



NOTICE OF MOTION
WEST WIMMERA SHIRE COUNCIL

17/004496

NOTICE OF MOTION No: 2017 / 07

Preamble: Edenhope Hall Development

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MOTION:

That Council, in any community
discussions with regard to the
Edenhope Hall development concept
equally promote alternative options,
including an upgrade to one of
the sporting facilities.

Councillors Name: [Signature]

Date: 11/11/17

Chief Executive Officer: [Signature]

Date: 2/11/2017



NOTICE OF MOTION
WEST WIMMERA SHIRE COUNCIL

17/004497

NOTICE OF MOTION No: 2017/08

Preamble: Duplication of Miram South Road

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MOTION:

That Council direct the relevant staff to
investigate the duplication of the
Miram South Road and report
back to Council, including whether
a name change for one road should
be undertaken

Councillors Name: [Signature]

Date: 1/11/17

Chief Executive Officer: [Signature]

Date: 2/11/2017

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 [a](#)-references in the Schedule are as follows:

CEO	means Chief Executive Officer
DIDW	means General Manager Infrastructure Development and Works
DCCS	means General Manager Corporate and Community Services
FM	means Finance Manager
AC	means Asset Coordinator
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 **a resolution of Council** passed on [#date#] 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:



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- 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) strategyadopted 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



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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	DCCS 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	DCCS 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	DCCS 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	DCCS FM	
s.14	power to manage multiple public cemeteries as if they are one cemetery	DCCS FM	
s.15(1) and (2)	power to delegate powers or functions other than those listed	DCCS FM	
s.15(4)	duty to keep records of delegations	DCCS FM	
s.17(1)	power to employ any persons necessary	DCCS FM	

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CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	power to engage any professional, technical or other assistance considered necessary	DCCS FM	
s. 17(3)	power to determine the terms and conditions of employment or engagement	DCCS FM	subject to any guidelines or directions of the Secretary
s.18(3)	duty to comply with a direction from the Secretary	DCCS 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



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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)(iii) 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



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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.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	DCCS FM	
s.20(1)	duty to set aside areas for the interment of human remains	DCCS FM	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	DCCS FM	
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	DCCS FM	
			• _____
			• _____
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	–	



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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.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
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	DCCS 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	DCCS FM	report must contain the particulars listed in s.57(2)
s.59	duty to keep records for each public cemetery	DCCS FM	
s.60(1)	duty to make information in records available to the public for historical or research purposes	DCCS FM	



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CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.60(2)	power to charge fees for providing information	DCCS FM	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	DCCS FM	
s.64B(d)	power to permit interments at a reopened cemetery	DCCS 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	DCCS FM	the application must include the requirements listed in s.66(2)(a)–(d)
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	DCCS FM	
s.70(2)	duty to make plans of existing place of interment available to the public	DCCS FM	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	DCCS FM	
s.71(2)	power to dispose of any memorial or other structure removed	DCCS FM	
s.72(2)	duty to comply with request received under section 72	DCCS FM	



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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.73(1)	power to grant a right of interment	DCCS FM	
s.73(2)	power to impose conditions on the right of interment	DCCS FM	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	DCCS FM	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	DCCS FM	
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DCCS FM	
s.80(1)	function of receiving notification and payment of transfer of right of interment	DCCS FM	
s.80(2)	function of recording transfer of right of interment	DCCS FM	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	DCCS FM	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DCCS FM	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	DCCS FM	



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CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	DCCS FM	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DCCS 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 interment relates to remains of a deceased veteran. To be decided by Council as Cemetery Trust
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



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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)(iii) 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.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-interring 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
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	DCCS FM	
s.91(1)	power to cancel a right of interment in accordance with this section	DCCS FM	
s.91(3)	duty to publish notice of intention to cancel right of interment	DCCS 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	DCCS FM	



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CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	DCCS FM	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	DCCS 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	DCCS FM	
s.100(1)	power to require a person to remove memorials or places of interment	DCCS FM	
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



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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.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)	DCCS 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	DCCS FM	
s.106(2)	power to require the holder of the right of interment to provide for an exAcination	DCCS FM	
s.106(3)	power to open and exAcine the place of interment if section 106(2) not complied with	DCCS 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	DCCS FM	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DCCS 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	DCCS FM	
s.108	power to recover costs and expenses	DCCS FM	



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CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.109(1)(a)	power to open, exACine and repair a place of interment	DCCS FM	where the holder of right of interment or responsible person cannot be found
s.109(1)(b)	power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DCCS 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	DCCS 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	DCCS FM	
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DCCS 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	DCCS FM	
s.112	power to sell and supply memorials	DCCS FM	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	DCCS FM	



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CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	DCCS FM	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DCCS FM	
s.119	power to set terms and conditions for interment authorisations	DCCS FM	
s.131	function of receiving an application for cremation authorisation	DCCS FM	
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	DCCS FM	Subject to subsection (2)
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	DCCS FM	
s.146	power to dispose of bodily remains by a method other than interment or cremation	DCCS 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	DCCS FM	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	DCCS 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	DCCS FM	



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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.151	function of receiving applications to inter or cremate body parts	DCCS FM	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	DCCS 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	DCCS FM	
Schedule 1 clause 8(8)	power to regulate own proceedings	DCCS 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



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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 DIDW LL	Council may delegate this power to an authorised officer



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ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	EHO DIDW 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



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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 DIDW 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 DIDW EHO	If section 19(1) applies
s. 19(3)	power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHO	If section 19(1) applies Only in relation to temporary food premises or mobile food premises
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO DIDW 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 DIDW 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 DIDW 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



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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 progrAC	EHO	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the nACe, 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

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 progrAC of the premises	EHO	where council is the registration authority
---	power to register, renew or transfer registration	EHO	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
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 progrAC 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



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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).
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



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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



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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 DIDW	must obtain Executive Director's written consent first.



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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 ACendment 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 ACendment 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 ACendment 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 ACendment to the planning scheme	MPE DIDW	
s.8A(5)	function of receiving notice of the Minister's decision	MPE	
s.8A(7)	power to prepare the ACendment specified in the application without the Minister's authorisation if no response received after 10 business days	DIDW MPE	
s.8B(2)	power to apply to the Minister for authorisation to prepare an ACendment to the planning scheme of an adjoining municipal district	MPE DIDW	
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 DIDW	



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 DIDW	
s.12B(1)	duty to review planning scheme	CEO DIDW 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 ACendment to the planning scheme	MPE	
s.17(2)	duty of giving copy s.173 agreement	MPE	
s.17(3)	duty of giving copy ACendment, explanatory report and relevant documents to the Minister within 10 business days	MPE	
s.18	duty to make ACendment etc. available	MPE	
s.19	power to give notice, to decide not to give notice, to publish notice of ACendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	MPE	



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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 ACendment to a planning scheme	CEO DIDW MPE	where Council is not the planning authority and the ACendment affects land within Council's municipal district; or where the ACendment will ACend 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 ACendment to a panel	MPE DIDW	
s.23(2)	power to refer to a panel submissions which do not require a change to the ACendment	MPE	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	CEO DIDW 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 ACendment	MPE	Note: the power to make a decision to abandon an ACendment cannot be delegated



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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 ACendment 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 ACendment	MPE	
s.36(2)	duty to give notice of approval of ACendment	MPE	
s.38(5)	duty to give notice of revocation of an ACendment	MPE	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	MPE DIDW	
s.40(1)	function of lodging copy of approved ACendment	MPE	
s.41	duty to make approved ACendment available	MPE	
s.42	duty to make copy of planning scheme available	MPE	
s.46AS(ac)	power to request the Victorian Planning Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria		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 ACount of infrastructure levy to be secured to Council's satisfaction	MPE	where council is a collecting agency



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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 ACount of infrastructure levy payable	CEO DIDW	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 DIDW	where council is a collecting agency
s.46GI(1)	duty to keep proper accounts of any ACount 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 DIDW	Must be done in accordance with <i>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	DIDW	
s.46GI(3)	duty to apply levy ACount only in accordance with s.46GI(3) (a) and (b)	DIDW	
s.46GI(4)	power to refund any ACount 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 DIDW	
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	CEO DIDW	
s.46GL	power to recover any ACount of infrastructure levy as a debt due to Council	CEO DIDW	where council is a collecting agency



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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 DIDW	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 DIDW 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	DIDW MPE	
s.46P(1)	power to require payment of ACount of levy under section 46N or section 46O to be satisfactorily secured	DIDW MPE	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO DIDW MPE	
s.46Q(1)	duty to keep proper accounts of levies paid	FM MPE	



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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 ACount 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 ACount to current owners of land in the area if an ACount 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)	DIDW 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 ACendment to the approved development contributions plan	MPE	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that ACount on other works etc.	MPE	with the consent of, and in the manner approved by, the Minister
s.46QC	power to recover any ACount of levy payable under Part 3B	MPE	
s.46QD	duty to prepare report and give a report to the Minister	MPE DIDW	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	—	



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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 ACend application	MPE	
s.50(5)	power to refuse to ACend application	MPE	
s.50(6)	duty to make note of ACendment to application in register	MPE	
s.50A(1)	power to make ACendment 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 ACendment 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	



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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	



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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 nACe 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 ACend application in accordance with applicant's request, subject to section 57A(5)	MPE	
s.57A(5)	power to refuse to ACend application	MPE	
s.57A(6)	duty to note ACendments 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 ACended 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	



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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	DIDW 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	DIDW MPE	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act</i> 2006
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	



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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 ACount 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 ACount 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 DIDW	
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 ACendment 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 ACendment 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 ACendment 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 ACendment to a permit - see section 75A



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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	



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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 ACendment subject to conditions	MPE	
s.74	duty to issue ACended permit to applicant if no objectors	MPE	
s.76	duty to give applicant and objectors notice of decision to refuse to grant ACendment to permit	MPE	
s.76A(1)	duty to give relevant determining referral authorities copy of ACended permit and copy of notice	MPE	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an ACendment to a permit	MPE	if the recommending referral authority objected to the ACendment of the permit or the responsible authority decided not to include a condition on the ACended 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 ACendment of the permit or the recommending referral authority recommended that a permit condition be included on the ACended permit
s.76A(6)	duty to give a recommending referral authority a copy of any ACended 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 ACendment of the permit or the recommending referral authority did not recommend a condition be included on the ACended permit
s.76D	duty to comply with direction of Minister to issue ACended 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	



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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 DIDW	
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 ACendment of a permit	MPE	
s.90(1)	function of being heard at hearing of request for cancellation or ACendment of a permit	MPE	
s.91(2)	duty to comply with the directions of VCAT	MPE	
s.91(2A)	duty to issue ACended permit to owner if Tribunal so directs	MPE	
s.92	duty to give notice of cancellation/ACendment 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	



Maddocks

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 ACendment	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 DIDW MPE	



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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 nACe 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 DIDW MPE	
s.107(1)	function of receiving claim for compensation	MPE	
s.107(3)	power to agree to extend time for making claim	CEO DIDW	
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 DIDW	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	



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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 DIDW	
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 DIDW	
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 ACendment or part of it under subsection (4)	DIDW 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 DIDW MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178	power to ACend 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	DIDW MPE	
s.178A(1)	function of receiving application to ACend 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 ACend or end an agreement	DIDW MPE	
s.178B(1)	duty to consider certain matters when considering proposal to ACend an agreement	MPE	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DIDW MPE	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to ACend 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 ACend or end the agreement in accordance with the proposal	DIDW MPE	If no objections are made under s.178D Must consider matters in s.178B



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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 ACend or end the agreement in a manner that is not substantively different from the proposal	DIDW MPE	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to ACend or end the agreement	DIDW MPE	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to ACend or end the agreement in accordance with the proposal	DIDW MPE	After considering objections, submissions and matters in s.178B
s.178E(3)(b)	power to ACend or end the agreement in a manner that is not substantively different from the proposal	DIDW MPE	After considering objections, submissions and matters in s.178B
s.178E(3)(c)	power to ACend or end the agreement in a manner that is substantively different from the proposal	DIDW MPE	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to ACend or end the agreement	DIDW 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 ACend 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 ACended agreement and give copy to each other party to the agreement	MPE	



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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 ACend or end an agreement to pay the costs of giving notices and preparing the ACended 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/ACendment of agreement	MPE	
s.184F(1)	power to decide to ACend or end an agreement at any time after an application for review of the failure of Council to make a decision	DIDW MPE	
s.184F(2)	duty not to ACend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to ACend or end an agreement	MPE	
s.184F(3)	duty to inform the principal registrar if the responsible authority decides to ACend or end an agreement after an application is made for the review of its failure to end or ACend the agreement	MPE	



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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 ACended 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 ACendment 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



Maddocks

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



Maddocks

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	DIDW AC	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	DIDW AC	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)	DIDW AC	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	DIDW AC	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	DIDW AC	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	DIDW AC	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	DIDW AC	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	DIDW AC	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)	DIDW AC	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DIDW AC	where council is the relevant road authority



Maddocks

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)	DIDW AC	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)	DIDW AC	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	DIDW AC	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)	DIDW AC	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	DIDW AC	where council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	DIDW AC	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)	DIDW AC	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	DIDW AC	where council is the relevant road authority



Maddocks

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 ACend 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 DIDW	
s.525(4)	duty to issue identity card to authorised officers	CEO	



Maddocks

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	



Maddocks

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	DCCS RC	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to nACe a road or change the nACe of a road by publishing notice in Government Gazette	DCCS RC	
s.11(9)(b)	duty to advise Registrar	DIDW AC RC	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DIDW AC	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DIDW AC	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DIDW AC	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DIDW AC	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	DIDW AC	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	DIDW AC	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies



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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	DIDW AC	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	DIDW AC	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	DIDW AC	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	DIDW AC WM	
s.14(7)	power to appeal against decision of VicRoads	CEO DIDW	
s.15(1)	power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	DIDW AC	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	DIDW AC	
s.15(2)	duty to include details of arrangement in public roads register	DIDW AC	
s.16(7)	power to enter into an arrangement under section 15	DIDW AC	



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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	DIDW AC	
s.17(2)	duty to register public road in public roads register	AC	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DIDW AC	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	DIDW AC	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	DIDW AC	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	DIDW AC	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	DIDW AC	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	AC	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	AC	
s.19(4)	duty to specify details of discontinuance in public roads register	AC	
s.19(5)	duty to ensure public roads register is available for public inspection	DIDW AC	



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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	DIDW AC	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	DIDW AC WM	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DIDW AC	
s.22(5)	duty to give effect to a direction under this section.	DIDW AC	
s.40(1)	duty to inspect, maintain and repair a public road.	DIDW AC WM	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DIDW WM	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DIDW AC WM	
s.42(1)	power to declare a public road as a controlled access road	DIDW AC	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to ACend or revoke declaration by notice published in Government Gazette	DIDW AC	power of coordinating road authority and Schedule 2 also applies



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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	DIDW AC	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	DIDW AC	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)	DIDW AC	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the Secretary-relevant authority for purposes of developing guidelines under section 48M	DIDW AC WM	
s.48N	duty to notify the relevant authority of the location of the bus stopping point and the action taken by council		
s.49	power to develop and publish a road management plan	AC	
s.51	power to determine standards by incorporating the standards in a road management plan	DIDW AC	
s.53(2)	power to cause notice to be published in Government Gazette of ACendment etc of document in road management plan	AC	
s.54(2)	duty to give notice of proposal to make a road management plan	DIDW AC	
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DIDW AC	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(6)	power to ACend road management plan	–	NOT DELEGATED, COUNCIL DECISION
s.54(7)	duty to incorporate the ACendments into the road management plan	DIDW AC	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DIDW AC	
s.63(1)	power to consent to conduct of works on road	DIDW AC 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	DIDW AC WM	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DIDW AC	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DIDW AC	where council is the coordinating road authority
s.67(2)	function of receiving the nACe & address of the person responsible for distributing the sign or bill	DIDW AC	where council is the coordinating road authority
s.67(3)	power to request information	DIDW AC WM	where council is the coordinating road authority
s.68(2)	power to request information		where council is the coordinating road authority



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(3)	power to appoint an authorised officer	DIDW	
s.72	duty to issue an identity card to each authorised officer	CEO DIDW	
s.85	function of receiving report from authorised officer	DIDW	
s.86	duty to keep register re section 85 matters	DIDW AC	
s.87(1)	function of receiving complaints	DIDW AC WM	
s.87(2)	duty to investigate complaint and provide report	DIDW AC WM	
s.112(2)	power to recover dACages in court	DIDW	
s.116	power to cause or carry out inspection	DIDW AC WM	
s.119(2)	function of consulting with VicRoads	DIDW AC WM	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DIDW AC WM	



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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)	DIDW AC WM	
s.121(1)	power to enter into an agreement in respect of works	DIDW AC WM	
s.122(1)	power to charge and recover fees	DIDW AC WM	
s.123(1)	power to charge for any service	DIDW AC WM	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DIDW AC	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	DIDW AC	
Schedule 2 Clause 3(2)	power to ACend, revoke or substitute policy about controlled access roads	DIDW AC	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DIDW AC	
Schedule 2 Clause 5	duty to publish notice of declaration	DIDW AC	



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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	DIDW AC 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	DIDW AC 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	DIDW AC 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	DIDW AC 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	DIDW AC 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	DIDW AC	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DIDW AC	where council is the coordinating road authority



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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	DIDW AC	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DIDW	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)	DIDW AC	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	DIDW AC	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)	DIDW AC	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DIDW AC	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	DIDW AC	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DIDW AC	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DIDW AC	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DIDW AC	where council is the coordinating road authority



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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	DIDW AC	where council is the coordinating road authority
Schedule 7 Clause 18(1)	power to enter into an agreement	DIDW AC	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DIDW AC 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	DIDW AC 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	DIDW AC WM	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DIDW AC	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	DIDW AC	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	DIDW AC	where council is the responsible road authority



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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	DIDW AC	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 *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.24	duty to ensure that cemetery complies with depth of burial requirements	DCCS FM	
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DCCS FM	
r.27	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	DCCS 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 dACage 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



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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 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.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	DCCS FM	



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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. 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 cACping within a public cemetery		Not Applicable
r. 45(1)	power to approve the removal of plants within a public cemetery	DCCS FM	
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DCCS	
r. 47(3)	power to approve the use of fire in a public cemetery	DCCS	
r.48(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	DCCS	
Note: 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	DCCS 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	DCCS 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 2003</i> , and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 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	DCCS 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



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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



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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 ACendment to a planning scheme	MPE DIDW	where Council is not the planning authority and the ACendment affects land within its municipal district; or where the ACendment will ACend 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 ACend a permit or any information provided under section 54 of the Act	MPE DIDW	
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 DIDW	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 ACendment to a planning scheme and notice of a permit application	DIDW MPE	where Council is not the planning authority and the ACendment affects land within Council's municipal district; or where the ACendment will ACend the planning scheme to designate Council as an acquiring authority.



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PLANNING AND ENVIRONMENT (FEES) INTERIM REGULATIONS 201 65 Note: these Regulations expire on 144 October 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.16	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme		
r.1 79	power to waive or rebate a fee relating to an ACendment of a planning scheme	DIDW	
r.20	power to waive or rebate a fee other than a fee relating to an ACendment to a planning scheme	DIDW	
r.21 18	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.4 6 19 or 4 7 20	MPE DIDW	



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



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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		EHO DIDW	
r.16(2)	duty to issue a certificate of transfer of registration	CEO DIDW EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	CEO DIDW 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	DIDW EHO	
r.19(6)	power to determine where certain information is displayed	DIDW 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	DIDW EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	DIDW EHO	



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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	DIDW EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	DIDW EHO	
r.25(3)	duty to consult with relevant floodplain management authority	DIDW EHO	
r.26	duty to have regard to any report of the relevant fire authority	DIDW 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	



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RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.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	DIDW 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	DIDW AC	
r.9(2)	duty to produce written report of review of road management plan and make report available	DIDW AC	
r.9(3)	Duty to give notice where road management review is completed and no ACendments will be made (or no ACendments for which notice is required)	DIDW AC	where council is the coordinating road authority
r.10	duty to give notice of ACendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	DIDW AC	
r.13(1)	Duty to publish notice of ACendments to road management plan	DIDW AC	where council is the coordinating road authority
r.13(3)	duty to record on road management plan the substance and date of effect of ACendment	DIDW AC	
r.16(3)	power to issue permit	DIDW AC	where council is the coordinating road authority
r.18(1)	power to give written consent re dACage to road	DIDW AC	where council is the coordinating road authority



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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 DIDW AC	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	DIDW AC 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	DIDW AC 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))	DIDW	where council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	DIDW	



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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	DIDW AC 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	DIDW AC CEO	where council is the coordinating road authority

Maddocks Delegations and Authorisations

S7. Instrument of Sub-Delegation by CEO

West Wimmera Shire Council

Instrument of Sub-Delegation

by

The Chief Executive Officer

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Instrument of Sub-Delegation

By this instrument of sub-delegation, I, David Leahy as **Chief Executive Officer** of West Wimmera Shire Council -

1. delegate each duty and/or function and/or power respectively 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 respectively described in column 3 of the Schedule;
2. record that references in the Schedule are as follows

CEO	means Chief Executive Officer
GMIDW-DIDW	means General Manager Infrastructure Development and Works
GMCCSDCCS	means General Manager Corporate and Community Services
FM	means Finance Manager
RC	means Rates Coordinator
AM-AC	means Asset <u>Coordinator Manager</u>
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 <u>FamAC</u> ily and Community Services Manager
LL	means Local Laws Officer / Fire Prevention Officer / Natural Resources Officer
EYC	means Early Years Coordinator
MCHN	means Maternal Child Health Nurse
RAC	means Regional Access Coordinator
IEME	means <u>InfrastructureManager</u> Engineer <u>ing</u>
CSO	means Corporate Support Officer
GO	means Governance Officer
CM	means Contracts Manager
RMO	means Records Management Officer



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3. record that on the coming into force of this Instrument of Sub-Delegation each delegation under the Instrument of Sub-Delegation dated ~~##[date#]~~ and executed by ~~##[name#]~~ is revoked;
4. declare that this Instrument of Sub-Delegation -
 - 4.1 comes into force immediately upon its execution;
 - 4.2 remains in force until ~~varie~~MEd or revoked;
 - 4.3 is subject to any conditions and limitations set out in paragraph 5, and in the Schedule; and
 - 4.4 must be read in accordance with any guidelines or policies~~e~~MEs which Council from time to time adopts; and
5. declare that the delegate must not determine the issue, take the action or do the act or thing if:
 - 5.1 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
 - 5.2 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) strategyadopted by Council; or
 - 5.3 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.



Signed by the Chief Executive Officer of)
Council in the presence of:)

Date:



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SCHEDULE

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ABORIGINAL HERITAGE ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Parts 4, 6 and 8	powers, functions and duties of a sponsor of a cultural heritage management plan under Parts 4, 6 and 8 of the <i>Aboriginal Heritage Act 2006</i> .	MBE GMIDW <u>DIDW</u>	
s.74A(1)	Power to enter into an Aboriginal cultural heritage land management agreement with a registered Aboriginal party	GMIDW <u>DIDW</u>	
s.74E(1)	Duty to give copy of Aboriginal cultural heritage land management agreement to Secretary of Victorian Communities.	GMIDW <u>DIDW</u> MPE	



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ASSOCIATIONS INCORPORATION REFORM ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.132	power to nominate a body to which assets should be returned	GMCCS DCCS FM	where a wound up incorporated association has assets consisting of property supplied by Council (which includes the unexpended portion of a grant)



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BUILDING ACT 1993			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.3(1)	power to appoint municipal building surveyor	GMIDW/DIDW	the person must be a registered building surveyor (unlimited) as required by section 213
s.11(2)	duty to publish notice in a newspaper if regulation under Part 2 ceases to have effect	MPE GMIDW/DIDW	
s.29A	function of giving consent to building permit for demolition in its capacity as responsible authority under the <i>Planning and Environment Act 1987</i>	MBS	
s.29B(1)	duty to give notice where amAC endment of planning scheme sought in its capacity as responsible authority under the <i>Planning and Environment Act 1987</i>	MPE	
s.29B(3)	duty to give notice where request for amAC endment withdrawn, refused etc. in its capacity as responsible authority under the <i>Planning and Environment Act 1987</i>	GMIDW/DIDW MPE	
s.30	function of receiving copy permit, plans and other documents	MPE MBS	
s.30B	function of receiving checklist confirming all relevant documents to be provided by building surveyor	MBS MPE	
s.31(1)	duty to keep register of building permits	MBS	
s.31(2)	duty to make register available for inspection	MBS	



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BUILDING ACT 1993			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.32	duty to keep documents	MBS	
s.32A(2)	duty to provide Urban Renewal Authority Victoria notice setting out information in section 32A(3) and a copy of any relevant planning permit within 14 days after being given a copy of building permit under section 30(1), in certain circumstances where section 32A(1) applies		NOT APPLICABLE
s.66(b)(i)	function of determining fees		NOT DELEGATED – COUNCIL DECISION
s.73	function of receiving copy permit, plans and other documents	MBS	
s.74(1)	duty to keep register of occupancy permits, temporary approvals and amendments	MBS	
s.74(2)	duty to make register available	MBS	
s.75	duty to keep documents	MBS	
s.80	function of receiving notification of appointment		NOT APPLICABLE – PRIVATE SURVEYORS ONLY
s.81(2)	function of receiving notification for work terminated	MBS	
s.83F	function of receiving notice of appointment of manager for private building surveyor's business from Victorian Building Authority	MBS	Note: this provision will commence on 1 July 2017, unless proclaimed earlier
s.101(2)	function of receiving copy documents	MBS	



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BUILDING ACT 1993			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(2)(a)	function of receiving notification that an order is complieMEd with	MBS	
s.123(1)	power to determine whether to recover from the owner the costs of work carriemeME out or action taken under Part 8 Division 3 of the Act by the municipal building surveyor as a debt due to Council pursuant to sub-section 123(1) of the Act	GMIDW <u>DIDW</u> MBS	
s.123(2)	power to determine whether to apply any sum or part of any sum for which a bond or undertaking is deposited with Council under a condition imposed on a permit under section 22 of the Act towards the costs of carrying out work or taking action pursuant to sub-section 123(2) of the Act	GMIDW <u>DIDW</u> MBS	
s.125(1)	function of receiving copy notice or order	MBS	
s.125(2)	function of receiving written notice of the compliance, amACendment or cancellation	MBS	
s.126(1)	duty to keep register of emergency orders, building notices and building orders	MBS	
s.126(2)	duty to make register available for inspection	MBS	
s.160(3)(d)	power to make application to the Building Appeals Board	GMIDW <u>DIDW</u>	
s.162(1)(a)(i)	function of being consulted by the Building Appeals Board	GMIDW <u>DIDW</u>	
s.162(4)(b)	function of entering into an agreement when directed by Building Appeals Board	GMIDW <u>DIDW</u>	



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BUILDING ACT 1993			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.164(1)	power to agree to terminate or vary agreement	GMIDW-DIDW	
s.164(2)	power to terminate or vary agreement	GMIDW-DIDW	
s.164(4)	power to apply for approval	MBS	
s.165(1)(a)	duty to lodge copy or give notice	MBS	
s.165(1)(b)	duty to apply to agreement made in the Register	MBS	
s.192(1)	function of consulting with Minister regarding Alpine resorts		NOT APPLICABLE
s.214(1)	power to enter into agreement	GMIDW-DIDW	
s.215(1)	power to enter into agreements with a private building surveyor	GMIDW-DIDW	
s.216A	power to apply to the Minister for exemption		Not delegated – application to be under CEO signature
s.216C	power to appoint a municipal building surveyor to carry out certain functions outside of the municipal district	GMIDW-DIDW	
s.222	function of receiving order from Minister	GMIDW-DIDW	
s.228(2)	power to authorise a person to exercise any power of an authorised person under Division 2 of Part 13	CEO GMIDW-DIDW	



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BUILDING ACT 1993			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.241(1)&(4)	power to authorise a person or persons to bring proceedings for an offence against Part 3, 4, 5, 7 or 8 of the Act or the building regulations within Council's municipal district pursuant to sub-sections 241(1) and 241(4)	GMIDW-DIDW	
s.242	function of receiving funds recovered through prosecution	GMIDW-DIDW	
s.252(1)	power to determine whether to apply to the Magistrates' Court for a warrant under section 252 of the Act if a person refuses to vacate a building or land when required to do so by order under the Act pursuant to sub-section 252(1) of the Act	GMIDW-DIDW MBS MPE	
sch 2 cl.1(c)(i)	function of determining fees		Not delegated – fees determined by Council
sch 2 cl.4(2)	function of receiving copy application	MBS	
sch 2 cl.4(3)	function of receiving fees	MBS	
sch 2 cl.4(4)	power to fix fees in accordance with cl.4(5)		Not delegated – fees determined by Council



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CATCHMENT AND LAND PROTECTION ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22A(4)	function of receiving a copy of the Minister's declaration	GMIDW/DIDW	
s.22B	duty to prepare a roadside weed and pest animal management plan	LL	where a declaration has been made in respect of council's municipal district, under s.22A see also s.22C for the contents of the plan
s.22C(3)	function of determining which additional information to include in a roadside weed and pest animal management plan	LL	
s.22D	duty to have regard to matters in (a) – (c) when preparing a roadside weed and pest animal management plan	LL	
s.22E(1)	duty to submit proposed roadside weed and pest animal management plan within 120 days of Minister's declaration	LL GMIDW/DIDW	
s.22E(2)	power to apply in writing to the Minister to request an extension of time to submit the proposed roadside weed and pest animal management plan	GMIDW/DIDW LL	
s.22F	duty to comply with procedure described in s.22F before preparing roadside weed and pest animal management plan	LL	
s.22G	duty to comply with request of Minister to provide a revised roadside weed and pest animal management plan	GMIDW/DIDW LL	



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CATCHMENT AND LAND PROTECTION ACT 1994			
s.22H	function of receiving notice from the Minister of approval of roadside weed and pest animal management plan	GMIDW: DIDW LL	
s.22I(1)	duty to publish the approved roadside weed and pest animal management plan on council's website as soon as practicable after plan is approved	GMIDW: DIDW LL	
s.22I(2)	duty to ensure that copies of the approved roadside weed and pest animal management plan are available for inspection during normal office hours	LL	
s.22J	duty to implement measures set out in approved roadside weed and pest animal management plan	LL	
s.22K(1),(2)&(3)	power to request, in writing, that the Minister approve a variation of its approved roadside weed and pest animal management plan	LL GMIDW: DIDW	
s.22K(4)	function of receiving notice of Minister's decision to approve or refuse to approve the request for a variation of roadside weed and pest animal management plan	GMIDW: DIDW LL	
s.22L	function of receiving Minister's request to vary approved roadside weed and pest animal management plan	GMIDW: DIDW LL	
s.22M(1)	duty to publish a consolidated version of its approved roadside weed and pest animal management plan on its website as soon as practicable after variation under sections 22K or 22L	LL	
s.22M(2)	duty to ensure that a consolidated version of its approved roadside weed and pest animal management is available for inspection	LL	



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CATCHMENT AND LAND PROTECTION ACT 1994			
s.22N(2)	function of receiving notice of Minister's intention to suspend the approval of a roadside weed and pest animal management plan	LL	
s.22N(2)	function of submitting to the Minister reasons why the approval of the roadside weed and pest animal management plan should not be suspended	GMIDW/DIDW LL	
s.22N(3)	function of receiving notice of Minister's decision	GMIDW/DIDW	
s.22O(2)	function of receiving notice of Minister's intention to revoke his or her approval of a roadside weed and pest animal management plan	GMIDW/DIDW	
s.22O(2)(b)	function of submitting to the Minister reasons why the approval of the roadside weed and pest animal management plan should not be revoked	GMIDW/DIDW LL	
s.22O(3)	function of receiving notice of Minister's decision to revoke his or her approval of a roadside weed and pest animal management plan	GMIDW/DIDW LL	
s.22P(1)	function of receiving request to provide the Minister with specific eME d information or documentation	LL	
s.22P(2)	duty to provide Minister with requested information or documentation	LL	
s.22Q	duty to provide Minister with a written report setting out the outcomes of the measures set out in the plan within 30 days after the plan ceases to operate	LL	



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CHILD WELLBEING AND SAFETY ACT 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19	duty to comply with the Child Safe Standards	GMCCSDCCS EYC	
s.25	function of receiving education and advice from the Commission for Children and Young MPEple regarding the Child Safe Standards	EYC	
s.26	function of receiving request from the Commission for Children and Young MPEple for any information or document	GMCCSDCCS EYC	
s.27(1)	function of receiving request from a relevant authority to provide any information or document	EYC	
s.29(2)	function of receiving written notice and consenting to inspection of relevant premises by the Commission for Children and Young MPEple	GMCCSDCCS EYC	
s.29(3)	power to consent to inspection of relevant premises without written notice by the Commission for Children and Young MPEple	GMCCSDCCS	
s.30	duty to comply with notice to provide documents given under subsection (1)	GMCCSDCCS EYC	
s.31	duty to comply with notice to comply given under subsection (1)	GMCCSDCCS EYC	



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s.36	duty to ensure that the Commission for Children and Young MPEple is given any assistance reasonably required to perform functions	EYC	
s.41I	power to seek review by the Commission for Children and Young MPEple of decision by the Commission to issue a notice to produce or a notice to comply	GMCCSDCCS EYC	
s.41J	power to apply to VCAT for a review of the Commission for Children and Young MPEple to issue a notice to comply	GMCCSDCCS	Must have first exhausted all available avenues for review under s.41I
s.41M	function of being given opportunity to comment on adverse comment or opinion to be included in annual report or further report	GMCCSDCCS	

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CHILDREN YOUTH AND FAMILIES ACT 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.23(1)	function of being allocated money by the Secretary for the purposes of Part 3.1	GMCCSDCCS	
s.25	power to use land or property for the purposes of the Department of Health and Human Services	GMCCSDCCS	where authorised by the Secretary
s.26	function of entering into an agreement with the Secretary	GMCCSDCCS	
s.35	function of consulting with the Secretary	GMCCSDCCS MCHN	where council is an information holder under the Act
s.36	function of consulting with the community-based child and famACily service	GMCCSDCCS MCHN	where council is an information holder under the Act
s.192	power to provide information to the Secretary	GMCCSDCCS	where council is an information holder under the Act
s.196	function of receiving written direction from an authorised officer in relation to disclosure of information	GMCCSDCCS	where council is an information holder under the Act
s.197	duty to comply with written direction from authorised officer	MCHN	where council is an information holder under the Act

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CLIMATE CHANGE ACT 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50(1)	function of receiving notice of proposed Carbon Sequestration Agreement	CEO	where council is the public land manager



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CONSERVATION, FORESTS AND LAND ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(1)	duty to submit plans to the Secretary to the Department of Environment, Land, Water and Planning of specific ie ^{ME} works prior to their commencement	GMIDWDIDW	specific ie ^{ME} works are listed in Schedule 3 of the Act
s.67	power to take action contrary to a Code of Practice if paragraphs (a) and (b) apply	GMIDWDIDW MPE	

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COUNTRY FIRE AUTHORITY ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.36	function of providing fire hydrants when so requested by the Authority	GMIDW/DIDW	
s.41A	power to recover costs of serving notice by fire prevention officer	LL	
s.42(1)	power to request officers and members of any CFA brigade to carry out work (including burning) for the removal or abatement of any fire danger or for the prevention of fire	LL GMIDW/DIDW	
s.42(2)	duty to pay for work undertaken	LL	
s.43(1)	duty to take all practicable steps to prevent occurrence of fires and minimise the danger of spread of fires	LL	
s.43(2)	power to acquire equipment, etc. for purposes of s.43(1) and pay for it out of municipal fund	LL GMIDW/DIDW	
s.50F(1)	power to prepare Neighbourhood Safer Places Plan	LL	
s.50F(4)	duty to publish and make available Neighbourhood Safer Places Plan	LL	
s.50G(1)	duty to identify and designate places as neighbourhood safer places	LL	
s.50G(4)	duty to ask the CFA to assess the neighbourhood safer place	LL	



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COUNTRY FIRE AUTHORITY ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50H(1)	duty to ensure that appropriate signage is provided at neighbourhood safer places	LL	
s.50I	duty to maintain all designated neighbourhood safer places	LL	
s.50J(1)	duty to conduct an annual review ^{ME} of designated neighbourhood safer places by 31 August of each year	LL	
s.50J(2)	duty to ask the CFA to assess each neighbourhood safer place	LL	
s.50J(5)	power to decommission a neighbourhood safer place if paragraphs (a) or (b) apply	LL	
s.55(c)	function of receiving recommendations of the municipal fire prevention committee	LL	
s.55A(1)	duty to prepare and maintain a municipal fire prevention plan in accordance with advice and recommendation of municipal fire prevention committee	GMIDW ^{DIDW} LL	
s.96A(1)(a)	duty to appoint fire prevention officer	GMIDW ^{DIDW}	
s.96A(1)(b)	power to appoint assistant fire prevention officers	GMIDW ^{DIDW}	
s.109C	function of receiving funds for penalties ^{ME} recovered under section 41E	LL	



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CULTURAL AND RECREATIONAL LANDS ACT 1963			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4	function of receiving rates	GMCCSDCCS FM	



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DANGEROUS GOODS ACT 1985			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.29	function of receiving statement from the Victorian WorkCover Authority about details of dangerous goods on licensed premises	GMIDWDIDW	



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DISABILITY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 38(4)	power to prepare a Disability Action Plan, in accordance with section 38	RAC GMCCSDCCS	
s. 38(5)	duty to report on the implementation of the Disability Action plan in Council's annual report	RAC GMCCSDCCS	If a plan is prepared under s. 38(4) or is taken to be prepared under s. 38(2)
s. 38(5A)	duty to ensure certain disability matters are addressed in the Council Plan	CEO GMCCSDCCS GMIDW/DIDW	If Council has not determined to prepare a plan under s. 38(4) or are not taken to have prepared a plan under s. 38(2)



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.10	function of receiving applications for registration of dogs or cats	LL	
s.10A(4)	duty to not register or renew the registration of a dangerous dog or a restricted breed dog unless the dog is (a) desexed or (b) a dangerous dog that is not a restricted breed dog and is exempt under section 10B(1)(c), 10B(1)(d) or 10B(1)(e) from the requirement to be desexed or (c) a restricted breed dog that is not a dangerous dog and is exempt under section 10B(1)(e) from the requirement to be desexed	LL GMIDW/DIDW	
s.10C(1)	duty to not register a dog or cat unless the dog or cat (a) has been implanted with prescribed permanent identification device or (b) is of a class of dogs exempt under a resolution made under section 10D(3), from the requirement to be implanted with such a device or (c) is otherwise exempted under the Act from the requirement to be implanted with such a device or (d) subject to subsection (2), has previously been registered with Council at any time in the 12 month period immediately before the application for registration was lodged	LL GMIDW/DIDW	
s.10C(5)	duty to cause to be published a copy of the resolution	LL	
s.10C(6)	duty to not register or renew registration of dangerous dog, menacing dog or restricted breed dog unless the dog has been implanted with permanent identification device	LL	



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.10D(6)	duty to cause to be published a copy of the resolution	LL	
s.12(1)	power to appoint an agent for Council in the registration of cats and dogs	GMIDW/DIDW	
s.13	function of receiving notification of sale by domestic animal business	LL	
s.14(b)	power to approve form of registration or renewal of registration of dogs and cats	LL	
s.15(2)	power to permit pro-rata fees for dogs or cats registered for part of a year	GMIDW/DIDW LL	
s.15(6)	duty to waive 50% of a registration fee of dogs or cats if paragraphs (a) or (b) apply	GMIDW/DIDW LL	
s.16	duty to register or renew the registration of a dog or cat (other than a dangerous or restricted breed dog) in certain circumstances	LL	
s.17(1)	power to register or renew the registration of a dangerous dog and impose conditions upon the registration	LL	
s.17(1AA)	duty not to register a restricted breed dog unless section 17(1A) applies	LL	



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.17(1A)	power to register restricted breed dog if (a) the dog was in Victoria immediately before the commencement of <i>Domestic Animals Act (Dangerous Dogs) Act 2010</i> and (b) the dog was registered in Victoria immediately before the commencement of the <i>Domestic Animals Act (Restricted Breeds) Act 2011</i>	LL GMIDW: DIDW	
s.17(1B)	power to renew registration of restricted breed dog	LL	
s.17(1C)	power to impose conditions on registration or renewal of registration of a dog under section 17(1A) or section 17(1B)	LL GMIDW: DIDW	
s.17(2)	duty to notify owner and allow owner opportunity to make submissions, if Council proposes not to register or renew the registration of a dangerous dog or restricted breed dog	LL GMIDW: DIDW	
s.17(3)	duty to consider submissions in relation to the registration or renewal of registrations of a dangerous dog before making decision		NOT DELEGATED – COUNCIL TO CONSIDER SUBMISSIONS (In accordance with LG Act 1989)
s.17(4)	duty to serve written notice of decision not to register or renew registration of dangerous dog or restricted breed dog	LL	
s.18(1)	duty to keep register and allow inspection of register of all registered dogs and cats	LL	
s.18(2)(b)	power to fix fee for inspection of registrations of dogs and cats in the municipality		NOT DELEGATED – Council to set fee as part of annual fees and charges review MEW



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.18(3)	power to fix fees for making of records or obtaining certificates		NOT DELEGATED – Council to set fees as part of annual fees and charges review
s.19(1)(a)	duty to allocate a registration number to every dog and cat which is registered	LL	
s.19(1)(b)	duty to give or send the owner a registration certificate	LL	
s.19(1)(c)	duty to issue to the owner an identification marker	LL	
s.23(6)	duty to give owner or occupier of the private property a copy of a notice served under section 23(3)	LL	
s.25(3)	duty to cause to be published any orders made by council under section 25	LL	
s.26(2A)	duty to obtain agreement of owner or occupier of private property, where Council proposes to make, by resolution, an order under section 26(2)	LL	
s.26(3)	duty to cause to be published any orders made by council under section 26	LL	
s.33A(1)	duty to accept any dog or cat kept surrendered to Council by the owner of the animal	LL	
s.33A(3)	duty to give Secretary certain information about a dog under its control if dog exhibits aggressive behaviour, may have been involved in a dog attack or may be a restricted breed dog	LL	this information must be given to the Secretary in the time specified in s.33A(4)



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.33A(2)(b)	duty to deal with surrendered dog or cat in accordance with the Act, the regulations and relevant Codes of Practice	LL	
s.34(1)	power to declare a dog dangerous	LL GMIDW/DIDW	
s.34(2)	duty not to declare a dog dangerous in certain circumstances	LL	
s.35(2)	duty to notify the owner and receive written and oral submissions from the owner if proposing a dog be declared dangerous	LL	
s.35(3)	duty to consider materials submitted before making a declaration	GMIDW/DIDW	
s.36	duty to give written notice of a declaration to owner	LL	
s.37	function of receiving notification from owners of certain dogs	LL	
s.41A(3)	power to revoke a declaration made under section 41A(1)		NOT DELEGATED – CEO to revoke after considering advice from LL and GMIDW/DIDW
s.41B(1)	duty to notify the owner and allow it the opportunity to make submissions to the council	LL	
s.41C	duty to give notice of a menacing dog declaration to owner	LL	



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.41D	function of receiving notification in relation to menacing dog	LL	
s.41F	function of receiving notification from owners of restricted breed dogs	LL	
s.41J(2)(a)	power to issue a permit to own more than 2 restricted breed dogs to any person who has applied to the Council for such a permit	GMIDW/DIDW	Conditions to be included on how dogs are to be housed
s.41J(2)(b)	power to issue a permit to keep more than 2 restricted breed dogs at a premises to any person who has applied to the Council for such a permit	GMIDW/DIDW	Conditions to be included in approval to ensure dogs cannot escape premises
s.41J(3)	power to fix fee for application for permit		Council to set fees as part of annual fees and charges reviewed
s.44(1)	power to require restraint of animals	LL	if council has made a relevant local law prohibiting the keeping of animals in a specified area
s.44(2)	duty to give written notice of requirement in s.44(1)	LL	
s.44AC(1)(c)	power to inspect information kept on register of dangerous, menacing and restricted breed dogs, in accordance with the regulations	LL GMIDW/DIDW	
s.44AE	duty to provide details of dangerous, menacing or restricted breed dogs to Secretary	LL	



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.44AEA	duty to provide to the Secretary information relating to a dog destroyed under s.84TA, 84TB, 84TC	LL	
s.44AF	duty to provide to the Secretary information relating to dangerous, menacing or restricted breed dogs	LL	
s.44AG	duty to provide to the Secretary information about owners of dangerous, menacing or restricted breed dogs	LL	
s.44AH	duty to provide, when requested under sub-section (1)) a statement to Secretary confirming that information previously provided by Council is accurate	LL GMIDW/DIDW	
s.46(1)	function of receiving applications to register a premises	LL	
s.46(2)	power to approve form of registration of domestic animal businesses	GMIDW/DIDW	
s.47(1) & (2)	power to register and impose any terms, conditions, limitations or restrictions on the registration of premises for the purposes of a domestic animal business	MPE GMIDW/DIDW LL	
s.48(2)	power to approve form of renewal of registration	LL	
s.49(1)	power to fix fees for registration or renewal of registration of domestic animal premises	LL	
s.49(2)	power to refund all or part of application fee	GMIDW/DIDW	



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)	function of receiving notice of transfer of registration	LL	
s.52(2)(a)	power to approve form of notice of transfer of registration	LL	
s.52(2)(c)	power to fix fee for transfer of registration	LL	
s.52(3)	power to register new (transferred) premises as a domestic animal business and impose any terms, conditions, limitations or restrictions on that registration	LL GMIDW/DIDW	
s.54(1)	power to refuse to register or renew the registration, refuse to transfer registration, suspend registration and revoke registration of premises	LL GMIDW/DIDW	
s.54(2)	power to act in accordance with section 54(1) if satisfied that the circumstances of section 54(2)(a) or (b) are in existence	LL	
s.54(3)	duty to refuse to register or renew the registration of a premises in relation to a breeding domestic animal business in certain circumstances	LL GMIDW/DIDW	
s.55	duty to give notice if it is proposed that the powers under section 54 will be exercised	LL	
s.56	duty to receive both oral and written submissions and take into account any submissions	LL	
s.57(1) & (2)	duty to serve notice of decision and give reasons for decision	LL	



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.58B	power to apply to Minister to register premises as premises on which domestic animal business conducted	GMIDW/DIDW	
s.58C(3)	duty to comply with the terms, conditions, limitations and restrictions on registration of premises under section 58C	LL	
s.58D(2)	power to apply to Minister for renewal of registration of premises	LL	
s.58E	duty to pay fee with application for registration or renewal of registration of premises	LL	
s.58F	power to surrender registration of premises on which domestic animal business conducted by notice to Minister	LL GMIDW/DIDW	
s.58G	duty to notify the Minister of transfer of registration	LL	
s.58J	power to make submissions to the Minister regarding Minister's exercise of power under section 58H	GMIDW/DIDW	
s.58K	function of receiving notice of Minister's decision	GMIDW/DIDW	
s.68A(1)	duty to, in consultation with Secretary, prepare, at four year intervals, a domestic animal management plan	LL	The first domestic animal management plan must be prepared after a three year interval, as previously scheduled
s.68A(3)(a)	duty to review domestic animal management plan annually and, if appropriate, amend the plan	LL	



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.68A(3)(b)	duty to provide the Secretary with a copy of the plan and any am ACendments to the plan	LL	
s.68A(3)(c)	duty to prepare an evaluation of its implementation of the plan for publication in Council's annual report	LL	
s.69(1)	duty to make payment to the Treasurer of specific ie MEd am ACounts in respect of registration of cats, dogs or registered animal business	LL	
s.72	power to appoint, by instrument, employees to be authorised officers		NOT DELEGATED – Council to endorse recommendations from GM IDW/DIDW
s.72A(1)	power to appoint person who is not employee of council as authorised officer		person appointed must have qualifications and experie ie MEnce prescribed by Secretary
s.73(1)	duty to issue identity card to authorised officers		NOT DELEGATED – Council to endorse recommendations from GM IDW/DIDW
s.84J	power to retain custody of dog or cat until animal recovered under division 5 or destroyed under division 6	LL	
s.84L(1)	power to retain custody of dog the subject of a declaration under section 98A until revie ie MEw of the declaration is determined under Part 7E or the dog is recovered under division 5 or destroyed under division 6	LL	



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.84L(2)	power to retain custody of dog before destruction under division 6 where dog is seized under section 80 and officer cannot serve declaration because owner cannot be identified	LL GMIDW/DIDW	
s.84M	power to decide not to retain custody of dog or cat seized under section 23(1), 82, 83, 84, 84A, 84B or 84C	LL	
s.84N	power to require custody of restricted breed dog until the outcome of prosecution under the Act or Regulations in relation to the dog	LL	
s.84O(1)	power to destroy a cat seized under Part 7A if cat does not bear an identification marker or device or cat is wild, uncontrollable or diseased	LL	
s.84O(2)	duty to destroy dangerous dog or restricted breed dog as soon as possible where owner is entitled to recover dog under division 5 but does not recover dog in accordance with the time period in that division	LL	
s.84O(3)	duty to sell or destroy cat or dog (other than dangerous or restricted breed dog) as soon as possible where owner is entitled to recover dog under division 5 but does not recover dog in accordance with the time period in that division	LL GMIDW/DIDW	
s.84P	power to destroy dog seized under Part 7A in certain circumstances listed in subsections (a) - (f)		Council must not use this power to destroy a dog which is a restricted dog breed pursuant to s.84P(1)(a) and (b) before 30 September 2017



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.84Q(1)	duty to commence prosecution of a person as soon as possible after seizure under Part 7A, if authorised officer reasonably suspects that the person has committed an offence listed in subsection (2) with respect to a dog or a cat seized under that part, and power to retain custody of animal seized under section 84B and in any other case, duty to retain custody until the outcome of the prosecution in section 84Q is known	LL GMIDW/DIDW	
s.84Q(3)(a)	duty to serve declaration on owner	LL	
s.84R	power to require owner to provide his or her current address to Council in certain circumstances	LL	
s.84S	power to destroy dog seized under Part 7A, in the time periods listed, if owner is suspected of committing an offence set out in paragraph (a), (b) or (c) of section 84Q(2) and cannot be identified, is ME d,	LL GMIDW/DIDW	
s.84T(1)	duty to destroy dog seized under section 80 within 8 days after seizure if owner cannot be identified is ME d and authorised officer reasonably believes is ME ves dog is restricted breed dog	LL	
s.84T(2)	duty to notify the Secretary of certain information after destroying a dog under section 84T(1)	LL	Notice must comply with requirements of s.84T(3)



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DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.84TA(1)	power to destroy a dog seized under Part 7A in circumstances listed (a) – (c)	LL GMIDW: DIDW	84TA (4) & (5) council must make decision within 48 hours and record the time and date of decision
s.84TC(1)	power to destroy a dangerous dog if the dog was declared a dangerous dog and it is believed that the owner of the dog is guilty of an offence under section 24 or 26	LL GMIDW: DIDW	84TC (4) & (5) council must make decision within 48 hours and record the time and date of decision
s.84U	duty to ensure seized animal is desexed before selling it	LL	
s.84V(2)	power to give animal to an approved person or body	LL	where council is authorised under this Act to destroy the animal
s.84Y	power to enter written agreement to seize, retain and/or dispose of dogs or cats	GMIDW: DIDW	
s.95	function of receiving payment of fines	LL	
s.98(1A)	power to apply to VCAT for review of a decision by Minister in relation to registration of domestic animal business	GMIDW: DIDW	
s.100A	duty to notify Secretary where VCAT or Supreme Court sets aside a decision to declare a dog to be a dangerous dog, menacing dog or restricted breed dog	GMIDW: DIDW	Notice must comply with requirements of s.100A(2) &(3)



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DOMESTIC BUILDING CONTRACTS ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.48R	function of receiving details of alleged contraventions of building legislation	MBS	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier. leMER



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EDUCATION AND CARE SERVICES NATIONAL LAW ACT 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.271	power to disclose information in respect of education and care services	GMCCSDCCS	



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EDUCATION AND TRAINING REFORM ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.2.3.13	power to enter into and carry out a contract with the school council	CEO	Not Delegated
s.4.9.4(1AAA)	function of responding to requests by Victorian Registration and Qualifications Authority for information under s 4.9.4		Not Applicable



Maddocks

ELECTRICITY SAFETY ACT 1998			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84C	duty to keep trees clear of electrical lines on public land managed by Council	GMIDWDIDW WM	ApplieMEs to public land, managed by Council, which has been declared under s.81 of the Electricity Safety Act 1998 for the purposes of Part 8 of the Act
s.86B	duty to specify certain matters in municipal fire prevention plan	LL GMIDWDIDW	



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EMERGENCY MANAGEMENT ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18	power to arrange to co-operate with other councils in relation to emergency management	GMIDWDIDW	
s.19(1)	if co-operating with other councils, power to appoint one of the municipal councils to be the principal municipal council in relation to emergency management	GMIDWDIDW	
s.20(1)	duty to prepare and maintain municipal emergency management plan	GMIDWDIDW GMCCSDCCS	duty of the principal council if a principal council is appointed under section 19
s.21(1)	duty to appoint municipal emergency resource officer(s)	CEO	duty of the principal council if a principal council is appointed under section 19
s.21(3)	duty to appoint a municipal emergency planning committee		details of appointments to be reported to Council duty of the principal council if a principal council is appointed under section 19
s.21A(3)	duty to forward a copy of council's written response to the audit report to the Chief Officer, Operations of the Victorian SES within 3 months of receiving an audit report	GMIDWDIDW	duty of the principal council if a principal council is appointed under section 19



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EMERGENCY MANAGEMENT ACT 2013			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69	duty to comply with an information gathering notice issued by the Inspector-General for Emergency Management	GMIDW/DIDW	
s.70	function of receiving draft review or report and providing comment or response to Inspector-General for Emergency Management	GMIDW/DIDW	
s.70A(2)	power to consent to entry of vessel, premises or vehicle	GMIDW/DIDW	
s.70A(3)	duty to provide the Inspector-General with a written response to a request for consent under s.70A(2)	GMIDW/DIDW	
s.70B	function of giving reasonable assistance to the Inspector-General for Emergency Management	GMIDW/DIDW	



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ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4	power to appoint a litter enforcement officer	GMIDWDIDW	
s.19B(3A)	duty to make a copy of documentation pertaining to an application available for inspection	MPE GMIDWDIDW	where council is the responsible authority
s.19B(4A)(a)	duty to tell Authority information in respect to subparagraphs (i)- (v)	MPE GMIDWDIDW	where council is the responsible authority
s.19B(4A)(b)	power to tell Authority its position on application	MPE	where council is the responsible authority
s.19B(4A)(c)	power to ask Authority to include specific ME conditions in a works approval	MPE	where council is the responsible authority
s.19B(4B)	duty to give Authority a copy of permit issued under the <i>Planning and Environment Act 1987</i>	MPE	where council is the responsible authority
s.20(8)(ba)	duty to make copy of application and all accompanying documents submitted under paragraph (a) available for inspection	MPE	where council is the responsible authority
s.20(8)(ca)	duty to advise Authority of items set out in paragraph (ca)	MPE	where council is the responsible authority
s.20(8)(cb)(i)	power to tell Authority of its position on an application	MPE	where council is the responsible authority
s.20(8)(cb)(ii)	power to ask Authority to include conditions in licence	MPE	where council is the responsible authority
s.20(8)(cc)	duty to provide a copy of any permit issued under the <i>Planning and Environment Act 1987</i> to the Authority.	MPE	where council is the responsible authority



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ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.20A(6)(ba)	duty to make copy of an application referred to under paragraph (a) available	MPE	where council is the responsible authority
s.20A(6)(ca)	duty to advise the Authority of items set out in subparagraphs (i)-(v)	MPE	where council is the responsible authority
s.20A(6)(cb)(i)	power to tell Authority of its position on an application	MPE	where council is the responsible authority
s.20A(6)(cb)(ii)	power to ask Authority to include conditions in licence	MPE	where council is the responsible authority
s.20A(6)(cc)	duty to give Authority a copy of permit issued under the <i>Planning and Environment Act 1987</i>	MPE	where council is the responsible authority
s.28	duty to comply with order of Authority	MPE	
s.45X(2)	power to direct, by written notice, any person who deposited litter to do certain things	MPE LL	where council is a litter authority section 45X(1) must apply
s.45X(4)	power to direct, by written notice, the occupier to remove or dispose of litter.	LL	where council is a litter authority
s.45Y(2)	power to direct, by written notice, any person who deposited an object or thing to do certain things	GMIDW <u>DIDW</u>	where council is a litter authority section 45Y(1) must apply
s.45Y(4)	power to direct, by written notice, the occupier to remove or dispose of object or thing.	GMIDW <u>DIDW</u>	where council is a litter authority
s.45Z(1)	power to remove or dispose of litter upon failure to comply with direction given under subsection 45X(2) or (4)	GMIDW <u>DIDW</u>	where council is a litter authority



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ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.45Z(2)	power to remove or dispose of object or thing upon failure to comply with direction given under subsection 45Y(2) or (4)	GMIDW/DIDW	where council is a litter authority
s.45Z(3)	power to recover reasonable costs incurred in taking action under section 45Z	GMIDW/DIDW	where council is a litter authority
s.45ZK(1)	function of receiving reports of offences under Part VIIA	LL	
s.45ZK(2)	power to take proceedings upon receiving a report	LL	
s.48A	power to authorise a person to enforce subsections (3) and (8) of section 48A	MPE	
s.49B(2)	power to nominate a representative to be part of the Local Government Waste Forum	GMIDW/DIDW	where council is in a waste recovery region
s.49G(2)	function of collaborating with Waste and Resource Recovery Group	GMIDW/DIDW	
s.50BH	duty to perform waste management functions consistently with Regional Waste and Resource Recovery Implementation Plan	GMIDW/DIDW WM	
s.53A(2)	duty to obtain a permit for the transport of prescribed waste	WM	
s.53K	power (and duty) to declare an area requiring septic tank systems to be of a type that treats all sewage	EHO	



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ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53MB	power to inspect septic tank system and issue certificate approving its use	EHO	
s.53O	duty to lodge an annual return with the Authority	EHO	
s.53ZA(3)	function of receiving notice from the environmental auditor if the auditor withdraws a certificate or statement of environmental audit	MPE EHO	where council is the relevant responsible authority
s.53ZA(4)	function of receiving a new or amended certificate or statement of environmental audit	MPE EHO	where council is the relevant responsible authority
s.53ZA(6)	function of receiving notice from the Authority that an incorrect certificate or statement of environmental audit has been withdrawn	MPE EHO	where council is the relevant responsible authority
s.53ZB(2)	function of receiving environmental audit report, and a copy of the certificate of environmental audit or statement of environmental audit	MPE EHO	where council is the relevant responsible authority
s.59(3)	power to authorise a person to take proceedings for an offence against Part IXB	GMIDWDIDW	



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ESTATE AGENTS ACT 1980			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.70E(3)	duty to comply with request of Director or Inspector under section 70E(1) to provide answers or supply information		Not Applicable



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FENCES ACT 1968			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.14(2)	function of providing certain information to assist an owner of land to give a fencing notice	GMCCSDCCS	
s.16(1)	power to agree with adjoining owner of land on a fence line other than common boundary	GMIDWDIDW	with respect to land owned by or under the control of council



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FILMING APPROVAL ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 1. Principle 1	duty to not unreasonably withhold the approval of an application for a film permit, subject to this Act and any other Act	GMIDW/DIDW	
	power to consider operational requirements such as commercial agreements and the maintenance of any land or facilities, or to consider public amenity, safety and security, and environmental and heritage impacts when approving a permit application	GMIDW/DIDW	
sch 1. Principle 2	duty to approve or refuse an application for a film permit in a timely manner and to take reasonable steps to respond to an applicant within 5 business days	GMIDW/DIDW	
sch 1. Principle 3	duty to give reasons for refusal of a film permit application.	GMIDW/DIDW	
sch 1. Principle 4	duty to take reasonable steps to provide a single point of contact to deal with commercial filming on public land	GMIDW/DIDW	
sch 1. Principle 5	duty to ensure that any application forms and other documents required to consider an application for a film permit are consistent with any standard forms or documents issued by Film Victoria	GMIDW/DIDW	
sch 1. Principle 6	duty for fees charged for applications for film permits and issuing film permits not exceed cost recovery	GMIDW/DIDW	



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FILMING APPROVAL ACT 2014			
sch 1. Principle 7	duty to publish information about how a person may apply for a film permit on its website or on a website approved by Film Victoria	GMIDW/DIDW	
sch 1. Principle 8	duty to take reasonable steps to ensure that staff responsible for considering and issuing film permits are given appropriate information regarding the film industry	GMIDW/DIDW	



FINES REFORM ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.10D	power to take action where work and development permit cancelled or partially completed		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.10F(4)	function of receiving notice from Secretary regarding where infringement notice waived		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.16	function of registering infringement fines with Director of Fines Victoria		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.20	function of being advised by Director of Fines Victoria of determination		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.21	power to withdraw infringement notice, issue official warning or file a charge-sheet upon receipt of notice under section 20		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.21A	duty to notify Director of Fines Victoria of commencement of proceeding by filing a charge-sheet under section 21(1)(c) in writing		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.22	power to request Director of Fines Victoria not to issue or serve notice of final demand		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier



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FINES REFORM ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.37(2)	function of receiving written notice of enforcement cancellation from Director of Fines Victoria		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.38	duty, upon receipt of enforcement cancellation notice, to withdraw notice, withdraw notice and issue a written warning or withdraw notice and commence proceeding		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.38A	duty to notify Director of Fines of commencement of proceeding by filing a charge-sheet under section 38(1)(a)(iii) in writing		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.43	power to refer infringement fine to Director of Fines Victoria for management by payment arrangement upon request		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.44	function of receiving notice of notification of refusal of application under section 43		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.46	power to offer payment plan		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.48(2)	duty to request Director of Fines Victoria to remove infringement fine if infringement notice withdrawn		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.54(1)	duty to provide Director of Fines Victoria with most up-to-date contact details of persons where referring infringement fine		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier



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FINES REFORM ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(5)	function of receiving notice from Director of Fines Victoria where fine recipient makes certain requests		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.174	function of receiving request from the Director of Fines Victoria or the sheriff		Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier
s.175	duty to comply with a request from the Director of Fines Victoria or the Sheriff for the supply of information for the purpose of enforcing registered fines		unless the CEO of the Council certifies in writing that exceptional circumstances apply Note: this provision is not yet in force and will commence on 31 December 2017, unless proclaimed earlier



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FIRE SERVICES PROPERTY LEVY ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.9(9)	power to apportion any levy amACount	GMCCSDCCS FM	for 2 or more parcels of land which have a combined valuation and are owned separately
s.9A(1)	function of receiving application for single farm enterprise exemption	FM	
s.9A(2)(b)	power to specify form and time framACe for making applications under s.9A(1)	GMCCSDCCS FM	
s.9A(3)	power to require further particulars or for applicant to verify particulars regarding application	FM	
s.9A(4)	function of receiving notice of changes in circumstances	RC FM	
s.19 and 20	duty to pay levy amACount in respect of leviable land owned by Council		note: Council is only liable to pay the relevant fixed charge in respect of land described in section 20(1)
s.21(3)(a)	function of assessing the amACount of levy payable	RC FM	
s. 21(3)(b)	function of collecting the levy payable	FM	



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FIRE SERVICES PROPERTY LEVY ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21(4)(a)	function of assessing the am ACount of levy payable	N/A	if council has been directed to be a collection agency in respect of non-rateable leviable land not located within its municipal district boundary ie MEs
s.21(4)(b)	function of collecting the levy payable	N/A	if council has been directed to be a collection agency in respect of non-rateable leviable land not located within its municipal district boundary ie MEs
s.22	power to exercise powers and functions under section 229 of the <i>Local Government Act 1989</i> (land information certificates) and section 232 (institute proceedings)	GMCCSDCCS FM	
s.24	duty to keep levy records in accordance with s.24	FM	
s.25(1)	duty to give a written notice to the owner of leviable land or to another specific ie MEd person if requested by owner	RC FM	
s.25(6)	duty to transfer the am ACount of levy collected to the Commissioner	FM	
s.27(1)	power to defer payment of levy in respect of rateable leviable land where applicant shows hardship	GMCCSDCCS FM	s.170 of the <i>Local Government Act 1989</i> applie ie MEs, subject to modifications set out in s.27. note: may only defer levy if have deferred rates or charges under s.170 of the <i>Local Government Act 1989</i> for that land



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FIRE SERVICES PROPERTY LEVY ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.27(1)	power to require payment of levy in respect of rateable leviable land where applicant no longer in hardship or no longer occupieMEs land	GMCCSDCCS FM	s.170 of the <i>Local Government Act 1989</i> applieMEs, subject to modifications set out in s.27
s.27(1)	power to waive levy in respect of rateable leviable land	CEO GMCCSDCCS FM	s.171 of the <i>Local Government Act 1989</i> applieMEs, subject to modifications set out in s.27(4) note: may only waive levy if have waived rates or charges under s.171 of the <i>Local Government Act 1989</i> for that land
s.27(1)	duty to waive levy upon receipt of an application which complieMEs with s.171(4) of the <i>Local Government Act 1989</i> , in respect of rateable leviable land	CEO GMCCSDCCS FM	s.171 of the <i>Local Government Act 1989</i> applieMEs, subject to modifications set out in s.27(4) note: may only waive levy if have waived rates or charges under s.171 of the <i>Local Government Act 1989</i> for that land
s.27(1)	power to decide to treat a person to whom a waiver is granted as having made a continuing application or waiver in respect of rateable leviable land, in accordance with s.171(4)(f) of the <i>Local Government Act 1989</i>	CEO GMCCSDCCS FM	s.171 of the <i>Local Government Act 1989</i> applieMEs, subject to modifications set out in s.27(4) note: may only waive levy if have waived rates or charges under s.171 of the <i>Local Government Act 1989</i> for that land



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FIRE SERVICES PROPERTY LEVY ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.27(1)	function of receiving application for waiver of levy in respect of rateable leviable land	RC FM	s.171A of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s.27(4) note: may only waive levy if have waived rates or charges under s.171A of the <i>Local Government Act 1989</i> for that land
s.27(1)	power to require information or verification in respect of rateable leviable land	FM	s.171A of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s.27(4) note: may only waive levy if have waived rates or charges under s.171A of the <i>Local Government Act 1989</i> for that land
s.27(1)	power to waive levy or levy interest in respect of rateable leviable land	GMCCSDCCS FM	s.171A of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s.27(4) note: may only waive levy if have waived rates or charges under s.171A of the <i>Local Government Act 1989</i> for that land
s.28(1)	power to defer payment of levy in respect of non-rateable leviable land where applicant shows hardship	GMCCSDCCS FM	s.170 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s.28
s.28(1)	power to require payment of levy in respect of non-rateable leviable land where applicant no longer in hardship or no longer occupies land	GMCCSDCCS FM	s.170 of the <i>Local Government Act 1989</i> applies, subject to modifications set out in s.28



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FIRE SERVICES PROPERTY LEVY ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.28(1)	power to waive levy in respect of non-rateable leviabale land	GMCCSDCCS FM	s.171 of the <i>Local Government Act 1989</i> applieMEs, subject to modifications set out in s.28(4)
s.28(1)	duty to waive levy upon receipt of an application which complieMEs with s.171(4) of the <i>Local Government Act 1989</i> , in respect of non-rateable leviabale land	GMCCSDCCS FM	s.171 of the <i>Local Government Act 1989</i> applieMEs, subject to modifications set out in s.28(4)
s.28(1)	power to decide to treat a person to whom a waiver is granted as having made a continuing application or waiver in respect of non-rateable leviabale land, in accordance with s.171(4)(f) of the <i>Local Government Act 1989</i>	GMCCSDCCS FM	s.171 of the <i>Local Government Act 1989</i> applieMEs, subject to modifications set out in s.28(4)
s.28(1)	function of receiving application for waiver of levy in respect of non- rateable leviabale land	RC FM	s.171A of the <i>Local Government Act 1989</i> applieMEs, subject to modifications set out in s.28(4)
s.28(1)	power to require information or verification in respect of non-rateable leviabale land	RC FM	s.171A of the <i>Local Government Act 1989</i> applieMEs, subject to modifications set out in s.28(4)
s.28(1)	power to waive levy or levy interest in respect of non-rateable leviabale land	GMCCSDCCS FM	s.171A of the <i>Local Government Act 1989</i> applieMEs, subject to modifications set out in s.28(4)
s.29(1)	duty to give concession	FM	
s.30(1)	duty to require a person to pay levy interest	FM	



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FIRE SERVICES PROPERTY LEVY ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.30(3)	power to obtain court order requiring payment of levy	FM	
s.30(4)	power to waive levy interest where court order obtained under s.30(3)	GMCCSDCCS	
s.30(5)	power to exempt any person from paying the whole or part of levy interest, in accordance with s.30(5)(a) or (b)	GMCCSDCCS FM	
s.30(6)	power to recover levy interest due in the same way as Council recovers the levy amount	FM	
s.31(1)	power to recover the whole of the levy from either all, any or one persons jointly liable to pay levy	FM	where 2 or more persons jointly liable to pay levy
s.31A(2)(a)	duty to refund amount of levy proportionate to the part of levy year remaining where land ceases to be leviable land and levy payment has already been made	FM	
s.31A(2)(b)	duty to only require proportionate amount of levy to be paid where land ceases to be leviable land and levy payment has not already been made	FM	
s.32(7)	power to recover amount in arrears, in accordance with s.32(7)	FM	
s.33(1)	power to send notice where levy due and unpaid	FM	
s.33(5)	power to recover unpaid amount due	FM	



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FIRE SERVICES PROPERTY LEVY ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.34	duty to make adjustment and apply or refund overpayment in accordance with s.34 and give a revised assessment notice to the owner or specific person	FM	where an objection, review or appeal results in the alteration of a valuation or a decision to attribute a different AVPCC
s.35(1)	power to recover unpaid levy amount	FM	
s.35(4)(b)	power to request occupier to disclose the amount of rent and name and address of person to whom rent is payable	FM GMCCSDCCS	
s.36(1)	function of receiving application for refund of amounts overpaid	FM	
s.36(4)	duty to refund overpayment, if determined that the payment was in excess of amount owed	FM	
s.36(5)	power to refund overpayment, if determined that the payment was in excess of amount owed	FM	
s.37(1)	duty to separately account for levy amounts and levy interest collected	FM	
s.37(3)	power to retain any interest earned on levy amounts and levy interest	FM	
s.37(5)	duty to refund over payment	FM	



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FIRE SERVICES PROPERTY LEVY ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38(1)	power to cancel assessment of person's liability to pay levy if satisfied that an assessment has been made in error	FM	
s.38(2)	duty to comply with requirements in s.38(2) where Council has made an assessment in error	FM	
s.39(2)	duty to conduct another assessment of the levy amount and, if applicable, give the owner or specified person a revised assessment notice, in accordance with s.39(2)	GMCCSDCCS FM	
s.39(3)	duty to refund payment in excess of amount owed and any interest accrued	FM	
s.40	duty to submit a return to the Commissioner	FM	in a form approved by the Commissioner and in accordance with any directions issued by the Minister
s.41(1)	duty to pay all levy amounts and levy interest received to the Commissioner in 4 instalments	FM	
s.41(4)	power to decide to forward late payments of levy amounts and levy interest to the Commissioner at the same time as the next instalment is payable	GMCCSDCCS FM	
s.71(1)	function of receiving application for alteration of levy records	RC FM	



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FIRE SERVICES PROPERTY LEVY ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(2)	power to specify the manner and form of applications under s.71(1)	RC FM	
s.72	duty to comply with any Ministerial directions issued under s.72	FM	



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FLORA AND FAUNA GUARANTEE ACT 1988			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.25(1)	function of being party to an agreement for management of flora and fauna	MPE GMIDW/DIDW	
s.37(d)	function of responsible/planning authority to receive notice of conservation orders	MPE GMIDW/DIDW	



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.7D(3)	duty to comply with a declaration made by the Secretary under subsection (1)	EHO	
s.7E(6)	duty to publish a copy of a direction given by the Minister under subsection (1) in the annual report	EHO	
s.19(4)(b)	duty to notify the Department of the making of the order	EHO	If section 19(1) applies
s.19(4)(c)	duty to notify the registration authority of the making of the order and any appeal and the outcome of the appeal	EHO	If section 19(1) applies and if council is not the registration authority
s.19A(4)(b)	function of receiving notice from authorised officer	EHO	where council is the registration authority
s.19BA(3)	duty to give notice of the variation or revocation of the order to the general public in the same manner as the original notice	EHO	must be done by the same person as gave the original notice
s.19EA(3)	function of receiving a copy of any significant revision made to the food safety program	EHO	where council is the registration authority
s.19H(5)(a) & (5)(b)	duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the Secretary in determining the frequency and intervals of the assessments and audits	EHO	where council is the registration authority
s.19I	duty to conduct a food safety assessment as required under section 19H	EHO	Subject to section 19J where council is the registration authority



Maddocks

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19IA(2)	duty to give written notice to proprietor if food safety requirements or section 19DC(2) have not been complied with unless subsection (3) applies.	GMIDW <u>DIDW</u> EHO	where council is the registration authority
s.19N	function of receiving information from a food safety auditor	EHO	where council is the registration authority
s.19U(4)	duty to ensure that information relating to costs of a food safety audit are available for inspection by the public	EHO	
s.19UA(4)	duty to consider proprietor's history of compliance in deciding whether to charge the fee	EHO GMIDW <u>DIDW</u>	
s.19UA(5)	duty to ensure that the method of determining a fee under subsection (3)(a) and the considerations that apply under subsection (4) are available for inspection by the public	EHO GMIDW <u>DIDW</u>	
s.20(1C)	duty to ensure authorised officers are suitably qualified or trained	GMIDW <u>DIDW</u>	
s.20(2)	power to limit or impose conditions on the authority granted to an authorised officer	GMIDW <u>DIDW</u>	
s.26(5)	duty to destroy or dispose of article	EHO	
s.32(1)	duty to submit samples of food for analysis	EHO	
s.32(3)	function of receiving report by analyst	EHO	



Maddocks

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.35A(2)	function of receiving notice of operation from the proprietor of a food premises	EHO	where council is the registration authority
s.37	function of receiving application, information and documents required under section 36 from the proprietor of a food business	EHO	
s.38(3)	duty to consult with the Secretary about the proposed exemption under section 38(2)	EHO	
s.38AA(2)	function of being notified of operation	EHO	where council is the registration authority
s.38AA(4)	duty to determine whether the food premises are exempt from the requirement of registration	EHO	where council is the registration authority
s.38A(5) & (6)	function of receiving a food safety audit certificate from a proprietor	EHO	where council is the registration authority
s.38B(1)(c)	duty to inspect premises	EHO	where council is the registration authority
s.38E(1)(c)	function of assessing the requirement for a food safety program	EHO	where council is the registration authority
s.38E(3)(a)	function of receiving certificates	EHO	where council is the registration authority
s.38F(3)(a)	duty to note the change to the classification of the food premises on the certificate of registration	EHO	where council is the registration authority
s.39(2)	duty to inspect within 12 months before renewal of registration	EHO	where council is the registration authority



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.39(3)	duty to inspect within 3 months before renewal of registration if circumstances in section 39(3)(a)-(d) apply	EHO	where council is the registration authority
s.39A(6)	duty to comply with direction of Secretary.	EHO	
s.40(1)	duty to issue a certificate of registration in the prescribed form	EHO	where council is the registration authority
s.40D(2)	duty to specify how long a suspension is to last under s.40D(1)	EHO	where council is the registration authority
s.40E(4)	duty to comply with direction of Secretary	EHO	
s.43(1) and (2)	duty to maintain records of the prescribed particulars and orders in force under Part III	EHO	where council is the registration authority
s.43(3)	duty to make available information held in records, free of charge, on request	EHO	where council is the registration authority
s.43I	function of receiving a statement of trade of a proprietor of a food business	EHO	
s.45AA	power to act in proceedings against the Crown	GMIDW DIDW EHO	power of the responsible agency
s.45AC	power to bring proceedings for an offence under the Act	GMIDW DIDW EHO	



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53G(1)	duty to provide information in subsection (1) to the Secretary as soon as practicable after a person is convicted by a court for an offence under this Act	EHO	where Council is the "relevant Council" under subsection (6)
s.53G(2)	duty to advise the Secretary that a person has not appealed a conviction within the time allowed	EHO	where Council is the "relevant Council" under subsection (6)
s.53G(3)	duty to advise the Secretary of the fact that an appeal or application for leave is lodged against the conviction and of other matters in this subsection	EHO	where Council is the "relevant Council" under subsection (6)
s.53G(4)	duty to inform the Secretary of the outcome of the appeal or application	EHO	where Council is the "relevant Council" under subsection (6)
s.58(1)	duty to notify the Director of Liquor Licensing where an order is made under s.19 of the Act and a licence/permit under the <i>Liquor Control Reform Act</i> 1998 is in force		where council is the registration authority
s.58(2)	duty to notify the Director of Liquor Licensing when a holder of a permit/licence under the <i>Liquor Control Reform Act</i> 1998 is found guilty or pleads guilty and in respect of which no conviction is recorded		where council is the registration authority
s.58B(1)	power to take action in relation to a thing done or omitted at the food premises	EHO	where council is the registration authority for the temporary or mobile food premises
s.58B(2)	power to take into account results of inspection, assessment, audit or other action taken by another registration authority in relation to temporary or mobile food premises	EHO	where council is the registration authority for the temporary or mobile food premises



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FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.59C(2)	power to take actions necessary to ensure compliance with direction under section 19, section 19B or Part VII	EHO	
s.59C(7)(b)	power to recover costs incurred under subsection (2) or (3)	GMIDW/DIDW EHO	
s.71(a)	power to revoke or suspend the registration of the food premises under Part IIIB or section 40D in certain circumstances	GMIDW/DIDW EHO	



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FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(1)	function of receiving requests for access	GMCCSDCCS	
s.17(2B)	power to waive or reduce fee	GMCCSDCCS	
s.18	power to transfer requests to another agency	GMCCSDCCS	
s.22	power to calculate charges for access to documents	GMCCSDCCS	
s.25A	power to refuse requests	GMCCSDCCS	
s.26(1)	power to make a decision on a request		Not Delegated – CEO to make decision based on briefing report from GMCCSDCCS
s.33(5)	duty to appoint a person registered under the Health Practitioner Regulation National Law to be the principal officer of the agency for the purposes of section 33(4)	EHO	
s.41	power to am AC end the record of information	GMCCSDCCS	where a request has been made to the council under section 39
s.49G(3)	function of receiving notice from the Freedom of Information Commissioner	GMCCSDCCS	
s. 49I	duty to assist the Freedom of Information Commissioner to undertake a review	GMCCSDCCS	
s.49K	function of consulting with the Freedom of Information Commissioner	GMCCSDCCS	



Maddocks

FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 49L	duty to make a fresh decision where a matter is referred back to Council by the Freedom of Information Commissioner	GMCCSDCCS	decision must be made within 28 days of referral, unless other time period agreed under s.49L(2)
s.49L(2)	power to agree with the Freedom of Information Commissioner to another time period for making the fresh decision under s.49L(1)	GMCCSDCCS	
s. 49L(4)	duty to notify the Freedom of Information Commissioner that a fresh decision has been made or has not been made	GMCCSDCCS	
s. 49L(5)	duty to revoke the earlier decision where a fresh decision has been made and to inform the applicant of the requirements of s.49L(6) and the effect of s.49(7)	GMCCSDCCS	
s. 49M(1)	power to exercise a choice to reconsider the subject matter of an application for review and make a fresh decision.	GMCCSDCCS	must advise the Freedom of Information Commissioner and the applicant in writing decision must be made within 28 days of referral, unless other time period agreed under s.49M(2) may make a fresh decision only once during a review under this part s. 49M(8)
s.49M(2)	power to agree with Freedom of Information Commissioner to another time period for making a fresh decision	GMCCSDCCS	



Maddocks

FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 49M(4)	duty to notify the Freedom of information Commissioner in writing of a whether a fresh decision has or has not been made	GMCCSDCCS	
s. 49M(5)	duty to revoke the early ieME decision where a fresh decision has been made and to inform the applicant of the requirements of s.49M(6) and the effect of s.49M(7)	GMCCSDCCS	
s. 49N	function of entering into an agreement in relation to a decision that is the subject of a review ieME w	GMCCSDCCS	
s. 49O(2)	function of consulting with the Freedom of Information Commissioner regarding the referral of matters	GMCCSDCCS	
s. 50(3D)	power to apply to the Tribunal for review ieME w of a decision of the Freedom of Information Commissioner under s 49P.	CEO GMCCSDCCS	
s. 50(3F)	duty to notify the Freedom of information Commissioner of an application for review ieME w under s. 50(3D)	GMCCSDCCS	
s. 61E	duty to co-operate with Freedom of Information Commissioner where a complaint relates to the agency	GMCCSDCCS	
s.61G	function of consulting with the Freedom of Information Commissioner	GMCCSDCCS	
s 61I(2)	power to make submissions to the Freedom of information Commissioner in relation to a complaint	GMCCSDCCS	



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FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 61I(4)	duty to comply with request of the Freedom of Information Commissioner to produce a document or provide information	GMCCSDCCS	
s. 61J	duty to comply with a production notice issued by the Freedom of Information Commissioner	GMCCSDCCS	where council is a "prescribed agency" for the purposes of sections 61J
s. 64B	duty to provide the Freedom of Information Commissioner any information referred to in s.64(2)	GMCCSDCCS	



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GAMACBLING REGULATION ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.3.3.5	function of receiving a copy of proposed applications	MPE	
s.3.3.5AA	function of receiving notification from the Commission	MPE	
s.3.3.5AB(2)	function of receiving a copy of the amACended application	MPE	
s.3.3.5B	duty to notify the Commission in writing as to whether it intends to make a submission under section 3.3.6	MPE	
s.3.3.6	power to make submission to Commission on application for approval of premises	GMIDW/DIDW MPE	Submission based on Council direction
s.3.3.8(4)	function of receiving notification from the Commission of its decision	MPE	
s.3.3.14	power to apply to Tribunal for review of Commission's decision granting approval of premises	GMIDW/DIDW MPE	At the direction of Council
s.3.4.18(2)	function of receiving a copy of proposed request	MPE	
s.3.4.18A	function of receiving notification from the Commission that it has received a request	MPE	
s.3.4.18B(2)	function of receiving amACended copieMEs of proposed request	MPE	



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GAMACBLING REGULATION ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.3.4.18C	duty to notify Commission as to whether it intends to make a submission under section 3.4.19	MPE	Based on Council's position in relation to application
s.3.4.19	power to make submission to the Commission addressing the economic and social impact of a proposed licence amAC endment on the wellbeing of the community of the municipal district in which the approved venue is located; and taking into account the impact of the proposed amAC endment on surrounding municipal districts	GMIDW <u>DIDW</u> MPE	
s.3.4.21(2)	power to apply to Tribunal for review ME w of Commission's decision relating to amAC endment increasing number of gamAC ing machines	GMIDW <u>DIDW</u> MPE	Application to comply with Council's position regarding the individual amAC endment application
s.8.5.3(2)	function of receiving a copy of application for bingo centre	MPE	
s.8.5.5	power to submit report to Commission on application received under section 8.5.3(3)(a)	MPE	



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GRAFFITI PREVENTION ACT 2007			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18(1)	power to take action necessary to remove or obliterate graffiti from private premises where graffiti is visible from a public place, in accordance with section 18	GMIDW-DIDW WM	
s.18(2)	power to enter private property for the purpose of section 18(1) if notice provided and owner has given written consent to removal of graffiti and entry	LL GMIDW-DIDW WM	
s.18(2)(a)	power to serve notice regarding proposal to remove or obliterate graffiti at least 28 days before action proposed to be taken	LL	
s.18(3)(a)	duty to serve notice regarding proposal to remove or obliterate graffiti at least 10 days before it is proposed to take action to remove or obliterate graffiti (where entry to private premises not necessary)	LL	
s.18(3)(b)	power to remove or obliterate graffiti (where entry not necessary), where written notice of proposed action given and owner gives consent or does not object in accordance with notice	GMIDW-DIDW WM	
s.18(3A)	power to take further action to remove or obliterate graffiti	WM	
s.18(8)(a)	duty to take reasonable steps to consult with owner or occupier in relation to manner of taking action to remove or obliterate graffiti	GMIDW-DIDW	



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GRAFFITI PREVENTION ACT 2007			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18(8)(b)	duty to ensure that work is done by an authorised person, where entry to the property is necessary under section 18(1)	GMIDW/DIDW WM	
s.18(8)(c)	duty to ensure that work is carried out expeditiously and to avoid unnecessary inconvenience and disruption and with reasonable care and to reasonable standards	GMIDW/DIDW WM	
s.19(1)	power to authorise a person to carry out Council's functions under section 18.	CEO	NOT DELEGATED
s.19(2)(c)	power to determine performance criteria for authorised persons	?	
s.20(1)	duty to issue an identity card to an authorised person	GMIDW/DIDW	



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HEALTH RECORDS ACT 2001			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.48	function of receiving notice of complaint from the Health Services Commissioner	EHO	
s.51(1)	function of receiving notice that Health Services Commissioner has declined to entertain a complaint	EHO	
s.51(3)	function of receiving notice that Health Services Commissioner referred complaint	EHO	
s.52(2)	function of receiving notice that Health Services Commissioner referred complaint to registration board	EHO	
s.53(2)	function of receiving notice that Health Services Commissioner has dismissed a stale complaint	EHO	
s.56(3)	power to indicate wishes with respect to whether conciliation appropriate	EHO	
s.56(4)	function of receiving notice of Health Services Commissioner's decision under s.56(1)	EHO	
s.57(4)	function of receiving notice that Health Services Commissioner has dismissed the complaint after deciding conciliation is inappropriate	GMIDW/DIDW EHO	
s.61(1)(b)	power to sign the record of a conciliation agreement	GMIDW/DIDW	
s.61(2)	power to lodge a copy of the record with the Tribunal	EHO	



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HEALTH RECORDS ACT 2001			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.63(1)	function of receiving notice that conciliation has failed	EHO	
s.63(8)	function of receiving notice that Health Services Commissioner has dismissed the complaint following a failed conciliation	EHO	
s.63(10)	function of receiving notice that Health Services Commissioner is to conduct an investigation of the complaint	EHO	
s.64(2)	function of receiving notice of Privacy Commissioner's ruling	GMCCSDCCS	
s.64(7)	duty to report on action taken following notice of a ruling requiring specific ie MEd action	EHO	
s.65(1)	power to require the Health Services Commissioner to refer the complaint to the Tribunal	GMIDW/DIDW EHO	
s.72	power to apply to the Tribunal for review ie MEw of a decision to serve a compliance notice	GMIDW/DIDW	
s.73(1)	power to apply to the Tribunal for an interim order	GMIDW/DIDW	



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HEAVY VEHICLE NATIONAL LAW 2012 (applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.118(1)(b)	duty to give or not give consent to the grant of a mass or dimension exemption notice for a category of heavy vehicles	EME	where council is the relevant road manager must comply with requirements of s.156
s.124(1)(b)	duty to give or not give consent to the grant of a mass or dimension exemption permit for a heavy vehicle	EME	where council is the relevant road manager must comply with requirements of s.156
s.139(1)(b)	duty to give or not give consent to the grant of a class 2 heavy vehicle authorisation notice	EME	where council is the relevant road manager
s.145(1)(b)	duty to give or not give consent to the grant of a class 2 heavy vehicle permit	EME	where council is the relevant road manager
s.156(1)	duty to give or not give consent	EME	where council is the relevant road manager
s.156(2)	power to request a longer period to decide to give or not give consent under s.156(1)	EME	where council is the relevant road manager
s.156(6)	function of giving Regulator a written statement explaining its decision not to give consent	EME	where council is the relevant road manager statement must comply with s.172
s.157(2)	function of receiving notice from the Regulator that an applicant has been notified of the third party consultation requirement	EME	where council is the relevant road manager



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HEAVY VEHICLE NATIONAL LAW 2012 (applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.158(2)	duty to, as far as practicable, deal with the request for consent, where consultation with other entity is not yet completed	EME	where council is the relevant road manager
s.158(4)	power to decide to give or not give the consent in the circumstances	EME	where council is the relevant road manager
s.159	power to notify the Regulator that a route assessment is required and the fee payable for the route assessment	EME	where council is the relevant road manager
s.159(4)	power to stop considering whether to give or not to give consent until route assessment fee is paid	EME	where council is the relevant road manager
s.160(1)	power to consent to the grant of a mass or dimension authority subject to a road condition listed in (a) or (b)	EME	where council is the relevant road manager
s.160(2)	duty to give the Regulator a written statement explaining the decision to consent subject to conditions	EME	where council is the relevant road manager statement must comply with s.172
s.161(1)	power to consent to the grant of a mass or dimension authority subject to a travel condition	EME	where council is the relevant road manager
s.161(2)	duty to give the Regulator a written statement explaining the decision to consent subject to travel conditions	EME	where council is the relevant road manager statement must comply with s.172
s.162(1)	power to request the Regulator to impose a stated vehicle condition on the authority	EME	where council is the relevant road manager



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HEAVY VEHICLE NATIONAL LAW 2012 (applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.162(2)(b)	function of being notified of the decision under s.162(2)(a)	EME	where council is the relevant road manager
s.163(3)	duty to give or not give consent within 3 months or longer as agreed with Regulator	EME	where council is the relevant road manager
s.167(2)(b)	power to give the Regulator a notice of objection to the application of s.167 to the proposed replacement authority	EME GMIDWDIDW	where council is the relevant road manager
s.167(2)(c)	function of receiving notice that the Regulator withdraws the proposed replacement authority from the expedited procedure	EME	where council is the relevant road manager
s.167(3)	power to give written notice of consent or refusal	EME	where council is the relevant road manager
s.169	power to give consent to the grant of a mass or dimension authority for a trial period	EME	where council is the relevant road manager
s.170(1)	function of being notified by the Regulator of renewal of mass or dimension authority for trial period	EME	where council is the relevant road manager
s.170(3)	power to give written objection	GMIDWDIDW EME	where council is the relevant road manager
s.174(2)(a)	power to request the Regulator to amAC end the mass or dimension authority, where satisfied of matters in s.174(1)	GMIDWDIDW EME	where council is the relevant road manager



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HEAVY VEHICLE NATIONAL LAW 2012 (applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.174(2)(b)	power to request the Regulator to cancel the mass or dimension authority, where satisfied of matters in s.174(1)	GMIDWDIDW EME	where council is the relevant road manager
s.174(4)(c)	function of receiving notice from the Regulator that the road authority must not comply with the request	EME	where council is the relevant road manager
s.176	duty to give or not give consent to an amendment of a mass or dimension authority	EME	where council is the relevant road manager the provisions relating to a request for consent under Division 2 of the Act apply to the request for consent under s.176
s.178(2)(a)	power to request the Regulator to amend the mass or dimension authority, where satisfied of matters in s.178(1)	EME	where council is the relevant road manager
s.178(2)(b)	power to request the Regulator to cancel the mass or dimension authority, where satisfied of matters in s.178(1)	EME	where council is the relevant road manager
s.178(4)(c)	function of receiving notice from the Regulator that the road authority must not comply with the request	EME	where council is the relevant road manager
s.180(2)	function of receiving notice from the Regulator	EME	where council is the relevant road manager
s.611(2)	power to apply for a compensation order	GMIDWDIDW EME	
s.612	function of preparing certificate	EME	



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HEAVY VEHICLE NATIONAL LAW 2012 (applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.613(1)	duty to give a copy of a certificate referred to in s.612 to the defendant at least 28 days before hearing	IE ME	
s.613(3)	function of receiving notice that defendant intends to challenge the matter	GMIDWDIDW IE ME	
s.643(2)	function of receiving referral of review application	IE ME	
s.644	duty to conduct internal review of reviewable decision and give applicant a reasonable opportunity to make written or oral representations	GMIDWDIDW IE ME	where council is the relevant road manager
s.645(1)	duty to either confirm or amend decision or substitute another decision for the reviewable decision	IE ME	where council is the relevant road manager
s.645(5)	duty to, as soon as practicable, give the Regulator notice of the review	IE ME	where council is the relevant road manager



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HEAVY VEHICLE NATIONAL LAW APPLICATION ACT 2013			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18(2)	power to enter into an arrangement to transfer a function	GMIDWDIDW EME	in respect of roads where council is the relevant road manager



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HERITAGE ACT 1995			
Note: this act is to be repealed on the day the Heritage Act 2017 comes into force, which is November 1 2017, unless proclaimed earlier			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.34(1)	function of receiving statement from Executive-Director	MPE	
s.34A(1)	function of receiving statement of recommendation from Executive Director	MPE GMIDWDIDW	
s.39(4)	function of receiving notice of recommendation not to include place or object in Heritage Register and no objections to recommendation from Heritage Council	MPE GMIDWDIDW	
s.40(3)	function of receiving notice of recommendation not to include place or object in Heritage Register and objections to recommendation from Heritage Council	MPE GMIDWDIDW	
s.42(1)(d)	function of receiving referral of recommendation and submissions for consideration for an amAC endment to a planning scheme from Heritage Council	MPE GMIDWDIDW	
s.49(2)	duty to keep at Council's office a copy of so much of the Heritage Register as relates to any place in the municipal district	MPE	
s.49(3)	function of receiving notice of amAC endment to register	MPE	
s.49(4)	duty to make any part of the Heritage Register kept at Council's office available to the public for inspection	MPE	

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HERITAGE ACT 1995			
Note: this act is to be repealed on the day the Heritage Act 2017 comes into force, which is November 1 2017, unless proclaimed earlier			
s.62K	function of receiving notice of approval of World Heritage Strategy Plan from Minister	MPE GM IDW/DIDW	
s.71	function of receiving copy of application for permit from Executive Director	MPE GM IDW/DIDW	

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HOUSING ACT 1983			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.15(1)(d)	function of consenting to any development, control, etc. of any land	GMIDW/DIDW? MPE?	
s.34(1)	function of entering into arrangements with the Director whereby Council carries out works	GMIDW/DIDW?	
s.34(3)	power to enter into arrangements with the Director for the purposes of this Act	GMIDW/DIDW	
s.67(1)(a)	power to do all things to make house comply with regulations or to give effect to direction	GMIDW MBS	NOT DELEGATED – CEO TO TAKE ACTION BASED ON COUNCIL DIRECTION?
s.67(1)(b)	power to demolish house (where case so requires)	GMIDW MBS	NOT DELEGATED – CEO TO TAKE ACTION BASED ON COUNCIL DIRECTION?
s.67(2)	power to recover expenses	GMIDW/DIDW	
s.67(3)	power to sell or dispose of material		Not delegated - CEO to act on Council direction
s.68(1)	power to order that house (a) be and remain unoccupied; or (b) be vacated by the occupier		Not delegated - CEO to act on Council direction
s.68A	power to revoke declaration		NOT DELEGATED – CEO TO TAKE ACTION BASED ON COUNCIL DIRECTION?

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HOUSING ACT 1983			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(1)	power to authorise person for purposes of s.71	<u>CEO?</u> <u>GMIDW/DIDW?</u>	
Sch 2, cl 3(1)	power to sell or give to the Director any land vested in it, other than Crown land	CEO	Actions based on Council direction
Sch 2, cl 3(2)	power to lease land, enter into agreements with the Director concerning land, or apply funds for carrying out such agreement	<u>CEO?</u> <u>GMIDW/DIDW?</u>	
Sch 6, cl 1	duty to lodge signed certificate	<u>GMIDW/DIDW</u>	
Sch 6, cl 1	power to authorise staff member to sign certificate	CEO	
Sch 6, cl 2	power to request recording in Register	<u>GMIDW/DIDW</u>	
Sch 6, cl 6	duty to lodge notice with the Registrar of Titles that the declaration has ceased to operate	<u>GMIDW/DIDW</u>	
Sch 6, cl 7(1)	power to require occupier to pay to council any money owing	<u>GMCCSDCCS</u> FM	
Sch 6, cl 7(2)	duty to forward a copy of any notice under cl 7(1) to the owner of the house concerned	<u>GMCCSDCCS</u> FM	
Sch 6, cl 7(5)	duty to notify occupier if council receives any payment	<u>GMCCSDCCS</u> FM	

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IMPOUNDING OF LIVESTOCK ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.9(3)	function of receiving notice from owner or occupier of whereabouts of livestock	LL	
s.10	power to give written permission to owner or occupier of land to impound livestock on their land for longer than 4 days	LL GMIDWDIDW	
s.14	duty to keep record of impounded livestock	LL	
s.15	duty to ascertain owner of livestock and serve a notice of seizure on the owner as soon as possible	LL	
s.16	duty to release livestock	LL	
s.16A(3)	power to approve form of notice to be served under s.16A(1)	LL	
s.16B(3)	power to approve form of notice to be served under s.16B(1)	LL	
s.17	duty to hold livestock for seven days, or 3 days after time within which measures must be taken under notice served , prior to disposal	LL	
s.17A	duty to hold livestock for 14 days prior to disposal in accordance with Part 2	LL	where authorised officer of Council has impounded livestock under section 5A of the Act



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IMPOUNDING OF LIVESTOCK ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18	power to offer uncollected livestock for sale	LL GMIDW/DIDW	
s.19	duty to give public notice of intention to sell livestock	LL	
s.20	duty to apply the proceeds of the sale of livestock in the order set out in section 20(1)	GMIDW/DIDW	
s.21	power to dispose of livestock including destroying or re-housing	GMIDW/DIDW LL	



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IMPOUNDING OF LIVESTOCK ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22	function of posting written notice of the impounding of livestock at the pound where they are held	LL	
s.27	function of receiving notice of proceedings	GMIDW <u>DIDW</u>	
s.28(1)	duty to not sell or dispose of impounded livestock until (a) the time limit in section 27(2) has expired or (b) the proceedings have been determined or withdrawn, where council receives notification of proceeding under section 27(1)	LL GMIDW <u>DIDW</u>	
s.28(3)	power to release impounded livestock pending determination of proceedings	LL	
s.29(2)	duty to release impounded livestock and convey it to the owner at Council's expense where Magistrates' Court determines impounding was in contravention of this Act	LL	
s.30	power to recover outstanding amA Ccount as a debt	GMIDW <u>DIDW</u> LL	



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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.15(6)	function of consulting with and receiving information from the Independent Broad-based Anti-Corruption Commission (IBAC)	CEO	Not delegated
s.35(2)	power to enter into agreements or arrangements for use of services with the Independent Broad-based Anti-Corruption Commission (IBAC)	CEO	Not delegated
s.56	function of providing information to the Independent Broad-based Anti-Corruption Commission (IBAC)	CEO	Not delegated



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INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.6	duty to provide Attorney-General with prescribed information	LL	
s.9	power to make and publish guidelines and policies in respect of the use of official warnings for infringement offences	LL	
s.11	duty to withdraw an official warning in certain circumstances	LL	
s.15	power to accept late payment of infringement penalty	LL	
s.17(1)	power to refer certain matters to the Court	CEO GMIDWDIDW	
s.17(3)	power to withdraw infringement notice and file a charge and summons in the Children's Court in some circumstances	GMCCSDCCS	
s.18(1) & (2)	power to withdraw an infringement notice in some circumstances	GMCCSDCCS GMIDWDIDW CEO	
s.22	function of receiving application for review of decision to serve infringement notice	GMCCSDCCS GMIDWDIDW CEO	



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INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.23(1)	power to request additional information required to conduct review	CEO GMIDW/DIDW GMCCSDCCS	
s.23(2)	duty to suspend review where request made under section 23(1)	CEO GMIDW/DIDW GMCCSDCCS	
s.23(4)	power to refuse or grant request for extension of time made under section 23(3)(b)	GMIDW/DIDW GMCCSDCCS	
s.23(5)	duty, if extension of time granted under section 23(4)(b), to inform applicant in writing of the period of the extension	GMIDW/DIDW GMCCSDCCS	
s.23(6)(a)	power, if applicant fails to provide information requested under section 23(1) within time under section 23(3) or, within the period of extension if an extension is granted under section 23(4)(b), to review the decision under section 24 without additional information	CEO GMIDW/DIDW GMCCSDCCS	
s.23(6)(b)(i) & (ii)	power, if applicant fails to provide information requested under section 23(1) within time under section 23(3) or, within the period of extension if an extension is granted under section 23(4)(b), to accept information provided by the applicant out of time and to review the decision under section 24 with that late information	GMIDW/DIDW GMCCSDCCS	



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INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.24(1)(a) & (b)	duty, if application for review under section 22(1)(a), (b) or (c) is received, to serve infringement notice and suspend procedures used for enforcement of infringement penalty until review complete and applicant is sent advice of outcome	LL MPE	
s.24(1A)	duty to review whether person unlikely to have been aware of infringement notice, and suspend procedures until review complete and applicant is sent advice of outcome	LL MPE	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier
s.24(2)	duty to ensure that a review is conducted by a person who was not involved in making the decision to serve the infringement notice	LL MPE	
s.24(3)(a)	duty to review decision within prescribed time or, if additional information is requested under section 23, within prescribed period plus 35 days	LL MPE	
s.24(3)(b)	duty to serve on the applicant written notice of outcome of review within 21 days of decision	LL MPE	



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INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.25(1)	power, after reviewing a decision, to take the following actions (or any combination of those actions): confirm the decision to serve an infringement notice; withdraw the infringement notice and serve an official warning; withdraw the infringement notice; withdraw the infringement notice and refer the matter to the Court in accordance with Part 2 or, where infringement notice served on a child, withdraw the infringement notice and file a charge and summons in the Children's Court; in the case of an infringement offence involving additional steps, alter or vary those steps; waive all or any prescribed costs; or approve a payment plan.	LL MPE GMIDWDIDW GMCCSDCCS	
s.25(2)	power, in the case of application made under section 22(1)(b), to: (a) confirm the decision; (b) withdraw the notice and serve an official warning; or (c) withdraw the notice.	LL MPE	
s.25(2A)	power made under s 22(1)(d), to grant or refuse application	LL MPE	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier



INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.25(3)	duty to: <ul style="list-style-type: none">refer matter to the Court; orwhere an infringement notice has been served on a child, withdraw infringement notice and file a charge and summons in the Children's Court		To be repealed on 1 July 2017, or on an earlier date, if proclaimed earlier. <u>Repealed on 1 July 2017</u>
s.25(3)	function of receiving application for payment plan for infringement notices confirmed under subsection 25(2)(a)	GMCCSDCCS GMIDWDIDW	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier.
s.25(4)	duty to serve application with written notice of decision made under section 25(2A)(a)	GMCCSDCCS GMIDWDIDW	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier.
s.25(5)	function of receiving application for payment plan for infringement notices confirmed under subsection 25(4)	LL MPE	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier.
s.25(6)	duty to serve application with written notice of outcome of review under section 25(2A)(b), and advise that payment is required within 14 days	LL MPE	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier.
s.27D(3)	power to recover debt or take enforcement action where work and development permit is cancelled or partially completed	GMIDWDIDW MPE	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier.

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INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.27F(3)	function of receiving notice of infringement notice being waived by Secretary	LL MPE	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier
s.29(1) & (2)	power to serve a penalty reminder notice	LL MPE	
s.37(4)	function of receiving notice of time and place of hearing		To be repealed on 1 July 2017, or on an earlier date, if proclaimed earlierRepealed on 1 July 2017
s.40(1)(a)	duty to lodge prescribed information with the Court, if person elects for lodgeable infringement offence matter to be heard by the Court or if matter referred to Court	LL	
s.40(1)(d)	duty to serve details on person who was served with infringement notice, at least 14 days prior to hearing date	LL	
s.46(1)	function of receiving application for payment plan	LL	
s.46(1A)	function of receiving application for payment plan from body corporate	LL MPE	Note: this provision is not yet in force and will commence on 1 December 2017, unless proclaimed earlier
s.46(3)	duty to offer payment plan in certain circumstances	LL MPE	
s.46(4)	power to offer payment plan in certain circumstances	LL MPE	

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INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46(5)(a)	power to arrange and manage payment plan	LL MPE	
s.46(5)(b)	power to refer infringement penalty and costs to the Secretary for management by payment plan	LL MPE	
s.46(6)	duty to provide notice with relevant details if council determines not to offer payment plan	GMIDW/DIDW	Note: this provision is not yet in force and will commence on 1 December 2017, unless proclaimed earlier
s.46(7)	duty to cease action taken to collect infringement penalty upon receipt of application under subsections 46(1) or (1A)	GMIDW/DIDW	Note: this provision is not yet in force and will commence on 1 December 2017, unless proclaimed earlier
s.49(3)(a)	duty, if infringement notice withdrawn, to withdraw infringement penalty and prescribed cost from payment plan	GMIDW/DIDW	
s.49(3)(b)	duty, if infringement notice withdrawn, to request the Secretary to remove the infringement penalty and prescribed costs from payment plan	GMIDW/DIDW	
s.49A(2)	power to vary terms of a payment arrangement	GMIDW/DIDW	Note: this provision is not yet in force and will commence on 1 December 2017, unless proclaimed earlier
s.49A(4)	duty to give written notification to applicant of decision regarding payment plan variation	GMIDW/DIDW	Note: this provision is not yet in force and will commence on 1 December 2017, unless proclaimed earlier



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INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50(1)	duty to allocate money received under payment plan in order of priority	GMIDWDIDW	
s.50(3)	duty to advise person to whom payment plan applies of overpayment	GMCCSDCCS FM	
s.50(3)(a)	power to offer to apply amAC ount of overpayment to outstanding infringement penalties, prescribed costs or enforcement orders, if person consents and directs council to do so	GMCCSDCCS FM	
s.50(3)(b)	power to refund amAC ount of overpayment by appropriating Consolidated Fund or refunding from another fund or account	GMCCSDCCS FM	
s.51(1)	duty to provide Secretary with most up-to-date contact details of person to whom payment plan applies	GMIDWDIDW	
s.51(2)(a)	power to request person to whom payment plan applies to confirm address details	LL MPE	
s.51(2)(b)	power to supply address to Secretary	GMIDWDIDW	
s.51(4)	function of receiving notification from Secretary	LL MPE	
s.52(2)	duty to send written notice advising of default on payment plan	FM	



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INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53A(2)	function of consulting with Secretary	GMIDW/DIDW GMCCSDCCS	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier
s.53B(2)	duty to comply with request by Secretary under s 53B(1)	GMIDW/DIDW GMCCSDCCS	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier
s.53C(2)	duty to respond give report to Secretary in response to any recommendations made under s 53C(1)	GMIDW/DIDW GMCCSDCCS	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier
s.54(1)	power to lodge details of outstanding infringement penalty with an infringements registrar in certain circumstances	GMCCSDCCS FM	
s.58	power to request an infringements registrar not to make an enforcement order	GMCCSDCCS FM	Action taken on advice from authorised officer
s.63(1)	power to apply for reinstatement of enforcement order	GMIDW/DIDW	Action taken on advice from authorised officer
s 63A(2)	power to apply for a revocation of an enforcement order	GMIDW/DIDW	
s.64(2)	function of receiving notification of revocation of enforcement order	GMIDW/DIDW	
s.65(1)(a)	power to apply to infringements registrar for revocation of enforcement order	GMIDW/DIDW	



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INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(5)	function of being notified of revocation of enforcement order	GMIDWDIDW LL	
s.69(1)	power to request infringements registrar not to refer matter to Court, by written notice	GMIDWDIDW LL	
s.75(1)(b)	function of being served notice of intention to apply for rehearing	GMIDWDIDW LL	
s.123(3)(b)(ii)	power to apply to infringements registrar to make an attachment of earnings order	CEO	
s.129(3)(b)(ii)	power to apply to infringements registrar to make an attachment of debts order	CEO	
s.164(3)	power to, on written request, give access to any information held by council that may be of use in enforcement of orders or warrants to sheriff or any contractor or subcontractor supporting functions of sheriff or infringements registrar	GMCCSDCCS CEO	Council must be a specified agency (see Schedule 2 of Regulations)



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LAND ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22D(1)	duty to execute an instrument of transfer and surrender	CEO	where the Attorney-General has authorised council to surrender land
s.103(1)(d)	power to consent to closure of road which is impassable or useless within municipality	GMIDW/DIDW WM	
s.134A(2)(a)	power to be consulted before Minister grants lease for stratum of Crown land	GMIDW/DIDW MPE	
s.138A(3)(a)	power to be consulted before person grants licence for strata of Crown land	GMIDW/DIDW MPE	
s.140A(3)(c)	duty to provide report to Minister for grant of licences for jetty landing stages on Crown land	MPE	
s.172(1)	power to approve excise of land from certain streets by Governor in Council	MPE	
s.183A(1)	power to raise funds by allowing use of common for the purposes of agriculture	MPE	consent of Minister required
s.190	power to authorise persons to enter onto Crown land and remove materials for the purposes of forming/maintaining public road	GMIDW/DIDW WM	consent of Minister required
s.349	power to agree to closure of road on land vested in the Crown	GMIDW/DIDW	



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LAND ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.400	power to give notice to Secretary that road is an unused road	GMIDWDIDW <u>AMAC</u>	Land Regulations 2016, r 10 For the purposes of section 400(2) of the Act, the prescribed form and particulars for a notice that a road or part of a road that a municipal council considers is not required for public traffic is an unused road is the form and particulars in Schedule 4.
s.407(1)	power to inform Minister it is desirable to re-open licensed closed road or water frontage	GMIDWDIDW <u>AMAC</u>	
s.407(3)(b)	power to cause any building / hedge/ ditch etc to be taken down / filled up / removed etc	GMIDWDIDW	where a licence under Division 8 of Part I has been cancelled under section 407(1)
s.411	function of receiving particulars of licence from the Secretary	<u>AMAC</u>	



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LAND ACQUISITION AND COMPENSATION ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<ul style="list-style-type: none">• certain provisions in this Act apply only to Councils in their capacity as acquiring authorities ("authority") or to Councils in their capacity as responsible authority ("responsible authority")• all powers, duties and functions under this Act exercised under delegation to be reported to the CEO as soon as practicable
s.6	duty of the authority to serve notice of intention to acquire on persons with an interest in the land	CEO	Notice served as a result of Council resolution
s.7(1)(b)	power to serve statement on person interested in the land in accordance with s.7(1)(b)	GMIDW/DIDW CEO	
s.9(1)	duty of the authority to serve copy of notice on certain responsible authorities	GMIDW/DIDW	
s.9(2)	duty of the responsible authority to provide information in writing when required to do so by an authority	MPE GMIDW/DIDW	
s.9(3)	duty of the responsible authority to forward a copy of application for planning permit/building approval to an authority	MPE	
s.10(1)	duty of the authority to lodge notice and prescribed fee with the Registrar of Titles or Registrar-General	MPE	



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LAND ACQUISITION AND COMPENSATION ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.10(4)	duty of the authority to give notice of cancellation/lapse in writing	GMIDW/DIDW	
s.10(7)	duty of the authority to pay fees where an owner applies for a new section 32(2) certificate	MPE GMIDW/DIDW	
s.14(1)	power of an authority to am ACend notice upon agreement with persons on whom it was served	GMIDW/DIDW MPE	
s.15(1)	power of an authority not to proceed with the acquisition	GMIDW/DIDW	
s.15(2)	duty of the authority to serve a statement cancelling the notice of intention to acquire	MPE	
s.17	power of the authority to agree with owner to extend operation of notice	GMIDW/DIDW	
s.18(1)	power of the authority to acquire interest in land by agreement	GMIDW/DIDW	
s.19	function of the authority publishing a notice declaring the interest to be acquired	GMIDW/DIDW MPE	
s.22	duty of the authority to serve copy notice of acquisition and a statement to persons interested in that land	GMIDW/DIDW MPE	



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LAND ACQUISITION AND COMPENSATION ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.23	duty of the authority to publish copy notice of acquisition in local newspaper	MPE AMAC	
s.26(1)	duty of the authority to endeavour to obtain agreement with the owner / occupier	GMIDWDIDW	
s.26(5)	power of the authority to enter into possession of the land	GMIDWDIDW	
s.26(11)	duty of the authority to serve copy certificate under section 26(4)(a) on occupier	GMIDWDIDW	
s.27	power of the authority to recover any rent due	GMCCSDCCS FM	
s.28(1)	power of the authority to issue a warrant where refusal to give up possession	LL CEO	
s.31(1) and supporting provisions	power of the authority to make an offer, including the power to determine amount of the offer.	CEO	
s.31(5)	duty of the authority to have regard to a valuation of the land in making an offer under section 31	CEO	
s.31(7)	power of the authority to reduce the offer by an amount equal to outstanding interest, rates, taxes, etc.	CEO	



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LAND ACQUISITION AND COMPENSATION ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.32(1)	duty of the authority to set out total amACount of compensation where Minister directs information required to be set out by section 31 is inappropriate	CEO	
s.32(2)	duty of the authority to pay the total amACount of compensation offered in court	CEO	
s.32(4)	duty of the authority to apply to the court for determination of the amACount payable	CEO	
s.33(1)	function of the authority of receiving notice of acceptance or notice of claim	CEO	
s.36(1)	duty of the authority to serve a reply to the notice of claim	CEO	
s.36(2)	power of the authority to admit/vary/reject the claim under section 36	CEO	
s.36(3)	duty of the authority to provide claimant with method and basis of its valuation	CEO	
s.37(4)	duty of the authority to serve reply to notice of claim on claimant, where no offer was made	CEO	
s.43(2)	power of the authority to give notice of intention	CEO GMIDWDIDW MPE	



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LAND ACQUISITION AND COMPENSATION ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.43(3)	duty of the authority to do action specified in notice under section 43(2)	GMIDW DIDW WM	
s.45(1)	power of the authority to grant a loan to claimant	GMCCS DCCS FM	
s.48(2)	duty of the authority to serve reply to notice of claim within 3 months on claimant	CEO	
s.51(8)	power of the authority to advance compensation to assist a person purchasing another interest in land	CEO	
s.63(1)	duty of the authority to prepare all instruments of conveyance	GMIDW DIDW	
s.65(a)	function of the authority to receive interest in land despite any restrictions under other laws	GMIDW DIDW	
s.65(b)	function of the authority to recover compensation where authority acquires an interest under section 65(a)	GMIDW DIDW CEO	
s.67(1)	function of the authority to negotiate with agents	CEO	
s.68(1)	power of the authority to purchase or redeem interest in mortgage	CEO	
s.68(4)	power of the authority to direct where to convey release of mortgagee's interest upon payment under section 68(3)	CEO	



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LAND ACQUISITION AND COMPENSATION ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.68(5)	power of the authority to give notice to the mortgagee that it will pay principal and interest upon 6 months of the notice	CEO	
s.68(6)	power of the authority to direct where to convey release of mortgagee interest upon payment under section 68(5)	CEO	
s.69(1)	power of the authority to pay amAC ounts required under sub-ss. (c)-(e) to the credit of the Trust Fund where mortgagee fails to release interest or adduce good title	CEO	
s.69(2)	power of the authority to execute a deed poll	CEO	
s.69(3)	duty to register the deed poll in the office of the Registrar-General	CEO	
s.70(1)	function of the authority to negotiate with the mortgagee/person entitled to redemption of the value of interest and compensation where sum payable exceeds value of land	CEO	
s.70(4)	power of the authority to direct where to convey release of mortgagee interest upon payment under section 70(3)	CEO	
s.71(1)	power of the authority to pay amAC ount required by section 70(3) to the credit of the Trust Fund where mortgagee fails to convey interest or adduce good title	GMCCSDCCS FM	



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LAND ACQUISITION AND COMPENSATION ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(3)	power of the authority to execute and register a deed poll	CEO	
s.72(1)	function of the authority to settle an agreement with mortgagee/person entitled to redemption of interest payable where part of the land is taken	CEO	
s.72(4)	power of the authority to direct where to convey release of mortgagee's interest	CEO	
s.72(6)	function of the authority to furnish copy memorandum under section 72(5)	CEO	
s.73(1)	power of the authority to pay compensation to the credit of the Trust Fund where mortgagee fails to release/adduce good title	GMCCSDCCS FM	
s.73(3)	power of the authority to execute and register a deed poll	CEO	
s.74(1)	power of the authority to enter land	GMIDWDIDW WM	
s.74(2)	duty of the authority to serve notice of intention to enter and a statement on occupier and owner	GMIDWDIDW WM	
s.75(1)	power of the authority occupy land as long as is necessary for the purposes of the <i>Local Government Act 1989</i>	GMIDWDIDW WM	



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LAND ACQUISITION AND COMPENSATION ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.75(2)(a)	power of the authority or authorised person to dig and take from land any clay, soil, etc.	GMIDW/DIDW WM	
s.75(2)(b)	power of the authority to deposit any material on land	GMIDW/DIDW WM	
s.75(2)(c)	power of the authority to make cuttings or excavations on land	GMIDW/DIDW WM	
s.75(2)(d)	power of the authority to take timber from the land	GMIDW/DIDW WM	
s.75(2)(e)	power of the authority to make and use roads on land	GMIDW/DIDW WM	
s.75(2)(f)	power of the authority to manufacture on the land any materials required	GMIDW/DIDW WM	
s.75(2)(g)	power of the authority to erect workshops, sheds, etc on land	GMIDW/DIDW WM	
s.75(3)	duty of the authority to serve notice in writing on owner/occupier and Soil Conservation Authority if intends to enter land	GMIDW/DIDW WM	



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LAND ACQUISITION AND COMPENSATION ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.75(5)	duty of the authority to give notice in writing of nature and quantity of material taken	GMIDW <u>DIDW</u> WM	
s.76	duty of the authority to comply with obligations under section 76(a)-(e)	GMIDW <u>DIDW</u> WM	
s.79(1)	duty of the authority to fence land when so required by the owner	WM	
s.80	power of the authority to refer a claim to the Court/Tribunal for determination	GMIDW <u>DIDW</u>	
s.83	duty of the authority to serve a copy of the referral notice on other parties to <u>MEs</u>	GMIDW <u>DIDW</u>	
s.87	power of the authority in a compulsory conference to increase the am <u>AC</u> ount of an offer	CEO GMIDW <u>DIDW</u>	
s.91(4)	power of the authority to set-off costs of determinations against any compensation award/costs payable to claimant	CEO	
s.96(1)	function of the authority to make application to the court for a valuer		
s.103(1)	power of the authority to inspect documents by notice in writing	CEO	



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LAND ACQUISITION AND COMPENSATION ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.104(3)	power of the authority/authorise a person to accept service on its behalf	CEO	
s.106(1)(c)	power of the authority to extend/abridge time limits under the Act by agreement with concerned party	CEO	
s.109(1)	power of the authority to sell, lease or deal with an interest in land	CEO	
s.109(2)	duty of the authority to offer the land for sale to the former owner if within 18 months of acquisition under the Act	CEO	



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LIQUOR CONTROL REFORM ACT 1998			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.27(1)	power to apply to Director for a licence or BYO permit	GMCCSDCCS GMIDW/DIDW CEO	
s.33	function of receiving copy of application	MPE	
s.40(1)	power to object to grant, variation or relocation of a licence	MPE	Upon the direction of Council via resolution
s.40(1A)	power to object to grant, variation or relocation of packaged liquor licence or late night (packaged liquor) licence	MPE	
s.91	power to request the Commission to conduct an inquiry into whether there are grounds to take disciplinary action	MPE GMIDW/DIDW	
s.94	power to request the Commission to conduct an inquiry into amAC enity or disuse	MPE	
Sch 3, cl 18(3)	duty to notify Minister of result of poll under clause 18(1)	MPE	



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<u>LIVESTOCK DISEASE CONTROL ACT 1994</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS & LIMITATIONS</u>
<u>s.107B(4)(a)</u>	<u>function of receiving records maintained by the Secretary under ss.107B(1)(c), (d), (e) or (g)</u>		<u>Note: this provision will be amended on 1 July 2017, unless proclaimed earlier</u> <u>only applMEs to a member of Council staff responsible for the conduct or facilitation of livestock sales at a saleyard operated or managed by the Council</u>
<u>s.121A</u>	<u>function of receiving a request from the Secretary for information relating to land in the municipal district</u>	<u>LL</u>	<u>in connection with the administration of, or in carrying out of the Secretary's functions under, the Act or the regulations</u>

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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.74C	power to make a submission to the local government panel	CEO	Not delegated – CEO to make submission in accordance with Council resolution
s.75	duty to reimburse councillors for necessary out of pocket expenses incurred while performing duties	FM	
s.75A	power to reimburse members of council committees for necessary out of pocket expenses incurred while performing duties	FM	
s.75B(3)	duty to keep reimbursement policy available for inspection at Council's office	CEO	
s.76A	duty to take out and maintain certain insurance	FM	
s.76C(6)	duty to give copy of Code of Conduct to each Councillor and duty to make Code of Conduct available for inspection by the public and publish a copy on Council's internet website	CEO	Not delegated
s.80(1)	power to apply to the Minister in writing for exemption of councillors from section 79	CEO	Not delegated
s.80(1A)	function of providing additional information regarding application to exempt councillors from section 79 to the Minister	CEO	Not delegated



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.81(2B)	duty to review any exemptions in force under section 81(2A) with 12 months after a general election	GMCCSDCC <u>S</u> CSO	
s.81F	power to request to be joined as a party to a VCAT proceeding regarding Councillor misconduct	CEO GMCCSDCC <u>S</u>	
s.81G(1)(b)	function of receiving notice from Councillor Conduct Panel	GMCCSDCC <u>S</u>	
s.81J(5)	duty to pay necessary expenses incurred by Councillors attending mediation, training or counselling	GMCCSDCC <u>S</u>	
s.81L(5)	duty to amend Councillor Code of Conduct if directed by the Councillor Conduct Panel	CEO	
s.82(3)	duty to ensure the office is open on the days and during the times specified by Council	CEO GMCCSDCC <u>S</u>	
s.82A(1)	duty to maintain website	GMCCSDCC <u>S</u>	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.82A(2)(a)	duty to ensure public notices are published on website	CEO GMCCSDCC <u>S</u> GMIDWDID <u>W</u>	
s.82A(2)(ab)	duty to ensure certain documents are published on website	CEO GMCCSDCC <u>S</u> GMIDWDID <u>W</u>	
s.82A(2)(b)	duty to ensure each local law in force is available on website	CEO GMIDWDID <u>W</u>	
s.82A(2)(c)	duty to ensure list of documents available for public inspection and instructions how such documents can be examined are available on website	GMCCSDCC <u>S</u>	
s.85(7)	function of receiving a copy of order	CEO	
s.87(1)	duty to keep register of delegations to special committees	CEO	
s.89(4)	duty to give at least 7 days' notice of council and special committee meetings	CEO	unless section 89(4A) applies



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.89(4A)	duty to provide such notice as practicable and to specify extraordinary circumstances which prevented giving 7 days notice of meeting	CEO	
s.93(1)	duty to keep minutes of meetings	CEO	
s.94(6)	duty to make details of proposed remuneration of CEO available for public inspection	CEO	
s.98(4)	duty to keep register of delegations to members of Council staff	CEO	
s.101(1)	duty to implement long service leave for council staff	GMCCSDCC S FM	
s.109(3)	function of receiving report from probity auditor	CEO	
s.119(2)	duty to give notice in government gazette and a public notice stating certain matters	CEO	
s.119(2A)	duty to ensure proposed law is available for inspection	CEO	
s.119(3)	duty to give notice in government gazette and a public notice after local law is made	CEO GO	
s.119(4)	duty to send copy local law to Minister	CEO GO	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	duty to print copies of local laws	GO	
s.120(2)(a)	duty to make local laws available for inspection	CEO GO	
s.120(2)(b)	duty to make local laws available for purchase	GO	
s.120(3)	duty to make available for inspection all documents incorporated by local laws	GO	
s.125(3A)	duty to publish the proposed Council Plan on Council's website and make it available for public inspection	CEO GO	
s.125(5)	duty to submit a copy of the Council Plan to the Minister	CEO	
s.125(10)	duty to advise the Minister of details of adjustment to the Council Plan	CEO	
s.125(11)	duty to make Council Plan available for inspection	CEO GO	
s.126(4)	duty to make copy of Strategic Resource Plan available for inspection	GMCCSDCC <u>S</u> FM	
s.129(1)	duty to provide public notice after preparing a budget or revised budget	GMCCSDCC <u>S</u> FM	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.129(4)	duty to display copy of budget and revised budget	GMCCSDCC <u>S</u> FM	
s.130(2)	duty to give notice of its decision to adopt budget or revised budget	CEO GMCCSDCC <u>S</u> FM	
s.130(4)	duty to submit a copy of the budget or revised budget to the Minister	GMCCSDCC <u>S</u> FM	
s.130(7)	duty to give the Minister any details concerning its budget or revised budget that the Minister requires	GMCCSDCC <u>S</u> FM	
s.130(9)	duty to make copies of the budget or revised budget available for inspection by the public	GMCCSDCC <u>S</u> FM	
s.131(1)	duty to prepare an annual report	GMCCSDCC <u>S</u> FM	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.132(1)	duty to submit the finalised performance statement and financial statements to the auditor as soon as possible after the end of the financial year	FM	
s.132(2)	duty to submit the performance statement and financial statements to the auditor for reporting on the audit	FM	Must be done after Council has passed a resolution to approve the statements in principle
s.132(6)	function of receiving a copy of the report on the performance statement	CEO GMCCSDCC <u>S</u> FM	
s.133(1)	duty to submit annual report to the Minister	FM	
s.133(2)	duty to give public notice that annual report has been prepared and can be inspected at the Council office and on Council's website	GMCCSDCC <u>S</u> FM	
s.133(3)	duty to make annual report available for public inspection	GMCCSDCC <u>S</u> FM	
s.136(1)	duty to implement the principles of sound financial management	GMCCSDCC <u>S</u> FM	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.137(1)	duty to establish/maintain a budgeting and reporting framework that is consistent with the principles of sound financial management	GMCCSDCC <u>S</u> FM	
s.140(1)	duty to keep records and accounts	FM	
s.140(2)(a)	duty to ensure moneys due are collected	FM	
s.140(2)(b)	duty to implement arrangement for security of money received	FM	
s.140(2)(c)	duty to expend moneys received	FM	
s.140(2)(d)	duty to ensure control over assets	AMAC FM GMIDWDID <u>W</u>	
s.140(2)(e)	duty to ensure liabilities are authorised	FM	
s.140(2)(f)	duty to ensure efficiency of operations	CEO GMCCSDCC <u>S</u> GMIDWDID <u>W</u>	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.140(2)(g)	duty to develop and maintain adequate internal control system	GMCCSDCC <u>S</u> FM	
s.140(3)	duty to keep accounts and records up to date and ready for inspection	FM	
s.141	Power to apply money to: <ul style="list-style-type: none"> perform functions and powers under this or any other Act repay an overpayment make a refund 	GMCCSDCC <u>S</u> FM	Schedules of accounts paid to be submitted to next possible Council meeting for Council approval of reimbursements to Advance Account.
s.142(1)	power to waive payments	GMCCSDCC <u>S</u>	Subject to limits as determined by CEO.
s.142(3)(a)	power to defer payments	GMCCSDCC <u>S</u>	Subject to limits as determined by CEO.
s.142(3)(b)	power to waive payment and interest	GMCCSDCC <u>S</u>	Subject to limits as determined by CEO.
s.142(3)(c)	power to waive interest	GMCCSDCC <u>S</u>	Subject to limits as determined by CEO.
s.143(a)	power to invest money in government securities (Commonwealth)	GMCCSDCC <u>S</u> FM	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.143(b)	power to invest money in government securities (Victoria)	GMCCSDCC <u>S</u> FM	
s.143(c)	power to invest money with an authorised deposit-taking institution	GMCCSDCC <u>S</u> FM	
s.143(d)	power to invest money with a financial institution	GMCCSDCC <u>S</u> FM	
s.143(e)	power to invest money with eligible money market dealers	GMCCSDCC <u>S</u> FM	
s.154	power to determine that land is not rateable land in accordance with s.154	FM RC	
s.157(2)	duty to publish notice of change in valuation system	FM RC	
s.158(3)	power to levy rates by sending notice to person liable	FM	
s.158(3A)	power to send rate notice to a person specified upon request	FM RC	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.159(5)	power to determine form & time period	GMCCSDCC <u>S</u> FM	
s.159(6)	power to require applicant to give further particulars or verify particulars	FM	
s.161(3)	duty to make available for inspection certain information	FM	
s.163(1C)	duty to send a copy of the public notice to each person who will be liable to pay the special rate or special charge	FM RC	
s.163(4)	power to levy special rate/charge by sending notice to person liable	FM	
s.164(2)	duty to notify of decision under s 164(1) to persons liable to pay special rate/charge	GMIDWDID <u>W</u>	Limited to Director or Executive Manager responsible for works or project.
s.165	duty to refund excess money	FM	
s.166(2)	duty to notify persons liable that special rate/charge varies ie <u>ME</u> d	GMIDWDID <u>W</u> FM	
s.169(2)	duty to send notice to person who was granted a rebate or concession and not comply ie <u>ME</u> d with terms	FM	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.170(1)	power to defer payment where applicant shows hardship	GMCCSDCC <u>S</u> FM	
s.170(3)(a)	power to require payment where no longer hardship/in occupation	GMCCSDCC <u>S</u> FM	
s.171(1)	power to waive rate/charge to eligible recipient or in accordance with Council determination	GMCCSDCC <u>S</u> FM	
s.171(4)(e)	duty to waive amount which is in accordance with concession order upon receipt of application	GMCCSDCC <u>S</u> FM	
s.171(4)(f)	power to decide to treat person to whom waiver granted as having made continuing application or waiver	FM	requires the approval of the Minister administering the <i>State Concessions Act 2004</i>
s.171(5A)	power to waive rate/charge where person has right to recover it from another (upon application of the eligible recipient)	GMCCSDCC <u>S</u> FM	
s.171A(1)	function of receiving application for waiver	GMCCSDCC <u>S</u> FM	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.171A(2)	power to require information or verification	GMCCSDCC <u>S</u> FM	
s.171A(3)	power to waive rate/charge/interest	GMCCSDCC <u>S</u>	
s.172(1)	power to raise interest and require payment from person liable	FM	
s.172(3)	power to exempt a person from paying interest	GMCCSDCC <u>S</u>	
s.172(4)	power to recover interest due	GMCCSDCC <u>S</u>	
s.173(2)(a)	duty to refund rates/charges where land ceases to be rateable and payment was made	FM	
s.173(2)(b)	duty to require pro rata payment where land ceases to be rateable	FM RC	
s.175(2)	power to require current rates, arrears from person acquiring land	FM	
s.177(1)	power to require occupier to pay rent upon notice	GMCCSDCC <u>S</u> FM	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.177(4)	power to recover unpaid rent as a debt due	GMCCSDCC <u>S</u> FM	
s.180(1)	power to recover unpaid rate/charge as a debt due	GMCCSDCC <u>S</u> FM	
s.181(2)	power to dispose of land where rate/charge unpaid	GMCCSDCC <u>S</u> FM	
s.181(5)	power to serve and to give notices before Council sells the land	GMCCSDCC <u>S</u> FM	
s.181(7)	power to deduct expenses incurred in connection with sale	GMCCSDCC <u>S</u> FM	
s.181C(2)	power to send notice to person liable to pay environmental upgrade charge	GMIDWDID <u>W</u> FM	
s. 181E(1)	duty to use best endeavours to recover environmental upgrade charge	FM	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 181F	duty to adjust environmental upgrade charge to reflect lower amA Count advanced to owner and advise any person liable to pay charge in writing of the adjustment	FM	Council must refund any excess amA Counts paid to owner or occupier as a result of an adjustment being made to an upgrade charge under 181F(1)
s.185F(1)	duty to comply with any direction of the Minister under s.185D	GMCCSDCC <u>S</u> FM	
s.186(1)	duty to give notice and invite proposals where intend to enter into contract in excess of \$150,000 for contracts in relation to goods and services and \$200,000 for contracts in relation to works	GMIDWDID <u>W</u> GMCCSDCC <u>S</u> CM	
s.186(3)	duty to ensure the public notice for tenders and expression of interest are in the prescribed form	GMCCSDCC <u>S</u> GMIDWDID <u>W</u> CM	
s.186A(8)	duty to make procurement policy available for public inspection on website and at Council offices	CEO	
s.188(a)	power to accept devise of real property, gift, etc		NOT DELEGATED – SUBJECT TO COUNCIL DECISION
s.188(b)	power to carry out condition of devise, gift, etc		NOT DELEGATED – SUBJECT TO COUNCIL DECISION



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.189(2)(a)	duty to give notice before sell/ exchanging land	GMIDW/DID W GMCCSDCC S CEO	
s.189(2)(b)	duty to obtain valuation before selling/exchanging land not more than 6 months prior to the sell / exchange	GMIDW/DID W GMCCSDCC S CEO	
s.190	power to lease land where there is no requirement to give public notice under s.223	GMIDW/DID W GMCCSDCC S CEO	
s.190(3)	duty to give notice before making certain leases	GMIDW/DID W GMCCSDCC S CEO	<ul style="list-style-type: none">s.190(1) applies
s.194	power to compound with certain persons	CEO	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.199	duty to give notice of proposed drainage works to persons affected	GMIDW/DID W	
s.200(1)	power to give persons notice that must carry out drainage works	GMIDW/DID W	
s.200(2)	power to carry out works itself where non-compliance with notice	GMIDW/DID W	
s.201(1)	duty to construct, manage, etc works under schemes approved under <i>Water Act</i> 1989	GMIDW/DID W	
s.201(2)	power to carry out any power under the Act for purpose of 201(1)	GMIDW/DID W	
s.203(1)	power to develop and implement a transport plan	GMIDW/DID W AMAC	
s.203(2)	power to prepare a transport plan jointly with one or more other councils	GMIDW/DID W AMAC	
s.203A	power to procure, provide or enable transport services within the municipal district	GMIDW/DID W GMCCSDCC S CEO	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.204(1)	power to publish notice in Government Gazette of road to be declared a public highway	GMIDW <u>DID</u> <u>W</u> <u>AMAC</u>	
s.207D(2)	duty to notify Registrar of Titles of an action under s.207D(1)(b) or a transfer of land in the form described in (a) – (c)	GMIDW <u>DID</u> <u>W</u> <u>AMAC</u>	Delegation only extends to matters within the functional responsibility of delegate.
s.208A	duty to comply with the Best Value Principles	GMCCSDCC <u>S</u> GMIDW <u>DID</u> <u>W</u> <u>AMAC</u> CM	
s.208D	duty to develop quality and cost standards for the provision of services to the community	GMCCSDCC <u>S</u> <u>AMAC</u>	
s.208E(1)	duty to develop a program am <u>AC</u> for the application of the Best Value Principles	GMCCSDCC <u>S</u> FM	
s.208E(2)	duty to ensure that the program am <u>AC</u> required by subsection (1) is available to the public.	GMCCSDCC <u>S</u>	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.208E(3)	duty to apply the Best Value Principles to services	GMIDW <u>DID</u> <u>W</u> GMCCSDCC <u>S</u>	
s.208F	duty to ensure that any quality or cost standards adopted are available for inspection by the public	GMCCSDCC <u>S</u>	
s.208G	duty to report on what has been done to ensure that effect has been given to the Best Value Principles	GMCCSDCC <u>S</u> FM	
s.208H(3)	duty to comply with Code	GMCCSDCC <u>S</u> FM	
s.219C(5)	function of receiving notice of electoral representation review ie <u>ME</u> <u>w</u>	CEO GMCCSDCC <u>S</u>	
s.219F(8)	duty to ensure copy of preliminary report is available for inspection	CEO GMCCSDCC <u>S</u>	
s.219F(11)	duty to ensure that the final report is available for inspection and may be purchased	CEO GMCCSDCC <u>S</u>	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.219P	function of receiving account from Victorian Electoral Commission	CEO	
s.222(1)	duty to make prescribed documents available for inspection at all reasonable times	CEO GMIDWDID W GMCCSDCC S	
s.222(3)	administrative power to fix reasonable fees for inspection and copying	CEO GMIDWDID W GMCCSDCC S	
s.223(1)(a)	duty to publish a public notice	CEO GMIDWDID W GMCCSDCC S	
s.223(1)(b)(iii)	administrative duty to give reasonable notice of day, time and place of the meeting to each person who made a request to appear in person, or be represented in the submission	CEO GMIDWDID W GMCCSDCC S	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.223(1)(d)(ii)	duty to notify submitters after made decision	CEO GMIDW/DID W GMCCSDCC S	
s.223(3)	power to authorise members of Council staff to carry out administrative procedures	CEO GMIDW/DID W GMCCSDCC S	
s.224(1)	power to appoint authorised officer	CEO GMIDW/DID W GMCCSDCC S	
s.224(1A)	duty to maintain register of authorised officers	CEO GMIDW/DID W GMCCSDCC S	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.224(2)	duty to supply authorised officers with identity cards	CEO GMIDW/DID W GMCCSDCC S	Authorisation only to be made in respect of areas of responsibility of delegate.
s.224(3)	power to authorise a person to sign identity cards of authorised officers	CEO GMIDW/DID W GMCCSDCC S	
s.224A(2)	power to publish a notice in the Government Gazette which authorises police officers to enforce provisions of local law	CEO GMIDW/DID W GMCCSDCC S	
s.225(1)(a)	power to approve another person to carry out the work required under s.225(1)	GMIDW/DID W GMCCSDCC S	
s.225(1)(b)	power to carry out required work where person fails to do so	GMIDW/DID W GMCCSDCC S	Delegation extends only to area of functional responsibility of delegate.



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.225(3)	power to recover costs of carrying out work	GMIDW <u>DID</u> <u>W</u> GMCCSDCC <u>S</u>	
s.227	power to require payment of all or part of money from present owner or occupier	GMIDW <u>DID</u> <u>W</u> GMCCSDCC <u>S</u> FM	
s.227AA	power to recover costs, fees and expenses from owner of house subject to declaration	GMIDW <u>DID</u> <u>W</u> GMCCSDCC <u>S</u> FM	
s.227A(1)	power to require payment of interest	FM	
s.229(1)	function of receiving application for land information certificates	CEO GO	
s.229(3)	power to provide prescribed information or any other information relevant to land	CEO GO	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.232(1)	power to institute proceedings	GMCCSDCC <u>S</u> FM	
s.232(1)	power to authorise a person to institute proceedings	GMCCSDCC <u>S</u>	
s.237A	duty to make available to the Secretary to the DEPI any information requested in accordance with s.121A of the <i>Livestock Disease Control Act 1994</i>	GMIDWDID <u>W</u> LL RC	
Schedule 3 cl.17(1)(i)	duty to give public notice of the result of the poll	CEO RC	
Schedule 6 cl.2	duty to commence the development and implementation of an equal employment opportunity program amACme	CEO	
cl.4	duty to take any action necessary to give effect to its equal employment opportunity program amACme	CEO	
cl.5	power to determine and use special tests and qualifications to enhance recruitment and promotion of persons in any designated group	CEO	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 10 cl.1(a)	power to make, maintain and repair roads	GMIDW/DID W WM AMAC	
cl.2	administrative functions necessary to give effect to power to deviate roads	GMIDW/DID W	
cl.3	administrative functions necessary to give effect to power to discontinue roads	GMIDW/DID W AMAC	
cl.4	power to enter and take any materials necessary from certain land	GMIDW/DID W WM AMAC	
cl.5(1)(a)	power to approve, assign or change the name of a road	GMIDW/DID W AMAC	power in clause 5(1) must be exercised in accordance with the <i>Geographic Names Places Act 1998</i>
cl.5(1)(b)	power to erect signs on a road	WM	
cl.5(1)(c)	power to approve, assign and change the number of a road and any premises next to a road	GMIDW/DID W AMAC	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
cl.5(1)(d)	power to require MPEple to number their premises and to renew those numbers	GMIDW/DID W	
cl.6	power to cause standard survey marks to be established in roads	GMIDW/DID W AMAC	
cl.8(1)(b)	power to allow persons to make minor repairs, alterations, etc between the old alignment and the new alignment of a road	GMIDW/DID W AMAC	
cl.8(3)	duty to publish notice in Government Gazette before starting work	GMIDW/DID W AMAC	
cl.9	power to provide for temporary roads	WM	
cl.10	power to permit the erection and maintenance of gate and fences and to revoke the permission and to permit the construction of by-passes for unfenced roads and to revoke the permission and require the removal of the by-pass	GMIDW/DID W WM AMAC	
cl.11(a)	power to require/cause the filling up of holes or excavations	WM	
cl.11(b)	power to require/cause the removal of a cause of danger/ dam AC age	WM	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
cl.11(c)	power to require/cause the erection or restoration of a fence between the holes or excavations and any adjacent land or road	WM	
cl.12	power to make, maintain, repair or reconstruct a bridge or crossing	GMIDWDID W WM AMAC	
Schedule 11 cl.1	power to fix times when vehicles may stand in parking areas and the fees for and manner of standing in parking areas	GMIDWDID W LL	
cl.2	power to issue special parking permits to disabled persons	LL	
cl.3	power to remove abandoned/unregistered vehicles	LL	
cl.4	power to tow away and impound vehicles which are causing an unlawful obstruction etc and to charge a fee	LL	
cl.5	power to require or cause the removal of any encroachment or obstruction	LL	
cl.6	power to control traffic to enable works to be carried out on, over, or on land next to a road	WM	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
cl.7	power to close a road, or part of a road for a particular period	GMIDW <u>DID</u> WM <u>AMAC</u>	
cl.8	power to erect and remove any works or structures to protect passengers, pedestrians and drivers or to regulate traffic on a road	WM	
cl.9	administrative functions necessary to give effect to power to block or restrict the passage or access of vehicles on a road by placing a permanent barrier to <u>ME</u> or obstruction on a road	GMIDW <u>DID</u> WM	only to be exercised where report from Roads Corporation has been considered; and if the road is a freeway or arterial road, consent of Roads Corporation is required
cl.10(1)(a) & cl.10(1)(b)	power to block or restrict the passage or access of vehicles on a road by placing a temporary barrier to <u>ME</u> or obstruction on a road	GMIDW <u>DID</u> WM	if the road is a freeway or arterial road, consent of Roads Corporation is required
cl.11	administrative functions necessary to give effect to power to declare a road or part of a road a shopping mall and prohibit or restrict the entry of vehicles		NOT APPLICABLE
cl.12(1)	administrative functions necessary to give effect to power to prohibit the use of a road by a vehicle over a certain size or weight	ME WM <u>AMAC</u>	



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LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
cl.12(2)	power to make decision to prohibit the use of a road by a vehicle over a certain size or weight	EME WM AMAC	only to be exercised where immediate risk of danger to MPEple or damACage to property exists and action is immediately reported to Council
cl.13	power to determine speed limits		Approvals provided by VicRoads
cl.14	power to prohibit or restrict traffic on a road if unsafe	GMIDWDID W WM AMAC	



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MAGISTRATES' COURT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.99A(4)	power to give persons or bodies making a written request under section 99A(3) access to any information that may be of use in the enforcement of court orders and fines	LL	



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MAJOR TRANSPORT PROJECTS FACILITATION ACT 2009			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.134(4)	duty to comply with requirement to surrender public land under subsection(1)(a)	CEO	
s.134(5)	duty to notify Project Minister of interest in land	CEO	
s.146(2)	power to claim compensation for pecuniary loss or expense incurred	CEO	
s.147	function of agreeing to transfer of building or structure	CEO	



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MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990			
[##The provisions of this Act reflect those within the repealed <i>Extractive Industries Development Act 1995</i>]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46(1)	function of consulting with Minister	MPE	
s.77HB(2)	function of consulting with Department Head before Department Head approves variation of work plan	MPE GMIDW/DIDW	
s.77M(3)	power to consult with Minister regarding variation, suspension or revocation	MPE	
s.77R(1)(c)	power to act, if specified by the Minister, as a referral authority	MPE	
s.80(2)(a)	power to consult with Minister regarding amAC ount of rehabilitation bond or further rehabilitation bond if the land is private land	GMIDW/DIDW MPE	
s.80(2A)	power to consult with Minister regarding amAC ount of rehabilitation bond in respect to an extractive industry work authority if the land is private land	GMIDW/DIDW MPE	
s.82(2)	power to consult with Minister before Minister returns bond if rehabilitation is satisfactory and if the land is private land	GMIDW/DIDW MPE	



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NATIONAL PARKS ACT 1975			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19C(1)	power to enter into agreement with Minister for management of land vested in or controlled or managed by Council	GMIDW <u>DIDW</u> MPE CEO	
s.27(1)	power to exercise powers in relation to a park with the Secretary's consent subject to any conditions he directs	GMIDW <u>DIDW</u>	



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PIPELINES ACT 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21(1)	power to consent to entry onto Crown Land for purpose of conducting survey	GMIDW/DIDW AMAC	where Crown Land is vested in council
s.102	power to decide construction of the pipeline in relation to roads, bridges and tram amAC ways is satisfactory	GMIDW/DIDW AMAC	where council is the 'relevant authority'
s.103	power to decide construction of the pipeline in relation to electrical apparatus or other pipelines is satisfactory	GMIDW/DIDW AMAC	where council is the 'relevant authority'
s.104	function of being reimbursed by licensee for expense incurred due to the existence of a pipeline	GMIDW/DIDW	
s.105(1)	power to refer a dispute under Division 2 Part 7 of the Act to the Governor in Council for determination	GMIDW/DIDW	
s.105(2)	duty to comply with Governor in Council's determination under section 105(1)	GMIDW/DIDW	
s.116	function of receiving notice from licensee of incident	GMIDW/DIDW	where council is the 'relevant authority'



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PRIVACY AND DATA PROTECTION ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.20(1)	duty to comply with Information Privacy Principles	GMCCSDCCS	
s.20(2)	duty to comply with Information Privacy Principles when administering a public register	GMCCSDCCS	
s.22(1)	power to seek approval of a code of practice or an amAC endment to a code of practice	GMCCSDCCS	
s.22(4)	function of being consulted by the Commissioner in relation to a code of practice	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.23(1)(b)	function of giving written notice to the Commissioner that Council intends to be bound by the approved code of practice	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.23(6)	function of giving written notice to the Commissioner that Council no longer intends to be bound by the approved code of practice	CEO GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.26(4)	function of being consulted by the Commissioner in relation to a code of practice	CEO GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.28(5)	power to refuse a request by an authorised representative of an individual for access to personal information where it is reasonably belieMEved that access may endanger the individual	GMCCSDCCS	
s.29(1)	power to apply to the Commissioner for a public interest	GMCCSDCCS	The Commissioner was renACed as the



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PRIVACY AND DATA PROTECTION ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	determination		Information Commissioner from 1 September 2017
s.29(5)	function of receiving draft determination	GMCCSDCCS	
s.29(6)	function of attending a conference with the Commissioner	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.30(1)	power to request that application be for a temporary public interest determination	GMCCSDCCS	
s.34(1)	power to apply to the Commissioner for approval of an amAC endment to a public interest determination	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.34(2)	function of receiving draft determination and attending a conference with the Commissioner and power to make a submission	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.35(2)	function of receiving written notice from the Commissioner regarding revocation of a public interest determination	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.36(1)	duty to report to the Commissioner on an annual basis, or at any other agreed time	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.38(1)	power to apply to the Commissioner for a temporary public interest determination and power to make a submission	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017



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PRIVACY AND DATA PROTECTION ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.41(2)	function of receiving written notice from the Commissioner regarding revocation of temporary public interest determination	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.47(1)	power to apply for approval of an information usage arrangement	GMCCSDCCS	where Council is a lead party to an information usage arrangement
s.47(2)	duty to consult where required	GMCCSDCCS	where Council is a party to an information usage arrangement
s.49(6)	function of receiving notice of a refusal under s.49(4) or (5) from the Commissioner	GMCCSDCCS	where Council is a lead party to an information usage arrangement
s.52(1)	power to apply for approval of an amACendment to an information usage arrangement	GMCCSDCCS	where Council is a lead party to an information usage arrangement
s.52(2)	duty to consult where required	GMCCSDCCS	where Council is a party to an information usage arrangement
s.53(2)	power to request revocation of an approval of an information usage arrangement	GMCCSDCCS	where Council is a party to an information usage arrangement
s.53(4)	function of receiving notice from the Commissioner regarding ground for revocation of an information usage arrangement	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017 where Council is a party to an information usage arrangement
s.53(5)	function of receiving notice from the Minister regarding revocation of an information usage arrangement	GMCCSDCCS	where Council is a party to an information usage arrangement



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PRIVACY AND DATA PROTECTION ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(1)	duty to report to the Commissioner about the information usage arrangement	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017 where Council is a lead party to an information usage arrangement
s.56	power to apply to VCAT for review of a decision to issue a certificate under s.55	CEO GMCCSDCCS	where Council's interests are affected by the decision
s.61	function of receiving notice of complaint lodged with the Commissioner	CEO	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.62(1)	function of receiving notice that complaint is to be declined	GMCCSDCCS	
s.62(3)	power to attend before the Commissioner and produce documents	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.62(7)	function of receiving notice of dismissal	GMCCSDCCS	
s.63(2)	function of receiving notice of complaint being referred by the Commissioner	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.64(2)	function of receiving notice of complaint being dismissed by the Commissioner	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017



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PRIVACY AND DATA PROTECTION ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(1)	function of receiving notice that conciliation is inappropriate	GMCCSDCCS	
s.66(6)	function of receiving notice of complaint being dismissed by the Commissioner	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.67(3)	power to attend conciliation and settle the matter	GMCCSDCCS	
s.68(1)	duty to give information or produce a document	GMCCSDCCS	
s.69(1)	power to prepare and sign conciliation agreement	GMCCSDCCS	
s.69(2)	power to lodge certified conciliation agreement	GMCCSDCCS	
s.69(3)	function of receiving copy of registered record	GMCCSDCCS	
s.71(1)	function of receiving notice of unsuccessful conciliation	GMCCSDCCS	
s.71(6)	function of receiving notice of complaint being dismissed by the Commissioner	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.72	power to apply to VCAT for an interim order	CEO GMCCSDCCS	
s.77(1)	power to administer/ implement order of VCAT	GMCCSDCCS	
s.77(3)	function of receiving VCAT order relating to a public register administered by Council	GMCCSDCCS	



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PRIVACY AND DATA PROTECTION ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.78(1)	duty to comply with compliance notice served by the Commissioner	GMCCSDCCS	The Commissioner was renACed as the Information Commissioner from 1 September 2017
s.78(3)	power to apply for extension in relation to compliance notice	GMCCSDCCS	
s.79(1)	power to give information or produce documents	GMCCSDCCS	
s.83(1)	power to apply to VCAT for review of a decision of the Commission under s.78(1)	CEO GMCCSDCCS	

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PROTECTED DISCLOSURE ACT 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.13	function of receiving disclosure under Part 2	CEO GMCCSDCCS	
s.21(2)	duty to notify IBAC of the disclosure within 28 days, if considered that the disclosure may be a protected disclosure	CEO GMCCSDCCS	
s.23	power to provide information in respect of the disclosure	CEO GMCCSDCCS	
s.24(2)	duty to notify the person who made the disclosure that the disclosure has been notified to IBAC for assessment	CEO GMCCSDCCS	where IBAC has been notified of the disclosure under s.21(2) notice must comply with s24(4) and (5)
s.24(3)	duty to notify the person who made the disclosure of the items listed in (a) – (c)	CEO GMCCSDCCS	where IBAC has not been notified of the disclosure under s.21(2) notice must comply with s.24(4) and (5)
s.27	function of receiving notification of IBAC's determination	CEO GMCCSDCCS	
s.54(1)	power to disclose information regarding an assessable disclosure or identity of person who has made an assessable disclosure, only in the circumstances listed in s.54(2)	CEO GMCCSDCCS	



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PROTECTED DISCLOSURE ACT 2012			
s.58(1)	duty to establish procedures to facilitate the making of disclosures and the handling of those disclosures	CEO GMCCSDCCS	
s.58(5)	duty to establish procedures for the protection of persons from detrimental action by the Council, Council officers or Councillors	CEO GMCCSDCCS	
s.59(4)	duty to make procedures established under s.58 available to the public and to staff and Councillors	CEO	
s.70(1)	duty to include certain items in annual report	GMCCSDCCS	
Sch.1 cl.25(2)	duty to complete the investigation of the disclosure under the <i>Whistleblowers Protection Act</i> 2001 and take action listed in Sch.1 cl.25(2)(b)	GMCCSDCCS	Note: apply MEs where an investigation has been started but not completed under the <i>Whistleblowers Protection Act</i> 2001
Sch.1 cl.29(2)	duty to notify IBAC within 28 days of a disclosure made after commencement of this Act	CEO GMCCSDCCS	



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PUBLIC HEALTH AND WELLBEING ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s.25	duty to report to the Secretary when required by notice	EHO	
s.26(1)	duty to prepare municipal health and wellbeing plan within 12 months after each general election in accordance with subsections (2) & (3)	EHO GMIDW DIDW	
s.26(4)	duty to revi ^{ie} ME ^W municipal public health and wellbeing plan annually and am ^{AC} end as appropriate	EHO	unless section 27 applie ^{ME} s
<u>s. 26(4A)</u>	<u>Duty to include a rev^{ME}W of the measures referred to in subsection (2)(ba) when annually rev^{ME}Wing the municipal public health and wellbeing plan</u>	<u>EHO</u>	<u>Unless section 27 appli^{ME}s</u>
s.26(6)	duty to give a copy of the current municipal public health and wellbeing plan to the Secretary	EHO	unless section 27 applie ^{ME} s
<u>s. 26(6A)</u>	<u>Duty to report to the Secretary, the measures referred to in subsection (2)(ba) at the intervals specif^{ME}d</u>	<u>EHO</u>	<u>unless section 27 appli^{ME}s</u>
s.26(7)	duty to make copy of current municipal public health and wellbeing plan available for public inspection	EHO	unless section 27 applie ^{ME} s
s.27(3)	power to apply to the Secretary for an exemption from complying with section 26	GMIDW DIDW	
s.27(6)	duty to give a copy of the current Council Plan or Strategic Plan to the Secretary	EHO	if council has been granted an exception from complying with section 26 and if change relates to matters in section 26(2)



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PUBLIC HEALTH AND WELLBEING ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s.28(a)	duty, in a state of emergency, to comply with an order of the Secretary	EHO	
s.29(1)	duty to appoint environmental health officer	CEO GMIDW/DIDW	<ul style="list-style-type: none">council must appoint at least one environmental health officercouncil can only appoint person with the qualifications and experience specified in subsection (2)
s.31(4)	power to give directions to authorised officers	GMIDW/DIDW	All appointments to be approved by Council
s.57(2)	power to disclose certain information to the Secretary, Chief Health Officer or another council	EHO	
s.57(4)	power to disclose certain information to a Government Department, statutory body or other person responsible for administering another Act or regulations	EHO	
s.60	duty to remedy all nuisances in municipal district	EHO	
s.62(2)	duty to investigate any notice of a nuisance	EHO	
s.62(3)	duty to take action in section 62(3)(a) or (b) where nuisance is found to exist after investigation	EHO	
s.62(3)(a)	function of taking action specified in subsection (4) where appropriate	EHO	



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PUBLIC HEALTH AND WELLBEING ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s.62(3)(b)	function of determining whether matter is better settled privately and, if so, advising of methods for settling matter privately	GMIDW DIDW EHO	
s.62(4)(a)	power to exercise the powers in section 66 where that section applies, for the purposes of section 62(3)(a)	EHO	
s.62(4)(b)	power to issue an improvement notice or a prohibition notice for the purposes of section 62(3)(a)	EHO	
s.62(4)(c)	power to bring proceedings under section 219(2) for an offence against this Act for the purposes of section 62(3)(a)	EHO	
s.64	power to institute proceedings for an offence under section 61	EHO	
s.65	power to investigate nuisance occurring outside municipal district	GMIDW DIDW	
s.66(2)(a)	power to enter and take steps to abate nuisance and do all things necessary for abatement	GMIDW DIDW EHO	<ul style="list-style-type: none">• where nuisance comes from land for which the occupier and owner are unknown or cannot be found• unless another council is abating the nuisance under subsection (2)
s.66(2)(b)	power to do all things necessary for abatement of nuisance	GMIDW DIDW EHO	<ul style="list-style-type: none">• where nuisance comes from land for which the occupier and owner are unknown or cannot be found• unless another council is abating the nuisance under subsection (2)



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PUBLIC HEALTH AND WELLBEING ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s.66(4)	power to recover costs incurred under subsection (2)	EHO	
s.71	function to receive applications for the issue, renewal or transfer of a registration	EHO	
s.73(1)(a)	power to give the applicant notice requiring specific information before considering the application under section 71	EHO	
s.73(1)(b)	power to inspect prescribed accommodation or premises before considering the application under section 71	EHO	
s.73(1)(c)	power to require alterations or improvements to prescribed accommodation or premises before considering the application under section 71	EHO MBS	
s.73(2)	power to issue, transfer or renew a registration subject to subsection (1)(c)	EHO	
s.73A	duty and power to enter information in the Rooming House Register	EHO MBS	
s.74	power to decide issue, transfer or renew registration	EHO	
s.76(1)(a)	power to refuse to issue a registration	GMIDW DIDW	decision of delegate only valid where Council later ratifies the refusal
s.76(1)(b)	power to issue a registration subject to a condition imposed on the registration by the Council under section 73(2)	GMIDW DIDW EHO	subject to section 74



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PUBLIC HEALTH AND WELLBEING ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s.76(1)(c)	power to vary a registration	GMIDW DIDW EHO	
s.76(1)(d)	power to cancel a registration	GMIDW DIDW EHO	
s.76(1)(e)	power to suspend a registration	GMIDW DIDW EHO	
s.76(1)(f)	power to refuse to transfer a registration	GMIDW DIDW	decision of delegate only valid where Council later ratifies the refusal
s.76(1)(g)	power to transfer a registration subject to a condition imposed on the registration by the Council under section 73(2)	GMIDW DIDW EHO	subject to section 74
s.76(1)(h)	power to refuse to renew a registration	GMIDW DIDW	decision of delegate only valid where Council later ratifies the refusal
s.76(1)(i)	power to renew a registration subject to a condition imposed on the registration by the Council under section 73(2)	GMIDW DIDW EHO	subject to section 74
s76(3)	duty to notify applicant or registration holder of decision under section 76 and ground(s) on which it was based	GMIDW DIDW EHO	
s.78	power to issue a replacement certificate of registration	EHO	



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PUBLIC HEALTH AND WELLBEING ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
ss.147 & 148	power to authorise person to issue an immunisation status certificate	EHO	
s.181(1)	power to take any step in paragraphs (a)-(d) with respect to items seized by an authorised officer appointed by Council	EHO	
s.181(2)	duty to notify owner of item forfeited under subsection (1)(c), setting out how to seek review of the decision	EHO	
s.182	power to destroy or otherwise dispose of forfeited item	GMIDW/DIDW	
s.185(1)	function of receiving complaints about authorised officers appointed by the council	GMIDW/DIDW	complaint must be in writing or other form approved by council
s.185(2)	power to approve form in which complaint is made	GMIDW/DIDW	
s185(4)(a)	duty to investigate any written complaint provided under section 185(2)	GMIDW/DIDW	
s185(4)(b)	duty to provide written report to the complainant on the results of the investigation under section 185(4)(a)	GMIDW/DIDW	
s.194(2)(a)	power to issue an improvement notice	EHO	in accordance with subsection (3)
s194(2)(b)	power to issue a prohibition notice	EHO	in accordance with subsection (3)
s.196(1)	power to apply to Magistrates' Court for an injunction (compelling a person to comply or restraining a person from contravening an improvement notice or prohibition notice)	GMIDW/DIDW	



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PUBLIC HEALTH AND WELLBEING ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s.197(2)	power to cause a complaint to be made to the Magistrates' Court (where prohibition notice or improvement notice issued and person does not comply or nuisance likely to recur)	GMIDW/DIDW	
s.197(5)(a)	power, where order issued under subsection (4), to enter land and abate nuisance and do whatever is necessary to execute the order	GMIDW/DIDW EHO	
s.197(5)(b)	power to recover costs and expenses incurred	GMIDW/DIDW	
s.197(6)	power to recover costs and expenses in court	GMIDW/DIDW	
s.205(2)	function of receiving applications for review of council decisions	GMIDW/DIDW	
s.205(3)	duty to review decision where application received under subsection (2)	GMIDW/DIDW	
s.205(5)	power to agree a period greater than 28 days for review of a decision with the applicant	GMIDW/DIDW	
s.205(6)(a)	power to make a decision affirming, varying or revoking a decision	GMIDW/DIDW	
s.205(6)(b)	power to make any other decision where original decision is revoked	GMIDW/DIDW	where decision is to refuse an application, decision of delegate only valid where Council later ratifies the refusal
s.205(7)	duty to give applicant for review a written statement of the decision and reasons	GMIDW/DIDW	



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PUBLIC HEALTH AND WELLBEING ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s.205(8)	duty to inform applicant for review of right to apply to VCAT for a review under s207	GMIDW/DIDW	
s.209(2)	power to serve infringement notice	EHO	
s.219(2)(a)	power to bring proceedings for offence against Part 6, 9 or 10 (or any regulations under Part 6, 9 or 10)	GMIDW/DIDW EHO	
s.219(2)(b)	power to bring proceedings for offence relating to an improvement notice or a prohibition notice	GMIDW/DIDW EHO	
s.228(1)	power to seek reimbursement of costs incurred where person is found guilty of an offence	GMIDW/DIDW	
s.228(2)	power to seek payment for cost of work conducted by council where awarded legal costs	GMIDW/DIDW	"work" is defined in subsection (3)
s.229(3)	power to take the actions necessary to ensure compliance with the direction, requirement, improvement notice or prohibition notice	EHO	where Council is so authorised by Chief Health Officer under subsection (2)
s.230(2)(b)	power to recover, in court, costs incurred under section 229	GMIDW/DIDW	



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PUBLIC RECORDS ACT 1973			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.8A	duty to cause records to be transferred to custody of Public Records Office	GMCCSDCCS FM	



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ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.14(7)	power to appeal to the Minister regarding decision of VicRoads	GMIDW <u>DIDW</u>	Council to be consulted
s.48M	function of consulting with the relevant authority in relation to the development of guidelines for bus stopping points and bus stop infrastructure	<u>AMAC</u> WM	
s.48N	duty to notify relevant authority within 28 days of installation, removal or relocation of a bus shelter, seat or hardstand located at, or in the immediate vicinity of, a bus stopping point	<u>AMAC</u> WM	
Schedule 2 Clause 4	power to make submissions on VicRoads' proposal to act under section 42 and clause 3	GMIDW <u>DIDW</u> <u>AMAC</u> WM	
Schedule 5A Clause 15(3)	duty to provide a certificate under clause 15(2)(d)(ii) of schedule 5A on the written request of VicRoads	GMIDW <u>DIDW</u>	
Schedule 5A Clause 26	duty to surrender land to the Crown following an order of the Governor in Council	GMIDW <u>DIDW</u> <u>AMAC</u>	
Schedule 5A Clause 27	duty to surrender Council's interest in any Crown land to the Crown following an order of the Governor in Council	GMIDW <u>DIDW</u> <u>AMAC</u>	
Schedule 5A Clause 51	power to claim from VicRoads an am <u>am</u> ACount for loss or expense incurred as a result of an order under Division 2 Part 5 of the Act	GMIDW <u>DIDW</u>	Council must have sustained pecuniary loss or incurred an expense



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ROAD SAFETY ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.59(1)(a) and (d)	power to authorise officer or other person to request or signal driver or person in charge of motor vehicle to do certain things, such as stop the motor vehicle	LL WM	
s.77(2)(b)	power to prosecute and authorise staff member to prosecute	LL	
s.84BE(1)	function of receiving a statement under this section		where council is the enforcement official
s.84BE(4), (5) and (5A)	power to decide to accept statements as effective statements for the purposes of this Part		where council is the enforcement official
s.84BE(6)	duty to cause notice to be served on the statement-giver stating whether the enforcement official accepted the statement as an effective statement		where council is the enforcement official
s.84BF	power to cancel acceptance of a statement		where council is the enforcement official
s.87(1)	power to serve, or cause to be served, a parking infringement notice	LL	
s.87(1D)	duty to issue an identity card to authorised person council appoints	GMIDWDIDW	
s.87(1E)	power to authorise a member of staff to sign identity card	GMIDWDIDW	



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ROAD SAFETY ACT 1986			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(8)	power to authorise person for purpose of serving parking infringement notices in accordance with section 87(1C)	GM IDW DIDW	
s.90D(1)	power to enter into an agreement with the owner or occupier or land for the provision of parking services	GM IDW DIDW	
s.98(1)	power to request Minister to extend application of Act	GM IDW DIDW	
s.99A(4)	power to establish requirements for traffic management plan	WM CM EME	where council is the coordinating road authority under the <i>Road Management Act 2004</i>
s.99B(1)	power to issue permit to conduct non-road activity (including on conditions specified in section 99B(3))	GM IDW DIDW	where council is the coordinating road authority under the <i>Road Management Act 2004</i>
s.99B(2)	power to authorise closure of highway to traffic	GM IDW DIDW	where council is the coordinating road authority under the <i>Road Management Act 2004</i>



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ROOMING HOUSE OPERATORS ACT 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.49(3)	duty to comply with request under s.49(1) to answer any questions	EHO	Note: this provision is not yet in force and will commence on 1 July 2017, unless proclaimed earlier



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SECOND HAND DEALERS AND PAWNBROKERS ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.26F	duty to comply with Director's or inspector's request to answer questions or provide information regarding endorsed pawnbroker's business as pawnbroker		NOT APPLICABLE



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SEX WORK ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.35	function of receiving notice of application for a licence	GMIDW <u>DIDW</u>	
s.73	duty to consider various factors before deciding on an application for a permit for use or development as a brothel	MPE GMIDW <u>DIDW</u>	
s.74	duty to refuse to grant a permit for a brothel in certain circumstances	MPE GMIDW <u>DIDW</u>	
s.75A	duty to determine an application or request for an amA Cendment in relation to a permit issued for the use or development of land for the purposes of the operation of a brothel	MPE GMIDW <u>DIDW</u>	
s.76(1)	duty to determine an application for a permit made but not determined before commencement of Division 2 Part 4, in accordance with <i>Planning and Environment Act 1987</i> as affected by Division 2 Part 4	MPE GMIDW <u>DIDW</u>	
s.76(2)	duty to determine an application for extension of temporary use permit granted before commencement of Division 2 Part 4 in accordance with <i>Planning and Environment Act 1987</i> as if this Act had not been enacted	MPE GMIDW <u>DIDW</u>	
s.81(1)(a)	duty to publish notice of making of declaration	MPE	
s.81(1)(b)	duty to serve notice of making of declaration personally on owner/occupier ieME /mortgagee of premises	MPE	



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SEX WORK ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.81(1)(c)	duty to post up at or near entrance to premises copy of declaration	MPE GMIDW/DIDW	must be visible and legible to persons entering
s.89(4)	function of issuing certificate that an officer is authorised	MPE GMIDW/DIDW	



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SHERIFF ACT 2009			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(1)	duty to comply with request for information made under section 53(1)	CEO	unless subsections 54(1)(a) and (b) apply



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SPORT AND RECREATION ACT 1972			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.6(3)	power to enter into agreement with Minister and to agree to conditions for Minister to carry out works or undertakings or provide services	CEO GMIDWDIDW GMCCSDCCS	
s.14(3)	function of receiving funds for works for provision of sport and recreation	GMCCSDCCS FM	



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SUBDIVISION ACT 1988			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.3(5)	power to require variation of easement or restriction in compliance with planning scheme or permit	MPE	
s.5(3)(c)	function of receiving application for certification	MPE	
s.5(3)(d)	power to provide statement of compliance	MPE	
s.5(4)	power to accept and consider plans	MPE	
s.5(4A)	power to consider and certify plans before <i>Transfer of Land Act</i> application determined	MPE	
s.6(1)	duty to certify plan within prescribed time in specific circumstances ^{ME} circumstances	MPE	
s.6(2)	duty to refuse to certify plan where conditions in section 6(1) not met and give reasons in writing	MPE	
s.8(1)	duty to refer plans to referral authority in certain circumstances	MPE	<ul style="list-style-type: none">• unless subsections 8(2) -(5) apply• form of referral per r.13 and 14 of the <i>Subdivision (Procedures) Regulations 2011</i>
s.8(6)	duty to give referral authority copy of certified plan ^{ME} plan where not referred to referral authority	MPE	
s.10(1)	Power to require applicant to alter plan	MPE	
s.10(2)	power to agree to an alteration at request of applicant	MPE	



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SUBDIVISION ACT 1988			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.10(5)	duty to send altered plan to referral authority	MPE	must send notice in prescribed Form 4 outlining revised times, r.29 of the <i>Subdivision (Procedures) Regulations 2011</i>
s.10(7)	duty to notify surveyor of alteration required by Council	MPE	
s.11(1)	function of receiving application to am ACend certifieMEd plan	MPE	
s.11(2)	duty to refer application under section 11(1) to referral authority	MPE	
s.11(2A)	power to am ACend without referral if minor am ACendment	MPE	
s.11(7)	duty to re-certify plan or advise of refusal in writing with reasons	MPE	
s.11(10)	duty to notify surveyor of an am ACendment by acquiring authority where plan prepared by surveyor	MPE	
s.11(11)	duty to give copy of re-certifieMEd plans to referral authority	MPE	
s.11A(1)	power to require more information	MPE	
s.15(1)	power to require engineering plan	MPE	does not apply where section 14 applieMEs
s.15(2)	duty to approve/refuse approval/require alterations of engineering plan	MPE	does not apply where section 14 applieMEs



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SUBDIVISION ACT 1988			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.15(6)	power to charge for engineering plans prepared by it	GMIDW/DIDW	does not apply where section 14 applies
s.17(2)(a)	power to appoint supervisor of works	GMIDW/DIDW	does not apply where section 14 applies
s.17(2)(b)	power to charge for supervision	GMIDW/DIDW	does not apply where section 14 applies
s.17(2)(c)	power to enter into agreement with owner or applicant in anticipation of applicant becoming owner	GMIDW/DIDW MPE	does not apply where section 14 applies
s.17(2A)	power to request Minister to nominate authority to consider what works are required	GMIDW/DIDW MPE	does not apply where section 14 applies
s.17(2D)	power to transfer works/interest in land relating to the works by agreement from Council to a relevant authority	GMIDW/DIDW MPE	does not apply where section 14 applies
s.18(1)	power to require applicant to set aside land for public open space and/or pay a percentage	GMIDW/DIDW MPE	<ul style="list-style-type: none">• does not apply where sections 14, 18(5) and 18(8) apply• must have regard to matters in section 18(1A)-2
s.18(1B)	power to vary time of payment by agreement with applicant	GMIDW/DIDW	
s.18(4)	power to agree with applicant to set aside/pay different percentage	GMIDW/DIDW	does not apply where section 14 applies
s.18(7)	power to refund am ACount paid under s.18(1) where no longer intend to subdivide	GMIDW/DIDW FM	does not apply where section 14 applies



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SUBDIVISION ACT 1988			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18A(6)	power to decide to refund the am ACount paid to it, if satisfieMEd that it is no longer intended to subdivide the land	GMIDW DIDW	
s.19(1)	power to obtain valuation where value is not agreed	MPE	does not apply where section 14 applieMEs
s.19(3)	duty to give applicant copy of valuation	MPE	does not apply where section 14 applieMEs
s.19(5)	power to obtain revaluation on each anniversary of the making of the public open space requirement and vary the requirement accordingly, where the public open space requirement has not been complieMEd with	GMIDW DIDW MPE	does not apply where section 14 applieMEs
s.21(1)	duty to issue statement of compliance, subject to section 2C	MPE	<ul style="list-style-type: none"> does not apply where section 14 applieMEs time limits apply (s.21(1)-(2))
s.21(2A)(a)&(b)	duty to, in writing, notify Urban Renewal Authority Victoria of request within 7 days of receiving a request for issue of statement of compliance, and to provide Authority with a copy of planning permit		NOT APPLICABLE
s.21(4)	power to provide in the statement of compliance that agreement pursuant to <i>Planning and Environment Act</i> no longer applieMEs in certain circumstances	MPE	does not apply where section 14 applieMEs
s.21(9)	duty to give a notice to the Commissioner of State Revenue that a statement of compliance has been issued	MPE	



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SUBDIVISION ACT 1988			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.24A(1)	duty to do any of the things listed in the table in this section where so required by planning scheme with respect to reserves, etc	MPE GMIDWDIDW	
s.24A(2)	power to certify a plan prepared under section 24A(1) where applicant certifies land no longer reserved	MPE	
s.25(1)	function of being notified by Registrar of registration of plan and duty to notify any public authority for which easement has been created/reserve has vested.	MPE	
s.25(2)	function of being notified by Registrar if plan is withdrawn or refused registration	MPE	
s.25(3)	duty to notify referral authority affected by withdrawal/refusal	MPE	
s.34E	power to apply to VCAT for order compelling an owners corporation to carry out a requirement or perform a duty	MPE GMIDWDIDW	
s.34H(5)	function of receiving notice from Registrar of amendment or cancellation of plan on winding up	MPE	
s.35(1)	duty of acquiring authority to submit plan for certification and registration where land subdivided	MPE	
s.35(2)	power to require acquiring authority to submit certification new/amended plan	MPE	subsections 35(3)-(5) apply



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SUBDIVISION ACT 1988			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.35(6)	duty of an acquiring authority to advise Registrar of vesting date	GMIDW/DIDW	
s.35(8)	power of acquiring authority to submit for certification and registration of any land vested/registered in its own name	MPE	section 35(9) applies
s.36(1)	function of stating in writing that it considers that subdivision requires removal/acquisition of easement	MPE	section 35(1AA) applies
s.39(1)	power to refer disputes to VCAT	GMIDW/DIDW	unless section 39(2) applies
s.39(3)	power to apply to the County Court to order registration of plan be stopped in certain circumstances	MPE GMIDW/DIDW	
s.44(3E)	duty to refer plan to referral authority as if received under section 8 where permit for subdivision in force, or notification of referral authority not required by planning scheme	MPE	
s.44(4A)	function of consenting to application to amend plan to no longer show land as an accessory lot	MPE	consent must be in writing
s.44(5)	function of consenting to application to amend plan to remove restriction	MPE	consent must be in writing
s.44(5A)	function of consenting to application by body corporate to cancel/alter scheme of development	MPE	consent must be in writing



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SUBDIVISION ACT 1988			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.44(5B)	function of consenting to application to cancel/alter scheme of development	MPE	consent must be in writing
Schedule 2 clause 11(1)	power to apply to a court for an order regarding scheme of development	GMIDW DIDW MPE	

SUMMARY OFFENCES ACT 1966			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4	power to give permission or consent to certain things	LL	
s.50A(3)(a)	power to apply to Governor in Council for declaration that municipal district be a "district" for purposes of section 50A offences	GMIDW DIDW LL	
s.50A(3)(b)	power to apply to Governor in Council for revocation/variation of declaration under section 50A(3)(a)	GMIDW DIDW LL	



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TAXATION ADMINISTRATION ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.92(1)(e)(vfa)	function of receiving information from a tax officer under or in relation to the administration of a taxation law	GMCCSDCCS FM	



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TRANSFER OF LAND ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.45(1)	power to consent to the creation of an easement or the transfer of land	MPE GMIDW/DIDW	where Council is the landowner
s.45(3)	power to consent to the creation or surrender of a right of carriageway	GMIDW/DIDW AMAC	where Council is not the landowner (but consent of the relevant municipal council is required)
s.54	power to make application to be registered proprietor	2	applies only where the Council is an 'acquiring authority' as defined in section 53
s.55(3)	duty to take possession of any certificate of title, or other document produced to Council on any claim for compensation and to lodge them immediately with the registrar	MPE	applies only where the Council is an 'acquiring authority' as defined in section 53
s.57(1)	duty to lodge notification with the Registrar upon service of notice of intention	MPE	applies only where the Council is an 'acquiring authority' as defined in section 53
s.57(2)	power to withdraw notice of intention to acquire	N/A	applies only where the Council is an 'acquiring authority' as defined in section 53
s.62(4)	function of receiving notice from Registrar of where land is located	MPE	
s.88(2)	power to lodge with the Registrar a notification of the acquisition of a charge on land or other right in the nature of a charge etc.	N/A	applies only where the Council is an 'acquiring authority' as defined in section 53
s.106(1)(b)	power to consent to the registration of a dealing or plan	MPE	

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TRANSPORT INTEGRATION ACT 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 25(1)	duty to have regard to the transport system objectives when exercising powers and performing functions under interface legislation ¹ which are likely to have a significant impact on the transport system	N/A	
s 25(2)	duty to have regard to the decision making principles in making decisions under interface legislation* which are likely to have a significant impact on the transport system.	N/A	
s 25(3)	duty to have regard to applicable specific ie MEd policy principles	N/A	
s 25(4)	duty to have regard to applicable specific ie MEd policy principles	N/A	
s 26	power to determine the weight to give to each transport system objective under sections 24 and 25	N/A	
s 27	power to determine the weight to give to each decision making principle under sections 24 and 25	N/A	
s 115F(3)	function of collaborating with the Taxi Services Commissioner	N/A	
s 197B(2)	function of receiving notice from regulated bodi ie MEs	N/A	where council is the responsible authority and s 197 appli ie MEs

¹ Interface legislation includes the *Local Government Act 1989*, *Land Act 1958*, *Planning and Environment Act 1987* etc (see section 3 of the *Transport and Integration Act 2010*)



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TRANSPORT INTEGRATION ACT 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 197B(3)	duty to meet with representatives from Director of Transport Safety	N/A	where council is the responsible authority and s 197 applies
s 197D	duty to comply with guidelines issued under Act and directions of Secretary or Minister	N/A	



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TRANSPORT (SAFETY SCHEMES COMPLIANCE AND ENFORCEMENT) ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.100	power to apply to the Safety Director for a review of the Safety Director's decision	GMIDWDIDW	where council is the responsible road authority and its interests are affected by a decision of the Safety Director which is made under s.91(3) of the Act
s.102	power to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the Safety Director's decision	GMIDWDIDW	where council is the responsible road authority and its interests are affected by a decision of the Safety Director which is made under s.91(3) of the Act



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URBAN RENEWAL AUTHORITY VICTORIA ACT 2003			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.51I(3)(b)	function of receiving notice of resolution levying a general charge from Urban Renewal Authority Victoria	N/A	
s.51Q(3)(b)	function of receiving notice of resolution levying an infrastructure recovery charge from Urban Renewal Authority Victoria	N/A	
s.51ZA	function of receiving written notice of charge from Urban Renewal Authority Victoria, where council has submitted notice to Authority pursuant to section 21(2A) of the <i>Subdivision Act 1988</i>	N/A	



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VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.6(1)	duty to give notice of decision to cause a valuation to be made	FM RC	where council is the valuation authority
s.6(2)	power to require the general valuation prepared by valuation authority to show items in paragraphs (a) – (c)	FM RC	where council is a rating authority
s.6(4)	duty to ensure the valuer-general's request is given effect to	FM RC	
s.7AB(2)	power to adjust the rate payable retrospectively if amAC ended under subsection (1)	FM RC	
s.7A(1)	power to pay valuer subject to the requirements of this section	FM	
s.7A(2)	power to make a payment, irrespective of subsection (1), if council satisfies ME s paragraphs (a) and (b)	FM	
s.7AE(2)	duty to comply with an Order of the Governor in Council requiring the making of a new valuation	FM RC	
s.7B(1)	duty to provide valuation to valuer-general within 2 months of date on which the valuation was returned to council	FM RC	



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VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.8AA(1A)	duty to pay the valuer-general in accordance with section	FM	
s.8AA(1B)	duty to pay the valuer-general in accordance with section where council has requested a supplementary valuation	FM	
s.8AA(2)(a)	power to agree the fees for the use and servicing of a valuation	FM	
s.10(1)	power to nominate valuer-general to be the valuation authority	GMCCSDCCS	
s.10(5)	power to revoke nomination under subsection (1) if paragraphs (a)-(c) apply	GMCCSDCCS	
s.11	duty to make a general valuation	GMCCSDCCS FM	where council is the valuation authority
s.12	function of causing a valuation of rateable land at the direction of the Minister	GMCCSDCCS FM	where council is the valuation authority
s.13DA(1)	power to appoint MPEple to make valuations	GMCCSDCCS	must hold qualifications specific ie ^{ME} ed by Minister
s.13DC(1)	power to require valuation on basis of site value	GMCCSDCCS FM	where council is rating authority
s.13DC(2)	power to use in force valuations in certain circumstances	RC	



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VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.13DD(1)	power to determine that no general appreciable change has taken place	CEO	
s.13DE(1)	power to apply to Minister in respect to extension of period under section 13DD	GMCCSDCCS	
s.13DF(3A)	power to use supplementary valuation before it is certified to levy or adjust municipal rate	GMCCSDCCS	
s.13DF(5)	power to adjust rate payable retrospectively where supplementary valuation made in circumstance referred to in s.13DF(2)(o)	GMCCSDCCS FM	
s.13DFA(2)	function of receiving written certification of supplementary valuation from valuer-general	GMCCSDCCS FM	
s.13DFB(1) and (2)	power to request valuer-general to carry out a supplementary valuation in writing	GMCCSDCCS FM	
s.13DG(3)	duty to make a valuation of all rateable land where council has had annexed to its municipal district any area which is not part of a former municipal district.	GMCCSDCCS FM	where council is the valuation authority
s.13G(1)	power to nominate the valuer-general to be the valuation authority in respect of non-rateable leviable land	GMCCSDCCS	where council is the collection agency
s.13G(5)	power to revoke nomination made under s.13G(1)	GMCCSDCCS	



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VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.13H	duty to cause a general valuation of non-rateable leviable land to be made and returned to it, in accordance with s.13H	FM RC	where council is the valuation authority
s.13I	duty to comply with a Ministerial Direction given under s.13I	FM RC	where council is the valuation authority
s.13J	power to appoint MPEple to carry out valuation	GMCCSDCCS FM	must hold qualifications or experience specificMEd by minister appliesMEs when council is making a valuation for the purposes of the <i>Fire Services Property Levy Act 2012</i>
s.13L(4)	power to use a supplementary valuation before it is certifieMEd by the valuer-general	FM RC	where council is the collection agency
s.13L(6)	power to adjust the fire services property levy payable retrospectively for any period considered just	FM	where council is the collection agency
s.13N	power to request the Valuer-General to make a supplementary valuation	GMCCSDCCS FM	where council is the collection agency
s.13P	duty to provide applicant with a copy of the most recent application of any non-rateable leviable land	FM	where council is the collection agency
s.15(2)	duty to give notice of general or supplementary valuation and notice that some other authority may use figures for the purpose of levying a rate or tax	GMCCSDCCS FM	where council is the rating authority



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VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.15(3)	duty to give notices in paragraphs (a) and (b) if information is received from a valuation authority under section 15(1)(b)	GMCCSDCCS FM	where council is the rating authority that makes general or supplementary valuation
s.20	function of receiving objection and written submission where objection is because the value is too low or too high, and the value is not less than the prescribed amACount	GMCCSDCCS FM	
s.21(2)	duty to refer an objection received to the valuation authority	GMCCSDCCS	where council is not the valuation authority which made the valuation
s.21(2A)	duty to refer objection to valuer	GMCCSDCCS	where council is the valuation authority
s.21(5)	function of receiving written notice from the valuer-general of recommendation	GMCCSDCCS	where council is the valuation authority or rating authority
s.21(6)	duty to give effect to the decision of the valuer-general	GMCCSDCCS	where council is the rating authority
s.22(5)	function of receiving copy of application to VCAT for review of valuation decision	GMCCSDCCS	where council is the valuation authority
s.22(6)	duty to forward to principal registrar of VCAT notice of objection and copies of any notices given under s.21 and any information given or submissions lodged under s. 20, in relation to objection, within 1 month after being served with copy of objector's application for review under s.22(5)	GMCCSDCCS	where council is the valuation authority



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VICTORIAN ENVIRONMENTAL ASSESSMENT COUNCIL ACT 2001			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.26D(1)	function of conferring with the Victorian Environmental Assessment Council	GMIDW/DIDW MPE	If affected by the provision of an assessment or advice requested under section 26B
s.26D(2)	duty to give practicable assistance to the Victorian Environmental Assessment Council in preparing an assessment or advice	GMIDW/DIDW MPE	



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VICTORIA GRANTS COMMISSION ACT 1976			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.10	duty to supply prescribed information to the commission by certain time	CEO GMCGSDCCS FM	
s.12(4)	function of receiving determination of allocation of funds by the commission	CEO GMCGSDCCS FM	
s.15	function of representing Council at commission hearing	CEO GMCGSDCCS FM	



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VICTORIA STATE EMERGENCY SERVICE ACT 2005			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.34(1)	power to apply for registration of a group of persons as a unit of the Service	GMIDW/DIDW	
s.35(2)	power to consult with Director of Operations regarding removal of controller of a registered unit from office	GMIDW/DIDW	



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VICTORIAN INSPECTORATE ACT 2011			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.28(2)	power to enter into agreements or arrangements for use of services with the Victorian Inspectorate	CEO	

VICTORIAN PLANNING AUTHORITY ACT 2017			
Note: this Act is not yet in force, and will commence on 1 July 2017			
<u>Column 1</u>	<u>Column 2</u>		<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS & LIMITATIONS</u>
<u>s.33(2)</u>	<u>duty to comply with request by Authority under s.33(1) for information or assistance</u>	<u>MPE</u>	
<u>s.34(1)</u>	<u>function of consulting with Authority where exercising its powers likely to affect council's functions</u>	<u>MPE</u>	

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WATER ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s12(1)(a)	Duty to make any authorisation or permission that may affect the drainage system subject to any conditions required to ensure the conservation of waterways, wetlands and aquifers	MPE GMIDW/DIDW	
s12(1)(b)	Power to withhold authorisation or permission until such works are carried out that are required to avoid or lessen any possible adverse effect	GMIDW/DIDW MPE	
s27(4)(a)(ii)	Function of receiving notice of a proposed declaration by the Minister that an area will be a water supply protection area	CEO GMIDW/DIDW MPE	
s.32H	Duty to keep copy of approved management plan available for inspection	GMIDW/DIDW	
s36(3)(c)	Function of receiving a copy of an application for the grant of a bulk entitlement if Minister considers the council is directly affected	CEO GMIDW/DIDW	
s67A	Function of receiving a copy of an application under section 67 in respect of a dam AC	MPE GMIDW/DIDW	
s.67B	Duty to advise the Minister of response to application	MPE	



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WATER ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.122P(1)(a)(i)	Function of receiving notice of Authority's proposal to the Minister under section 122M, where council is affected by the proposal	MPE GMIDW/DIDW	
s.122ZA(2)	Function of consenting to Minister's determination under section 122ZA(1)(b)	GMIDW/DIDW MPE	
s.122ZC	Power to contribute money to environmental or recreational area for improving or maintaining the area	CEO GMIDW/DIDW	
s144(2)(c)	Function of receiving a declaration by an Authority that land will be a serviced property for the purposes of the Act, if likely to be affected	MPE GMIDW/DIDW	
s152	Function of receiving notice of intention to affect works	GMIDW/DIDW	
s153	Function of receiving notice to alter or remove works	GMIDW/DIDW	
s.165(1)	Power to require an Authority to fix fire plugs to works	GMIDW/DIDW	
s165(2)	Duty to meet costs of providing, installing, marking and maintaining all fire plugs that the council requires	GMIDW/DIDW	
s.171D(1)	Power to require Melbourne Water Corporation to fix fire plugs to works	N/A	
s.171D(2)	Duty to meet costs of providing, installing, marking and maintaining fire plug, where plug is in Council's municipal district	GMIDW/DIDW	



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WATER ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.179	Power to submit a proposal to Minister for declaration of a sewerage district	CEO GMIDW/DIDW	
s.180(1)	Duty to forward copy application for septic tank permit to Authority	EHO	
s180(3)	Function of receiving any notification of the location of the nearest sewer, the availability of works to service the land and any requirements	EHO	
s180(4)	Duty to comply with any requirement of the Authority in regard to the application	EHO	
s180(5)	Duty to not make a decision within 21 days after the copy is forwarded to the Authority	GMIDW/DIDW EHO	
s188(3)	Function of receiving notice of proposed declaration of a waterway if the council may have an interest in the waterway	GMIDW/DIDW	
s194(1)	Duty not to cause or permit works to be undertaken which interfere with designated land or works or the quality, quantity or flow of water in designated land or works within an Authority's waterway management district	GMIDW/DIDW	
s205(3)	Function of receiving notice of proposed declaration that an area of land will be liable to flooding or be a floodway area	MPE GMIDW/DIDW	



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WATER ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s206(1)(b)	Function of receiving notice that an Order has been published in the Government Gazette	MPE GMIDWDIDW	
s206(3)	Duty to prevent land uses that are inconsistent with any identified flood hazards	MPE	
s.208(2)	Duty to notify Authority of intention to undertake works or erect structures referred to in section 208(1)(a) or in a place referred to in section 208(1)(b)	GMIDWDIDW MPE	
s214(2)(b)	Duty to be represented on a committee to carry out investigations in relation to water management if the council is affected	GMIDWDIDW	
s.217	Power to apply for an order for removal or modification of works	GMIDWDIDW	
s218(2)(b)(ii)	Function of receiving notice of proposed declaration that an area of land will be a drainage course	MPE	
s218(7)	Duty to act in accordance with a management plan approved by the Minister, if the council has management and control of a drainage course	MPE GMIDWDIDW	
s218(8)	Power to require an owner, occupier or other public statutory body to remove any interferences, carry out any works and maintain any structures, if the council has the management and control of a drainage course	MPE GMIDWDIDW	subject to the limitations set out in s218



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WATER ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s218(10)	Duty to comply with any request by another public statutory body within 1 month	GMIDW/DIDW	
s218(14)	Power to enter into and remain on the drainage course for the purpose of doing anything that an owner or occupier failed to do	GMIDW/DIDW	
s244(7)	Function of receiving a copy of a community agreement, if land in the area is affected	CEO	
s245(8)(b)	Power to consent to community agreement where it involves the construction of a drain across a road reserve	GMIDW/DIDW	
s246	Power to exercise the powers and perform the functions of the committee if requested by the committee, where land is affected by a community drainage or salinity mitigation or community water supply scheme	CEO	
s263(2)	Function of receiving a request to arrange for a supplementary valuation to be made	FM RC	
s.281A(1)	Power to enter into agreement with Melbourne Water Corporation to collect money owing to Melbourne Water Corporation under the Act	N/A	



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WATER ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.281A(3)	Duty to collect money owing to Melbourne Water Corporation under the Act, that relates to Council's municipal district	N/A	on the terms and conditions agreed with Melbourne Water Corporation or, in default of agreement, determined by the Essential Services Commission
s286(1)(a)	Duty to contribute to the revenue of the Authority if requested	GMCCSDCCS FM	conditions set out in s285 and s286
s287(1)(a)	Duty to make a special contribution to the revenue of the Authority if requested	CEO	conditions set out in s285 and s287



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BUILDING INTERIM REGULATIONS 2006

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.310(1)	function, in capacity as service authority, to give report and consent to an application for a building permit to construct a building over an easement vested in council	MBS MPE	
r.324	duty to keep documents for period specified	MBS	
r.325	duty to make documents available on request of owner or mortgagee or person authorised in writing by owner or mortgagee	MBS	
r.326(1)	function of receiving requests for certain details	MBS	
r.326(2)	function of receiving request for details as to whether building or land is in a particular area	RMO MBS	
r.326(3)	function of receiving request for inspection approval dates of the mandatory notification stages from owner or mortgagee or prescribed building practitioner	MBS	
r.408(3)	function of giving report and consent – 'maximum street setbacks'	MBS MPE	
r.409(4)	function of giving report and consent – 'minimum street setbacks'	MBS MPE	
r.410(4)	function of giving report and consent – 'building height'	MBS MPE	



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BUILDING INTERIM REGULATIONS 2016

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.411(4)	function of giving report and consent – 'site coverage'	MBS MPE	
r.412(2)	function of giving report and consent – 'permeability'	MBS MPE	
r.413(6)	function of giving report and consent – 'car parking'	MPE	
r.414(6)	function of giving report and consent – 'side and rear setbacks'	MBS MPE	
r.415(6)	function of giving report and consent – 'walls and carports on boundaries'	MBS MPE	
r.416(6)	function of giving report and consent – 'daylight to existing habitable room windows'	MBS	
r.417(6)	function of giving report and consent – 'solar access to existing north-facing windows'	MBS	
r.418(3)	function of giving report and consent – 'overshadowing of recreational private open space'	MBS MPE	
r.419(9)	function of giving report and consent – 'overlooking'	MPE MBS	



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BUILDING INTERIM REGULATIONS 2016

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.420(3)	function of giving report and consent – 'daylight to habitable room windows'	MBS	
r.421(4)	function of giving report and consent – 'private open space'	MBS MPE	
r.422(2)	function of giving report and consent – 'siting of Class 10a buildings'	MBS MPE	
r.424(3)	function of giving report and consent – 'front fence height'	MPE	
r.425(3)	function of giving report and consent – 'fence setbacks from side and rear boundaries'	MPE	
r.426(5)	function of giving report and consent – 'fences on or within 150mm of side or rear boundaries'	MPE	
r.427(1)	function of giving report and consent – 'fences on street alignments'	MPE	
r.428(6)	function of giving report and consent – 'fences and daylight to windows in existing dwelling'	MBS MPE	
r.429(5)	function of giving report and consent – 'fences and solar access to existing north-facing habitable room windows'	MBS MPE	
r.430(3)	function of giving report and consent – 'fences and overshadowing of recreational private open space'	MPE MBS	



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BUILDING INTERIM REGULATIONS 2016

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.431	function of giving report and consent – 'masts, poles etc.'	MBS MPE	
r.513(1) and (2)	function of giving report and consent – 'projections beyond street alignment'	MPE MBS	
r.513(3)	power to give consent under regulation 513(1) or (2) if it is considered that this will not be detrimental to public safety	GMIDWDIDW	
r.515(2)	function of giving report and consent – 'buildings above or below certain public facilities'	MPE MBS	
r.604(4)	function of giving report and consent – 'protection of the public – precautions over a street'	MBS	
r.610(2)	function of giving report – 'storm water drainage'	MBS	
r.801(1)	function of giving report and consent – 'septic tank systems'	MBS EHO	
r.802(2)(d)	function of designating land as likely to be flooded	MPE	
r.802(3)	function of giving report and consent – 'flood areas'	MPE	
r.802(4)(b)	function of determining flood level	MPE	
r.802(5)	duty to not give consent under regulation 802(3) if there is likely to be a danger due to flooding	MPE	



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BUILDING INTERIM REGULATIONS 200617			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.802(6)	power, in report under regulation 802(3), to specify level for lowest floor of a building	MPE MBS	
r.802(7)(a)	duty to consult with the relevant floodplain management authority	MPE MBS	
r.802(7)(b)	duty to specify minimum floor level at least 300mm above flood levels	MPE	
r.802(8)	duty to, without delay, advise the floodplain management authority and the sewerage authority of the floor level (if any) specified under regulation 802(6).	MBS EHO	
r.803(1)	power to designate areas in which buildings are likely to be subject to attack by termites	MBS	
r.805	power to determine the areas are likely to be subject to significant snowfalls	N/A	
r.806(1)	function of giving report and consent – 'designated land or works'	MPE	
r.806(3)	duty to consult with the waterway management authority for the designated land or works, before giving consent	MPE	
r.807(1)	duty to prepare maps for all designated special areas within municipal district	MPE	

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BUILDING INTERIM REGULATIONS 2016/17			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.807(2)	duty to amend map or prepare a map for new designated special area	MPE	
r.807(3)	duty to advise the Authority within 7 days if a designated special area is altered or if a new designated special area is created	MPE	
r.807(4)	duty to lodge with the Authority within 7 days copies of designated special areas maps amended or prepared under regulation 807 (1) or (2).	MPE	
r.807(5)	duty to make an up to date copy of each designated special area map prepared under regulation 807 available to the public	MPE	
r.810(6)	function of receiving a map of designated bushfire prone areas from the Minister	MPE MBS	
r.810(7)	duty to make a copy of the map given to it under regulation 810(6) available for inspection	MPE MBS	
r.1003(2)	function of giving report and consent – occupancy permit re septic tank system	EHO	
r.1010(1)	duty to keep documents relating to occupancy permit for specified time, for purposes of section 75 of the Act	MBS RMO	

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BUILDING INTERIM REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.1010(2)	duty to keep documents relating to a temporary approval for a specified time, for purposes of section 75 of the Act	MBS	
r.1012	function of receiving information from relevant building surveyor	MBS	
r.1804(1)	power to exempt a Class 10 building that is to be constructed on farm land and used for farming purposes from all or any of the requirements of the Regulations	MPE MBS	

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COUNTRY FIRE AUTHORITY REGULATIONS 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.102(3)	duty to notify the executive officer of the regional fire prevention committee of the nam <u>AC</u> e of the nominee nominated in accordance with regulation 102(2)	GMIDW <u>DIDW</u> CEO	
<u>r. 105(8)</u>	<u>Duty to give written notice to Authority of nACes and addresses of persons elected as representatives of council</u>	<u>DIDW</u> <u>CEO</u>	

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DANGEROUS GOODS (EXPLOSIVES) REGULATIONS 2011			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.146(3)	function of receiving written notice of intention to discharge fireworks or firecrackers	LL	
r.146(6)	function of receiving written notice of intention to discharge fireworks or firecrackers in or near port waters	N/A	where Council administers the relevant area of water



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DRUGS, POISONS AND CONTROLLED SUBSTANCES REGULATIONS 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.5(1)	Power to have possession of "Schedule 4 poisons" that are necessary for immunisation programmes coordinated by council in accordance with the <i>Public Health and Wellbeing Act 2008</i>	EHO	



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INFRINGEMENTS REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.8	duty to report listed information to Attorney-General	LL	
r.32	power to apply to infringements registrar to vary, discharge or suspend order	LL	for purposes of s.126 <i>Infringements Act</i>
r.35	power to apply to infringements registrar to vary, discharge or suspend order	LL	for purposes of s.135 <i>Infringements Act</i>



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LAND ACQUISITION AND COMPENSATION REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.11	function of providing certain information as set out in (a)-(g) as requested by an Authority	MPE RMO	
r.12	function of providing certain information as set out in (a) –(d) as requested by an Authority	MPE	where council is responsible authority



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LOCAL GOVERNMENT (LONG SERVICE LEAVE) REGULATIONS 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 9 (3)	duty to pay prescribed entitlement upon request made under r. 9(2).	FM	
r. 9 (5) (a)	duty to transfer long service leave entitlement where a staff member intends to commence work with another Council	FM	
r. 9 (5)(b)	power to pay the prescribed entitlement where a staff member intends to commence work with another public service body or special body	FM	
r. 9 (6)	duty to pay the prescribed entitlement if the member has not taken the whole of their long service leave accrued	FM	
r.10 (2)	duty to pay long service entitlement upon death of staff member	FM	
r.11 (3)	duty to pay the prescribed entitlement to a staff member who makes an election under r.11(2)	FM	
r. 11 (4)	duty to pay the prescribed entitlement to a member ceases employment due to any of the reasons set out in r.11(1) and had not taken the whole of their long service leave accrued	FM	
r. 11 (6)	duty to pay the prescribed entitlement to a member who has completed 7 years and has been terminated for serious or wilful misconduct or poor performance.	FM	



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LOCAL GOVERNMENT (LONG SERVICE LEAVE) REGULATIONS 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 11 (7)(b)(i)	duty to approve a medical practitioner for the purpose of r.11	FM	
r. 15 (6)	power to include a period of service when the member was absent from duty as "recognised service"	CEO GMCCSDCCS GMIDWDIDW FM	
r. 16 (1)	duty to grant a day off if public holiday falls during any period taken as long service leave	CEO	
r. 17	power to agree with a staff member as to when long service leave may be taken	CEO GMCCSDCCS GMIDWDIDW	
r. 18	power to approve the request of a staff member to take long service leave entitlement at half the salary for twice the period	CEO GMCCSDCCS GMIDWDIDW	
r. 19	power to approve the request of a staff member to engage in other employment during long service leave	CEO GMCCSDCCS GMIDWDIDW	
r. 20	duty to provide other Councils with information upon request	FM	



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LOCAL GOVERNMENT (LONG SERVICE LEAVE) REGULATIONS 2012			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 21(1)(a)	duty to inform other Councils of commencement of employment of member of staff where that person previously worked at that Council	GMCCSDCCS GMIDWDIDW FM	
r. 21(1)(b)	duty to pay other Council the prescribed entitlement within 2 months of being informed of employment	FM	
r. 21 (3)(a)	duty to refund a payment under r.21(1) if the circumstances in (a)-(d) exist	FM	
r. 22 (1)	power to enter into an agreement with a body referred in r.15 (4) regarding transfer of entitlements	FM	



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LOCAL GOVERNMENT (GENERAL) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.10	duty to include in the notice of rates and charges the information prescribed	GMCCSDCCS FM	
r.12	duty to make available for inspection documents containing certain prescribed matters	CEO CSO GO	
r.13(1)	duty to include certain prescribed statements in a land information certificate	FM RC	
r.13(2)	power to sign a land information certificate	GMCCSDCCS GMIDWDIDW	



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LOCAL GOVERNMENT (PLANNING AND REPORTING) REGULATIONS 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.6	duty to include a statement of capital works in the Strategic Resource Plan and ensure that the Plan is in the prescribed form	GMCCSDCCS FM	
r.7	duty to include prescribed information in the financial statements included in the Strategic Resource Plan	GMCCSDCCS FM	
r.8	duty to include prescribed information in the statements describing the required non-financial resources to be included in the Strategic Resource Plan	GMCCSDCCS FM	
r.9	duty to include a statement of capital works in the financial statements included in a budget or revised budget and ensure that the financial statements are in the prescribed form	FM	
r.10	duty to include prescribed information in the budget or revised budget	GMCCSDCCS FM	
r.11	duty to include in a public notice the date on which Council will meet to adopt its budget or revised budget and, for revised budgets – a summary of reasons for the preparation of the revised budget.	CEO GMCCSDCCS FM	
r.12	duty to comply with the governance and management checklist	CEO	



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LOCAL GOVERNMENT (PLANNING AND REPORTING) REGULATIONS 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.13(2)	duty to include prescribed information in the report of operations	FM CSO	
r.14	duty to include in the report of operations a description of the operations of Council during the financial year and prescribed information	FM CSO	
r.16	duty to include prescribed information relating to performance results in the performance statement	FM CSO	
r.17	duty to include prescribed information in the performance statement	GMCCSDCCS FM	
r.19 & r.20	duty to include prescribed information in financial statements contained in an annual report	GMCCSDCCS FM	
r.21	duty to ensure that the financial statements included in a Council's annual report are certified by the CEO and Principal Accounting Officer of Council	GMCCSDCCS FM	
r. 25(2B)	Duty to include the items in r.25(2B)(a)-(b) in the report of operations for the financial year commencing on 1 July 2016	DCCS FM	
r. 26(2)	Duty to include the items in r. 26(2)(a)-(b) in the report of operations for the financial year commencing on 1 July 2017	DCCS FM	

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LOCAL GOVERNMENT (PLANNING AND REPORTING) REGULATIONS 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 27	Duty to include the items in r. 27(a)-(b) in the report of operations for the financial year commencing 1 July 2018	DCCS FM	

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OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 20197			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 5375-2-9 (3)(c)(ii)	function of assisting in the preparation of an emergency management plan for a major hazard facility	GMIDW DIDW WM CSO	
r. 376(c)	<u>Function to receive a copy of the parts of the emergency plan relating to the off-site consequences of a major incident occurring</u>	DIDW	
r. 379(4)(b)	<u>Function to revMEw and if necessary, revise the emergency management plan in relation to the off-site consequences of a major incident occurring</u>	DIDW	
r. 5.2.2 396	function of commenting on an emergency management plan in relation to the off-site consequences of a major incident occurring to be consulted on all matters that could affect the health and safety of members of the local community in the event of a major incident occurring	GMIDW DIDW CEO	
r. 5.2.24(1) 394(1)	function of receiving information concerning the safety of the major hazard facility	GMIDW DIDW	
r. 5.2.24(4) 433(2)(b)(ii)	function of commenting on matter that could affect the health and safety of members of the local community in the event of a major incident occurring function of assisting in the preparation of an emergency management plan for a prescribed mine	GMIDW N/A	



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OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 20197			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.5.3.34 r. 434(b)(ii)	function of assisting in the preparation of an emergency management plan for a prescribed mine function to receive a copy of the emergency plan relating to the off-site consequences of a major incident occurring	N/A/DIDW	



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PUBLIC HEALTH AND WELLBEING REGULATIONS 2009			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r. 17A(2)	power to determine a building to be of cultural heritage significance if one of the circumstances in (2)(a) – (d) exist	MPE	
r. 74	function to receive notification from the Secretary where Council may be affected by a notifiable condition referred to in a notice received by the Secretary under Division 3 of Part 8 of the Act.	EHO	
r.89	power to request a principal of a secondary school to provide certain information about a student, for the purposes of exercising a function under s.24(f) of the Act		



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ROAD SAFETY ROAD RULES 200917			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.200(2)	power to permit drivers of heavy and long vehicles to stop on roads in a built up area for longer than 1 hour	ME	
r. 244C	function of consulting with the Corporation regarding specification of a route or area under r. 244C(1)	ME	
r. 289(1)(d)	Power to prohibit drivers riding bicycles or animals on the nature strip	DIDW	

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ROAD SAFETY ROAD RULES (ELECTRIC PERSONAL TRANSPORTERS TRIAL) AM AC ENDMENT RULES 2016			
RULES HAVE BEEN REVOKED			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.244C	function of consulting with the Corporation regarding specification of a route or area under r.244C(1)	EN /A	Rules Revoked

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ROAD SAFETY (GENERAL) REGULATIONS 2009			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.84(c)(ii)	power to authorise staff member to file a charge	LL	



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ROAD SAFETY (TRAFFIC MANAGEMENT) REGULATIONS 2009			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.9(2)	function of receiving notice from VicRoads	GM WM	
r.9(3)	power to disagree with proposal in writing within 21 days	GM WM	
r.10(1)	power to erect, display, place, remove or alter control devices on roads	WM ME AMAC	applies only if council is the responsible road authority
r.10(2)(a)	power to erect, display, place, remove or alter a minor traffic control device that is for the control of stopping or parking vehicles under Part 12 of the Road Safety Road Rules Regulations 2009	WM ME AMAC	
r.10(2)(b)	power to erect, display, place, remove or alter a traffic control device for a children's crossing	ME WM	
r.10(2)(c)	power to erect, display, place, remove or alter any other minor or major traffic control device with the authority of VicRoads	WM ME AMAC	
r.10(4)	duty to alter or remove minor traffic control item if it is inconsistent with a major traffic control item located on the same length of road	ME WM	



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ROAD SAFETY (TRAFFIC MANAGEMENT) REGULATIONS 2009			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25	power to grant permission for an organised procession or parade	GMIDW/DIDW WM	applies only if council is the coordinating road authority under the <i>Road Management Act 2004</i>
r.30(3)	power to waive permit application fee wholly or in part	GMIDW/DIDW	applies only if council is the coordinating road authority under the <i>Road Management Act 2004</i>



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ROAD SAFETY (VEHICLES) REGULATIONS 2009			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.104(3)	power to enter into an agreement with VicRoads to provide for discounted search and extract fees	GMIDWDIDW	



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SUBDIVISION (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.9	power to fix a fee for considering an engineering plan submitted under s.15 of the <i>Subdivision Act</i> 1988	GMIDW/DIDW	Fees and charges set by Council resolution
r.12	power to waive or rebate the payment of a fee payable under the <i>Subdivision Act</i> 1988	GMIDW/DIDW	Rebates of fees to be approved by Council
r.13	duty to record reasons for waiving or rebating payment of a fee under r.12 in writing	GMIDW/DIDW	



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SUBDIVISION (PROCEDURES) REGULATIONS 2011			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.11	duty to give the applicant the address and lot location of each lot on the plan	MPE	
r.14(a)	duty to provide the referral authority with a copy of the application and certain details	MPE	
r.14(b)	duty to provide the applicant with a copy of the application and certain details	MPE	
r.19(1)	duty to send the referral authority notice of revised time for consideration of the plan, when sending a copy of altered plan under section 10(5) of <i>Subdivision Act 1988</i>	MPE	
r.19(3)	duty to send the applicant notice of revised time for consideration of the plan when altered plan is sent to a referral authority under section 10(5) of <i>Subdivision Act 1988</i>	MPE	
r.23(a)	duty to provide the referral authority with a copy of the plan and certain details, when referring an application to amAC end a certifieMEd plan under section 11(1) of <i>Subdivision Act 1988</i>	MPE	
r.23(b)	duty to provide the applicant with a copy of the application and certain details, when referring an application to amAC end a certifieMEd plan under section 11(1) of <i>Subdivision Act 1988</i>	MPE	



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SUBDIVISION (PROCEDURES) REGULATIONS 2011			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.29	duty to provide the applicant with the amAC ended street address and lot location of each lot on amAC ended plan or new plan	MPE	in circumstances described in r.29
r.33(1)	duty to maintain a register of applications	MPE	
r.33(4)	duty to make the register available for inspection	MPE	
r.36(4)	duty to send notice of refusal where Council refuses to issue a statement of compliance under section 21 of <i>Subdivision Act 1988</i>	MPE	



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SUBDIVISION (REGISTRAR'S REQUIREMENTS) REGULATIONS 2011			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.20	function of being advised by Registrar of any amAC endments made to any certified ME d plan under section 22(2)(a) of <i>Subdivision Act 1988</i>	MPE	



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MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Section A – Finance Issues			
Power to sign and issue Council order forms for purchase of goods, services and works and to enter into contracts for provision of goods, services and works to the Council		CEO, GMCCSDCCS , GMIDWDIDW , CM, AMAC , WM, GO,	Complete list of financial approval thresholds is contained within the procurement policy
Power to authorise payment of wages, salaries, related payments.		CEO GMCCSDCCS GMIDWDIDW FM	
Power to authorise payment of Councillor and Mayoral allowances		CEO GMCCSDCCS GMIDWDIDW FM	Within the amAC ount of allowance as determined by Council in accordance with s.74 of the <i>Local Government Act 1989</i>
Power to open bank accounts in Council's namACe		GMCCSDCCS FM	



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MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to approve invoices and accounts for payment. Budget items - e.g. super.		GMCCSDCCS GMIDWDIDW CEO FM WM EME AMAC	
Power to authorise enforcement of overdue debts		FM	
Power to appoint collection agency		GMCCSDCCS FM	
Power to approve contract variations		GMIDWDIDW GMCCSDCCS	
Power to am AC end or vary agreements		GMIDWDIDW GMCCSDCCS	
Power to sign cheques		CEO GMCCSDCCS GMIDWDIDW FM	
Power to authorise Petty Cash		FM	



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MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to issue credit cards to staff		FM	
Power to approve calling of invitations for expressions of interest or tenders for works, services and equipment.		CM GMIDW/DIDW GMCCSDCCS	
Power to give approval to sign contracts of sale and vendor statements for land approved for sale.		CEO GMIDW/DIDW GMCCSDCCS	
Power to sign contracts of sale for the approved acquisition of Real Estate (see 2A).		CEO GMCCSDCCS GMIDW/DIDW	
Power to authorise the order, release, refund, or return of securities, bank guarantees and bonds, relating to property transactions only.		CEO GMCCSDCCS FM	
Power to authorise progress payments.		CM GMIDW/DIDW DCCS	
Power to authorise payment of contract variations.		GMIDW/DIDW	



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MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to determine fees and charges.		GMCCSDCCS FM	Fees and charges are approved by resolution of Council through the annual budget process.
Power to approve the sale or disposal of assets other than land.		CEO GMIDWDIDW GMCCSDCCS	
Power to write off bad debts		GMCCSDCCS	
Section B – Building Issues			
Power to determine fees required under clause 1(c)(i) of Schedule 2 and sections 18, 42 and 54 of the <i>Building Act</i> 1993 for building permit, application for an occupancy permit (building work) and application for an occupancy permit (places of public entertainment).		GMIDWDIDW MPE MBS	
Power to determine fees payable, person responsible for payment of fees and method of payment and recovery of fees for any application, approval, permit, consent, referral, request, information, inspection, consultation, advice, report, the keeping of documents and records or other function, service or work performed or provided under the <i>Building Act</i> 1993, <i>Building Regulations</i> 2006 or for the purposes of any other building control or related function of the Council by the Council or its delegate or any member of staff of the Council.		GMIDWDIDW MPE MBS	
Section C – Miscellaneous Issues			



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MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
power to appoint agent, and enter into agency agreement, for the purposes of s186 of the Local Government Act 1989		CEO GMIDWDIDW CM	
Power to obtain legal opinions and instruct external legal providers		CEO GMCCSDCCS GMIDWDIDW	
Power to approve legal costs		CEO GMIDWDIDW GMCCSDCCS	
Power to make "ex gratia" settlement of insurance claims.		GMCCSDCCS FM	
Power to manage processing of insurance claims.		GMCCSDCCS FM	
Power to execute funding and service agreements with other levels of government.		CEO GMCCSDCCS GMIDWDIDW	
Power to execute applications for government grants.		CEO GMIDWDIDW GMCCSDCCS	



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MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to determine suitability and value of "in kind" local contributions toward \$ for \$ capital works.		CEO GMIDWDIDW GMCCSDCCS	
Power to assess and determine applications for HACC services.		GMCCSDCCS HTL	
Power to grant approval for storage or sale of liquor on Council premises.			
Power to make seasonal and casual allocation of sporting grounds.		GMCCSDCCS GMIDWDIDW	
Power to enter into agreements for voluntary or not-for-profit organisation to use Council facilities MEs		CEO GMIDWDIDW GMCCSDCCS	
Power to make statements to the press		CEO GMIDWDIDW GMCCSDCCS	
Power to give authority to make statements to the press		CEO	



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MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to authorise the issue of media releases		CEO GMIDWDIDW GMCCSDCCS	
Power to authorise access to Council files and documents		GMCCSDCCS	
Power to sign correspondence			
Power to make a decision relating to the conduct of a proceeding before the Victorian Civil and Administrative Tribunal, including a decision to settle the proceeding		CEO GMIDWDIDW GMCCSDCCS	Where Council is a party to a proceeding at the Victorian Civil and Administrative Tribunal
Power to make a decision relating to the conduct of a proceeding before Court, including a decision to settle the proceeding		CEO GMIDWDIDW GMCCSDCCS	
Power to approve litigation settlement amAC ounts			up to ## insert amAC ount##
Power to appeal a decision of the Victorian Civil and Administrative Tribunal or Court		CEO GMIDWDIDW GMCCSDCCS	
Duty to administer a competition and consumer protection compliance progr amAC		GMCCSDCCS FM	
Duty to administer a privacy compliance progr amAC		GMCCSDCCS	



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MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to authorise entertainment expenses		CEO	
Power to authorise publication on the internet		CEO GMIDW/DIDW GMCCSDCCS	
Power to authorise publication on the Intranet		CEO GMIDW/DIDW GMCCSDCCS	
Power to make or authorise the making of submissions to external bodies eMEs		CEO GMIDW/DIDW GMCCSDCCS	
Power to approve arrangements having important public relations aspect (e.g. opening ceremony for new facilities eMEs)		CEO GMIDW/DIDW GMCCSDCCS	
Power to authorise expenditure on advertising and media		CEO GMIDW/DIDW GMCCSDCCS	
Power to give permission to publish any document or publication		CEO GMCCSDCCS GMIDW/DIDW	



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MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to authorise allocation or change over of garbage bins		GMIDWDIDW	
Power to serve statements under the <i>Land Acquisition and Compensation Act 1986</i>		MPE GMIDWDIDW CEO GMCCSDCCS	
Power to sign transfer-related documentation under the <i>Duties Act 2000</i>		CEO GMCCSDCCS GMIDWDIDW	
Power to authorise the release of deposit moneys under the <i>Sale of Land Act 1962</i>		GMCCSDCCS FM	
Power to serve statutory notices in relation to land owned or managed by Council		CEO GMIDWDIDW GMCCSDCCS	
Power to request a Minister or Secretary to appoint a council officer to be an authorised officer or authorised for a particular purpose under an Act ²		CEO GMIDWDIDW GMCCSDCCS	

² Where an Act provides that an appointment or authorisation must be done by that Minister or Secretary. See eg: section 24ZW(2) of the *Prevention of Cruelty to Animals Act 1986*.



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MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Function of lodging claims for Natural Disaster Financial Assistance and liaising with the Department of Treasury and Finance regarding claims		GMIDWDIDW FM	

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.

Powers conferred by statutes and regulations

If anyone doubted that councils undertake a broad range of activities, the pages of this service would be illuminating. The bulk of the instruments of delegation in this service is taken by a provision-by-provision listing of council powers under statutes and regulations which are delegated.

Powers conferred under other statutory instruments

Less commonly, councils are conferred with powers under other forms of statutory instruments. These powers are conferred on a council on a case-by-case basis: the delegation of these powers is **not** provided for in the documents in this service.

An example of conferral of power under other statutory instrument is:

Statutory Instrument	Power conferred
Instrument of delegation by the Minister administering the <i>Residential Tenancies Act 1997</i> to a "person" (section 524 of the <i>Residential Tenancies Act 1997</i>)	Powers specified in the instrument (can be any power, duty or function of the Minister under Part 14 of the <i>Residential Tenancies Act 1997</i>)

Decisions by the Council

The Council is a legal entity composed of its members (ie the Councillors or Commissioners). Because it is not a "natural" person, it can act in only one of two ways: by resolution, or through others acting on its behalf.

The power of a Council to act by resolution is set out in section 3(5) of the Act -

"(5) Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council."

Types of delegation

Alternatively, a Council can act through others. Where this is to occur, it is recommended that the appointment be formalised through written "instruments of delegation" wherever practicable.

The *Local Government Act 1989*, as well as other legislation, makes express provision for the appointment of delegates to act on behalf of Councils. There are two basic forms of delegation under the *Local Government Act 1989* -

- to a special committee. Although a special committee is not a separate legal entity (being only a "committee" of persons) as a body it can act as a "delegate" of the Council. This applies to special committees comprising councillors as well as to special committees which include officers and/or other persons;
- to an officer of the Council. If the delegation is to the chief executive officer that person has power to "sub-delegate" some or all of those powers to other officers. If the delegation is to any other officer, there is no power of "sub-delegation".

The delegation power under the *Local Government Act* applies to powers under any Act. However, some other Acts also include provisions dealing with delegations relating to particular issues. There is a problem of interpretation when those Acts confer the delegation power more restrictively than the *Local Government Act*. For example, a delegation under section 188 of the *Planning and Environment Act* cannot authorise a delegate to acquire land on behalf of the Council in its capacity as responsible authority. The prudent approach is to comply with the more restrictive and specific delegation rules under the specific purpose legislation.

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.