AM	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	GMIDW AM WM	where council is the coordinating road authority
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	GMIDW AM WM	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))	GMIDW	where council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	GMIDW	



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 clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	GMIDW AM CEO	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	GMIDW AM CEO	where council is the coordinating road authority