



## NOTICE OF MOTION WEST WIMMERA SHIRE COUNCIL

Notice of Motion No:	2019 / 02
Preamble	Permit to remove native vegetation
<p>On 8 Feb 2018 an application was made to WWSC for a permit to remove native vegetation.</p> <p>Following objections the application was referred to DEWLP who did not object to the permit subject to conditions.</p> <p>The trees for removal are not considered to be ecologically significant and with the first party offset included as a condition of the permit, the application for tree removal is satisfactory.</p> <p>WWSC voted 5/0 on May16 2018 to approve the permit.</p> <p>My reasoning was that with DEWLP approving the application and with the native vegetation offsets protected to the satisfaction of DEWLP that it resulted in long term native vegetation gain.</p> <p>A lot of these isolated unprotected paddock trees are near end of life and because they will vanish naturally from the landscape over time are referred to as the living dead in the VCAT hearing . A study published by the WCMA showed that with old age etc there was a 22% reduction of our live buloke trees over a 15 year period. Grey box has a similar longevity.</p> <p>In my opinion this VCAT decision, if allowed to become a precedent will result in broadscale long term net loss of habitat and native vegetation to the community over time. Without suitable offsets there will be no regeneration and where will future generations be in 100 years.</p> <p>It has created confusion, anger and happiness amongst farmers and the wider community.</p> <p>It has created confusion to regulators and decision makers.</p> <p>This notice of motion is designed to create debate and to bring the relevant parties together at a suitable location in the West Wimmera Shire urgently.</p>	
Motion:	
<p>That the West Wimmera Shire Council urgently contact all relevant stakeholder representatives seeking clarification on site of the recent VCAT decision's by order.</p>	



NOTICE OF MOTION  
WEST WIMMERA SHIRE COUNCIL

1.

In application P1133/2018 the decision of the responsible authority is set aside.

2.

In planning permit P1503 no permit is granted

Councillor's Signature:	
Councillor's Name:	TREVOR DOMASCHENZ
Date:	11/2/2019
CEO's Signature:	
Chief Executive Officer:	David Leahy
Date:	11/02/2019.



## WEST WIMMERA SHIRE COUNCIL

Date: 24 January 2019

Mr Ross Millard  
Manager Operations – Local Government Inspectorate  
GPO Box 2392  
Melbourne VIC 3001

Dear Mr Millard

**Re: Response to Local Government Inspectorate Examination Report and Recommendations.**

**Ref:**

I write to provide a response to the report and recommendations from the Local Government Inspectorate following the receipt of the document titled West Wimmera Examination, dated, 28 November 2018.

The examination and investigation process undertaken by the Inspectorate has been of great benefit to West Wimmera Shire Council, as it has provided good advice on a number of governance activities and also provided good examples for the staff to research.

Council accepts the recommendations as contained within the report document and a number of actions have occurred since the examination to rectify the issues identified.

Responses to recommendations have been provided in the order that are listed within the examination report document and the recommendations have been provided in a table which indicates the action taken or to be taken and the timelines for taking the action. It also contains, where necessary, the Council Officer responsible for completing the action.



# WEST WIMMERA SHIRE COUNCIL

## **Abbreviations**

- CEO means - Chief Executive Officer
- DIDW means - Director Infrastructure Development and Works
- DCCS means - Director Corporate and Community Services
- GO means - Governance Officer
- FM means - Finance Manager
- CM means - Contracts Manager
- MPE means - Manager Planning & Environment
- ME means - Manager Engineering
- WM means - Works Manager
- PD means - Position Description
- PROV means - Public Records Office Victoria
- RecFind means - Councils records management system
- SMG means - Senior Management Group
- HRM means - Human Resource Manager



# WEST WIMMERA SHIRE COUNCIL

## 1. Governance Schedule

Council accepts the recommendations provided and has taken steps to improve the practices currently in place. These include consolidating all governance scheduled governance functions in the one location, this includes returns and the development of standardised procedures.

<b>Recommendation</b>	<b>Action taken or to be taken</b>	<b>Action timeline and responsible officer(s)</b>
A whole of organisation governance schedule should be developed that clearly outlines all legislative requirements and designated roles and responsibilities	Governance schedule to be added to the GO PD and set as a KPI for both G.O. and CEO. Investigation of other formats across the sector will be completed to enable schedule to be developed	Document to be developed for endorsement by Council by April meeting of Council 2019.
The roles undertaken by the governance officer and the corporate support officer should be reviewed to ensure there is clarity of responsibilities for all governance requirements and tasks.	All scheduled governance activities will be undertaken in the one central location with the governance officer based in Edenhope. During periods of leave a "back-up" officer will be appointed.	Roles redefined by March 2019, by the CEO & DCCS.
The roles must be closely aligned to ensure any advice provided to Councillors is clear, direct and consistent, irrespective of which officer provides the advice.	As above all advice will be provided via the Governance and executive support role.	March 2019 – CEO & DCCS
Council is advised to review better practice examples of governance schedules, such as the statutory obligations template provided by Hobsons Bay	It has been agreed that a number of examples will be investigated by the CEO, DCCS and GO	Schedule document to be developed by April 2019. CEO, DCCS, GO

## 2. Policy framework

Council has undergone a complete policy review and standardisation of policy presentation, commencing in early 2017. This review failed in its early stages to include the next review date.

As discussed during the report meeting of 10 December 2018, the inclusion of a review date on the policies has been inconsistent and Council accepts the recommendation of including a review date in the policy template to ensure that statutory timelines are met.

<b>Recommendation</b>	<b>Action taken or to be taken</b>	<b>Action timeline and responsible officer(s)</b>
Council should continue to update policies and include a "next review date" on each policy subject to review, to provide accountability and assist in ensuring they are appropriately reviewed within legislative timeframes.	The policy document template has been adjusted to include the next review dates. Policy reviews will be included in the Governance Schedule document	January 2019, GO and CEO.



## WEST WIMMERA SHIRE COUNCIL

### 3. Record keeping

It is acknowledged by the administration of West Wimmera Shire Council that importance of an active records management system and diligent record keeping is a very high priority.

It is also acknowledged that there is considerable improvement required to ensure that all relevant staff are completely aware of their respective responsibilities, regarding record keeping.

To enable a greater level of awareness to be achieved regarding records management, the Senior Management Group is arranging for training for all relevant staff on their requirements for record keeping. Also arrangements are currently being negotiated to have the providers of RecFind to present to relevant staff on the functionality of the program and how best to utilise it.

Council accepts all of the recommendations regarding Record Keeping.

<b>Recommendation</b>	<b>Action taken or to be taken</b>	<b>Action timeline and responsible officer(s)</b>
Council should facilitate an independent assessment of current record keeping practices and ensure the findings are promptly implemented.	Records management as a measurable key performance indicator will be added to PD's for relevant staff. PROV to be approached to nominate a suitable records auditor.	Audit / Assessment to be arranged by March 2019. DCCS.
Council officers should be made aware of their obligations under the Public Records Act in relation to the keeping and storing of Council records and that they are required to record all Council related correspondence in the records management system.	Training for all relevant staff to be undertaken by PROV, or a nominated provider, on legislative requirements of all staff. Information session to be conducted by records management system providers (RecFind) and subsequent updates provided at management meetings as required.	The target date for this training is April 2019. This will be determined by the availability of training providers and will be arranged by the DCCS
Mandatory staff training should be carried out on a regular basis to ensure staff are familiar with the document management system. Staff should also be educated about the relevant record management policies and legislation.	Initial training to be conducted by records management system providers (RecFind) and subsequent sessions to be hosted by Records Management staff, with RecFind presenting annually. Training to be added to staff training schedule as a mandatory bi-annual item for all relevant staff.	Training to be arranged by DCCS by August 2019.  Staff review template will be altered by CEO & GO for 2019 reviews in Sept 2019.





## WEST WIMMERA SHIRE COUNCIL

### 4. Audit Committee

West Wimmera Shire Council recognises the importance of a high functioning and independent Audit Committee.

Council has been fortunate to have independent members providing a quality service to the shire as members. Council is also fortunate that the recently appointed internal auditors are providing a high quality service and have the confidence of the committee members and officers.

Council accepts the recommendation provided and will action from the next Audit Committee meeting scheduled for February 2019.

Recommendation	Action taken or to be taken	Action timeline and responsible officer(s)
The minutes of each audit committee meeting should contain sufficient detail in terms of what has been reviewed and clearly outline any subsequent actions to be taken.	Minutes of Audit Committee meetings will include detail that outlines any actions as per the recommendation	February 2019. DCCS & FM.

### 5. Special committees

The recommendations provided regarding the section 86 status of the Kaniva Museum and Historical Collection Committee, is agreed to by Council and discussions with the committee have commenced regarding this.

It has also been discussed about the relevance of the Economic Development Special Committee, section 86 status. The committee consists of Councillors and senior staff only and performs a role that can be accommodated as part of a Council Assembly / Forum.

Recommendation	Action taken or to be taken	Action timeline and responsible officer(s)
<p>Kaniva Museum and Historical Collection Special Committee</p> <ul style="list-style-type: none"><li>• Conduct a review to determine whether there is a need for the committee to remain as a section 86 committee</li><li>• If it is to continue,<ul style="list-style-type: none"><li>○ Council must have Instrument of Delegation authorised by a resolution of Council to ensure that it complies with section 86(6) of the act.</li><li>○ Provide appropriate training to the committee members in regard to their roles and responsibilities as committee members.</li></ul></li></ul>	<p>Discussions have commenced with the committee with the intention of discontinuing the section 86 committee status. This will be undertaken by resolution and correspondence exchanged between Council and the committee to confirm this.</p>	<p>Following negotiation with the Committee, the target is to resolve to extinguish the section 86 status at the April (2019) meeting of Council.</p> <p>This will be completed by the CEO</p>



## WEST WIMMERA SHIRE COUNCIL

<p>Economic Development Special Committee</p> <ul style="list-style-type: none"> <li>Council must have the Instrument of Delegation authorised by a resolution of Council to ensure it complies with section 86(6) of the act.</li> </ul>	<p>Council will discuss the merits of this committee remaining as a section 86 committee. Officers will be recommending that it function as a sub-committee and meeting agendas be included as part of Council Assemblies / Forums</p>	<p>The target is to resolve to extinguish the section 86 committee status of the Economic Development Committee by the April (2019) meeting of Council.</p>
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### 6. Complaints management

Council acknowledges that there are a number of gaps in the complaints handling processes within Council. Also the issue regarding a mechanism to accept complaints (anonymous or otherwise) against Councillors or Staff.

The recommendations regarding Complaints Management are accepted by Council and will be actioned within 12 months of this report. It is also intended to undertake a detailed review of customer service related policies and reference them to relevant procedures that will ensure consistency is applied to complaints management.

Recommendation	Action taken or to be taken	Action timeline and responsible officer(s)
Council should maintain a complaints register	A complaints register will be developed and managed as part of a consolidated governance role. Customer Service staff will be informed of the process and relevant managers reminded regularly of their obligations to respond to complaints and requests and record the action / outcome.	The target date to have the full system implemented is October 2019. This will be driven by the SMG.
Council should update the complaint section of the Customer Service Policy to include the process for making a complaint against a Councillor and also the process for making a complaint anonymously, as well as details of how the Council will deal with the complaint.	Council shall add a reference to Complaints Handling Policy into the Customer Service Policy. This Complaints Handling Policy will reference Council's Councillor and Staff Codes of Conduct and its Protected Disclosure Policy.	It is anticipated that the Customer Service Policy review be completed by June 2019. This will be completed by the CEO and Governance Officer in conjunction with the DCCS and DIDW and Council's Employee Consultative Committee
Council must review its internal policies for the recording, handling and finalisation of complaints to ensure complaints are actioned and finalised with justification.	Council shall develop a separate Complaints Handling Policy which will reference all other relevant Policies, Procedures and legislation. To assist this, Council will research similar policies of other Councils.	SMG will drive this policy development with input from Employee Consultative Committee. The target date for completion is October 2019.





## WEST WIMMERA SHIRE COUNCIL

Council should review the Ombudsman Victoria report on complaint handling to ensure that the practices at Council comply with best practice.	Council will review the Ombudsman Victoria's report	Council will utilise the Ombudsman's report when developing the Policy. CEO and GO will commence policy development process in May / June 2019
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### 7. Delegations

Council has undertaken a number of delegations reviews over the past two years across all of the various categories. This activity will continue as updates are alerted via the Maddocks subscription.

Council has also investigated a subscription to a program called Reliansys which will enable exception reports to be provided to ensure that all relevant areas are easily captured during a review.

### Specific allegations

#### 1. Conduct issues and Councillor / Staff interactions

The issue of Councillor and Staff contact protocols was identified as an issue that needed to be addressed in early 2016. Identifying the issue led to the development of the protocols that were provided as part of the examination.

Council accepts that having these protocols included in the Councillor Code of Conduct is an important step in enabling them to be enforced. It is also acknowledged that a review of the Councillor Code of Conduct will need to be undertaken to enable the protocols to be included and that a review of the Wyndham and Ballarat Council Codes of Conduct will assist with this review.

Recommendation	Action taken or to be taken	Action timeline and responsible officer(s)
Council review and improve the Councillor Code of Conduct. Council may wish to review code of conduct material from Wyndham and Ballarat Councils as a guide.	Council will undertake a detailed review of the Councillor Code of Conduct and utilise material from other Councils to inform the review. The staff code of conduct has been reviewed and will be endorsed in February by the CEO and SMG.	The Councillor Code of Conduct will be completed by June 2019 and will be facilitated by the CEO. Staff code of conduct has been re-written and will be endorsed by the CEO in February 2019.
Ensure all staff and Councillors are meeting the requirements of the relevant policies including the Councillor Staff Protocols – October 2016, the Employee Code of Conduct & Ethical Behaviour Handbook and the Councillor Code of Conduct.	Employee Code of Conduct and Ethical Behaviour Handbook has been re-written and retitled and will be rolled out in Feb/March 2019. Update refresher workshop with Councillors to be provided on Code of Conduct and Protocols	The targeted completion date of the reviewed Councillor Code of Conduct is June 2019. Refresher Workshop to be completed by end of August 2019.



## WEST WIMMERA SHIRE COUNCIL

		Actioned by CEO, GO & HRM
Council should assess whether there are valid reasons for Councillors to have ongoing unrestricted access to Council offices. If it is determined that Councillors are to be given unrestricted access to Council offices, then protocols must be developed to ensure that confidential information and officers exercising delegated authority are not compromised.	Council will review the access to the Council offices that currently exists and if necessary the access cards that have been provided will be retrieved. Internal redesign of access and office spaces will also be undertaken.	The review will be actioned by the SMG and discussions with Cr's has commenced as at 19 Dec 2018. Office redesigns will be completed by May 2019 and implemented over consecutive (3) financial years.

### 2. Conflicts of interest (COI)

Conflict of interest is an area that most Councils battle with when it comes to fully understanding what constitutes a conflict. The level of understanding can lead to discussions at the point in a meeting where conflicts are to be raised.

The lodging of a COI declaration form would make the process considerably cleaner at a Council meeting and would greatly assist with the development of a register.

The development of the COI declaration form, a COI register and independent training provided for Councillors will enable the organisation to function at a higher level regarding COI.

Recommendation	Action taken or to be taken	Action timeline and responsible officer(s)
Provide external, independent training in relation to the COI provisions to improve Councillor knowledge and understanding of COI's.	Council agrees with this recommendation and will engage the services of an independent facilitator to provide the training.	The target for this training is April 2019 and it will be actioned by the CEO and GO
Create a COI register.	This item will be actioned in time for the February meeting of Council	February 2019, actioned by GO
Create and enforce the use of a COI declaration form.	As above, to be in place ready for February 2019 meeting of Council.	February 2019, actioned by GO
Council may also wish to liaise with Ballarat Council regarding their application dealing with conflicts and the reporting of gifts and benefits.	Council staff will explore options provided by other Councils including Ballarat	CEO and GO will action and incorporate guidelines included in policy position and present to Council by August 2019.



## WEST WIMMERA SHIRE COUNCIL

### 3. Interest returns

Council acknowledges the importance of an accurate interest returns process and also acknowledges that the late returns and incomplete returns is unsatisfactory.

By consolidating all of the statutory governance activities in the one area (CEO and Governance Officer), many of the issues that have been highlighted can be rectified. Also the development of a detailed Governance Schedule will also enable the process to be monitored closely and ensure that all people required to lodge interest returns will be alerted at the appropriate time.

Recommendation	Action taken or to be taken	Action timeline and responsible officer(s)
The interest return process should be formally documented to assist in ensuring that legislative requirements are met, irrespective of who has or is given responsibility for managing the process.	Interest returns will be managed via the GO role and “back-up” officers will be appointed to ensure sufficient resources are applied to the task. The “back-up” officers will include the Corporate Support Officer and Executive Assistant to DIDW.	CEO, GO, DCCS to implement by June 2019.
The documented process should include the nomination of a secondary responsible officer who is aware of the process and the legislative requirements.	As above support for this function will be developed.	As above
Councillors, Officers and Committee members should be routinely reminded of their obligations to submit returns, that they are on time and appropriately witnessed	Updates for Council Staff will be provided at Senior Management and 3 <sup>rd</sup> Tier Managers meetings prior to the lodgement time. Councillors will have reminders provided and refreshers provided at Council Assemblies prior to the lodgement date. This item will also be added to the agenda for the Audit Committee in 2019.	CEO, GO, DCCS & Finance Manager to implement by June 2019.
Returns are checked for statutory compliance, with non-compliant submissions followed up and appropriate actions taken.	The consolidation of all governance activities in the one location will enable the quality of submissions to be assessed and actioned by the CEO in a more suitable timeframe.	All returns will “quality checked” by the Governance Officer two weeks prior to the deadline for submitting them.

## Asset management

### 1. Sale of land

Whilst Council does not have large volumes of land for sale, it is committed to ensuring that the appropriate legislative steps are taken when disposing of land assets. To ensure that this occurs, a detailed procedure will be developed and workshopped with the relevant staff.



## WEST WIMMERA SHIRE COUNCIL

The procedure will include a check list to be approved by the CEO or relevant Director whenever land assets are sold. It must also include standards to be adhered to on advertising, valuations and reporting to ensure that suitable levels of transparency can be achieved.

<b>Recommendation</b>	<b>Action taken or to be taken</b>	<b>Action timeline and responsible officer(s)</b>
Council must ensure that relevant staff understand the requirements of section 189 of the Act and Council's Asset Disposal Policy and adhere to them.	A detailed procedure is to be developed to support the policy and relevant staff to be informed of their responsibilities to comply with the Act.	DCCS and FM will prepare policy by May 2019
Council must ensure that sale of land transactions are at all times transparent to the community, in accordance with Local Government Best Practice Guideline for the sale, exchange and Transfer of Land	Information sessions with relevant staff using the guidelines document will ensure that appropriate standards of transparency are achieved.	DCCS will facilitate information sessions with relevant staff by June 2019

### 2. Lease of land

Council acknowledges that there is a clear obligation to obtain best value for the community from its assets and accepts the recommendations contained within the report.

It must be highlighted however that the period from 2016 to 2018 where it is suggested that sheep were grazing the site was undertaken as a form of vegetation control and not an activity to advantage any particular party. It must also be highlighted that the site was not available for any grazing activity for a large portion of the period 2016 to 2018. The grazing / vegetation control, was arranged post the former arrangements with previous tenants and the sheep were sourced via local agents on short term placements / agistment. Grazing was not the only form of vegetation management exercised at the site, as Council funding the slashing of the site to reduce the grass fire risk.

<b>Recommendation</b>	<b>Action taken or to be taken</b>	<b>Action timeline and responsible officer(s)</b>
In all circumstances where Council land is being utilised by a body / entity other than Council, there should be a formal lease arrangement in place and the rental / lease payments must meet public expectations.	A complete review of all sites under Council care and control will be completed and agreements developed for any outstanding properties.	To be completed by December 2019 with responsible officer to be DIDW.
Council should develop a policy, or include in an existing policy, guidelines that outline the process in relation to the lease of Council Land	Council will develop a set of guidelines and have them referenced in the policy documents relevant to the lease of Council land	To be developed by October 2019



## WEST WIMMERA SHIRE COUNCIL

### Financial management

#### 1. Procurement

Council accepts the recommendations contained within the procurement section of the report and a number of steps have been taken over the past two years to improve processes.

The items highlighted in the report namely, the *Kaniva Grass Maintenance, Town Maintenance Services, Kaniva and the Street Cleaning and pit Cleaning Services, Kaniva* are all items that have been managed inappropriately at times. In particular the Kaniva Grass Maintenance arrangements are to be finalised as soon as practicable, with staff working on specification documents.

Recommendation	Action taken or to be taken	Action timeline and responsible officer(s)
Council must follow its procurement policy	Council agrees to this recommendation and will undertake random audits of its processes to ensure levels of compliance improve. Training will also be provided for relevant staff to keep knowledge of the system up to date.	This will be an ongoing awareness program that will commence with the next review of the Procurement Policy in March 2019. It will be driven by the DIDW, DCCS and Contracts Manager
All tender evaluation panel members must be aware of their roles and responsibilities and have clear guidelines in regard to the disclosure and management of conflicts of interest.	Senior staff will attend conflict of interest training with the Victorian Ombudsmen's Office during 2019. This training provides a clear and easy to understand set of guidelines with respect to conflicts pertaining to procurement. Updates on process and requirements will be provided to management meetings on a regular basis	DIDW and DCCS to attend training at next available opportunity (CEO completed training in Dec 2018). CM, ME and WM to attend also.
All documents must be maintained in the records management system	This will be addressed through the records management training to be provided by PROV (or recommended provider) and updates and refresher training provided at regular intervals.	The target date for this training is April 2019. This will be determined by the availability of training providers and will be arranged by the DCCS
The credentials of each of the panel members be included in the evaluation report to demonstrate knowledge / expertise.	A standard form to be completed by all evaluation panel members will be developed and include conflict declarations, listing of credentials	Form(s) to be developed by DCCS and CM and implemented by May 2019



## WEST WIMMERA SHIRE COUNCIL

Where a scoring matrix is completed, include the matrix with the evaluation report and ensure all tender evaluation panel members sign the matrix to attest that they were part of the process and support the final ratings.	Evaluation matrix documents are currently included in reports and will also include signatures of panel members.	Matrix documents in the signed format will be facilitated by the CM by February 2019.
Independent members of staff review completed files from a probity perspective, even if only on a random basis, to reinforce the integrity of the process.	Council agrees with this recommendation and random audits will be facilitated via the finance department at suitable times	Random audits to be facilitated at times that are suitable to the finance department and will be coordinated by the FM, commencing in March 2019.
Council develops a defined procurement complaints process to ensure consistency and uniformity when managing complaints about procurement	This process to be developed to compliment the Complaints Handling Policy, Customer Service Policy and Procurement Policy.	Senior Management Group along with CM and FM to develop by October 2019.
Council should ensure, where appropriate, formal contracts are entered into.	A review of all activities potentially requiring a formal contract will be completed as part of the review of the procurement policy	This activity will be completed by the CM during March 2019.

### 2. Community grant programs

The community grant program at Council is a very important program for Council as it provides an opportunity for Council to assist with small community groups to complete small projects and host events etc.

Due to the program being under subscribed for a number of years, the Economic Development Unit at Council provided information sessions to assist with the groups lodging applications. This improved the uptake during the periods when the grants were open.

It is acknowledged that a separation between the promoters of the scheme (Economic Development) and the recommendations needs to exist due to the program being promoted by the unit and assistance provided to the various applicants.

In order to create this separation, the Senior Management Group has agreed to develop an assessment panel / committee to make recommendations to Council for endorsement.

<b>Recommendation</b>	<b>Action taken or to be taken</b>	<b>Action timeline and responsible officer(s)</b>
Council must ensure that a separation of duty exists where the officer responsible for assisting applicants complete their applications, is not responsible for assessing applications and determining which are to progress to the funding stage.	Council will establish an assessment committee to determine which applications are to progress to the funding stage.	This process will be implemented from the next round of Community Grants (closing on 18 Feb 2019) and endorsed by





## WEST WIMMERA SHIRE COUNCIL

	All committee members will be required to complete disclosure statements. The officers who have assisted any particular group with an application will also be required to highlight which application they have assisted with.	Council at Ordinary meeting on 20 March 2019. Committee development will be undertaken by CEO & DCCS
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### 3. Councillor expense / reimbursement

The processing and approval of Councillor expense claims will continue to be facilitated via the CEO and Governance Officer.

### 4. Corporate credit cards

The potential for misuse of corporate credit cards is acknowledged a risk for Council and the due this risk, the statements are scrutinised thoroughly to ensure compliance with policy.

This level of scrutiny will continue and the signing and counter signing of statements will be adjusted slightly to accommodate the CEO statement being counter signed by both the Mayor and Director Corporate and Community Services (DCCS).

Recommendation	Action taken or to be taken	Action timeline and responsible officer(s)
Council may consider including a Director in the approval process of CEO expenditure, in addition to the Mayor, to ensure there is sufficient knowledge in regard to what reasonably constitutes Council business expenditure.	Council agrees with the recommendation and will implement it immediately	This process has been implemented and the appropriate finance staff informed of the requirement.

## Human Resources management

As discussed during the Governance Examination, West Wimmera Shire Council participated in a shared service agreement with Horsham Rural City for the provision of a limited HR Advisory service.

Whilst this arrangement provided West Wimmera with some assistance in standardising a number of practices such as, justification for recruitment and assistance with staff reviews, it lacked a regular face to face element to the service.

After an evaluation of the service, some changes to the structure at Horsham Rural City and discussions with CEO's across the region, West Wimmera has now entered into a shared use arrangement with Yarriambiack Shire for HR Services, where each shire will receive 5 days per fortnight of a HR Manager based in the respective shire offices.



## WEST WIMMERA SHIRE COUNCIL

This arrangement will commence in the first week of February 2019 and has been positively received by staff from both organisations and will greatly assist in improving efficiencies, morale and ultimately productivity across the shires.

### 1. CEO / Senior Officer Contract and Performance Reviews

It is acknowledged that the performance criteria has not been included in the contract documents for the CEO and DCCS.

It is intended that this will be addressed by attaching the annual performance objectives to the contracts upon completion of the annual review. This will also be undertaken by the Director Infrastructure Development and Works.

Recommendation	Action taken or to be taken	Action timeline and responsible officer(s)
Council should ensure that all future Senior Officer contracts, under the current legislation, must have specific performance criteria at the point of execution,	Council agrees with the recommendation and will implement it immediately	This process has been implemented and the appropriate finance staff informed of the requirement.

Yours faithfully

**David Leahy**  
Chief Executive Officer



## Local Government Inspectorate

GPO Box 2392  
Melbourne, Victoria 3001  
Telephone: +61 3 7017 8212

Mr David Leahy  
Chief Executive Officer  
West Wimmera Shire Council  
PO Box 201  
EDENHOPE VIC 3318

Dear Mr Leahy

### Local Government Inspectorate Examination

The purpose of this letter is to bring to your attention issues identified through the recent investigations and governance examination undertaken by the Local Government Inspectorate at West Wimmera Shire Council.

Following completion of the examination, it has been determined that further action will be taken over the non-submission of interest returns. No other formal actions will be undertaken by the Inspectorate. However, based on the findings and outcome of the review, further specific recommendations are made to council for its consideration and implementation.

Council is requested to consider and respond to all of the recommendations in the report by **Thursday 31 January 2019**.

Should you have any queries in regard to any of the recommendations, please contact Senior Compliance Officer Peter Brasher at [peter.brasher@lgici.vic.gov.au](mailto:peter.brasher@lgici.vic.gov.au) or on (03) 70178211.

Thank you to your staff and yourself for the assistance shown throughout this process.

Yours sincerely

**Ross Millard**  
Manager Operations

7/12/2018





# **West Wimmera Examination 28 November 2018**

## **Local Government Inspectorate**

Encouraging higher standards of integrity, accountability and transparency in local government  
**email** [inspectorate@lgici.vic.gov.au](mailto:inspectorate@lgici.vic.gov.au) **website** [www.lgi.vic.gov.au](http://www.lgi.vic.gov.au) **tel** 1800 469 359







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# **West Wimmera Shire Council Examination**

## **Scope of the examination**

The Inspectorate is the dedicated integrity agency for local government in Victoria. The Chief Municipal Inspector (CMI) leads the Inspectorate and has powers as set out in the Local Government Act 1989 (Act) to enable the Inspectorate to examine, investigate and prosecute any matter relating to a Council's operations and any breaches of the Act.

The Inspectorate undertook the examination in the Shire following some specific allegations related to possible breaches of the Act and governance concerns. The work included an examination of the allegations and general governance arrangements. As part of the examination, the Inspectorate also took into account findings from a 2011 review and whether these had been actioned by the council.

Good governance is important for several reasons. It not only gives the local community confidence in its council, but improves the faith that elected members and officers have in their own local government and its decision making processes. It also leads to better decisions, helps local government meet its legislative responsibilities and importantly provides an ethical basis for governance.

In the course of the investigation, matters were raised to broaden the original scope and include specific asset, financial, and employment management circumstances. Due to the comprehensive nature of this investigation and the large number of issues identified at council, for the purpose of this report, these have been broken down into the following areas:

1. Governance arrangements
2. Specific allegations
3. Asset management
4. Financial management
5. Human resources management

### **Key recommendations**

- Process improvements where advice should be sought from other councils and integrity agencies
- Training and guidance for councillors and council staff to ensure policies and processes are understood and implemented.

## **Governance arrangements**

Governance arrangements are the necessary procedures and monitoring systems in place to ensure that council is performing all of its functions to the required standard and in accordance with its legal obligations. Good decision making processes and therefore good governance share several characteristics. All have a positive effect on various aspects of local government including consultation, policies and practices, meeting procedures, service quality protocols, councillor and officer conduct, role clarification, leadership and good working relationships.

As part of the review, the Inspectorate identified seven governance areas where improvement is recommended. At the outset of the examination, council acknowledged that improvements are required in engaging staff at all levels to ensure they are aware of their legislative requirements and responsibilities. It was accepted that the executive leadership team needs to drive these improvements.

### **1. Governance schedule**

As part of meeting governance obligations, many councils maintain governance schedules to facilitate accountability for key dates throughout the year such as interest return deadlines, mayoral election periods and other relevant time-critical legislative requirements.

Council does not have a current governance schedule. The governance officer is the key person responsible for meeting legislative requirements, however a number of governance functions are handled by the Corporate Support and OH&S officer based at the Kaniva office. It was identified that neither the governance officer or the corporate support officer have been provided with clearly defined and documented roles and responsibilities. This could lead to key legislative obligations being overlooked.

The governance officer maintains a series of self-created hard copy folders to act as guidance for that particular role, however the Corporate Support officer does not apply the same system. The documenting of key governance responsibilities requires a whole of organisation approach, particularly where key tasks are split between staff at different locations.

### **Recommendations**

- A whole of organisation governance schedule should be developed that clearly outlines all legislative requirements and designated roles and responsibilities.
- The roles undertaken by the governance officer and the corporate support officer should be reviewed to ensure there is clarity of responsibilities for all governance requirements and tasks.
- The roles must be closely aligned to ensure any advice provided to councillors is clear, direct and consistent, irrespective of which officer provides the advice.
- Council is advised to review better practice examples of governance schedules, such as the statutory obligations template provided by Hobsons Bay Council.

### **2. Policy framework**

Every organisation requires up to date policies and procedures to function efficiently and effectively. They are particularly important for local government, as they promote consistency across the organisation and maintain transparency for council officers, councillors and residents. Sound policies mitigate the risk to council, and provide a framework that promotes accountability across the organisation.

It was confirmed that an organisational policy review was commenced in early 2017 to ensure that all policies were up to date, and incorporated any relevant legislative amendments that had come into effect in the previous two years. A template was also created for new policies to ensure consistency and uniformity across the organisation. Previous reviews had only been conducted in an ad-hoc manner, lacking a thorough and structured approach.

The majority of the policies available on the council website were current, however very few carried the 'next review date' on the actual policy, creating the risk of a lack of accountability, and that the policy may be overlooked during future reviews. Councils often use a 'master list' to ensure policies are checked and updated on specific dates, and this mitigates the risk of policies not reflecting current legislation.

### **Recommendations**

- Council should continue to update council policies, and include a 'next review date' on each policy subject to review, to provide accountability and assist in ensuring they are appropriately reviewed within legislative timeframes.

### **3. Record keeping**

The Public Records Act requires the effective management of records made or received by a public officer – which includes council staff - in the course of their duties. Record keeping practices that meet legislative requirements ensures records are kept secure and allows for them to be made readily available to the public and other government entities, which is an important function of councils.

The importance of these issues was highlighted in 2017, when an Inspectorate investigation revealed that record keeping at Central Goldfields Shire Council had a major impact on the council's ability to function effectively for the community.

The review of record keeping at West Wimmera found that:

- Council has a record management system RecFind, which has been in place since 2009. Any staff member is required to input information into the system if their document requires further action.
- There is no specific training provided in relation to using the system effectively. Staff are provided with a 'cheat sheet' that provides them with limited advice on the use of the system.
- Council provides continual reminders for staff to use RecFind.
- The Inspectorate was advised that less than 25 percent of staff were using RecFind, with approximately 15 per cent of those staff actually being fully compliant with its use.
- Staff stated there were very few records/documents for contracts, tenders or contract awarding in the records management system.
- Though documents are generally considered to be secure on council premises, there are limited cabinets or storage spaces that can be locked.
- Most staff members keep their emails and attachments saved as email records. If a staff member leaves council their email record is deleted after three months. If none of those emails records are saved to RecFind all of those records are permanently lost.

In general, the Inspectorate found that staff are willing to support change, to ensure that all council records are in accordance with council policy and the Public Records Act. However, the examination revealed a lack of staff awareness about how to use the RecFind system and a general reluctance to use it.

This continues to make it difficult for staff to locate records that should be stored electronically and can also impact on external document requests such as audits or Freedom of Information.

#### **Recommendations**

- Council should facilitate an independent assessment of current record keeping practices, and ensure the findings are promptly implemented.
- Council officers should be made aware of their obligations under the Public Records Act in relation to the keeping and storing of council records, and that they are required to record all council related correspondence in the records management system.
- Mandatory staff training should be carried out on a regular basis to ensure staff are familiar with the document management system. Staff should also be educated about the relevant record management policies and legislation.

#### **4. Audit Committee**

An independent Audit Committee is a vital component of a good corporate governance structure.

In the context of local government, the committee is an advisory body that typically:

1. focuses on issues relevant to the integrity of financial reporting
2. monitors risk management systems, the internal control framework, compliance and audit activities, and
3. liaises between internal and external auditors and management.

The objectives of the Audit Committee were clearly set out in the charter. To provide clarity, it also contained an explanation of the relationship between the committee, the council and the internal/external auditors. The current independent members of the committee are suitably qualified, and include a staff member from neighbouring Hindmarsh Shire Council providing local government expertise.

The committee has held the required number of meetings per year, covering various topics including the draft annual budget, rate capping variation report, financial performance report, strategic resource plan and fraud and corruption control policy and procedures. The committee also conducts a self-assessment against the requirements of the charter.

While the committee had wide ranging oversight of risk issues, the minutes reviewed appeared to lack suitable detail of any actions taken or to be taken from the meeting.

#### **Recommendations**

- The minutes of each audit committee meeting should contain sufficient detail in terms of what has been reviewed and clearly outline any subsequent actions to be taken.

#### **5. Special committees**

Councils create special committees to assist in the management of specific projects, initiatives and selected municipal assets. Special committees are required to have current, authorised Instruments of Delegation to ensure they act within their regulated powers, are properly constituted and limited to their purpose.

Council currently has two special committees: an internal Economic Development committee, and the Kaniva Museum and Historical Collection committee. A review is to take place to determine the ongoing requirement for the latter to remain a special committee.



The examination revealed that the Instruments of Delegation for both committees do not carry a signing/common seal date to confirm commencement. The committees are authorised by a resolution of council on 19 September 2013, which does not meet the requirement of section 86(6).

Both committees have met the minimum meeting requirements as per the existing delegation. Two of the four sets of minutes provided to the council for the Kaniva Museum contain a current bank balance, however it does not appear that the requirement for an Annual General Meeting to be held, that provides an annual report, and annual financial report, according to the delegation, has been met.

### ***Recommendations***

#### **Kaniva Museum and Historical Collection Special Committee**

- Conduct a review to determine whether there is a need for the committee to remain as a section 86 committee.
- If it is to continue,
  - Council must have the Instrument of Delegation authorised by a resolution of council to ensure it complies with section 86(6) of the Act.
  - Provide appropriate training to the committee members in regard to their roles and responsibilities as committee members.

#### **Economic Development Special Committee**

- Council must have the Instrument of Delegation authorised by a resolution of council to ensure it complies with section 86(6) of the Act.

## **6. Complaints management**

An effective complaints management system provides council with a consistent and uniform approach, assuring complainants that all allegations are dealt with in a suitable manner. Well-handled complaints can restore trust with residents when things go wrong and lead to better services, decisions and outcomes for the community.

It was alleged that there is a reluctance by council to deal with complaints relating to councillors and council staff made by private persons, particularly anonymous complaints. There is no capacity in the online complaints system to accept anonymous complaints.

The online complaint system allows for complaints about council assets or services such as roads and footpaths but provides no indication if the complaint form can be used to make a complaint against a staff member or councillor.

Records also indicate that the majority of complaints are not followed up or actioned. Some complaints are closed after a period of time with no justification or details as to the reason why complaints were closed. There is also no central register for complaints to ensure monitoring and accountability.

The Customer Service Policy outlines the process for lodging a complaint but does not provide advice about how to make a complaint against a councillor and also provides no information about making anonymous complaints.

### ***Recommendations***

- Council should maintain a register of complaints.
- Council should update the complaint section within the Customer Service Policy to include the process for making a complaint against a councillor, and also the process for making a complaint anonymously, as well as including details of how the council will deal with the complaint.

- Council must review its internal policies for the recording, handling and finalisation of complaints to ensure complaints are actioned and finalised with justification.
- Council should review the Ombudsman Victoria report on complaint handling to ensure that the practices at council comply with best practice.

## **7. Delegations**

Under the Local Government Act and a wide range of other Acts and Regulations, council, the CEO and the municipal building surveyor can delegate powers, duties and functions to special committees and council staff. The delegation process is essential to ensure actions and functions are lawfully exercised.

The examination revealed that a review was undertaken of the delegation to the CEO from the council, having been authorised via a resolution of council on 19 April 2017 in accordance with the requirements of the Act. While not legislated, the sub-delegation from the CEO to council staff was also done via resolution of council on 19 April 2017.

It was also confirmed that the council subscribes to the industry standard practice for maintaining delegations.

***There are no recommendations for this component.***

## **Specific allegations**

### **1. Conduct issues and councillor/staff interactions**

Good conduct is essential to good governance and understanding how to promote good behaviour and good conduct in local government is vital for councillors and officers.

It is particularly significant in local government because it relies on councillors and officers working together to make decisions for the good of the community.

Councils such as West Wimmera have protocols in place which help councillors and staff understand who they can communicate with and what sort of communication is appropriate. Within the limits of legislation, the council makes its own decisions about the protocols around staff and councillor communication. However, once in place, these protocols must be followed.

Concerns were raised that councillors had inappropriately directed or influenced staff. It was identified that despite clear guidelines being in place in regard to councillor interactions with administration staff, unauthorised approaches of councillors to staff were reported.

It was also identified that council had provided councillor unrestricted access to the Edenhope and Kaniva offices. It is not common for councillors to have an equivalent level of access to council administration areas, staff and documents. This poses a risk for councillors in perceived or real allegations of conflict of interest or misuse of position.

In the course of this examination, the Inspectorate was satisfied there were adequate protocols in place in relation to councillor-staff contact, however, it was evident the protocols were routinely not followed.

A review of the Councillor Code of Conduct was also undertaken, along with interviews of relevant staff members and councillors. The code of conduct, reviewed and adopted on 15

December 2016, contains only the necessary sections of legislation but does not reflect some of the better practice codes of conduct identified across the sector.

In the course of the examination, instances were raised relating to conduct amongst councillors, and between councillors and council staff, that appeared not to align with the councillor conduct principles. Councillors must support and promote the principles under the Act and behave in a way that secures and preserves public confidence in the office of councillor.

It is important that, as the leaders of the organisation, the CEO and the Mayor ensure that codes of conduct are adhered to.

### ***Recommendations***

- Council review and improve the Councillor Code of Conduct. Council may wish to review code of conduct material from Wyndham and Ballarat councils as a guide.
- Ensure all staff and councillors are meeting the requirements of the relevant policies including the Councillor Staff Contact Protocols – October 2016, the Employee Code of Conduct & Ethical Behaviour Handbook Policy, and the Councillor Code of Conduct.
- Council should assess whether there are valid reasons for councillors to have ongoing unrestricted access to council offices. If it is determined that councillors are to continue being given unrestricted access to council offices, then protocols must be developed to ensure that confidential information and officers exercising delegated authority are not compromised.

## **2. Conflicts of interest (COI)**

Councils are entrusted with a range of decision making powers in order for them to govern in the best interests of the community. Councillors are expected to act with integrity and transparency in ensuring their private interests do not affect their public duties, and that they do not manipulate council decisions for their own benefit.

In the course of this examination, the Inspectorate reviewed the process by which conflicts are identified, declared and recorded, and the general understanding of the COI framework. This included interviews with relevant council staff and councillors.

One of the most concerning issues was the lack of a formal mechanism to record a COI declaration and the lack of a COI register.

After interviews with staff, the Inspectorate considers that opportunities should be provided for councillors to improve their knowledge through training on the COI provisions of the Act and how the perception of COIs by the local community can affect council's reputation.

As part of the examination, the Inspectorate reviewed a specific matter related to the Kaniva Aerodrome and found that there was no offence committed under the Act.

### ***Recommendations***

- Provide external, independent training in relation to the COI provisions to improve councillor knowledge and understanding of COIs.
- Create a COI register.
- Create and enforce the use of a COI declaration form.
- Council may also wish to liaise with Ballarat Council regarding their application dealing with conflicts and the reporting of gifts and benefits.

### **3. Interest returns**

Councillors, members of the audit committee and special committees, senior officers and nominated officers are required to submit interest returns twice yearly to the CEO. The submission of interest returns is the responsibility of the individual and they are liable for any breaches of the legislation.

Adequately meeting legislative requirements, ensures that persons responsible for submitting returns, can participate in council decision making, free from concern of having bias or having a perceived or real conflict of interest.

The Inspectorate was advised that the interest return process is currently managed by the Corporate Support and OH&S Officer. Upon questioning, it was established that the end to end return process had not been documented. This creates an unnecessary risk to persons required to submit a return should the responsible officer be absent from the role during the return period.

It is to be noted that in an audit undertaken in July 2011, the Inspectorate identified that a number of interest returns had been submitted outside of the legislative return period. At the time, council acknowledged that the end to end process was not formally documented, and indicated through an action plan that an education refresher would be undertaken, as well as the implementation of a check listed administrative process, and a reminder system to be established. The risk identified in the previous audit appears not to have been heeded.

The three most recently submitted returns for each councillor were reviewed: one was submitted late and one was not witnessed. In the case of the late submission, it was advised that the original return was identified as having not been completed correctly and was returned to the councillor.

Ten nominated officer returns were also reviewed (23 returns in total). In this review, one newly appointed staff member submitted two Primary returns and no Ordinary return, and another staff member submitted their Ordinary return late despite repeated requests for it to be submitted.

Upon reviewing the above matters, there were no reasons provided to explain the non-compliance by the officers. Of most concern was the Primary return to be submitted by a director within 30 days of the appointment to their current role, which was on 16 June 2018. Emails dated 2 July 2018, 31 July 2018 and 20 August 2018 requested the director to complete and submit their return, however as at 12 November 2018, the return had yet to be submitted.

Of the Audit Committee members, two of the members had adequately submitted returns, however the third member had submitted one return late, and not submitted another return at all. It was identified that efforts had been made by the council to request the return as required, however they were not submitted by the committee member.

It is not acceptable for an audit committee member and a senior council officer, who ought be setting the example for council to have not complied with a legislative requirement. The Inspectorate will communicate directly with the individuals who have not met their legislative responsibilities.

### **Recommendations**

- The interest return process should be formally documented to assist in ensuring that legislative requirements are met, irrespective of who has or is given responsibility for managing the process.



- The documented process should include the nomination of a secondary responsible officer who is aware of the process and the legislative requirements.
- Councillors, Officers and Committee members should be routinely reminded of their obligations to submit returns, that they are on time and appropriately witnessed.
- Returns are checked for statutory compliance, with non-compliant submissions followed up, and appropriate actions taken.

## **Asset management**

A fundamental role of councils governing for the present day and the future is the responsible management of public assets. By planning for the long term and taking into consideration the cumulative effects of all decisions made regarding public assets, responsible asset management by council is essential in ensuring the best outcomes for the community.

### **1. Sale of land**

Compliance with the legislation is mandatory and a failure to meet these requirements may be sufficient to invalidate a sale. Transparency to the community is an essential part of the advertising and sale process.

A sale that occurred in February 2015, for Lots 16 and 17 in Kaniva Industrial Estate, was examined. The combined sale price of the properties was \$29,000. It was identified that a public notice published at least four weeks prior to the sale was not undertaken. The sale details were published on the council website, however this is not sufficient to meet legislative requirements. A valuation of \$29,000, dated September 2013, was provided, however there was no evidence that a valuation was completed within six months of the sale in accordance with the legislation.

Council has recently introduced an Asset Disposal Policy, which details that the sale process must be in accordance with the Act, but the Inspectorate was not informed of any relevant policy in place at the time of the sale.

### **Recommendations**

- Council must ensure that relevant staff understand the requirements of section 189 of the Act and council's Asset Disposal Policy and adhere to them.
- Council must ensure that sale of land transactions are at all times transparent to the community, in accordance with Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land.

### **2. Lease of land**

When leasing council-owned land, there is a clear obligation to obtain the best overall value for the community.

The Inspectorate reviewed one example of a lease and use of council land and a potential conflict of interest and/or misuse of position by the successful tenderer who is a current councillor.

A council-owned property, the Kaniva Aerodrome, was identified by council as no longer required for its previous purpose. During the financial years 2016 to 2018, the property was being used to graze sheep, despite no formal lease being in place. Other than an annual fire levy payment, no rental payments or compensation was paid on the land. This exposes council to potential liability risk. While tenders were called for in December 2016 and two submissions were received, no formal lease was entered into.

In October 2017, expressions of interest were called for and a lease was formally entered into for a rental return of \$300 per annum. Council could not demonstrate that the rental value agreed upon was market tested and provided best value.

Based on the rental agreement in place and yearly rental return, there was no requirement in accordance with the Act for the council to publish a public notice at least four weeks prior to the proposed lease.

While a breach of the Act was not identified, it appears that council knowingly provided access to the property to a current councillor and their family, without having a formal lease arrangement in place for that period of time. The community is entitled to rightly question the inappropriate advantage provided to the councillor.

### **Recommendations**

- In all circumstances where council land is being utilised by a body/entity other than the council, there should be a formal lease agreement in place and the value of the rental/lease payments must meet public expectations.
- Council should develop a policy, or include in an existing policy, guidelines that outline the process in relation to the lease of council land.

## **Financial management**

Councils are responsible for the management of public funds, which includes federal and state government grants and ratepayer contributions. The Act requires a council to ensure that resources are used efficiently and effectively and services are provided in accordance with best value principles to meet the needs of the community. The importance of responsible administration by local government of public finances cannot be overstated.

### **1. Procurement**

Procurement is an important function for council in expending public funds and obtaining best value for the community. Council has an appropriate procurement policy, adopted in March 2018. This review looked at the policy and processes in place and noted gaps where staff did not adhere to the policy.

Issues with general procurement practices were identified, including:

- confusion surrounding the conflict of interest declaration process.
- no management level sign-off was required when setting weightings for set evaluation criteria.
- no formal training or guidelines provided to new or returning tender evaluation panel members.
- council does not have a clearly documented complaints process specific to procurement.
- lack of formal contracts entered into.

From a probity perspective, there was a concern that directors were responsible for maintaining procedural integrity but were also routinely part of the evaluation panel. Random reviews should be undertaken by another director to ensure the integrity of the process.

### **Grass Maintenance, Kaniva**

- A contract was extended on several occasions between July 2015 and July 2017, without a formal agreement or evaluation process.
- No signed conflict of interest declarations were provided.



#### *Town Maintenance Services, Kaniva*

- No signed conflict of interest declarations were provided.

#### *Street Cleaning and Pit Cleaning Services, Kaniva*

- Some concerns about the initial tender process in 2014.
- Subsequent tender process in August 2017 clearly outlined the process and provided adequate justification for the outcome.
- No signed conflict of interest declarations were provided.

#### **Recommendations**

- Council must follow its procurement policy.
- All tender evaluation panel members must be aware of their roles and responsibilities and have clear guidelines in regard to the disclosure and management of conflicts of interest.
- All documents must be maintained in the records management system.
- The credentials of each of the panel members be included in the evaluation report to demonstrate knowledge/expertise.
- Where a scoring matrix is completed, include the matrix with the evaluation report, and ensure all tender evaluation panel members sign the matrix to attest that they were part of the process, and support the final ratings.
- Independent members of staff review completed files from a probity perspective, even if only on a random basis, to reinforce the integrity of the process.
- Council develops a defined procurement complaints process to ensure consistency and uniformity when managing complaints about procurement.
- Council should ensure, where appropriate, formal contracts are entered into.

## **2. Community grant programs**

Councils are responsible for the management of public funds, which include federal and state government grants and ratepayer contributions. The importance of responsible administration of council grants cannot be overstated.

It was confirmed that the council provides two funding opportunities to the community per year, with approximately \$40,000 made available. The programs are managed by the Economic Development Manager (EDM), with a grants administration team consisting of the EDM, the Tourism and Communications Manager, and more broadly the Community Strengthening Grants Committee comprising the five councillors.

It was identified that a grants program review was requested by the council and undertaken by Crowe Horwath in 2016. A number of recommendations were made following the review, including the need to improve the advertising/awareness of grant opportunities, provision of information/training sessions, responsibilities and structure of the grants committee, conflict of interest management, acquittal requirements, and the introduction of a formal scoring system.

This review did not seek to confirm that all improvement opportunities had been implemented, however it was advised through discussion that council had made every effort to follow through on its audit commitments, and a review of the external Council Grants Policy most recently reviewed in July 2017. This policy sets out clear guidelines for eligibility, application, assessment and accountability. Application and acquittal forms are available on the council website.

However, it was identified that in recent times the council had experienced difficulties exhausting available grant monies. To increase the opportunity for applicants to access the funds, the communications officer often engaged with prospective applicants, and assisted them to complete their applications. While this is a proactive action that creates greater opportunity within the community, it was advised that the communications officer also acts in an application assessment capacity, thereby creating a clear conflict of interest, and providing an integrity issue for the council.

#### **Recommendations**

- Council must ensure that a separation of duty exists where the officer responsible for assisting applicants complete their applications, is not responsible for assessing applications and determining which are to progress to the funding stage.

### **3. Councillor expenses/reimbursement**

The Councillor Expense Entitlement and Support Policy and the supporting procedural document outlines the support that each councillor will be provided with, and the type of expenses that can be claimed. It also outlines what is required to make a claim, and the authorisation process.

A review of claims made across the 2017 and 2018 periods did not identify any anomalies, either in terms of the value of claims, or the nature of claims, noting that a large percentage of claims were for travel expenses.

*There are no recommendations for this component.*

### **4. Corporate credit cards**

The misuse of corporate credit cards can expose councils to potential financial and reputational risks therefore it is important that internal controls are in place to mitigate this risk.

The review found West Wimmera's corporate credit card policy provides clear guidelines in terms of credit card usage. Each cardholder is required to sign a cardholder agreement form prior to receiving a card, and the consequences of misuse are clearly set out.

The reconciliation process is comprehensive for the cardholder along with the approval process, where the next level manager must sign off on monthly statements. However, it was noted there were no guidelines in regard to managing disputed transactions.

A review of statements for the period October 2017 to March 2018 revealed that all transactions appeared to be in accordance with the policy/procedural requirements.

#### **Recommendations**

- Council may consider including a director in the approval process of CEO expenditure, in addition to the Mayor, to ensure there is sufficient knowledge in regard to what reasonably constitutes council business expenditure.

### **Human Resources management**

Human resource management at council is about managing and maximising the performance and efficiency of the workforce. Effective systems lead to strong recruitment practices that promote development and productivity of council staff.

## **1. CEO/Senior Officer Contract and Performance Reviews**

The successful management of human resources is one of the key pillars of councils supporting a harmonious and productive workforce. A key element is the provision of consistent and timely staff performance reviews.

Council currently has three senior officers. Each has been employed on a fixed term contract for a period not exceeding five years, with council advertising the roles in accordance with requirements.

A review of each contract identified that the performance criteria was correctly included in schedule 2 for the most recently contracted employee, however one of the contracts did not include schedule 2 in the contract. The other contract stated that the performance criteria was 'to be developed'.

### ***Recommendations***

- Council should ensure that all future Senior Officer contracts, under the current legislation, must have specific performance criteria at the point of execution, otherwise it may void the contract.





Maddocks

Maddocks Delegations and Authorisations

***S6. Instrument of Delegation – Members of Staff***

**West Wimmera Shire Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

**Reviewed & Adopted by Council: 20 February 2019**

## Instrument of Delegation

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

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

<b>CEO</b>	<b>means Chief Executive Officer</b>
<b>DIDW</b>	<b>means General Manager Infrastructure Development and Works</b>
<b>DCCS</b>	<b>means General Manager Corporate and Community Services</b>
<b>FM</b>	<b>means Finance Manager</b>
<b>AC</b>	<b>means Asset Coordinator</b>
<b>EHO</b>	<b>means Environmental Health Officer</b>
<b>CM</b>	<b>means Contracts Manager</b>
<b>MBS</b>	<b>means Municipal Building Surveyor</b>
<b>MPE</b>	<b>means Manager Planning and Environment</b>
<b>CBDM</b>	<b>means Community and Business Development Manager</b>
<b>FCSM</b>	<b>means Family and Community Services Manager</b>
<b>LL</b>	<b>means Local Laws Officer / Fire Prevention Officer / Natural Resources Officer</b>
<b>CMP</b>	<b>means Coordinator of Major Projects</b>
<b>EDO</b>	<b>means Economic Development Officer</b>

3. declares that:
  - 3.1 this Instrument of Delegation is authorised by a **resolution of Council** passed on 20 February 2019 and
  - 3.2 the delegation:
    - 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
    - 3.2.2 remains in force until varied or revoked;
    - 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and



- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
  - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
  - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) 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





## 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	

**CEMETERIES AND CREMATORIA ACT 2003**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	power to engage any professional, technical or other assistance considered necessary	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

**CEMETERIES AND CREMATORIA ACT 2003**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18F(2)	duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	—	where council is a Class A cemetery trust
s.18H(1)	duty to hold an annual meeting before 30 December in each calendar year, in accordance with section	—	where council is a Class A cemetery trust
s.18I	duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	—	where council is a Class A cemetery trust
s.18J	duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in section 18J(2))	—	where council is a Class A cemetery trust
s.18L(1)	duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	—	where council is a Class A cemetery trust
s.18N(1)	duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	—	where council is a Class A cemetery trust
s.18N(3)	duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	—	where council is a Class A cemetery trust
s.18N(5)	duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	—	where council is a Class A cemetery trust
s.18N(7)	duty to ensure that an approved annual plan is available to members of the public on request	—	where council is a Class A cemetery trust

**CEMETERIES AND CREMATORIA ACT 2003**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18O(1)	duty to prepare a strategic plan and submit the plan to the Secretary for approval	–	where council is a Class A cemetery trust
s.18O(4)	duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	–	where council is a Class A cemetery trust
s.18O(5)	duty to ensure that an approved strategic plan is available to members of the public on request	–	where council is a Class A cemetery trust
s.18Q(1)	duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	–	where council is a Class A cemetery trust
s.19	power to carry out or permit the carrying out of works	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	–	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	–	▪ subject to the approval of the Minister



**CEMETERIES AND CREMATORIA ACT 2003**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.37	power to grant leases over land in a public cemetery in accordance with s 37	–	▪ 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	
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)

**CEMETERIES AND CREMATORIA ACT 2003**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park		Not delegated, Council direction required, acting as Cemetery Trust
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	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	
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	

**CEMETERIES AND CREMATORIA ACT 2003**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	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	
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 internment relates to remains of a deceased veteran. To be decided by Council as Cemetery Trust

**CEMETERIES AND CREMATORIA ACT 2003**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
85(2)(c)	power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;  remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.		may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment.  Cemetery trust decision
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified		Cemetery Trust decision
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment		Not delegated – Cemetery Trust
s.86(3)(a)	power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment		Not delegated – Cemetery Trust
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)		Not delegated – Cemetery Trust
s.86(4)	power to take action under s.86(4) relating to removing and re-intering cremated human remains		Not delegated – Cemetery Trust
s.86(5)	duty to provide notification before taking action under s.86(4)		Not delegated – Cemetery Trust
s 86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)		Not delegated – Cemetery Trust

**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment		Not delegated – Cemetery Trust
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	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	
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	

**CEMETERIES AND CREMATORIA ACT 2003**

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



**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	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	
s.109(1)(a)	power to open, examine 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 repair 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	

**CEMETERIES AND CREMATORIA ACT 2003**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.110(2)	power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	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	
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	

**CEMETERIES AND CREMATORIA ACT 2003**

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	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	
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	

**CEMETERIES AND CREMATORIA ACT 2003**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 1 clause 8(8)	power to regulate own proceedings	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



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



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	MPE 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





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)	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



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)	power to request a copy of the food safety program	EHO	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	EHO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO	where council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHO	where council is the registration authority



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



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38E(2)	power to register the food premises on a conditional basis	EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	duty to register the food premises when conditions are satisfied	EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	EHO	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	EHO	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHO	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO	where council is the registration authority



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

HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.116	power to sub-delegate Executive Director's functions, duties or powers	CEO DIDW	must obtain Executive Director's written consent first. Council can only sub-delegate if the instrument of Delegation from the Executive Director authorises sub-delegation

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO <sup>1</sup>	

<sup>1</sup> The only member of staff who can be a delegate in Column 3 is the CEO.  
S6. Instrument of Delegation – Members of Staff  
[628721: 18077468\_1]



<b>PLANNING AND ENVIRONMENT ACT 1987</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.4B	power to prepare an amendment to the Victoria Planning Provisions	MPE DIDW	if authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	MPE DIDW	
s.4H	duty to make amendment to Victoria Planning Provisions available	MPE DIDW	
s.4I	duty to keep Victoria Planning Provisions and other documents available	MPE DIDW	
s.8A(2)	power to prepare amendment to the planning scheme where the Minister has given consent under s.8A	MPE DIDW	
s. 8A(3)	power to apply to Minister to prepare an amendment 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 amendment 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 amendment 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 amendment to the planning scheme	MPE	
s.17(2)	duty of giving copy s.173 agreement	MPE	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MPE	
s.18	duty to make amendment etc. available	MPE	
s.19	power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under section 19 to a planning scheme	MPE	





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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.30(4)(a)	duty to say if amendment has lapsed	MPE	
s.30(4)(b)	duty to provide information in writing upon request	MPE	
s.32(2)	duty to give more notice if required	MPE	
s.33(1)	duty to give more notice of changes to an amendment	MPE	
s.36(2)	duty to give notice of approval of amendment	MPE	
s.38(5)	duty to give notice of revocation of an amendment	MPE	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	MPE DIDW	
s.40(1)	function of lodging copy of approved amendment	MPE	
s.41	duty to make approved amendment available	MPE	
s.42	duty to make copy of planning scheme available	MPE	
s.46AS(ac)	power to request the Victorian Planning Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria	—	Not Applicable
s.46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not consistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity		Not Applicable
s. 46AW	Function of being consulted by the Minister	MPE	Where Council is a responsible public entity
s.46GF	duty to comply with directions issued by the Minister	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	MPE	
s. 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	DIDW MPE	Where Council is a responsible public entity
s. AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	DIDW MPE	Where Council is a responsible public entity
s. 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	MPE	Where Council is a responsible public entity
s46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	DIDW MPE	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency
s46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	DIDW MPE	
s46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	MPE	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	MPE	where council is a collecting agency



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GH(2)	power to accept the provision of land, works, services or facilities in part or full satisfaction of the amount of infrastructure levy payable	CEO 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 amount of infrastructure levy paid to it as a collecting agency or a development agency under part 2 of the <i>Planning and Environment Act 1987</i>	CEO 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 amount only in accordance with s.46GI(3)(a) and (b)	DIDW	
s.46GI(4)	power to refund any amount of infrastructure levy paid to it as a development agency under Part 2 of the <i>Planning and Environment Act 1987</i> if satisfied that the development is not to proceed	CEO 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 amount of infrastructure levy as a debt due to Council	CEO DIDW	where council is a collecting agency



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46GM	duty to prepare report and give a report to the Minister	CEO DIDW	where council is a collecting agency or development agency
s. 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	MPE	
s. 46GO(1)	Duty to give notice to owners of certain inner public purpose land	MPE	
s. 46GP	Function of receiving a notice under s46GO	MPE	
s. 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	DCCS RO	
s. 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s46GO	DIDW MPE	
s. 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	DIDW MPE	
s. 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s46GQ	DCCS RO	
s46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CEO DCCS	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	DCCS	
s46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	DCCS CEO	
s46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s46GT(5)	DCCS	
s46GU	Duty not to adopt an amendment under s29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s46GU(1)(a) and (b) are met	DIDW MPE	
s46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution  Power to specify the manner in which the payment is to be made	DCCS	
s46GV(3)(b)	Power to enter into an agreement with the applicant	DCCS	
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	DIDW	
s46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s46GV(5) and (6)	DIDW DCCS	
s46GV(7)	Duty to impose the requirements set out in s46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	DIDW MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	DIDW MPE	Where Council is the collecting agency
s46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	DIDW MPE	Where Council is the collecting agency
s46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	DIDW MPE	Where Council is the collecting agency
s46GY(1)	Duty to keep proper and separate accounts and records	DIDW MPE	Where Council is the collecting agency
s46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	DIDW MPE	Where Council is the collecting agency
s46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	DIDW MPE	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is that planning authority
s46GZ(2)(a)	Function of receiving the monetary component	DIDW DCCS MPE	Where the Council is the planning authority  This duty does not apply where Council is also the collecting agency





PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	DCCS DIDW MPE	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s46GZ(2)(b)	Function of receiving the monetary component	DCCS	Where Council is the development agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency
s46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s46GZ(5)	DIDW MPE	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	DIDW DCCS MPE	Where Council is the collecting agency under an approved infrastructure contributions plan  This provision does not apply where Council is also the relevant development agency
s46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	DIDW DCCS MPE	Where Council is the development agency specified in the approved infrastructure contributions plan  This provision does not apply where Council is also the collecting agency



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s46GW	DIDW DCCS	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	DIDW MPE	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s46GV(4)  Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	DIDW MPE	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s46GZA(1)	Duty to keep proper and separate accounts and records	DIDW DCCS	Where Council is a development agency under an approved infrastructure contributions plan
s46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 1989</i>	DIDW MPE	Where Council is a development agency under an approved infrastructure contributions plan
s46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	MPE DIDW	Where Council is a development agency under an approved infrastructure contributions plan



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	DIDW MPE	If the VPA is the collecting agency under an approved infrastructure contributions plan  Where Council is a development agency under an approved infrastructure contributions plan
s46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s46GZD(2)(a) and (b)	DIDW MPE	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	MPE	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	DIDW DCCS	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	DCCS DIDW	Where Council is the development agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the collecting agency
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	DCCS	Where Council is the collecting agency under an approved infrastructure contributions plan  This duty does not apply where Council is also the development agency
s46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	DIDW MPE	Where Council is the collecting agency under an approved infrastructure contributions plan



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	MPE	Where Council is the development agency under an approved infrastructure contributions plan
s46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	MPE	Where Council is the development agency under an approved infrastructure contributions plan
s46GZF(3)	s46GZF(3)(a) function of receiving proceeds of sale	DCCS	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s46GZF(5)	DIDW MPE	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZF(6)	Duty to make the payments under s46GZF(4) in accordance with s46GZF(6)(a) and (b)	DCCS MPE	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	DIDW DCCS MPE	Where Council is the collecting agency under an approved infrastructure contributions plan
s46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	DIDW MPE	Where Council is a collecting agency or development agency
s46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	MPE DIDW	Where Council is a collecting agency or development agency



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s46LB (2)	DCCS RO	
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 amount 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	



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



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



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





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



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s60(1A)	Duty 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 2006</i>
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MPE	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MPE	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	—	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	MPE	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MPE	
s.62(1)	duty to include certain conditions in deciding to grant a permit	MPE	
s.62(2)	power to include other conditions	MPE	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MPE	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan Or an approved infrastructure contributions plan	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(5)(b)	power to include a permit condition that specified works be provided on or to the land or paid for in accordance with section 173 agreement	MPE	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	MPE	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	MPE	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in section 62(1)(a)	MPE	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	MPE 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 amendment to a permit - see section 75
s.64(3)	duty not to issue a permit until after the specified period	MPE	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64(5)	duty to give each objector a copy of an exempt decision	MPE	this provision applies also to a decision to grant an amendment to a permit - see section 75
s.64A	duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	MPE	this provision applies also to a decision to grant an amendment to a permit - see section 75A



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	MPE	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	MPE	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	MPE	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MPE	if the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s.66(6)	duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65	MPE	if the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s.69(1)	function of receiving application for extension of time of permit	MPE	
s.69(1A)	function of receiving application for extension of time to complete development	MPE	
s.69(2)	power to extend time	MPE	
s.70	duty to make copy permit available for inspection	MPE	
s.71(1)	power to correct certain mistakes	MPE	
s.71(2)	duty to note corrections in register	MPE	
s.73	power to decide to grant amendment subject to conditions	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.74	duty to issue amended permit to applicant if no objectors	MPE	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MPE	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	MPE	
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MPE	if the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s.76A(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MPE	if the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s.76A(6)	duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76	MPE	if the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s.76D	duty to comply with direction of Minister to issue amended permit	MPE	
s.83	function of being respondent to an appeal	MPE	
s.83B	duty to give or publish notice of application for review	MPE	
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	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
<b>s. 84AB</b>	<b>Power to agree to confining a review by the Tribunal</b>	<b>DIDW</b>	
s.86	duty to issue a permit at order of Tribunal within 3 working days	MPE	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	MPE	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	MPE	
s.91(2)	duty to comply with the directions of VCAT	MPE	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	MPE	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	MPE	
s.93(2)	duty to give notice of VCAT order to stop development	MPE	
s.95(3)	function of referring certain applications to the Minister	MPE	
s.95(4)	duty to comply with an order or direction	MPE	
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	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	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	
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	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	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	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	MPE	
s.101	function of receiving claim for expenses in conjunction with claim	MPE	





PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
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	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156 (2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(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. 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	DIDW MPE	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s46GV(4)	DIDW MPE	Where Council is the development agency specified in an approved infrastructure contributions plan
s.173(1)	power to enter into agreement covering matters set out in section 174	MPE	
s. 173(1A)	power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	MPE CEO	where council is the relevant responsible authority
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires that something may not be done without the consent of Council or Responsible Authority	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	
s.178	power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DIDW MPE	
s.178A(1)	function of receiving application to amend or end an agreement	MPE	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	MPE	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	MPE	
s.178A(5)	power to propose to amend or end an agreement	DIDW MPE	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	MPE	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	DIDW MPE	
s.178C(2)	duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	MPE	
s.178C(4)	function of determining how to give notice under s.178C(2)	MPE	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(1)	duty not to make decision until after 14 days after notice has been given	MPE	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	DIDW MPE	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DIDW MPE	If no objections are made under s.178D Must consider matters in s.178B
s.178E(2)(c)	power to refuse to amend or end the agreement	DIDW MPE	If no objections are made under s.178D Must consider matters in s.178B
s.178E(3)(a)	power to amend or end the agreement in accordance with the proposal	DIDW MPE	After considering objections, submissions and matters in s.178B
s.178E(3)(b)	power to amend or end the agreement in a manner that is not substantively different from the proposal	DIDW MPE	After considering objections, submissions and matters in s.178B
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	DIDW MPE	After considering objections, submissions and matters in s.178B
s.178E(3)(d)	power to refuse to amend 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 amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	MPE	



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



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



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



RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under s. 33	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 s 33A	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





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



<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.142D	function of receiving notice regarding an unregistered rooming house	EHO MBS	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	EHO MBS	
s. 142G(2)	power to enter certain information in the Rooming House Register	EHO MBS	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHO MBS	
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	



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



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DCCS RC	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	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



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	



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	



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 amend or revoke declaration by notice published in Government Gazette	DIDW AC	power of coordinating road authority and Schedule 2 also applies



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(3)	duty to consult with VicRoads before road is specified	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 relevant authority for purposes of developing guidelines under section 48M	DIDW AC WM	
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 amendment 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	
s.54(6)	power to amend road management plan	—	NOT DELEGATED, COUNCIL DECISION





ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(7)	duty to incorporate the amendments into the road management plan	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 name & 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
s.71(3)	power to appoint an authorised officer	DIDW	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.72	duty to issue an identity card to each authorised officer	CEO 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 damages 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	



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 amend, 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	



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



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



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



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)



<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##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)]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r.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 damage the cremator		Not Applicable
r.28(2)	duty to ensure any fittings removed of are disposed in an appropriate manner		Not Applicable
r.29	power to dispose of any metal substance or non-human substance recovered from a cremator		Not Applicable
r.30(2)	power to release cremated human remains to certain persons		subject to any order of a court



**CEMETERIES AND CREMATORIA REGULATIONS 2015**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.31(1)	duty to make cremated human remains available for collection within 2 working days after the cremation		Not Applicable
r.31(2)	duty to hold cremated human remains for at least 12 months from the date of cremation		Not Applicable
r.31(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation		Not Applicable
r.31(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period		Not Applicable
r.32	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)		NOT DELEGATED
r.33(1)	duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)		Funeral Directors
r.33(2)	duty to ensure that remains are interred in accordance with paragraphs (a)-(b)		Funeral Directors
r.34	duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)		Not Applicable
r.36	duty to provide statement that alternative vendors or supplier of monuments exist	DCCS FM	

**CEMETERIES AND CREMATORIA REGULATIONS 2015**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 40	power to approve a person to play sport within a public cemetery		Not Applicable
r. 41(1)	power to approve fishing and bathing within a public cemetery		Not Applicable
r. 42(1)	power to approve hunting within a public cemetery		Not Applicable
r. 43	power to approve camping within a public cemetery		Not Applicable
r. 45(1)	power to approve the removal of plants within a public cemetery	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	
<b>Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules</b>			
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



<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
[##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)]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
Schedule 2, clause 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



**CEMETERIES AND CREMATORIA REGULATIONS 2015**

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2, clause 17(1)	power to approve action to disturb or demolish property of the cemetery trust		see note above regarding model rules
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery		see note above regarding model rules



PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r. 6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	MPE DIDW	where Council is not the planning authority and the amendment affects land within its municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	MPE 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 amendment to a planning scheme and notice of a permit application	DIDW MPE	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.



PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.19	power to waive or rebate a fee relating to an amendment of a planning scheme	DIDW	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DIDW	
r.21	duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.19 or 20	MPE DIDW	



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	



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	





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	



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 amendments will be made (or no amendments for which notice is required)	DIDW AC	where council is the coordinating road authority
r.10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	DIDW AC	
r.13(1)	Duty to publish notice of amendments 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 amendment	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 damage to road	DIDW AC	where council is the coordinating road authority



ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.23(2)	power to make submission to Tribunal	CEO 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	



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

Maddocks Delegations and Authorisations

***S7. Instrument of Sub-Delegation by CEO***

**West Wimmera Shire Council**

**Instrument of Sub-Delegation**

**by**

**The Chief Executive Officer**

## 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

<b>CEO</b>	<b>means Chief Executive Officer</b>
<b>DIDW</b>	<b>means General Manager Infrastructure Development and Works</b>
<b>DCCS</b>	<b>means General Manager Corporate and Community Services</b>
<b>FM</b>	<b>means Finance Manager</b>
<b>RC</b>	<b>means Rates Coordinator</b>
<b>AC</b>	<b>means Asset Coordinator</b>
<b>EHO</b>	<b>means Environmental Health Officer</b>
<b>CM</b>	<b>means Contracts Manager</b>
<b>MBS</b>	<b>means Municipal Building Surveyor</b>
<b>MPE</b>	<b>means Manager Planning and Environment</b>
<b>CBDM</b>	<b>means Community and Business Development Manager</b>
<b>FCSM</b>	<b>means Family and Community Services Manager</b>
<b>LL</b>	<b>means Local Laws Officer / Fire Prevention Officer / Natural Resources Officer</b>
<b>EYC</b>	<b>means Early Years Coordinator</b>
<b>MCHN</b>	<b>means Maternal Child Health Nurse</b>
<b>RAC</b>	<b>means Regional Access Coordinator</b>
<b>ME</b>	<b>means Manager Engineering</b>
<b>WM</b>	<b>means Works Manager</b>
<b>CSO</b>	<b>means Corporate Support Officer</b>
<b>GO</b>	<b>means Governance Officer</b>
<b>CM</b>	<b>means Contracts Manager</b>
<b>RMO</b>	<b>means Records Management Officer</b>

3. record that on the coming into force of this Instrument of Sub-Delegation each delegation under the Instrument of Sub-Delegation dated **July 2018** and executed by **David Paul Leahy** 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 varied 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 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.







## 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> .	MPE DIDW	
s.74A(1)	Power to enter into an Aboriginal cultural heritage land management agreement with a registered Aboriginal party	DIDW	
s.74E(1)	Duty to give copy of Aboriginal cultural heritage land management agreement to Secretary of Victorian Communities.	DIDW MPE	

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	DCCS FM	where a wound up incorporated association has assets consisting of property supplied by Council (which includes the unexpended portion of a grant)



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	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 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 amendment 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 amendment withdrawn, refused etc. in its capacity as responsible authority under the <i>Planning and Environment Act 1987</i>	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	

S7. Instrument of Sub-Delegation by CEO

February 2019 update



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	
s.101(2)	function of receiving copy documents	MBS	





<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.120(2)(a)	function of receiving notification that an order is complied with	MBS	
s.123(1)	power to determine whether to recover from the owner the costs of work carried 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	DIDW 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	DIDW MBS	
s.125(1)	function of receiving copy notice or order	MBS	
s.125(2)	function of receiving written notice of the compliance, amendment 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	
<b>s. 138(5)</b>	<b>Power to appeal to the Building Appeals Board</b>	<b>MBS</b>	<b>Where Council is a 'prescribed reporting authority'</b>
s.160(3)(d)	power to make application to the Building Appeals Board	DIDW	



<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.162(1)(a)(i)	function of being consulted by the Building Appeals Board	DIDW	
s.162(4)(b)	function of entering into an agreement when directed by Building Appeals Board	DIDW	
s.164(1)	power to agree to terminate or vary agreement	DIDW	
s.164(2)	power to terminate or vary agreement	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	DIDW	
s.215(1)	power to enter into agreements with a private building surveyor	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	DIDW	
s.222	function of receiving order from Minister	DIDW	



<b>BUILDING ACT 1993</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s. 230(2)	duty to keep a register containing the prescribed information relating to the exercise of a power of entry under Subdivision 5 by any of the authorised persons referred to in ss 230(2)(a) and 230(2)(b)	MBS	
s. 230(7)(a)	duty to keep the prescribed information relating to each exercise of a power of entry under Subdivision 5 for 10 years after the date of the entry	MBS	
s.230(7)(b)	duty to make the register required under s 230(2) available for inspection by the Authority on request, and at a time agreed to between Council and the Authority	MBS DIDW	
s. 230(7)(c)	duty to provide an extract under s 230(6), if requested	MBS DIDW	
<b>s 232</b>	<b>Power to receive complaints about the exercise of a power under Part 13 Division 2 by Council's municipal building surveyor, or a person authorised by Council's municipal building surveyor to act on behalf of the municipal building surveyor</b>	<b>DIDW</b>	
s. 234A	duty to consider the complaint and give a written report to the complainant of the person's consideration of the complaint	DIDW	if the complaint is brought under Part 12 Division 2 of the Act
s. 236(7)	function of providing consent to remove or deface an order or notice put up under sub-sections 236(4) or 236(4A)	DIDW	



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)	DIDW	
s.242	function of receiving funds recovered through prosecution	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	DIDW MBS MPE	
s. 259AB(1)	Function of entering an information sharing arrangement with the Authority	DIDW MBS	Subject to sub-section 259AB(2)
s. 259AB(3)	Power to request and receive information held by the Authority, and power to disclose information to the Authority	DIDW	Only to the extent that the information is reasonably necessary to assist in the exercise of functions under this Act, or the functions of Council
s. 259AB(4)(a)	function of being referred, by the Authority, any matter (including any complaint) with respect to building work, plumbing work or architectural services	MBS	
s. 259AB(4)(b)	function of receiving from the Authority any matter of a type described in sub-section 259AB(4)(a)	MBS	



BUILDING ACT 1993			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 259AB(4)(c)	function of conducting a joint investigation with the Authority into any matter of a type described in sub-section 259AB(4)(a)	DIDW MBS	
s. 259AB(5)	power to, despite any other Act or law of the State, refer a matter referred to in sub-sections 259AB(4) to the Authority, or to conduct an investigation into the matter jointly with the Authority	DIDW MBS	
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
sch 2 cl 4A(2)(b)	Duty to give the owner of the allotment an opportunity to make a submission in respect of the possible detriment	MBS	Where Council is the 'reporting authority'



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	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 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	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	DIDW LL	



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	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	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 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	DIDW LL	
s.22L	function of receiving Minister's request to vary approved roadside weed and pest animal management plan	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	



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	DIDW LL	
s.22N(3)	function of receiving notice of Minister's decision	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	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	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	DIDW LL	
s.22P(1)	function of receiving request to provide the Minister with specific 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	





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	DCCS EYC	
s.25	function of receiving education and advice from the Commission for Children and Young People regarding the Child Safe Standards	EYC	
s.26	function of receiving request from the Commission for Children and Young People for any information or document	DCCS 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 People	DCCS EYC	
s.29(3)	power to consent to inspection of relevant premises without written notice by the Commission for Children and Young People	DCCS	
s.30	duty to comply with notice to provide documents given under subsection (1)	DCCS EYC	
s.31	duty to comply with notice to comply given under subsection (1)	DCCS EYC	



s.36	duty to ensure that the Commission for Children and Young People is given any assistance reasonably required to perform functions	EYC	
s.41I	power to seek review by the Commission for Children and Young People of decision by the Commission to issue a notice to produce or a notice to comply	DCCS EYC	
s.41J	power to apply to VCAT for a review of the Commission for Children and Young People to issue a notice to comply	DCCS	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	DCCS	
s 41V	Power to, on Council's own initiative, disclose confidential information, other than excluded information, to another information sharing entity	DCCS	Where Council is an 'information sharing entity' and a 'disclosing entity'
s 41V	Function of receiving confidential information, other than excluded information	DCCS	Where Council is an 'information sharing entity' and a 'receiving entity'
s 41W(1)	Power to request another information sharing entity to disclose confidential information, other than excluded information	DCCS	Where Council is an 'information sharing entity' and a 'requesting entity'
s 41W(1)	Function of receiving confidential information, other than excluded information	DCCS	Where Council is an 'information sharing entity' and a 'requesting entity'
s 41W(1)	Function of receiving a request for confidential information, other than excluded information	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'



## Maddocks

s 41W(2)	Power to disclose to the responding entity any confidential information that may assist the responding entity	DCCS	Where Council is an 'information sharing entity' and a 'requesting entity'
s 41W(2)	Function of receiving confidential information from an information sharing entity	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'
s 41W(3)	Duty to comply with a request made under s 41W(1)	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'
s 41W(4)	Duty to provide reasons, in writing, as to why Council cannot comply with a request made under s 41W(1)	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'
s 41W(4)	Function of receiving reasons from a responding entity as to why it cannot comply with a request made under s 41W(1)	DCCS	Where Council is an 'information sharing entity' and a 'requesting entity'
s 41Y	Power to disclose confidential information, other than excluded information, to any person set out in s 41Y(1)(a) – (c)	DCCS	Where Council is an 'information sharing entity'
s 41Z	Power to collect and use any confidential information disclosed to Council under Part 6A	DCCS	Where Council is an 'information sharing entity'
s 41ZC	Duty to record prescribed information in respect of its collection, use and disclosure of confidential information	DCCS	Where Council is an 'information sharing entity'
s 41ZD(2)	Power to collect, use or disclose confidential information	DCCS	Where Council is an 'information sharing entity' within the meaning of Part 5A of the <i>Family Violence Protection Act 2008</i>
s 41ZF	Power to refuse to give an individual access to their confidential information under a relevant privacy law	DCCS	Where Council is an 'information sharing entity'
S. 43(1)(a)	Function of receiving notice of the birth of a child	MCHN	Where the mother of the child usually resides in Council's municipal district



s. 43(1)(b)	Function of receiving notice of the birth of a child	MCHN	When the municipal district in which the mother usually resides is unknown and the birth occurs in Council's municipal district
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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	DCCS	
s.25	power to use land or property for the purposes of the Department of Health and Human Services	DCCS	where authorised by the Secretary
s.26	function of entering into an agreement with the Secretary	DCCS	
s.30	function of having matters referred to it by the Secretary to provide advice, services and support to the child, family of the child or mother of the unborn child	DCCS MCHN	
s.35	function of consulting with the Secretary	DCCS MCHN	where council is an information holder under the Act
s.36	function of consulting with the community-based child and family service	DCCS MCHN	where council is an information holder under the Act
s.192	power to provide information to the Secretary	DCCS	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	DCCS	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



CLIMATE CHANGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46	power to make statement (a council pledge) in respect of greenhouse gas emissions reductions	CEO	council must consider factors, and include details prescribed, in s.47 Content of any statement to be approved by Council
s. 48	duty to give copy of council pledge to Minister as soon as practicable following preparation	CEO	Content of any statement to be approved by Council
s. 49(3)	duty to have regard to any directions of Minister regarding preparation of an emissions reduction pledge	DIDW	
s. 82(1)	duty to have regard to any directions of Minister regarding preparation of an emissions reduction pledge	DIDW	where council is the public land manager



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 specified works prior to their commencement	DIDW	specified 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	DIDW MPE	

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	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 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 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	



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 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	DIDW LL	
s.96A(1)(a)	duty to appoint fire prevention officer	DIDW	
s.96A(1)(b)	power to appoint assistant fire prevention officers	DIDW	
s.109C	function of receiving funds for penalties recovered under section 41E	LL	





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	DCCS FM	

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	DIDW WM	



DEVELOPMENT VICTORIA ACT 2003			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.13(1)	function of entering into agreement with Development Victoria concerning particular issues	DIDW	function of public statutory body
s.39(2)	duty to comply with order from Governor in Council issued under s.39(1) to surrender land in a project area	DIDW	duty of public statutory body
s.51I(3)(b)	function of receiving notice of resolution levying a general charge from Development Victoria	DIDW	
s.51Q(3)(b)	function of receiving notice of resolution levying an infrastructure recovery charge from Development Victoria	DIDW	
s.51ZA	function of receiving written notice of charge from Development Victoria, where council has submitted notice to Authority pursuant to section 21(2A) of the <i>Subdivision Act 1988</i>	DIDW	
s.56D(1)	duty to give relevant Ministers and Treasurer statement allocating the property, rights and liabilities of council in relation to designated project to Development Victoria	DIDW MPE	duty of nominated agency
s.56D(4)	function of complying with request from Treasurer and relevant Minister to amend statement under s.56D(1)	DIDW MPE	function of nominated agency
s.56E(1)	function of issuing certificate certifying that property, rights or liabilities of council have been allocated to Development Victoria	DIDW MPE	function of nominated agency



DEVELOPMENT VICTORIA ACT 2003			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.56E(2)	duty to revoke certificate given under s.56E(1) and replacing with a new certificate, if directed by Treasurer and relevant Minister	DIDW MPE	duty of nominated agency
s.56E(3)	duty to keep register of certificates issues under s.56E, and make reasonably available for inspection	MPE	duty of nominated agency

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 DCCS	
s. 38(5)	duty to report on the implementation of the Disability Action plan in Council's annual report	RAC DCCS	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 DCCS 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)



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 MPE 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 MPE DIDW	
s.10C(5)	duty to cause to be published a copy of the resolution	LL MPE	



DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
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 MPE	
s.10D(6)	duty to cause to be published a copy of the resolution	LL MPE	
s.12(1)	power to appoint an agent for Council in the registration of cats and dogs	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	MPE LL	
s.15(6)	duty to waive 50% of a registration fee of dogs or cats if paragraphs (a) or (b) apply	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	



<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.17(1A)(a)	power to register or renew the registration of a restricted breed dog	LL	under sections 10A(4) and 10C(6), a Council cannot register a restricted breed dog unless the dog is desexed (subject to the exception under section 10B(1)(e)) and the dog has been implanted with a prescribed permanent identification device
s.17(1A)(b)	power to impose conditions on the registration or the renewal of the registration of a restricted breed dog	LL DIDW	under sections 10A(4) and 10C(6), a Council cannot register a restricted breed dog unless the dog is desexed (subject to the exception under section 10B(1)(e)) and the dog has been implanted with a prescribed permanent identification device
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 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



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)



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 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	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.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	
s.41D	function of receiving notification in relation to menacing dog	LLLL	





<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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	DIDW LL	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.	DIDW LL	Conditions to be included in approval to ensure dogs cannot escape premises
s.41J(3)	power to fix fee for application for permit	DIDW	Council to set fees as part of annual fees and charges review
s.44(1)	power to require restraint of animals	LL DIDW	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 DIDW	if council has made a relevant local law prohibiting the keeping of animals in a specified area
s.44AE	duty to provide details of dangerous, menacing or restricted breed dogs to Secretary	LL	
s.44AEA	duty to provide to the Secretary information relating to a dog destroyed under s.84TA, 84TB, 84TC	LL DIDW	

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
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 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 and information required.	LL DIDW	
s46(3)	Function of requiring and receiving any further information relating to an application	LL	
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 DIDW LL	
s.48(2)	power to approve form of renewal of registration	LL DIDW	
s48(3)	Power to approve form of renewal of registration and information required	LL MPE	

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s48(4)	Function of requiring and receiving any further information relating to the application Council	LL	
s.49(1)	power to fix fees for registration or renewal of registration of domestic animal premises	MPE DIDW LL	
s.49(2)	power to refund all or part of application fee	DIDW LL	
s.52(1)	function of receiving notice of transfer of registration of domestic animal premises	LL	
s.52(2)(a)	power to approve form of notice of transfer of registration	LL DIDW	
s.52(2)(c)	power to fix fee for transfer of registration	LLLL	
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 DIDW	
s52(4)	Power to register new (transferred) premises as a domestic animal business and impose any terms, conditions, limitations or restrictions on that registration	MPE LL	

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.54(1)	power to refuse to register or renew the registration, refuse to transfer registration, suspend registration and revoke registration of premises	LL DIDWLL	
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 DIDW	
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 DIDW	
s54(3A)	Duty to refuse to register, renew the registration of, or transfer the registration of a premises on which a domestic animal business is, or is proposed to be conducted, that is an animal shelter, a pet shop or a pound in certain circumstances	MPE LL	
s.54(3B)	Duty to refuse to register, renew the registration of, or transfer the registration of a premises on which a domestic animal business is, or is proposed to be conducted, that is a breeding domestic animal business in certain circumstances	DIDW LL MPE	
s54A(1)	Duty to refuse to register the premises in respect of which the application is made if s54A(a), (b) or (c) applies	DIDW LL MPE	

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s54A(2)	Duty to refuse to register the premises in respect of which the application is made if a breeding domestic animal business or a pet shop is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located	DIDW MPE LL	
s54A(3)	Duty to refuse to register the premises in respect of which the application is made if a breeding domestic animal business or an animal shelter is being conducted, or is proposed to be conducted, on the rateable property on which the premises is located	DIDW MPE LL	
s54B	Duty to refuse to register the premises on which a breeding domestic animal business is proposed to be conducted	LL MPE	
s54C	Duty to refuse to transfer the registration of premises on which a breeding domestic animal business is being conducted to another premises	LL MPE	
s54D	Duty to refuse to renew the registration of a premises on which a breeding domestic animal business is being conducted	LL MPE	Note: this Duty does not apply before 10 April 2020
s54E	Duty to refuse to renew the registration of a premises on which a breeding domestic animal business is being conducted <sup>1</sup>	LL MPE	

<sup>1</sup> This provision is repealed on 10 April 2020.  
S7. Instrument of Sub-Delegation by CEO



DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.55	duty to give notice if it is proposed that the powers under section 54 will be	LL	
s.56	duty to receive both oral and written submissions and take into account any submissions	LL DIDW	
s.57(1) & (2)	duty to serve notice of decision and give reasons for decision	LL	
s58AD(1)(a)	Function of receiving a request from the chief veterinary officer for a report on the premises on which the domestic animal business is conducted	LL MPE	
s58AD(2)	Duty to include a copy of any report from an entry and search of the premises under Part 7 carried out in the 5 years preceding the application for grant or renewal of approval	LL MPE	
s58AI(1)(a)	Power to cancel or not renew a commercial dog breeder approval	DIDW	Where Council is the 'relevant Council'
s58AI(1)(b)	Power to suspend a commercial dog breeder approval	DIDW	Where Council is the 'relevant Council'
s58AI(2)	Duty to give the Minister notice of any suspension, cancellation or refusal to renew	DIDW	
s58AL	Function of receiving notice of the Minister's grant, renewal, revocation or cancellation of a commercial dog breeder approval as soon as possible after it occurs	DIDW MPE	Where Council is the 'relevant Council'

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	DIDW LL	
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 DIDW	
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 DIDW	
s.58G	duty to notify the Minister of transfer of registration	LLL	
s.58J	power to make submissions to the Minister regarding Minister's exercise of power under section 58H	DIDW	
s.58K	function of receiving notice of Minister's	DIDW LL	
s58P	Function of receiving, from the Minister, a copy of the permit (including any conditions imposed on the permit)	LL	Where Council is the 'relevant Council'

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s58Q(3)	Function of receiving, from an authorised officer who has given a direction under s58Q(1), notification of the closure of the sale	MPE	Where Council is the 'relevant Council'
s58R(3)	Function of receiving, from the Minister, a copy of a report under s58R as soon as practicable after receiving the report.	LL	
s.68A(1)	duty to, in consultation with Secretary, prepare, at four year intervals, a domestic animal management	LL DIDW	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 DIDW	
s.68A(3)(b)	duty to provide the Secretary with a copy of the plan and any amendments to the plan	LL	The first domestic animal management plan must be prepared after a three year interval, as previously scheduled
s.68A(3)(c)	duty to prepare an evaluation of its implementation of the plan for publication in Council's annual report	LL	
s68B	Power , on application under s 68C, to register a person to provide foster care on a premises in the municipal district of the Council, if the person provides or intends to provide foster care on that premises	LL MPE	
s68C	Function of receiving an application for foster carer registration	LL	



<b>DOMESTIC ANIMALS ACT 1994</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>POWER, DUTY OR FUNCTION</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s68D(1)	Power to renew registration	MPE	
s.68D(2)	Function of receiving an application for foster carer registration renewal	MPE	
s68E	Duty to have regard to the matters set out in s68E(a) – (e) when deciding whether or not to grant or renew a foster carer registration	MPE	
s68G(a)	Power to approve form of applications under s 68C or 68D(2)	MPE	
s68G(b)	Power to require information in applications under s 68C or 68D(2)	MPE	
s68G(c)	Power to fix fee for applications under s 68C or 68D(2)	DIDW	
s68H(2)	Power to permit a pro rata fee to be paid where a foster carer registration only applies for part of a year	DIDW	
s68I(1)(b)	Power to impose conditions on a foster carer registration	LL	
s68J(1)	Power to suspend or cancel a foster carer registration where the criteria in s 68J(1)(a) or (b) apply	DIDW	
s68J(2)	Duty to notify the registered foster carer of a suspension or cancellation under s68J(1)	LL MPE	



DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s68K(1)	Duty to notify the holder of a foster carer, in writing, if the Council proposes to suspend, cancel or not renew a foster carer registration	MPE DIDW	
s68K(2)	Function of receiving written submissions from the holder of the registration	MPE	
s68K(3)	Duty to consider any submission may under s68K(2) before deciding to suspend, cancel or not renew the registration	DIDW	
s.69(1)	duty to make payment to the Treasurer of specified amounts in respect of registration of cats, dogs or registered animal business	LL	
s. 69(1A)	duty to make payment to the Treasurer in respect of each registration fee collected by the Council for the registration or renewal of registration of a dog or cat in each financial year	LL FM	
s.72	power to appoint, by instrument, employees to be authorised officers	LL	NOT DELEGATED – Council to endorse recommendations from DIDW
s.72A(1)	power to appoint person who is not employee of council as authorised officer	LL FM	person appointed must have qualifications and experience prescribed by Secretary
s.73(1)	duty to issue identity card to authorised officers		NOT DELEGATED – Council to endorse



DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.84J	power to retain custody of dog or cat until animal recovered under division 5 or destroyed under division 6	LL	person appointed must have qualifications and experience prescribed by Secretary
s.84L(1)	power to retain custody of dog the subject of a declaration under section 98A until review of the declaration is determined under Part 7E or the dog is recovered under division 5 or destroyed under division 6		NOT DELEGATED – Council to endorse recommendations from DIDW
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 DIDW	
s.84M (1)	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(1)(c)	power to require custody of restricted breed dog until the outcome of prosecution under the Act or Regulations in relation to the dog	LL DIDW	
s. 84N(1)(d)s.84M	power to fix an amount payable for the reasonable costs and expenses incurred by the Council in seizing the dog and retaining custody of it until its recover	DIDW 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	



DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
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	DIDW 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 DIDW	in accordance with any relevant business code of practice or greyhound code of practice
s.84P	power to destroy dog seized under Part 7A in certain circumstances listed in subsections (a) - (f)	LL	
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 s84Q(2) with respect to a dog or a cat seized under that part, and power to retain custody of animal seized under s 84B and in any other case, Duty to retain custody until the outcome of the prosecution in s84Q is known	DIDW LL	in accordance with any relevant business code of practice or greyhound code of practice
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 DIDW	

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
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,	LL DIDW	
s.84T(1)	duty to destroy dog seized under section 80 within 8 days after seizure if owner cannot be identified and authorised officer reasonably believes 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 DIDW	Notice must comply with requirements of s.84T(3)
s.84TA(1)	power to destroy a dog seized under Part 7A in circumstances listed (a) – (c)	DIDW LL	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 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 DIDW	
s.84V(2)	power to give animal to an approved person or body	LL DIDW	where council is authorised under this Act to destroy the animal



DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	POWER, DUTY OR FUNCTION	DELEGATE	CONDITIONS & LIMITATIONS
s.84Y	Power to enter written agreement to seize, retain, sell and/or destroy dogs or cats, as well as the power to give a seized dog or cat to a community foster care network, give a seized dog or cat to an animal shelter and/or charge fees for doing any of the things under the written agreement	DIDW LL	
s.95	function of receiving payment of finespower to give animal to an approved person or body	LL	
s.98(1A)	power to apply to VCAT for review of a decision by Minister in relation to registration of domestic animal business	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	DIDW LL	Notice must comply with requirements of s.100A(2) &(3)
s100C	Function of receiving disclosed information from a person who is or was engaged in the administration of Part 5B or 5C	DIDW	
s100D	Power to disclose information held by Council to another Council, a restricted authorised officer or a Departmental authorised officer for the purpose of the performance of Functions under Part 4 or Part 4AA or regulations under those Parts by that person	DIDW	Notice must comply with requirements of s.100A(2) &(3)



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	

EDUCATION AND CARE SERVICES NATIONAL LAW ACT 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.271(1)	function of receiving information from National Authority in respect of education and care services	DCCS	
s. 271(2)	function of receiving information from Regulatory Authority in respect of education and care services	DCCS	
s. 271(3)	power to disclose information in respect of education and care services	DCCS	



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

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	DIDW WM	Applies 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 DIDW	





<b>EMERGENCY MANAGEMENT ACT 1986</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.18	power to arrange to co-operate with other councils in relation to emergency management	DIDW	
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	DIDW	
s.20(1)	duty to prepare and maintain municipal emergency management plan	DIDW DCCS	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	DIDW	duty of the principal council if a principal council is appointed under section 19



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	DIDW	
s.70	function of receiving draft review or report and providing comment or response to Inspector-General for Emergency Management	DIDW	
s.70A(2)	power to consent to entry of vessel, premises or vehicle	DIDW	
s.70A(3)	duty to provide the Inspector-General with a written response to a request for consent under s.70A(2)	DIDW	
s.70B	function of giving reasonable assistance to the Inspector-General for Emergency Management	DIDW	



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	DIDW	in relation to any land or waters in a council's municipal district
s.19B(3A)	duty to make a copy of documentation pertaining to an application available for inspection	MPE DIDW	where council is the responsible authority
s.19B(4A)(a)	duty to tell Authority information in respect to subparagraphs (i)- (v)	MPE DIDW	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 specified 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



ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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
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	DIDW	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.	DIDW	where council is a litter authority



ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.45Z(1)	power to remove or dispose of litter upon failure to comply with direction given under subsection 45X(2) or (4)	DIDW	where council is a litter authority
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)	DIDW	where council is a litter authority
s.45Z(3)	power to recover reasonable costs incurred in taking action under section 45Z	DIDW	where council is a litter authority subject to s 45Z(4)
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	DIDW	where council is in a waste recovery region
s.49G(2)	function of collaborating with Waste and Resource Recovery Group	DIDW	
s.50BH	duty to perform waste management functions consistently with Regional Waste and Resource Recovery Implementation Plan	DIDW WM	
s.53A(2)	duty to obtain a permit for the transport of prescribed waste	WM	



ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53K	power (and duty) to declare an area requiring septic tank systems to be of a type that treats all sewage	EHO	
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	DIDW	



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

FAMILY VIOLENCE PROTECTION ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 144D(3)	Duty to only share confidential information to the extent permitted by Part 5A, or the Regulations	DCCS	Where Council is an 'information sharing entity'
s 144KA	Power to disclose confidential information to a risk assessment entity for a family violence assessment purpose	DCCS	Where Council is an 'information sharing entity'
s 144KB(1)	Function of receiving a request from a risk assessment entity for confidential information for a family violence assessment purpose	DCCS	Where Council is an 'information sharing entity'
s 144KB(2)	Function of receiving confidential information from a risk assessment entity to assist with identifying the confidential information that is relevant to the request and determining whether to disclose confidential information	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'
s 144KB(3)	Duty to provide to the risk assessment entity written reasons for its failure to comply with the request	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'
s 144KC(1)	Duty to disclose confidential information to a risk assessment entity that has requested the information for a family violence assessment purpose	DCCS	Where Council is an 'information sharing entity'
s 144LA	Power to disclose confidential information to another information sharing entity for a family violence protection purpose	DCCS	Where Council is an 'information sharing entity'

FAMILY VIOLENCE PROTECTION ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 144LB(1)	Power to request confidential information from another information sharing entity for a family violence protection purpose	DCCS	Where Council is an 'information sharing entity' and a 'requesting entity'
s 144LB(1)	Function of receiving a request for confidential information from another information sharing entity for a family violence protection purpose	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'
s 144LB(2)	Power to provide the responding entity with any confidential information that may assist the responding entity to identify the confidential information relevant to the request or determine whether to disclose the confidential information	DCCS	Where Council is an 'information sharing entity' and a 'requesting entity'
s 144LB(2)	Function of receiving confidential information from the requesting entity to assist with identifying the confidential information relevant to the request or determining whether to disclose the confidential information	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'
s 144LB(3)	Duty to provide to the requesting entity written reasons for Council's failure to comply with the request	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'
s 144LB(3)	Function of receiving from the responding entity written reasons for failure to comply with the request	DCCS	Where Council is an 'information sharing entity' and a 'requesting entity'
s 144LC(1)	Duty to disclose confidential information to another information sharing entity that has requested the confidential information for a family violence protection purpose	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'
s 144LC(1)	Function of receiving a request for confidential information from another information sharing entity where the information is for a family violence protection purpose	DCCS	Where Council is an 'information sharing entity' and a 'responding entity'
s 144LD	Power to collect or use any confidential information disclosed to it for a family violence protection purpose	DCCS	Where Council is an 'information sharing entity'
s 144M(1)	Power to disclose confidential information about a person of concern to a primary person for a family violence protection purpose if the confidential information is not excluded information	DCCS	Where Council is an 'information sharing entity'





FAMILY VIOLENCE PROTECTION ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 144M(2)	Power to disclose confidential information about a person of concern to the persons set out in s 144M(2)(a) and (b) if the primary person is a child and the confidential information is not excluded information	DCCS	Where Council is an 'information sharing entity'
s 144N	Power to collect, use and disclose confidential information about a relevant person without consent	DCCS	Where Council is an 'information sharing entity'
s 144NA	Duty not to collect, use or disclose confidential information about a primary person who is an adult unless s 144NA(a) or (b) applies	DCCS	Where Council is an 'information sharing entity'
s 144NB	Duty not to collect, use or disclose confidential information about a linked person unless s 144NB(a) or (b) applies	DCCS	Where Council is an 'information sharing entity'
s 144NC(1)	Power to collect, use and disclose confidential information about a primary person who is a child without the consent of any person if s 144NC(1)(a) or (b) applies	DCCS	Where Council is an 'information sharing entity'
s 144NC(2)	Power to collect, use and disclose confidential information about a primary person who is an adult or a linked person without the consent of the linked person if the information relates to confidential information set out in s 144NC(1)(a) and (b)	DCCS	Where Council is an 'information sharing entity'
s 144ND(1)	Power to obtain consent from the primary or linked person's authorised representatives, unless the authorised representative is a person of concern or is alleged to pose a risk of family violence	DCCS	Where Council is an 'information sharing entity'
s 144P(5)	Duty to comply with any guidelines issued under s 144P when handling confidential information in accordance with Part 5A	DCCS	Where Council is an 'information sharing entity'
s 144PB	Duty to record the prescribed information in respect of the information sharing entity's collection, use and disclosure of confidential information in accordance with Part 5A, and the Regulations	DCCS	Where Council is an 'information sharing entity'
s 144QA	Power to refuse to give an individual access to their confidential information under a relevant privacy law if s 144QA(1)(a) and (b) apply	DCCS	Where Council is an 'information sharing entity'



FAMILY VIOLENCE PROTECTION ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 190	Duty to ensure that Council's relevant policies, procedures, practice guidance and tools align with the Framework	DCCS	Where Council is a 'framework organisation' that provides services relevant to family violence risk assessment and family violence risk management

DCCS

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	DCCS	
s.16(1)	power to agree with adjoining owner of land on a fence line other than common boundary	DIDW	with respect to land owned by or under the control of council

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	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	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	DIDW	
sch 1. Principle 3	duty to give reasons for refusal of a film permit application.	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	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	DIDW	
sch 1. Principle 6	duty for fees charged for applications for film permits and issuing film permits not exceed cost recovery	DIDW	



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	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	DIDW	



FINES REFORM ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.10D(3)	power to take action where work and development permit cancelled or partially completed	MPE DIDW	Note: this provision came into force on 31 December 2017
s.10F(4)	function of receiving notice from Secretary regarding where infringement notice waived	DIDW	Note: this provision came into force on 31 December 2017
s. 10S(1)	function of receiving a direction to suspend any enforcement action	DIDW	
s. 10S(4)	function of receiving notice of family violence scheme (FVS) applications	CEO	
s. 10U(1)(c)	function of receiving a direction to withdraw an infringement notice and take no further action in relation to the relevant offence	DIDW	
s. 10U(2)(a)	duty to withdraw an infringement notice	CEO DIDW	if directed by the Director of Fines Victoria and within 28 days of the direction  by issuing a withdrawal notice that complies with s 19(a) and (b)(iii) of the <i>Infringements Act 2006</i>
s. 10U(2)(b)	duty to notify the Director and the FVS eligible person of the withdrawal of the infringement notice	DIDW	
s.10V(4)	function of receiving a direction to, and a duty to, take no enforcement action during the enforcement suspension period	DIDW LL	

S7. Instrument of Sub-Delegation by CEO

February 2019 update



FINES REFORM ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 10V(6)	power to take any action referred to in s 38(1)(a) with respect to the FVS eligible offence	LL DIDW	if an effective known user statement is cancelled under s 84BF of the <i>Road Safety Act 1986</i> , and the FVS eligible offence is referred to council
s.10V(7)(c)	function of receiving a direction to withdraw an infringement notice and take no further action in relation to the relevant offence	DIDW LL	
s. 10V(9)(a)	duty to withdraw an infringement notice	DIDW LL	if directed by the Director of Fines Victoria and within 28 days of the direction  by issuing a withdrawal notice that complies with s 19(a) and (b)(iii) of the <i>Infringements Act 2006</i>
s. 10V(9)(b)	duty to notify the Director and the FVS eligible person of the withdrawal of the infringement notice	DIDW LL	
s. 10W(1)	function of receiving a written notice of the Director of Fines Victoria's determination	DIDW	if the Director of Fines Victoria determines that an FVS applicant is not an FVS eligible person in respect of an FVS eligible offence
s. 10W(4)	power to immediately resume enforcement action	LL DIDW	if the Director of Fines Victoria determines that an FVS applicant is not an FVS eligible person in respect of an FVS eligible offence under s 10T



FINES REFORM ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.10X(2)	function of receiving referred matters from the Director of Fines Victoria	DIDW	
s. 10Y(1)(a)	power to withdraw an infringement notice and take no further action or issue an official warning	LL DIDW	where the Director of Fines Victoria refers an infringement offence under s 10X(2) by issuing a withdrawal notice under s 19 of the <i>Infringements Act 2006</i>
s. 10Y(1)(b)	power to file a charge-sheet charging the offence	LL	
s.16	function of registering infringement fines with Director of Fines Victoria and paying the prescribed fee	LL DIDW	Note: this provision came into force on 31 December 2017
s.20(4)	function of being advised by Director of Fines Victoria of determination	LL DIDW	Note: this provision came into force on 31 December 2017
s.21	power to withdraw infringement notice, issue official warning or file a charge-sheet upon receipt of notice under section 20	DIDW LL	Note: this provision came into force on 31 December 2017
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	LL	Note: this provision came into force on 31 December 2017
s.22	power to request Director of Fines Victoria not to issue or serve notice of final demand	DIDW	Note: this provision came into force on 31 December 2017



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	DIDW LL	Note: this provision came into force on 31 December 2017
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	DIDW	Note: this provision came into force on 31 December 2017
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	LL DIDW	Note: this provision came into force on 31 December 2017
s.43	power to refer infringement fine to Director of Fines Victoria for management by payment arrangement upon request	LL DIDW	Note: this provision came into force on 31 December 2017
s.44	function of receiving notice of notification of refusal of application under section 43	DIDW LL	Note: this provision came into force on 31 December 2017
<b>s.46</b>	<b>power to offer payment plan</b>	<b>DIDW</b>	<b>Note: this provision came into force on 31 December 2017</b>
s.48(2)	duty to request Director of Fines Victoria to remove infringement fine if infringement notice withdrawn	DIDW	Note: this provision came into force on 31 December 2017
s.54(1)	duty to provide Director of Fines Victoria with most up-to-date contact details of persons where referring infringement fine	DIDW	Note: this provision came into force on 31 December 2017





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	DIDW	Note: this provision came into force on 31 December 2017
s.174	function of receiving request from the Director of Fines Victoria or the sheriff	DIDW	Note: this provision came into force on 31 December 2017
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	DIDW LL	unless the CEO of the Council certifies in writing that exceptional circumstances apply  Note: this provision came into force on 31 December 2017



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 amount	DCCS 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 timeframe for making applications under s.9A(1)	DCCS 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 amount 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 amount of levy payable	RC FM	
s. 21(3)(b)	function of collecting the levy payable	FM	



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 amount 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 boundaries
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 boundaries
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)	DCCS 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 specified person if requested by owner	RC FM	
s.25(6)	duty to transfer the amount 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	DCCS FM	s.170 of the <i>Local Government Act 1989</i> applies, 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



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 occupies land	DCCS FM	s.170 of the <i>Local Government Act</i> 1989 applies, subject to modifications set out in s.27
s.27(1)	power to waive levy in respect of rateable leviable land	CEO DCCS FM	s.171 of the <i>Local Government Act</i> 1989 applies, 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</i> 1989 for that land
s.27(1)	duty to waive levy upon receipt of an application which complies with s.171(4) of the <i>Local Government Act</i> 1989, in respect of rateable leviable land	CEO DCCS FM	s.171 of the <i>Local Government Act</i> 1989 applies, 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</i> 1989 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</i> 1989	CEO DCCS FM	s.171 of the <i>Local Government Act</i> 1989 applies, 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</i> 1989 for that land



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</i> 1989 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</i> 1989 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</i> 1989 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</i> 1989 for that land
s.27(1)	power to waive levy or levy interest in respect of rateable leviable land	DCCS FM	s.171A of the <i>Local Government Act</i> 1989 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</i> 1989 for that land
s.28(1)	power to defer payment of levy in respect of non-rateable leviable land where applicant shows hardship	DCCS FM	s.170 of the <i>Local Government Act</i> 1989 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	DCCS FM	s.170 of the <i>Local Government Act</i> 1989 applies, subject to modifications set out in s.28



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 leviable land	DCCS FM	s.171 of the <i>Local Government Act</i> 1989 applies, subject to modifications set out in s.28(4)
s.28(1)	duty to waive levy upon receipt of an application which complies with s.171(4) of the <i>Local Government Act</i> 1989, in respect of non-rateable leviable land	DCCS FM	s.171 of the <i>Local Government Act</i> 1989 applies, 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 leviable land, in accordance with s.171(4)(f) of the <i>Local Government Act</i> 1989	DCCS FM	s.171 of the <i>Local Government Act</i> 1989 applies, 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 leviable land	RC FM	s.171A of the <i>Local Government Act</i> 1989 applies, subject to modifications set out in s.28(4)
s.28(1)	power to require information or verification in respect of non-rateable leviable land	RC FM	s.171A of the <i>Local Government Act</i> 1989 applies, subject to modifications set out in s.28(4)
s.28(1)	power to waive levy or levy interest in respect of non-rateable leviable land	DCCS FM	s.171A of the <i>Local Government Act</i> 1989 applies, 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	



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)	DCCS	
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)	DCCS 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	



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 specified 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 DCCS	
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	





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)	DCCS 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	DCCS FM	
s.71(1)	function of receiving application for alteration of levy records	RC FM	



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	

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 DIDW	
s.37(d)	function of responsible/planning authority to receive notice of conservation orders	MPE DIDW	



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.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



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.	DIDW 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 DIDW	
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 DIDW	
s.20(1C)	duty to ensure authorised officers are suitably qualified or trained	DIDW	
s.20(2)	power to limit or impose conditions on the authority granted to an authorised officer	DIDW	
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	



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

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	
s45AA	power to act in proceedings against the Crown	DIDW EHO	power of the responsible agency
s.45AC	power to bring proceedings for an offence under the Act	DIDW EHO	



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



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



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	DCCS	
s.17(2B)	power to waive or reduce fee	DCCS	
s.18	power to transfer requests to another agency	DCCS	
s. 21(1)	duty to take all reasonable steps to enable an applicant to be notified of a decision	DCCS	
s. 21(2)	power to extend the period for deciding a request referred to in s.21(1)(a)	DCCS	
s. 21(3)	power to further extend a period for deciding a request in accordance with s.21(2)(b)	DCCS	
s. 21(4)	duty to notify the applicant, in writing, if the period for deciding a request is extended or further extended under s.21	DCCS	
s.22	power to calculate charges for access to documents	DCCS	
s.25A	power to refuse requests	DCCS	
s.26(1)	power to make a decision on a request		Not Delegated – CEO to make decision based on briefing report from DCCS

FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 29(2)	duty to notify relevant government agencies, authorities or Ministers (including agencies or authorities in other countries) of requests for access to documents and seek their views, if practicable	DCCS	when deciding whether documents are exempt
s. 29A(1D)	duty to notify relevant government agencies, authorities or Ministers (including agencies or authorities in other countries) of requests for access to documents and seek their views, if practicable	DCCS	when deciding whether documents are exempt
s. 31(5)	duty to notify relevant Commonwealth, or State or Territory, government agencies, authorities or Ministers of requests for access to documents and seek their views, if practicable	DCCS CEO	when deciding whether documents are exempt
s. 31(6)	duty to notify relevant Commonwealth, or State or Territory, government agencies, authorities or Ministers of requests for access to documents and seek their views, if practicable	CEO DCCS	when deciding whether it is in the public interest to grant access to documents referred to in s.31(2)
s. 31A(2)	duty to notify the IBAC of requests for access to documents and seek IBAC's view as to whether the document should be disclosed, if practicable	CEO	when deciding whether documents are exempt under s.31A(1)



FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 33(2B)	duty to notify a person who is the subject of a document that a request has been made for the document, seek that person's view and state that if the person consents to the disclosure of the document (or disclosure subject to deletion of information relating to the personal affairs of the person) the person is not entitled to apply to the Tribunal for review of a decision to grant access to the document	DCCS	when deciding whether to disclose information relating to personal affairs
s. 33(3)	duty to notify the person of the decision to grant access to the document, and of the person's right to make an application for review of the decision provided by s.50(3), if practicable	DCCS	where the information relates to that person's personal affairs (this includes a deceased person, in which case the person's next of kin is to be notified)
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. 33A	power to notify either or both a child and a parent, or guardian, of the child	DCCS	where the person to be notified about a request is a child
s. 34(3)	duty to notify the undertaking of requests for access to documents and seek their views	DCCS	when deciding whether the disclosure of information would expose an undertaking unreasonably to disadvantage
s. 34(3A)	duty to notify the undertaking, from which the document was acquired, of the decision to grant access to the documents and right to make an application for review of the decision provided by s.50(3A)	DCCS	



FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 35(1A)	duty to notify that a request to access documents has been received and seek their views	DCCS	
s.41	power to amend the record of information	DCCS	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	DCCS	
s. 49I	duty to assist the Freedom of Information Commissioner to undertake a review	DCCS	
s.49K	function of consulting with the Freedom of Information Commissioner	DCCS	
s. 49KA(2)(a)	function of processing or identifying a reasonable sample of the documents upon notice from the Information Commissioner	DCCS	if the Information Commissioner reasonably believes that an agency or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of a review under Division 1
s. 49KA(2)(b)	function to undertake a further search, or to cause a further search to be undertaken, for documents in the possession, custody or control of the agency or Minister, upon notice from the Information Commissioner	DCCS	if the Information Commissioner reasonably believes that an agency or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of a review under Division 1

FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 49KA(3)	duty to comply with requests under s.49KA(2) within the reasonable time stated in the Information Commissioner's notice, being not less than 10 business days	DCCS	if the Information Commissioner reasonably believes that an agency or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of a review under Division 1
s. 49KA(4)	Power to apply for an extension	DCCS	
s. 49KA(7)	duty to notify the Information Commissioner within 3 business days after the end of the period referred to in s.49KA(2) or s.49KA(3) of the information contained in s.49KA(7)(a)-(b)	DCCS	if the Information Commissioner reasonably believes that an agency or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of a review under Division 1
s. 49KA(8)	function to have the matter referred from the Information Commissioner in accordance with s.49L	DCCS	if the Information Commissioner reasonably believes that an agency or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of a review under Division 1
s. 49L(1A)	duty to make a fresh decision where a matter is referred back to Council by the Freedom of Information Commissioner	DCCS	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)	DCCS	



FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 49L(4)	duty to notify the Freedom of Information Commissioner that a fresh decision has been made or has not been made	DCCS	
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)	DCCS	
s. 49M(1)	power to exercise a choice to reconsider the subject matter of an application for review and make a fresh decision.	DCCS	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	DCCS	
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	DCCS	
s. 49M(5)	duty to revoke the earlier 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)	DCCS	



FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 49N	function of entering into an agreement in relation to a decision that is the subject of a review	DCCS	
s. 49O(1)	function of consulting with the Information Commissioner regarding the referral of matters	DCCS	
s. 50(3D)	power to apply to the Tribunal for review of a decision of the Freedom of Information Commissioner under s 49P.	CEO DCCS	
s. 50(3F)	duty to notify the Freedom of information Commissioner of an application for review under s. 50(3D)	DCCS	
s. 61E	duty to co-operate with Freedom of Information Commissioner where a complaint relates to the agency	DCCS	
s. 61GA(1)(a)	function of processing or identifying a reasonable sample of the documents upon notice from the Information Commissioner	DCCS	where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision that is the subject of the complaint under s.25A(1) or s.25A(5)
s. 61GA(1)(b)	function to undertake a further search, or to cause a further search to be undertaken, for documents in the possession, custody or control of the agency or Minister, upon notice from the Information Commissioner	DCCS	where the Information Commissioner believes that an agency, principal officer or Minister has failed to undertake an adequate search for documents that relate to a decision



FREEDOM OF INFORMATION ACT 1982			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 61GA(2)	duty to comply with requests under s.61GA(1) within the reasonable time stated in Information Commissioner's notice, being not less than 10 business days	DCCS	
s. 61GA(3)	power to apply for extension	DCCS	
s.61G	function of consulting with the Freedom of Information Commissioner	DCCS	
s 61I(2)	power to make submissions to the Freedom of information Commissioner in relation to a complaint	DCCS	
s. 61I(4)	duty to comply with request of the Freedom of Information Commissioner to produce a document or provide information	DCCS	
s. 61J	duty to comply with a production notice issued by the Freedom of Information Commissioner	DCCS	where council is a "prescribed agency" for the purposes of sections 61J
s. 63BA(1)	power to apply to the Supreme Court to determine whether the Information Commissioner, or the Public Access Deputy Commissioner, has jurisdiction to serve a notice to produce or attend	DCCS	subject to s.63BA(2)
s. 64B	duty to provide the Freedom of Information Commissioner any information referred to in s.64(2)	DCCS	



<b>GAMBLING REGULATION ACT 2003</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.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 amended 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	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	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 amended copies of proposed request	MPE	



GAMBLING 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 amendment 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 amendment on surrounding municipal districts	DIDW MPE	
s.3.4.21(2)	power to apply to Tribunal for review of Commission's decision relating to amendment increasing number of gaming machines	DIDW MPE	Application to comply with Council's position regarding the individual amendment 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	

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	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 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	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	DIDW	



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)	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	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	DIDW	



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	DIDW EHO	
s.61(1)(b)	power to sign the record of a conciliation agreement	DIDW	
s.61(2)	power to lodge a copy of the record with the Tribunal	EHO	



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	DCCS	
s.64(7)	duty to report on action taken following notice of a ruling requiring specified action	EHO	
s.65(1)	power to require the Health Services Commissioner to refer the complaint to the Tribunal	DIDW EHO	
s.72	power to apply to the Tribunal for review of a decision to serve a compliance notice	DIDW	
s.73(1)	power to apply to the Tribunal for an interim order	DIDW	



<b>HEAVY VEHICLE NATIONAL LAW 2012</b> <b>(applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.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	ME	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	ME	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	ME	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	ME	where council is the relevant road manager
s.156(1)	duty to give or not give consent	ME	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)	ME	where council is the relevant road manager
s.156(6)	function of giving Regulator a written statement explaining its decision not to give consent	ME	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	ME	where council is the relevant road manager



<b>HEAVY VEHICLE NATIONAL LAW 2012</b> <b>(applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.158(2)	duty to, as far as practicable, deal with the request for consent, where consultation with other entity is not yet completed	ME	where council is the relevant road manager
s.158(4)	power to decide to give or not give the consent in the circumstances	ME	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	ME	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	ME	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)	ME	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	ME	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	ME	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	ME	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	ME	where council is the relevant road manager





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)	ME	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	ME	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	ME DIDW	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	ME	where council is the relevant road manager
s.167(3)	power to give written notice of consent or refusal	ME	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	ME	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	ME	where council is the relevant road manager
s.170(3)	power to give written objection	DIDW ME	where council is the relevant road manager
s.174(2)(a)	power to request the Regulator to amend the mass or dimension authority, where satisfied of matters in s.174(1)	DIDW ME	where council is the relevant road manager



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)	DIDW ME	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	ME	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	ME	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)	ME	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)	ME	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	ME	where council is the relevant road manager
s.180(2)	function of receiving notice from the Regulator	ME	where council is the relevant road manager
s.611(2)	power to apply for a compensation order	DIDW ME	



<b>HEAVY VEHICLE NATIONAL LAW 2012</b> <b>(applies in Victoria, pursuant to Heavy Vehicle National Law Application Act 2013 (Vic))</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.612	function of preparing certificate	ME	
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	ME	
s.613(3)	function of receiving notice that defendant intends to challenge the matter	DIDW ME	
s.643(2)	function of receiving referral of review application	ME	
s.644	duty to conduct internal review of reviewable decision and give applicant a reasonable opportunity to make written or oral representations	DIDW 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	ME	where council is the relevant road manager
s.645(5)	duty to, as soon as practicable, give the Regulator notice of the review	ME	where council is the relevant road manager



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	DIDW ME	in respect of roads where council is the relevant road manager



HERITAGE ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 29(4)	function of receiving statement refusing a nomination from Executive-Director	DIDW	
s. 30(9)	function of receiving written notice from Heritage Council of outcome of application for review	MPE	
s. 34(1)	function of receiving notice of acceptance of nomination from Executive Director	MPE DIDW	
s. 40(1)	function of receiving statement from Executive Director of recommendation not to include place or object in Heritage Register	MPE DIDW	
s. 53(6)	function of receiving notice of amendment to heritage register from Executive Director	MPE DIDW	
s. 63(2)	function of receiving notice of expedited amendment of Heritage Register	MPE DIDW	
s. 96(5)	function of receiving copy of amended permit application	MPE	
s. 100(1)	function of receiving copy of permit application from Executive Director	MPE	



HERITAGE ACT 2017			
s. 100(2)	power to make written submission to Executive Director in relation to application received under s.100(1)	MPE	
s.105(4)	function of receiving notice of receipt of application to amend a permit from Executive Director	MPE DIDW	
s. 106(5)	function of receiving notice of application for review for permit to carry out works from Heritage Council	MPE DIDW	
s108(4)	Power to request a hearing be held by the Heritage Council in relation to an application for review under s107 of Executive Director's determination	DIDW MPE	
s. 108(5)	power to appear and be heard or represented at a hearing into review of Executive Director's determination	DIDW MPE	
s.108(9)	function of receiving written notice from Executive Director of Heritage Council's determination of review	MPE	
s. 110	function of receiving notice from Minister of referral of a matter to VCAT under s.109(2)(b)	DIDW	
s.112	function of receiving notice from Executive Director of decision by VCAT under s.111	DIDW	
s. 114(2)	function of receiving notice from Executive Director of decision by Minister in relation to application for review	DIDW MPE	
s. 120	function of receiving written notice of removal of site from Heritage Inventory	MPE	



HERITAGE ACT 2017			
s. 131(1)	function of receiving notice of recommendations made under s.130 by Executive Director	MPE	
s. 133(3)	function of receiving written notice from Heritage Council of approval of recommendation for a site of archaeological value	MPE	
s. 179	function of receiving notice of approval of World Heritage Strategy Plan	MPE	



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	DIDW MPE	
s.34(1)	function of entering into arrangements with the Director whereby Council carries out works	DIDW	
s.34(3)	power to enter into arrangements with the Director for the purposes of this Act	DIDW	
s.67(1)(a)	power to do all things to make house comply with regulations or to give effect to direction		NOT DELEGATED – CEO TO TAKE ACTION BASED ON COUNCIL DIRECTION
s.67(1)(b)	power to demolish house (where case so requires)		NOT DELEGATED – CEO TO TAKE ACTION BASED ON COUNCIL DIRECTION
s.67(2)	power to recover expenses	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





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	CEO DIDW	
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	CEO DIDW	
Sch 6, cl 1	duty to lodge signed certificate	DIDW	
Sch 6, cl 1	power to authorise staff member to sign certificate	CEO	
Sch 6, cl 2	power to request recording in Register	DIDW	
Sch 6, cl 6	duty to lodge notice with the Registrar of Titles that the declaration has ceased to operate	DIDW	
Sch 6, cl 7(1)	power to require occupier to pay to council any money owing	DCCS 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	DCCS FM	
Sch 6, cl 7(5)	duty to notify occupier if council receives any payment	DCCS FM	



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 DIDW	
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



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 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)	DIDW	
s.21	power to dispose of livestock including destroying or re-housing	DIDW LL	



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	DIDW	
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 DIDW	
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 amount as a debt	DIDW LL	



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

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 DIDW	
s.17(3)	power to withdraw infringement notice and file a charge and summons in the Children's Court in some circumstances	DCCS	
s.18(1) & (2)	power to withdraw an infringement notice in some circumstances	DCCS DIDW CEO	
s.22	function of receiving application for review of decision to serve infringement notice	DCCS DIDW CEO	

S7. Instrument of Sub-Delegation by CEO

February 2019 update



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 DIDW DCCS	
s.23(2)	duty to suspend review where request made under section 23(1)	CEO DIDW DCCS	
s.23(4)	power to refuse or grant request for extension of time made under section 23(3)(b)	DIDW DCCS	
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	DIDW DCCS	
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 DIDW DCCS	
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	DIDW DCCS	

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 review decision 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	
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	





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 DIDW DCCS	
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	



INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.25(3)	function of receiving application for payment plan for infringement notices confirmed under subsection 25(2)(a)	DCCS DIDW	
s.25(4)	duty to serve application with written notice of decision made under section 25(2A)(a)	DCCS DIDW	
s.25(5)	function of receiving application for payment plan for infringement notices confirmed under subsection 25(4)	LL MPE	
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	
s.27D(3)	power to recover debt or take enforcement action where work and development permit is cancelled or partially completed	DIDW MPE	
s.27F(3)	function of receiving notice of infringement notice being waived by Secretary	LL MPE	
s.29(1) & (2)	power to serve a penalty reminder notice	LL MPE	
s.40(1)(a)	duty to lodge prescribed information with the Court, if person elects an infringement offence matter to be heard by the Court or if matter referred to Court	LL	Note: this amendment came into force on 31 December 2017.



INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 came into force on 1 December 2017
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	
s.46(5)(a)	Power to offer a payment plan by arrangement and management of a payment plan for the person to whom it applies by that agency	LL MPE	
s.46(5)(b)	Power to offer a payment plan by referring the infringement penalty and penalty reminder notice fee to the Secretary for management by payment arrangement under the <i>Fines Reform Act 2014</i>	LL MPE	
s.46(6)	Duty, if Council determines not to offer payment plan to a person who has applied, to serve written notice on person with relevant details	DIDW	Note: this provision came into force on 1 December 2017



INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46(7)	duty to cease action taken to collect infringement penalty upon receipt of application under subsections 46(1) or (1A)	DIDW	Note: this provision came into force on 1 December 2017
s.47(1)	Power to arrange a payment plan	DCCS	
s.49(3)	duty, if infringement notice withdrawn, to withdraw infringement penalty and prescribed cost from payment plan	DIDW	
s.49(3)	duty, if infringement notice withdrawn, to request the Secretary to remove the infringement penalty and prescribed costs from payment plan	DIDW	
s.49A(2)	power to vary terms of a payment arrangement	DIDW	Note: this provision came into force on 1 December 2017
s.49A(4)	duty to give written notification to applicant of decision regarding payment plan variation	DIDW	Note: this provision came into force on 1 December 2017
s.50(1)	duty to allocate money received under payment plan in order of priority	DIDW	
s.50(3)	duty to advise person to whom payment plan applies of overpayment	DCCS FM	
s.50(3)(a)	power to offer to apply amount of overpayment to outstanding infringement penalties, prescribed costs or enforcement orders, if person consents and directs council to do so	DCCS FM	

INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50(3)(b)	power to refund amount of overpayment by appropriating Consolidated Fund or refunding from another fund or account	DCCS FM	
s.51(1)	duty to provide Secretary with most up-to-date contact details of person to whom payment plan applies	DIDW	
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	DIDW	
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	Note: this provision came into force on 1 December 2017
s.53A(2)	function of consulting with Secretary	DIDW DCCS	Note: this provision came into force on 1 December 2017
s.53B(2)	duty to comply with request by Secretary under s 53B(1)	DIDW DCCS	Note: this provision came into force on 1 December 2017
s.53C(2)	duty to respond give report to Secretary in response to any recommendations made under s 53C(1)	DIDW DCCS	Note: this provision came into force on 1 December 2017

INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(1)	power to lodge details of outstanding infringement penalty with an infringements registrar in certain circumstances	DCCS FM	
s.58	power to request an infringements registrar not to make an enforcement order	DCCS FM	Action taken on advice from authorised officer
s.63(1)	power to apply for reinstatement of enforcement order	DIDW	Action taken on advice from authorised officer
s.63A(2)	power to apply for a revocation of an enforcement order	DIDW	
s.64(2)	function of receiving notification of revocation of enforcement order	DIDW	
s.65(1)(a)	power to apply to infringements registrar for revocation of enforcement order	DIDW	
s.66(5)	function of being notified of revocation of enforcement order	DIDW LL	
s.69(1)	power to request infringements registrar not to refer matter to Court, by written notice	DIDW LL	
s.75(1)(b)	function of being served notice of intention to apply for rehearing	DIDW LL	
s.123(3)(b)(ii)	power to apply to infringements registrar to make an attachment of earnings order	CEO	



INFRINGEMENTS ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DCCS CEO	Council must be a specified agency (see Schedule 2 of Regulations)



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	DIDW WM	
s.134A(2)(a)	power to be consulted before Minister grants lease for stratum of Crown land	DIDW MPE	
s.138A(3)(a)	power to be consulted before person grants licence for strata of Crown land	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	DIDW WM	consent of Minister required
s.349	power to agree to closure of road on land vested in the Crown	DIDW	





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	DIDW AC	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	DIDW AC	
s.407(3)(b)	power to cause any building / hedge/ ditch etc to be taken down / filled up / removed etc	DIDW	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	AC	

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"> <li>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")</li> <li>all powers, duties and functions under this Act exercised under delegation to be reported to the CEO as soon as practicable</li> </ul>
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)	DIDW CEO	
s.9(1)	duty of the authority to serve copy of notice on certain responsible authorities	DIDW	
s.9(2)	duty of the responsible authority to provide information in writing when required to do so by an authority	MPE 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	



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	DIDW	
s.10(7)	duty of the authority to pay fees where an owner applies for a new section 32(2) certificate	MPE DIDW	
s.14(1)	power of an authority to amend notice upon agreement with persons on whom it was served	DIDW MPE	
s.15(1)	power of an authority not to proceed with the acquisition	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	DIDW	
s.18(1)	power of the authority to acquire interest in land by agreement	DIDW	
s.19	function of the authority publishing a notice declaring the interest to be acquired	DIDW MPE	
s.22	duty of the authority to serve copy notice of acquisition and a statement to persons interested in that land	DIDW MPE	



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 AC	
s.26(1)	duty of the authority to endeavour to obtain agreement with the owner / occupier	DIDW	
s.26(5)	power of the authority to enter into possession of the land	DIDW	
s.26(11)	duty of the authority to serve copy certificate under section 26(4)(a) on occupier	DIDW	
s.27	power of the authority to recover any rent due	DCCS 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	



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 amount 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 amount of compensation offered in court	CEO	
s.32(4)	duty of the authority to apply to the court for determination of the amount 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 DIDW MPE	

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)	DIDW WM	
s.45(1)	power of the authority to grant a loan to claimant	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	DIDW	
s.65(a)	function of the authority to receive interest in land despite any restrictions under other laws	DIDW	
s.65(b)	function of the authority to recover compensation where authority acquires an interest under section 65(a)	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	

S7. Instrument of Sub-Delegation by CEO

February 2019 update



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 amounts 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 amount required by section 70(3) to the credit of the Trust Fund where mortgagee fails to convey interest or adduce good title	DCCS FM	

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	DCCS 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	DIDW WM	
s.74(2)	duty of the authority to serve notice of intention to enter and a statement on occupier and owner	DIDW 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>	DIDW WM	





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.	DIDW WM	
s.75(2)(b)	power of the authority to deposit any material on land	DIDW WM	
s.75(2)(c)	power of the authority to make cuttings or excavations on land	DIDW WM	
s.75(2)(d)	power of the authority to take timber from the land	DIDW WM	
s.75(2)(e)	power of the authority to make and use roads on land	DIDW WM	
s.75(2)(f)	power of the authority to manufacture on the land any materials required	DIDW WM	
s.75(2)(g)	power of the authority to erect workshops, sheds, etc on land	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	DIDW WM	

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	DIDW WM	
s.76	duty of the authority to comply with obligations under section 76(a)-(e)	DIDW 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	DIDW	
s.83	duty of the authority to serve a copy of the referral notice on other parties	DIDW	
s.87	power of the authority in a compulsory conference to increase the amount of an offer	CEO DIDW	
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	CEO	
s.103(1)	power of the authority to inspect documents by notice in writing	CEO	



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	




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	DCCS 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 DIDW	
s.94	power to request the Commission to conduct an inquiry into amenity or disuse	MPE	
Sch 3, cl 18(3)	duty to notify Minister of result of poll under clause 18(1)	MPE	



LIVESTOCK DISEASE CONTROL ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.107B(4)(a)	function of receiving records maintained by the Secretary under ss.107B(1)(c), (d), (e) or (g)		only applies to a member of Council staff responsible for the conduct or facilitation of livestock sales at a saleyard operated or managed by the Council
s.121A	function of receiving a request from the Secretary for information relating to land in the municipal district	LL	in connection with the administration of, or in carrying out of the Secretary's functions under, the Act or the regulations

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 3G(1)(a)	duty not to act inconsistently with any part of a Yarra Strategic Plan that is expressed to be binding on the Council when performing a function or duty or exercising a power under this Act in relation to Yarra River land	N/A	where council is a responsible public entity within the meaning of the <i>Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017</i>
s. 3G(1)(b)	duty to have regard to the Yarra protection principles, and those parts of a Yarra Strategic Plan not expressed to be binding on the Council, when performing a function or duty or exercising a power under this Act in relation to the Yarra Strategic Plan area that may affect Yarra River land	N/A	where council is a responsible public entity within the meaning of the <i>Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017</i>
s3H(1)(a)	Duty not to act inconsistently with any part of a Statement of Planning Policy that is expressed to be binding on the Council	DIDW MPE	Subject to s3H(2) Where Council is a responsible public entity for the purposes of Part 3AAB of the <i>Planning and Environment Act 1987</i>
s3H(1)(b)	Duty to have regard to those parts of the Statement of Planning Policy not expressed to be binding on the Council	DIDW MPE	Subject to s3H(2) Where Council is a responsible public entity for the purposes of Part 3AAB of the <i>Planning and Environment Act 1987</i>
s3H(1)(c)	Duty to have regard to the principles set out in s46AZL of the <i>Planning and Environment Act 1987</i>	DIDW MPE	Subject to s3H(2) Where Council is a responsible public entity for the purposes of Part 3AAB of the <i>Planning and Environment Act 1987</i>

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
s.81(2B)	duty to review any exemptions in force under section 81(2A) with 12 months after a general election	DCCS CSO	

S7. Instrument of Sub-Delegation by CEO

February 2019 update

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.81F	power to request to be joined as a party to a VCAT proceeding regarding Councillor misconduct	CEO DCCS	
s.81G(1)(b)	function of receiving notice from Councillor Conduct Panel	DCCS	
s.81J(5)	duty to pay necessary expenses incurred by Councillors attending mediation, training or counselling	DCCS	
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 DCCS	
s.82A(1)	duty to maintain website	DCCS	
s.82A(2)(a)	duty to ensure public notices are published on website	CEO DCCS DIDW	
s.82A(2)(ab)	duty to ensure certain documents are published on website	CEO DCCS DIDW	
s.82A(2)(b)	duty to ensure each local law in force is available on website	CEO DIDW	





LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DCCS	
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
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	DCCS FM	
s.109(3)	function of receiving report from probity auditor	CEO	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
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	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DCCS FM	
s.129(1)	duty to provide public notice after preparing a budget or revised budget	DCCS FM	
s.129(4)	duty to display copy of budget and revised budget	DCCS FM	
s.130(2)	duty to give notice of its decision to adopt budget or revised budget	CEO DCCS FM	
s.130(4)	duty to submit a copy of the budget or revised budget to the Minister	DCCS FM	
s.130(7)	duty to give the Minister any details concerning its budget or revised budget that the Minister requires	DCCS FM	
s.130(9)	duty to make copies of the budget or revised budget available for inspection by the public	DCCS FM	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.131(1)	duty to prepare an annual report	DCCS FM	
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 DCCS 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	DCCS FM	
s.133(3)	duty to make annual report available for public inspection	DCCS FM	
s.136(1)	duty to implement the principles of sound financial management	DCCS FM	



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	DCCS 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	AC FM DIDW	
s.140(2)(e)	duty to ensure liabilities are authorised	FM	
s.140(2)(f)	duty to ensure efficiency of operations	CEO DCCS DIDW	
s.140(2)(g)	duty to develop and maintain adequate internal control system	DCCS FM	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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"><li>perform functions and powers under this or any other Act</li><li>repay an overpayment</li><li>make a refund</li></ul>	DCCS 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	DCCS	Subject to limits as determined by CEO.
s.142(3)(a)	power to defer payments	DCCS	Subject to limits as determined by CEO.
s.142(3)(b)	power to waive payment and interest	DCCS	Subject to limits as determined by CEO.
s.142(3)(c)	power to waive interest	DCCS	Subject to limits as determined by CEO.
s.143(a)	power to invest money in government securities (Commonwealth)	DCCS FM	
s.143(b)	power to invest money in government securities (Victoria)	DCCS FM	
s.143(c)	power to invest money with an authorised deposit-taking institution	DCCS FM	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.143(d)	power to invest money with a financial institution	DCCS FM	
s.143(e)	power to invest money with eligible money market dealers	DCCS 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	
s.159(5)	power to determine form & time period	DCCS 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	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DIDW	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 varied	DIDW FM	
s.169(2)	duty to send notice to person who was granted a rebate or concession and not complied with terms	FM	
s.170(1)	power to defer payment where applicant shows hardship	DCCS FM	
s.170(3)(a)	power to require payment where no longer hardship/in occupation	DCCS FM	
s.171(1)	power to waive rate/charge to eligible recipient or in accordance with Council determination	DCCS FM	





LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.171(4)(e)	duty to waive amount which is in accordance with concession order upon receipt of application	DCCS 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)	DCCS FM	
s.171A(1)	function of receiving application for waiver	DCCS FM	
s.171A(2)	power to require information or verification	DCCS FM	
s.171A(3)	power to waive rate/charge/interest	DCCS	
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	DCCS	
s.172(4)	power to recover interest due	DCCS	
s.173(2)(a)	duty to refund rates/charges where land ceases to be rateable and payment was made	FM	



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



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 181E(1)	duty to use best endeavours to recover environmental upgrade charge	FM	
s. 181F	duty to adjust environmental upgrade charge to reflect lower amount advanced to owner and advise any person liable to pay charge in writing of the adjustment	FM	Council must refund any excess amounts 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	DCCS FM	
s 185I	Power to enter into a cladding rectification agreement in respect of rateable land with an existing building on it	MBS	Subject to ss 185I(4), 185J(4) and 185J(5)
s 185J(1)	Function of receiving details in writing of the information set out in s 185J(1)(a)	MBS	
s 185J(2)	Duty to give written notice to each owner or, in the case of rateable land managed by an owners corporation, each owner of a lot on the rateable land	DCCS RO	
s 185J(8)	Power to enter into a cladding rectification agreement if all the existing mortgagees of the rateable land agree in writing to the proposed cladding rectification charged	MBS DIDW	If Council is not satisfied of the matters set out in s 185J(4)
s 185J(9)	Power to enter into a cladding rectification agreement if all the existing mortgagees of those lots agree in writing to the cladding rectification charge	MBS DIDW	If Council is not satisfied of the matters set out in s 185J(5)
s 185K(1)(b)	Function of receiving information from the owners corporation	DIDW	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 185N(1)	Duty to use Council's best endeavours to recover a cladding rectification charge in accordance with any requirements imposed on it by the <i>Building Act 1993</i> and the cladding rectification agreement	MBS DIDW	Subject to s 185N(2) and (3)
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	DIDW DCCS CM	
s.186(3)	duty to ensure the public notice for tenders and expression of interest are in the prescribed form	DCCS DIDW 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
s.189(2)(a)	duty to give notice before sell/ exchanging land	DIDW DCCS CEO	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.189(2)(b)	duty to obtain valuation before selling/exchanging land not more than 6 months prior to the sell / exchange	DIDW DCCS CEO	
s.190	power to lease land where there is no requirement to give public notice under s.223	DIDW DCCS CEO	
s.190(3)	duty to give notice before making certain leases	DIDW DCCS CEO	<ul style="list-style-type: none"><li>s.190(1) applies</li></ul>
s.194	power to compound with certain persons	CEO	
s.199	duty to give notice of proposed drainage works to persons affected	DIDW	
s.200(1)	power to give persons notice that must carry out drainage works	DIDW	
s.200(2)	power to carry out works itself where non-compliance with notice	DIDW	
s.201(1)	duty to construct, manage, etc works under schemes approved under <i>Water Act</i> 1989	DIDW	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.201(2)	power to carry out any power under the Act for purpose of 201(1)	DIDW	
s.203(1)	power to develop and implement a transport plan	DIDW AC	
s.203(2)	power to prepare a transport plan jointly with one or more other councils	DIDW AC	
s.203A	power to procure, provide or enable transport services within the municipal district	DIDW DCCS CEO	
s.204(1)	power to publish notice in Government Gazette of road to be declared a public highway	DIDW AC	
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)	DIDW AC	Delegation only extends to matters within the functional responsibility of delegate.
s.208A	duty to comply with the Best Value Principles	DCCS DIDW AC CM	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.208D	duty to develop quality and cost standards for the provision of services to the community	DCCS AC	
s.208E(1)	duty to develop a program for the application of the Best Value Principles	DCCS FM	
s.208E(2)	duty to ensure that the program required by subsection (1) is available to the public.	DCCS	
s.208E(3)	duty to apply the Best Value Principles to services	DIDW DCCS	
s.208F	duty to ensure that any quality or cost standards adopted are available for inspection by the public	DCCS	
s.208G	duty to report on what has been done to ensure that effect has been given to the Best Value Principles	DCCS FM	
s.208H(3)	duty to comply with Code	DCCS FM	
s.219C(5)	function of receiving notice of electoral representation review	CEO DCCS	
s.219F(8)	duty to ensure copy of preliminary report is available for inspection	CEO DCCS	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.219F(11)	duty to ensure that the final report is available for inspection and may be purchased	CEO DCCS	
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 DIDW DCCS	
s.222(3)	administrative power to fix reasonable fees for inspection and copying	CEO DIDW DCCS	
s.223(1)(a)	duty to publish a public notice	CEO DIDW DCCS	
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 DIDW DCCS	
s.223(1)(d)(ii)	duty to notify submitters after made decision	CEO DIDW DCCS	





LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.223(3)	power to authorise members of Council staff to carry out administrative procedures	CEO DIDW DCCS	
s.224(1)	power to appoint authorised officer	CEO DIDW DCCS	
s.224(1A)	duty to maintain register of authorised officers	CEO DIDW DCCS	
s.224(2)	duty to supply authorised officers with identity cards	CEO DIDW DCCS	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 DIDW DCCS	
s.224A(2)	power to publish a notice in the Government Gazette which authorises police officers to enforce provisions of local law	CEO DIDW DCCS	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.225(1)(a)	power to approve another person to carry out the work required under s.225(1)	DIDW DCCS	
s.225(1)(b)	power to carry out required work where person fails to do so	DIDW DCCS	Delegation extends only to area of functional responsibility of delegate.
s.225(3)	power to recover costs of carrying out work	DIDW DCCS	
s.227	power to require payment of all or part of money from present owner or occupier	DIDW DCCS FM	
s.227AA	power to recover costs, fees and expenses from owner of house subject to declaration	DIDW DCCS 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	

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	DCCS FM	
s.232(1)	power to authorise a person to institute proceedings	DCCS	
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>	DIDW 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 programme	CEO	
cl.4	duty to take any action necessary to give effect to its equal employment opportunity programme	CEO	
cl.5	power to determine and use special tests and qualifications to enhance recruitment and promotion of persons in any designated group	CEO	
Schedule 10 cl.1(a)	power to make, maintain and repair roads	DIDW WM ME	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
cl.2	administrative functions necessary to give effect to power to deviate roads	DIDW	
cl.3	administrative functions necessary to give effect to power to discontinue roads	DIDW ME	
cl.4	power to enter and take any materials necessary from certain land	DIDW WM ME	
cl.5(1)(a)	power to approve, assign or change the name of a road	DIDW ME RO	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	DIDW AC	
cl.5(1)(d)	power to require people to number their premises and to renew those numbers	DIDW	
cl.6	power to cause standard survey marks to be established in roads	DIDW AC	

LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DIDW AC	
cl.8(3)	duty to publish notice in Government Gazette before starting work	DIDW AC	
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	DIDW WM ME	
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/damage	WM	
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	DIDW WM ME	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DIDW 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	
cl.7	power to close a road, or part of a road for a particular period	DIDW WM ME	
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	



LOCAL GOVERNMENT ACT 1989			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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 or obstruction on a road	DIDW 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 or obstruction on a road	DIDW 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 AC	
cl.12(2)	power to make decision to prohibit the use of a road by a vehicle over a certain size or weight	ME WM AC	only to be exercised where immediate risk of danger to people or damage 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	DIDW WM AC	



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	

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	





<b>MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) ACT 1990</b> [###The provisions of this Act reflect those within the repealed <i>Extractive Industries Development Act 1995</i> ]			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.46(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 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 amount of rehabilitation bond or further rehabilitation bond if the land is private land	DIDW MPE	
s.80(2A)	power to consult with Minister regarding amount of rehabilitation bond in respect to an extractive industry work authority if the land is private land	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	DIDW MPE	



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	DIDW 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	DIDW	



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	DIDW MPE	where Crown Land is vested in council
s.102	power to decide construction of the pipeline in relation to roads, bridges and tramways is satisfactory	DIDW ME	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	DIDW ME	where council is the 'relevant authority'
s.104	function of being reimbursed by licensee for expense incurred due to the existence of a pipeline	DIDW	
s.105(1)	power to refer a dispute under Division 2 Part 7 of the Act to the Governor in Council for determination	DIDW	
s.105(2)	duty to comply with Governor in Council's determination under section 105(1)	DIDW	
s.116	function of receiving notice from licensee of incident	DIDW	where council is the 'relevant authority'



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	DCCS	
s.20(2)	duty to comply with Information Privacy Principles when administering a public register	DCCS	
s.22(1)	power to seek approval of a code of practice or an amendment to a code of practice	DCCS	
s.22(4)	function of being consulted by the Commissioner in relation to a code of practice	DCCS	The Commissioner was renamed 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	DCCS	The Commissioner was renamed 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 DCCS	The Commissioner was renamed 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 DCCS	The Commissioner was renamed 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 believed that access may endanger the individual	DCCS	



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



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 Information Commissioner regarding revocation of temporary public interest determination	DCCS	
s.47(1)	power to apply for approval of an information usage arrangement	DCCS	where Council is a lead party to an information usage arrangement
s.47(2)	duty to consult where required	DCCS	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 Information Commissioner	DCCS	where Council is a lead party to an information usage arrangement
s.52(1)	power to apply for approval of an amendment to an information usage arrangement	DCCS	where Council is a lead party to an information usage arrangement
s.52(2)	duty to consult where required	DCCS	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	DCCS	where Council is a party to an information usage arrangement
s.53(4)	function of receiving notice from the Information Commissioner regarding ground for revocation of an information usage arrangement	DCCS	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	DCCS	where Council is a party to an information usage arrangement



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	DCCS	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 DCCS	where Council's interests are affected by the decision
s.61	function of receiving notice of complaint lodged with the Commissioner	CEO	
s.62(1)	function of receiving notice that complaint is to be declined	DCCS	
s.62(3)	power to attend before the Commissioner and produce documents	DCCS	
s.62(7)	function of receiving notice of dismissal	DCCS	
s.63(2)	function of receiving notice of complaint being referred by the Commissioner	DCCS	
s.64(2)	function of receiving notice of complaint being dismissed by the Commissioner	DCCS	
s.66(1)	function of receiving notice that conciliation is inappropriate	DCCS	
s.66(6)	function of receiving notice of complaint being dismissed by the Commissioner	DCCS	
s.67(3)	power to attend conciliation and settle the matter	DCCS	



PRIVACY AND DATA PROTECTION ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.68(1)	duty to give information or produce a document	DCCS	
s.69(1)	power to prepare and sign conciliation agreement	DCCS	
s.69(2)	power to lodge certified conciliation agreement	DCCS	
s.69(3)	function of receiving copy of registered record	DCCS	
s.71(1)	function of receiving notice of unsuccessful conciliation	DCCS	
s.71(6)	function of receiving notice of complaint being dismissed by the Information Commissioner	DCCS	
s.72	power to apply to VCAT for an interim order	CEO DCCS	
s.77(1)	power to administer/ implement order of VCAT	DCCS	
s.77(3)	function of receiving VCAT order relating to a public register administered by Council	DCCS	
s.78(1)	duty to comply with compliance notice served by the Information Commissioner	DCCS	
s.78(3)	power to apply for extension in relation to compliance notice	DCCS	
s.79(1)	power to give information or produce documents	DCCS	





PRIVACY AND DATA PROTECTION ACT 2014			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.83(1)	power to apply to VCAT for review of a decision of the Information Commission under s.78(1)	CEO DCCS	



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 DCCS	
s.21(2)	duty to notify IBAC of the disclosure within 28 days, if considered that the disclosure may be a protected disclosure	CEO DCCS	
s.23	power to provide information in respect of the disclosure	CEO DCCS	
s.24(2)	duty to notify the person who made the disclosure that the disclosure has been notified to IBAC for assessment	CEO DCCS	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 DCCS	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 DCCS	
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 DCCS	



PROTECTED DISCLOSURE ACT 2012			
s.58(1)	duty to establish procedures to facilitate the making of disclosures and the handling of those disclosures	CEO DCCS	
s.58(5)	duty to establish procedures for the protection of persons from detrimental action by the Council, Council officers or Councillors	CEO DCCS	
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	DCCS	
Sch.1 cl.25(2)	duty to complete the investigation of the disclosure under the <i>Protected Disclosures Act 2012</i> and take action listed in Sch.1 cl.25(2)(b)	DCCS	Note: applies where an investigation has been started but not completed under the <i>Protected Disclosures Act 2012</i>
Sch.1 cl.29(2)	duty to notify IBAC within 28 days of a disclosure made after commencement of this Act	CEO DCCS	



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 DIDW	
s.26(4)	duty to review municipal public health and wellbeing plan annually and amend as appropriate	EHO	unless section 27 applies
s. 26(4A)	Duty to include a review of the measures referred to in subsection (2)(ba) when annually reviewing the municipal public health and wellbeing plan	EHO	Unless section 27 applies
s.26(6)	duty to give a copy of the current municipal public health and wellbeing plan to the Secretary	EHO	unless section 27 applies
s. 26(6A)	Duty to report to the Secretary, the measures referred to in subsection (2)(ba) at the intervals specified	EHO	unless section 27 applies
s.26(7)	duty to make copy of current municipal public health and wellbeing plan available for public inspection	EHO	unless section 27 applies
s.27(3)	power to apply to the Secretary for an exemption from complying with section 26	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)

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 DIDW	<ul style="list-style-type: none"> <li>council must appoint at least one environmental health officer</li> <li>council can only appoint person with the qualifications and experienced specified in subsection (2)</li> </ul>
s.31(4)	power to give directions to authorised officers	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	

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	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	DIDW	
s.66(2)(a)	power to enter and take steps to abate nuisance and do all things necessary for abatement	DIDW EHO	<ul style="list-style-type: none"> <li>where nuisance comes from land for which the occupier and owner are unknown or cannot be found</li> <li>unless another council is abating the nuisance under subsection (2)</li> </ul>
s.66(2)(b)	power to do all things necessary for abatement of nuisance	DIDW EHO	<ul style="list-style-type: none"> <li>where nuisance comes from land for which the occupier and owner are unknown or cannot be found</li> <li>unless another council is abating the nuisance under subsection (2)</li> </ul>
s.66(4)	power to recover costs incurred under subsection (2)	EHO	

PUBLIC HEALTH AND WELLBEING ACT 2008			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
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 specified 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	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)	DIDW EHO	subject to section 74

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	DIDW EHO	
s.76(1)(d)	power to cancel a registration	DIDW EHO	
s.76(1)(e)	power to suspend a registration	DIDW EHO	
s.76(1)(f)	power to refuse to transfer a registration	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)	DIDW EHO	subject to section 74
s.76(1)(h)	power to refuse to renew a registration	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)	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	DIDW EHO	
s.78	power to issue a replacement certificate of registration	EHO	



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	DIDW	
s.185(1)	function of receiving complaints about authorised officers appointed by the council	DIDW	complaint must be in writing or other form approved by council
s.185(2)	power to approve form in which complaint is made	DIDW	
s185(4)(a)	duty to investigate any written complaint provided under section 185(2)	DIDW	
s185(4)(b)	duty to provide written report to the complainant on the results of the investigation under section 185(4)(a)	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)	DIDW	



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)	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	DIDW EHO	
s.197(5)(b)	power to recover costs and expenses incurred	DIDW	
s.197(6)	power to recover costs and expenses in court	DIDW	
s.205(2)	function of receiving applications for review of council decisions	DIDW	
s.205(3)	duty to review decision where application received under subsection (2)	DIDW	
s.205(5)	power to agree a period greater than 28 days for review of a decision with the applicant	DIDW	
s.205(6)(a)	power to make a decision affirming, varying or revoking a decision	DIDW	
s.205(6)(b)	power to make any other decision where original decision is revoked	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	DIDW	



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	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)	DIDW EHO	
s.219(2)(b)	power to bring proceedings for offence relating to an improvement notice or a prohibition notice	DIDW EHO	
s.228(1)	power to seek reimbursement of costs incurred where person is found guilty of an offence	DIDW	
s.228(2)	power to seek payment for cost of work conducted by council where awarded legal costs	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	DIDW	



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	DCCS FM	



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	DIDW	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	AC 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	AC WM	
Schedule 2 Clause 4	power to make submissions on VicRoads' proposal to act under section 42 and clause 3	DIDW AC 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	DIDW	
Schedule 5A Clause 26	duty to surrender land to the Crown following an order of the Governor in Council	DIDW AC	
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	DIDW AC	



## Maddocks

Schedule 5A Clause 51	power to claim from VicRoads an amount for loss or expense incurred as a result of an order under Division 2 Part 5 of the Act	DIDW	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	DIDW	
s.87(1E)	power to authorise a member of staff to sign identity card	DIDW	



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)	DIDW	
s.90D(1)	power to enter into an agreement with the owner or occupier of land for the provision of parking services	DIDW	
s.98(1)	power to request Minister to extend application of Act	DIDW	
s.99A(4)	power to establish requirements for traffic management plan	WM CM ME	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))	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	DIDW	where council is the coordinating road authority under the <i>Road Management Act 2004</i>





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	

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

SERVICE VICTORIA ACT 2018			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s7(1)	Function of receiving a previously transferred customer service function	DCCS	
s7(5)	Power to perform a customer service function in accordance with the enactment that confers the function on the service agency	DCCS FM	
s9(2)	Power to disclose regulated information that it holds to the Service Victoria CEO, or a delegate of the Service Victoria CEO, for the purpose of enabling transferred customer service functions and a function that is ancillary to a function described in paragraph (a)	DCCS	
s12	Function of receiving a previously transferred identity verification function	DCCS	
s12(5)	Power to perform an identity verification function in accordance with the enactment that confers the function on the service agency	DCCS FM	
s14(2)	Power to disclose regulated information that it holds to the Service Victoria CEO, or a delegate of the Service Victoria CEO, for the purpose of enabling transferred identity verification functions and a function that is ancillary to a function described in paragraph (a)	DCCS	
s35(3)	Function of receiving a notification from the Service Victoria CEO if the electronic identity credential, which has been issued to an individual, is cancelled under s38	DCCS	



SERVICE VICTORIA ACT 2018			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s58(3)	Power to provide agreement to Minister	DCCS	

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	DIDW	
s.73	duty to consider various factors before deciding on an application for a permit for use or development as a brothel	MPE DIDW	
s.74	duty to refuse to grant a permit for a brothel in certain circumstances	MPE DIDW	
s.75A	duty to determine an application or request for an amendment in relation to a permit issued for the use or development of land for the purposes of the operation of a brothel	MPE DIDW	
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</i> 1987 as affected by Division 2 Part 4	MPE DIDW	



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

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



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 DIDW DCCS	
s.14(3)	function of receiving funds for works for provision of sport and recreation	DCCS FM	

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 specified 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"> <li>unless subsections 8(2) -(5) apply</li> <li>form of referral per r.13 and 14 of the <i>Subdivision (Procedures) Regulations 2011</i></li> </ul>
s.8(6)	duty to give referral authority copy of certified 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	



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</i> 2011
s.10(7)	duty to notify surveyor of alteration required by Council	MPE	
s.11(1)	function of receiving application to amend certified plan	MPE	
s.11(2)	duty to refer application under section 11(1) to referral authority	MPE	
s.11(2A)	power to amend without referral if minor amendment	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 amendment by acquiring authority where plan prepared by surveyor	MPE	
s.11(11)	duty to give copy of re-certified 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 applies
s.15(2)	duty to approve/refuse approval/require alterations of engineering plan	MPE	does not apply where section 14 applies
s.15(6)	power to charge for engineering plans prepared by it	DIDW	does not apply where section 14 applies



SUBDIVISION ACT 1988			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)(a)	power to appoint supervisor of works	DIDW	does not apply where section 14 applies
s.17(2)(b)	power to charge for supervision	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	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	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	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	DIDW MPE	<ul style="list-style-type: none"> <li>does not apply where sections 14, 18(5) and 18(8) apply</li> <li>must have regard to matters in section 18(1A)-2</li> </ul>
s.18(1B)	power to vary time of payment by agreement with applicant	DIDW	
s.18(4)	power to agree with applicant to set aside/pay different percentage	DIDW	does not apply where section 14 applies
s.18(7)	power to refund ACount paid under s.18(1) where no longer intend to subdivide	DIDW FM	does not apply where section 14 applies





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 amount paid to it, if satisfied that it is no longer intended to subdivide the land	DIDW	
s.19(1)	power to obtain valuation where value is not agreed	MPE	does not apply where section 14 applies
s.19(3)	duty to give applicant copy of valuation	MPE	does not apply where section 14 applies
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 complied with	DIDW MPE	does not apply where section 14 applies
s.21(1)	duty to issue statement of compliance, subject to section 2C	MPE	<ul style="list-style-type: none"> <li>does not apply where section 14 applies</li> <li>time limits apply (s.21(1)-(2))</li> </ul>
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 applies in certain circumstances	MPE	does not apply where section 14 applies
s.21(9)	duty to give a notice to the Commissioner of State Revenue that a statement of compliance has been issued	MPE	



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 DIDW	
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 DIDW	
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



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	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. 38	Power to provide written consent	MPE DIDW	
s. 38A(1)	Power to provide written consent	MPE DIDW	
s. 38B	Power to provide written consent	MPE DIDW	
s. 38C	Power to provide written consent		
s.39(1)	power to refer disputes to VCAT	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 DIDW	



SUBDIVISION ACT 1988			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.44(3E)	duty to refer plan to referral authorities 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
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	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. 6A(1)	duty to consult with Victoria Police before granting an application for a permit for the use of council land, a road closure or anything else that the Council believes will facilitate a public protest being held by the applicant	DIDW LL WM	
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	DIDW LL	
s.50A(3)(b)	power to apply to Governor in Council for revocation/variation of declaration under section 50A(3)(a)	DIDW LL	



Taxation administration act 1987			
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	DCCS FM	



TRANSFER OF LAND ACT 1958			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s. 26X(1)	function of receiving enquiries, from the Registrar, for personal information that identifies ratepayers and mortgagors of land, for the purpose of comparing that information with information retained by the Registrar or the Registrar-General in relation to land that is to be brought under the Act	RO MPE DIDW	
s. 26X(2)	function of disclosing personal information that identifies who is a ratepayer or mortgagor of the land	RO	
s.45(1)	power to consent to the creation of an easement or the transfer of land	MPE DIDW	where Council is the landowner
s.45(3)	power to consent to the creation or surrender of a right of carriageway	DIDW AC	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		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



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s.57(2)	power to withdraw notice of intention to acquire	N/A8	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	
s73B	Power to consent to the creation or surrender of the right of carriageway	DIDW	Where land is located in Council's municipal district
s. 88(1B)	power to consent to the varying or releasing of a restrictive covenant	DIDW	where land is located in Council's municipal district
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	

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 <sup>2</sup> 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	

<sup>2</sup> 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*)

S7. Instrument of Sub-Delegation by CEO



TRANSPORT INTEGRATION ACT 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 25(3)	duty to have regard to applicable specified policy principles	N/A	
s 25(4)	duty to have regard to applicable specified 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 bodies	N/A	where council is the responsible authority and s 197 applies
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	



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	DIDW	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	DIDW	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



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	



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(3)	Duty to give notice to valuer-general	N/A	Where Council is the 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 amended 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 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	

VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	
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	DCCS	
s.10(5)	power to revoke nomination under subsection (1) if paragraphs (a)-(c) apply	DCCS	
s10(6)	Power to revoke nomination made under s10(1)	DCCS	
s.11	duty to make a general valuation	DCCS FM	where council is the valuation authority
s.12	function of causing a valuation of rateable land at the direction of the Minister	DCCS FM	where council is the valuation authority
s.13DA(1)	power to appoint people to make valuations	DCCS	must hold qualifications specified by Minister

VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.13DC(1)	power to require valuation on basis of site value	DCCS FM	where council is rating authority
s.13DC(2)	power to use in force valuations in certain circumstances	RC	
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	DCCS	
s.13DF(3A)	power to use supplementary valuation before it is certified to levy or adjust municipal rate or fire services property levy	DCCS	
s.13DF(5)	power to adjust rate payable retrospectively where supplementary valuation made in circumstance referred to in s.13DF(2)(o)	DCCS FM	
s.13DFA(2)	function of receiving written certification of supplementary valuation from valuer-general	DCCS FM	
s.13DFB(1) and (2)	power to request valuer-general to carry out a supplementary valuation in writing	DCCS FM	
s.13DFB(3)	Function of receiving the supplementary valuation within 10 business days after the supplementary valuation is returned to the valuer-general	DCCS RC	

S7. Instrument of Sub-Delegation by CEO

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VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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.	DCCS 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	DCCS	where council is the collection agency
s.13G(5)	power to revoke nomination made under s.13G(1)	DCCS	
<b>s.13G(7)</b>	<b>Power to revoke nomination made under s.13G(1)</b>	<b>N/A</b>	<b>Where Council is the collection agency</b>
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 people to carry out valuation	DCCS FM	must hold qualifications or experience specified by minister  applies 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 certified by the valuer-general	FM RC	where council is the collection agency



VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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(1)	power to request the Valuer-General to make a supplementary valuation	DCCS FM	where council is the collection agency
s13N(3)	Function of receiving the supplementary valuation within 10 business days after the supplementary valuation is returned to the valuer-general	DCCS RC	
s13M(2)	Function of receiving certification in writing that the valuer-general is satisfied that the supplementary valuation is correct	DCCS RC	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	DCCS FM	where council is the rating authority
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)	DCCS FM	where council is the rating authority that makes general or supplementary valuation
s.20(3)	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 amount	DCCS FM	





VALUATION OF LAND ACT 1960			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21(2)	duty to refer an objection received to the valuation authority	DCCS	where council is not the valuation authority which made the valuation
s.21(2A)	duty to refer objection to valuer	DCCS	where council is the valuation authority
s.21(5)	function of receiving written notice from the valuer-general of recommendation	DCCS	where council is the valuation authority or rating authority
s.21(6)	duty to give effect to the decision of the valuer-general	DCCS	where council is the rating authority
s.22(5)	function of receiving copy of application to VCAT for review of valuation decision	DCCS	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)	DCCS	where council is the valuation authority
s35	Power to make a valuation for the 2018 calendar year	DCCS	Where Council is a municipal Council, or where Council is a collection agency



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	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	DIDW MPE	



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 DCCS FM	
s.12(4)	function of receiving determination of allocation of funds by the commission	CEO DCCS FM	
s.15	function of representing Council at commission hearing	CEO DCCS FM	



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	DIDW	
s.35(2)	power to consult with Director of Operations regarding removal of controller of a registered unit from office	DIDW	

VICTORIAN DATA SHARING ACT 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.10(a)	power to provide some, or all, of the specified data to the Chief Data Officer	DCCS	if the Chief Data Officer gives a notice under s 8
s.10(b)	power not to respond to the request	CEO	if the Chief Data Officer gives a notice under s 8
s.13(a)	power to provide some, or all, of the specified data to the Chief Data Officer	DCCS	if the Chief Data Officer gives a notice under s 11
s.13(b)	power not to respond to the request	CEO	if the Chief Data Officer gives a notice under s 11



s.24(3)(c)	function of being informed by the Chief Data Officer, or data analytics body, if the <i>Victorian Data Sharing Act 2017</i> , <i>Privacy and Data Protection Act 2014</i> or <i>Health Records Act 2001</i> has been, or is likely to have been, breached in relation to data handled under the <i>Victorian Data Sharing Act</i> while in the control of the Chief Data Officer, or of the data analytics body	CEO DCCS	
s.33(4)	duty to have regard to policies or guidelines issued under s 33(1)	DCCS	

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			
Column 1	Column 2		Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.33(2)	duty to comply with request by Authority under s.33(1) for information or assistance	MPE	
s.34(1)	function of consulting with Authority where exercising its powers likely to affect council's functions	MPE	



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 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	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 DIDW MPE	
s.32H	Duty to keep copy of approved management plan available for inspection	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 DIDW	
s67A	Function of receiving a copy of an application under section 67 in respect of a dam	MPE DIDW	
s.67B	Duty to advise the Minister of response to application	MPE	



<b>WATER ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s.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 DIDW	
s.122ZA(2)	Function of consenting to Minister's determination under section 122ZA(1)(b)	DIDW MPE	
s.122ZC	Power to contribute money to environmental or recreational area for improving or maintaining the area	CEO 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 DIDW	
s152	Function of receiving notice of intention to affect works	DIDW	
s153	Function of receiving notice to alter or remove works	DIDW	
s.165(1)	Power to require an Authority to fix fire plugs to works	DIDW	
s165(2)	Duty to meet costs of providing, installing, marking and maintaining all fire plugs that the council requires	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	DIDW	



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 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	DIDW EHO	
s188(3)	Function of receiving notice of proposed declaration of a waterway if the council may have an interest in the waterway	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	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 DIDW	





<b>WATER ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s206(1)(b)	Function of receiving notice that an Order has been published in the Government Gazette	MPE DIDW	
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)	DIDW 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	DIDW	
s.217	Power to apply for an order for removal or modification of works	DIDW	
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 DIDW	
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 DIDW	subject to the limitations set out in s218

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	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	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	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	



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	DCCS 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

BUILDING INTERIM REGULATIONS 2017			
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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<b>BUILDING INTERIM REGULATIONS 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
<b>r.411(4)</b>	<b>function of giving report and consent – 'site coverage'</b>	<b>MBS</b> <b>MPE</b>	
<b>r.412(2)</b>	<b>function of giving report and consent – 'permeability'</b>	<b>MBS</b> <b>MPE</b>	
<b>r.413(6)</b>	<b>function of giving report and consent – 'car parking'</b>	<b>MPE</b>	
<b>r.414(6)</b>	<b>function of giving report and consent – 'side and rear setbacks'</b>	<b>MBS</b> <b>MPE</b>	
<b>r.415(6)</b>	<b>function of giving report and consent – 'walls and carports on boundaries'</b>	<b>MBS</b> <b>MPE</b>	
<b>r.416(6)</b>	<b>function of giving report and consent – 'daylight to existing habitable room windows'</b>	<b>MBS</b>	
<b>r.417(6)</b>	<b>function of giving report and consent – 'solar access to existing north-facing windows'</b>	<b>MBS</b>	
<b>r.418(3)</b>	<b>function of giving report and consent – 'overshadowing of recreational private open space'</b>	<b>MBS</b> <b>MPE</b>	
<b>r.419(9)</b>	<b>function of giving report and consent – 'overlooking'</b>	<b>MPE</b> <b>MBS</b>	

<b>BUILDING INTERIM REGULATIONS 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
<b>r.420(3)</b>	function of giving report and consent – 'daylight to habitable room windows'	<b>MBS</b>	
<b>r.421(4)</b>	function of giving report and consent – 'private open space'	<b>MBS</b> <b>MPE</b>	
<b>r.422(2)</b>	function of giving report and consent – 'siting of Class 10a buildings'	<b>MBS</b> <b>MPE</b>	
<b>r.424(3)</b>	function of giving report and consent – 'front fence height'	<b>MPE</b>	
<b>r.425(3)</b>	function of giving report and consent – 'fence setbacks from side and rear boundaries'	<b>MPE</b>	
<b>r.426(5)</b>	function of giving report and consent – 'fences on or within 150mm of side or rear boundaries'	<b>MPE</b>	
<b>r.427(1)</b>	function of giving report and consent – 'fences on street alignments'	<b>MPE</b>	
<b>r.428(6)</b>	function of giving report and consent – 'fences and daylight to windows in existing dwelling'	<b>MBS</b> <b>MPE</b>	
<b>r.429(5)</b>	function of giving report and consent – 'fences and solar access to existing north-facing habitable room windows'	<b>MBS</b> <b>MPE</b>	

<b>BUILDING INTERIM REGULATIONS 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
<b>r.430(3)</b>	function of giving report and consent – 'fences and overshadowing of recreational private open space'	<b>MPE</b> <b>MBS</b>	
<b>r.431</b>	function of giving report and consent – 'masts, poles etc.'	<b>MBS</b> <b>MPE</b>	
<b>r.513(1) and (2)</b>	function of giving report and consent – 'projections beyond street alignment'	<b>MPE</b> <b>MBS</b>	
<b>r.513(3)</b>	power to give consent under regulation 513(1) or (2) if it is considered that this will not be detrimental to public safety	<b>DIDW</b>	
<b>r.515(2)</b>	function of giving report and consent – 'buildings above or below certain public facilities'	<b>MPE</b> <b>MBS</b>	
<b>r.604(4)</b>	function of giving report and consent – 'protection of the public – precautions over a street'	<b>MBS</b>	
<b>r.610(2)</b>	function of giving report – 'storm water drainage'	<b>MBS</b>	
<b>r.801(1)</b>	function of giving report and consent – 'septic tank systems'	<b>MBS</b> <b>EHO</b>	
<b>r.802(2)(d)</b>	function of designating land as likely to be flooded	<b>MPE</b>	
<b>r.802(3)</b>	function of giving report and consent – 'flood areas'	<b>MPE</b>	



<b>BUILDING INTERIM REGULATIONS 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
<b>r.802(4)(b)</b>	function of determining flood level	<b>MPE</b>	
<b>r.802(5)</b>	duty to not give consent under regulation 802(3) if there is likely to be a danger due to flooding	<b>MPE</b>	
<b>r.802(6)</b>	power, in report under regulation 802(3), to specify level for lowest floor of a building	<b>MPE</b> <b>MBS</b>	
<b>r.802(7)(a)</b>	duty to consult with the relevant floodplain management authority	<b>MPE</b> <b>MBS</b>	
<b>r.802(7)(b)</b>	duty to specify minimum floor level at least 300mm above flood levels	<b>MPE</b>	
<b>r.802(8)</b>	duty to, without delay, advise the floodplain management authority and the sewerage authority of the floor level (if any) specified under regulation 802(6).	<b>MBS</b> <b>EHO</b>	
<b>r.803(1)</b>	power to designate areas in which buildings are likely to be subject to attack by termites	<b>MBS</b>	
<b>r.805</b>	power to determine the areas are likely to be subject to significant snowfalls	<b>N/A</b>	
<b>r.806(1)</b>	function of giving report and consent – 'designated land or works	<b>MPE</b>	
<b>r.806(3)</b>	duty to consult with the waterway management authority for the designated land or works, before giving consent	<b>MPE</b>	



<b>BUILDING INTERIM REGULATIONS 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
<b>r.807(1)</b>	duty to prepare maps for all designated special areas within municipal district	<b>MPE</b>	
<b>r.807(2)</b>	duty to amend map or prepare a map for new designated special area	<b>MPE</b>	
<b>r.807(3)</b>	duty to advise the Authority within 7 days if a designated special area is altered or if a new designated special area is created	<b>MPE</b>	
<b>r.807(4)</b>	duty to lodge with the Authority within 7 days copies of designated special areas maps amended or prepared under regulation 807 (1) or (2).	<b>MPE</b>	
<b>r.807(5)</b>	duty to make an up to date copy of each designated special area map prepared under regulation 807 available to the public	<b>MPE</b>	
<b>r.810(6)</b>	function of receiving a map of designated bushfire prone areas from the Minister	<b>MPE</b> <b>MBS</b>	
<b>r.810(7)</b>	duty to make a copy of the map given to it under regulation 810(6) available for inspection	<b>MPE</b> <b>MBS</b>	
<b>r.1003(2)</b>	function of giving report and consent – occupancy permit re septic tank system	<b>EHO</b>	
<b>r.1010(1)</b>	duty to keep documents relating to occupancy permit for specified time, for purposes of section 75 of the Act	<b>MBS</b> <b>RMO</b>	

S7. Instrument of Sub-Delegation by CEO

February 2019 update



BUILDING INTERIM REGULATIONS 2017			
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	



BUILDING REGULATIONS 2018			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r5(2)	Power to designate an area liable to flooding	MPE DIDW	Where Council is the 'relevant Council'
r44	Function of receiving documents	MBS	Where Council is the 'relevant Council'
r49	Duty to keep documents in any manner specified by the Keeper of Public Records until the building is demolished or removed from the allotment	MBS	Where Council is the 'relevant Council'
r50	Duty to make documents available on request	MBS	Where Council is the 'relevant Council'
r51	Function of providing information	MBS DCCS	Where Council is the 'relevant Council'
r73(2)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r74(4)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r75(4)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r76(4)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r77(3)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r78(6)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r79(6)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'



BUILDING REGULATIONS 2018			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r80(6)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r81(6)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r82(5)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r83(3)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r84(9)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r85(3)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r86(3)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r87(2)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r89(3)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r90(2)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r91(5)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r92(2)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r94(6)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r95(3)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r96(3)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'



BUILDING REGULATIONS 2018			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r97(2)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r109(1)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r109(2)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r109(3)	Power to give consent under rr109(1) or 109(2)	MBS MPE DIDW	Where Council is the 'relevant Council' if it considers that the projection of the part of the building beyond the street alignment will not be detrimental to the safety of the public
r116(4)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r130(1)	Power of providing report and consent	MBS	Where Council is the relevant 'service authority'
r132(1)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r133(2)	Power of providing report	MBS	Where Council is the 'relevant Council'
r134(2)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r148	Duty to prepare maps	MBS AC	
r149(1)	Duty to amend or prepare map for the existing or new designated special area	MPE MBS AC	Where Council is the 'relevant Council'



BUILDING REGULATIONS 2018			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r149(2)	Duty to advise the Authority if a designated special area is altered or created	MPE	
r149(3)	Duty to lodge copies of designated special area maps with the Authority	MPE	Where Council is the 'relevant Council'
r149(4)	Duty to make an up-to-date copy of each designated special area map, applicable to Council's municipal district, available to the public for inspection	MPE AC	
r150	Power to designate areas within Council's municipal district in which buildings are likely to be subject to attack by termites	MBS MPE	
r152(1)	Power to designate areas in Council's municipal district that are likely to be subject to significant snowfalls	N/A	For the purposes of the BCA
r153(2)	Power of providing report and consent	MBS	Where Council is the 'relevant Council'
r153(4)	Duty not to give consent under r153(2) if there is likely to be a danger to the life, health or safety of the occupants of the building due to flooding of the site	MBS MPE	Where Council is the 'relevant Council'
r153(5)	Power to specify, Council's report, a level for the surface of the lowest floor of a building on the site	MPE	Where Council is the 'relevant Council'
r153(6)	Duty to consult with the floodplain management authority for the site and specify a level in line with r153(6)(b) requirements	MPE	Where Council is the 'relevant Council'



BUILDING REGULATIONS 2018			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r153(7)	Duty to, without delay, advise the floodplain management authority and sewerage authority for the site of the floor level (if any) specified under r153(5)	MPE	Where Council is the 'relevant Council'
r154(1)	Power of providing report and consent	MPE MBS	Where Council is the 'relevant Council'
r154(2)	Power to include, in the report and consent Council provides, recommendations controlling the location and construction of retaining walls and fences in relation to designated land or designated work	MBS MPE	Where Council is the 'relevant Council'
r154(3)	Duty to consult with the waterway management authority for the designated land or designated works before giving consent under r154(1)	MPE MBS	
r187(2)	Power of providing report and consent	MBS	Where Council is the 'relevant Council' Subject to r187(3)
r202(1)	Duty to keep the documents relating to occupancy permits in any manner specified by the Keeper of Public Records	MBS MPE	For the purposes of s 75 of the <i>Building Act 1993</i>
r202(2)	Duty to keep documents relating to a temporary approval for 3 years after the earlier of the two periods set out in rr 202(2)(a) and 202(2)(b)	MBS MPE	For the purposes of s 75 of the <i>Building Act 1993</i>
r203	Function of receiving documents	MBS	
r205	Function of receiving information	MBS	Where Council is the 'relevant Council'



BUILDING REGULATIONS 2018			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r215(3)(c)	Function of receiving a determination and report under s 120(2)(a) of the <i>Building Act 1993</i>	MBS MPE	Where Council is the 'relevant Council'  If the essential safety measure is required under an emergency order or a building order under pt 8 of the <i>Building Act 1993</i>
r280(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 these Regulations	MBS	Where Council is the 'relevant Council'

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





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

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 programs coordinated by council in accordance with the <i>Public Health and Wellbeing Act 2008</i>	EHO	



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>

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



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	



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 DCCS DIDW 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 DCCS DIDW	
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 DCCS DIDW	
r. 19	power to approve the request of a staff member to engage in other employment during long service leave	CEO DCCS DIDW	
r. 20	duty to provide other Councils with information upon request	FM	



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	DCCS DIDW 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	



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	DCCS 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	DCCS DIDW	

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	DCCS FM	
r.7	duty to include prescribed information in the financial statements included in the Strategic Resource Plan	DCCS 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	DCCS 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	DCCS 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 DCCS FM	
r.12	duty to comply with the governance and management checklist	CEO	

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	DCCS FM	
r.19 & r.20	duty to include prescribed information in financial statements contained in an annual report	DCCS 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	DCCS 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	





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	



OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.375(3)(c)(ii)	function of assisting in the preparation of an emergency management plan for a major hazard facility	DIDW WM CSO	
r. 376(c)	Function to receive a copy of the parts of the emergency plan relating to the off-site consequences of a major incident occurring	DIDW	
r. 379(4)(b)	Function to review and if necessary, revise the emergency management plan in relation to the off-site consequences of a major incident occurring	DIDW	
r.396	function 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	DIDW CEO	
r.394(1)	function of receiving information concerning the safety of the major hazard facility	DIDW	
r.433(2)(b)(ii)	function of assisting in the preparation of an emergency management plan for a prescribed mine	N/A	
r. 434(b)(ii)	function to receive a copy of the emergency plan relating to the off-site consequences of a major incident occurring	DIDW	



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		



ROAD SAFETY ROAD RULES 2017			
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	

ROAD SAFETY ROAD RULES (ELECTRIC PERSONAL TRANSPORTERS TRIAL) ACENDMENT 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)	N/A	Rules Revoked



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	



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	DIDW WM	
r.9(3)	power to disagree with proposal in writing within 21 days	DIDW	
r.10(1)	power to erect, display, place, remove or alter control devices on roads	WM ME AC	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 AC	
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 AC	
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 sACe length of road	ME WM	



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	DIDW WM	applies only if council is the coordinating road authority under the <i>Road Management Act</i> 2004
r.30(3)	power to waive permit application fee wholly or in part	DIDW	applies only if council is the coordinating road authority under the <i>Road Management Act</i> 2004

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	DIDW	



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	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	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	DIDW	





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 amend a certified 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 amend a certified plan under section 11(1) of <i>Subdivision Act 1988</i>	MPE	



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 amended street address and lot location of each lot on amended 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</i> 1988	MPE	

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 amendments made to any certified plan under section 22(2)(a) of <i>Subdivision Act</i> 1988	MPE	



MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
<b>Section A – Finance Issues</b>			
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, DCCS, DIDW, CM, AC, WM, GO,	Complete list of financial approval thresholds is contained within the procurement policy
Power to authorise payment of wages, salaries, related payments.		CEO DCCS DIDW FM	
Power to authorise payment of Councillor and Mayoral allowances		CEO DCCS DIDW FM	Within the amount 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 name		DCCS FM	



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.		DCCS DIDW CEO FM WM ME AC	
Power to authorise enforcement of overdue debts		FM	
Power to appoint collection agency		DCCS FM	
Power to approve contract variations		DIDW DCCS	
Power to amend or vary agreements		DIDW DCCS	
Power to sign cheques		CEO DCCS DIDW FM	



MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to authorise Petty Cash		FM	
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 DIDW DCCS	
Power to give approval to sign contracts of sale and vendor statements for land approved for sale.		CEO DIDW DCCS	
Power to sign contracts of sale for the approved acquisition of Real Estate (see 2A).		CEO DCCS DIDW	
Power to authorise the order, release, refund, or return of securities, bank guarantees and bonds, relating to property transactions only.		CEO DCCS FM	
Power to authorise progress payments.		CM DIDW DCCS	
Power to authorise payment of contract variations.		DIDW	



MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to determine fees and charges.		DCCS 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 DIDW DCCS	
Power to write off bad debts		DCCS	
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).		DIDW 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.		DIDW MPE MBS	



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



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





MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to give authority to make statements to the press		CEO	
Power to authorise the issue of media releases		CEO DIDW DCCS	
Power to authorise access to Council files and documents		DCCS	
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 DIDW DCCS	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 DIDW DCCS	
Power to approve litigation settlement amounts			up to ## insert amount##
Power to appeal a decision of the Victorian Civil and Administrative Tribunal or Court		CEO DIDW DCCS	



MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Duty to administer a competition and consumer protection compliance program		DCCS FM	
Duty to administer a privacy compliance program		DCCS	
Power to authorise entertainment expenses		CEO	
Power to authorise publication on the internet		CEO DIDW DCCS	
Power to authorise publication on the Intranet		CEO DIDW DCCS	
Power to make or authorise the making of submissions to external bodies		CEO DIDW DCCS	
Power to approve arrangements having important public relations aspect (e.g. opening ceremony for new facilities)		CEO DIDW DCCS	



MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to authorise expenditure on advertising and media		CEO DIDW DCCS	
Power to give permission to publish any document or publication		CEO DCCS DIDW	
Power to authorise allocation or change over of garbage bins		DIDW	
Power to serve statements under the <i>Land Acquisition and Compensation Act 1986</i>		MPE DIDW CEO DCCS	
Power to sign transfer-related documentation under the <i>Duties Act 2000</i>		CEO DCCS DIDW	
Power to authorise the release of deposit moneys under the <i>Sale of Land Act 1962</i>		DCCS FM	



MISCELLANEOUS AND ADMINISTRATIVE POWERS			
Column 1	Column 2	Column 3	Column 4
THING DELEGATED		DELEGATE	CONDITIONS & LIMITATIONS
Power to serve statutory notices in relation to land owned or managed by Council		CEO DIDW DCCS	
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 <sup>3</sup>		CEO DIDW DCCS	
Function of lodging claims for Natural Disaster Financial Assistance and liaising with the Department of Treasury and Finance regarding claims		DIDW FM	

<sup>3</sup> 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.

S7. Instrument of Sub-Delegation by CEO

February 2019 update

*S11. Instrument of Appointment and Authorisation*

**West Wimmera Shire Council**

**Instrument of Appointment and Authorisation**

Note that in this document we have used the following abbreviations to detail appropriate officers appointed or authorised in respect of the relevant legislation:

- [MBS] means Municipal Building Surveyor; (Mr Terry Ken Baker)
- [LL] means Natural Resources, Local Laws Officer, Fire prevention, Animal Control Officer; Mr Paul Cameron & Mr Pieter Mur
- [MPE] means Planning Officer & Environment Manager;
- [EHO] means Environmental Health Officer.
- [DIDW] means Director Infrastructure Development and Works
- [RO] means Rates Officer;
- [CM] means Contracts Manager;
- [AGISC] means Assets & GIS Coordinator;
- [TL] means Team Leader;
- [ME] means Manager Engineering;

## Instrument of Appointment and Authorisation

In this instrument “**officer**” means-

Terry Ken Baker	- Municipal Building Surveyor
	- Manager Planning and Environment
Adrian Schmidt	- Natural Resources, Local Laws, Fire Prevention, Animal Control Officer
Paul Cameron	- Natural Resources, Local Laws, Fire Prevention, Animal Control Officer
Pieter Mur	- Natural Resources, Local Laws, Fire Prevention, Animal Control Officer
Lettie Korf	- Rates Officer
Nicole Wearne	- Environmental Health Officer
Mark Marziale	- Director Infrastructure Development & Works
Bernie Maddern	- Contracts Manager
Terry Ough	- Works Manager
David Gyford	- Assets & GIS Coordinator
Neville Mulraney	- Team Leader
Steve Carter	- Team Leader
Peter Riley	- Team Leader
John Griffiths	- Manager Engineering
Ashley Roberts	- Director Corporate and Community Services
Andrea Gash	- Finance Manager

**By this instrument of appointment and authorisation** West Wimmera Shire Council -

## Instrument of Appointment and Authorisation

## PART A

1. under section 224 of *the Local Government Act 1989* - appoints the officers to be authorised officers for the administration and enforcement of -

the <i>Building Act 1993</i>	[MBS – Mr Terry Ken Baker]
the <i>Country Fire Authority Act 1958</i>	[LL]
the <i>Domestic Animals Act 1994</i>	[LL, EHO, MPE]
the <i>Emergency Management Act 1986</i>	[DIDW, LL, MPE]
the <i>Environment Protection Act 1970</i>	[EHO, PEM, LL]
the <i>Fire Services Property Levy Act 2012</i>	[FM, DCCS]
the <i>Food Act 1984</i>	[EHO]
the <i>Graffiti Prevention Act 2007</i>	[LL,MPE]
the <i>Housing Act 1983</i>	[EHO, MBS – Mr Terry Baker]
the <i>Impounding of Livestock Act 1994</i>	[LL,MPE]
the <i>Land Act 1958</i>	[MPE, MBS]
the <i>Local Government Act 1989</i>	[DCCS]
the <i>Public Health and Wellbeing Act 2008</i> <sup>1</sup>	[EHO]
Part 14 of the <i>Residential Tenancies Act 1997</i>	[EHO]
the <i>Road Management Act 2004</i>	[ME]
the <i>Road Safety Act 1986</i>	[ME]
the <i>Summary Offences Act 1966</i>	[EHO]
the <i>Tobacco Act 1987</i> <sup>2</sup>	[DCCS, RO]
the <i>Valuation of Land Act 1960</i>	

the regulations made under each of those Acts

the local laws made under the *Local Government Act 1989*

and any other Act, regulation or local law which relates to the functions and powers of the Council;

## PART B

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

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

OR

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

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

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

- |     |  |
|-----|--|
| 5.  | under section 72 of the <i>Domestic Animals Act 1994</i> - appoints the officers to be Council authorised officers for the purposes of the <i>Domestic Animals Act 1994</i> . [LL, EHO,MPE]  |
| 6.  | under section 21 of the <i>Emergency Management Act 1986</i> – appoints the officer to be Municipal Emergency Resource Officer. [DIDW]   |
| 7.  | under section 4(1) of the <i>Environment Protection Act 1970</i> - appoints the officers to be litter enforcement officers for the purposes of the <i>Environment Protection Act 1970</i> . [MPE, LL]<br>AND                         |
| 8.  | under section 48A of the <i>Environment Protection Act 1970</i> – appoints the officers to be authorised officers for the purposes of section 48A. [MPE, EHO, TLL]   |
| 9.  | under section 23 of the <i>Fire Services Property Levy Act 2012</i> – appoints the officers to be authorised officers for the purposes of the <i>Fire Services Property Levy Act 2012</i> . <sup>3</sup><br>[DCCS, FM, RO]           |
| 10. | for the purposes of 20 of the <i>Food Act 1984</i> = appoints the officer to be an authorised officer for the purposes of the <i>Food Act 1984</i> [EHO]   |
| 11. | under section 19(1) of the <i>Graffiti Prevention Act 2007</i> – appoints the officers to be an authorised person for the purposes of carrying out Council's functions under section 18, [LL,MPE]                                    |
| 12. | under section 71(1) of the <i>Housing Act 1983</i> – appoints the officer to be an authorised person for the purposes of entering a house or building and conducting an inspection under section 71. [EHO, MBS – Mr Terry Ken Baker] |
| 13. | under section 190 of the <i>Land Act 1958</i> – authorises the officers for the purposes of section 190 of that Act. <sup>4</sup> [PEM, MBS – Mr Terry Ken Baker]  |
| 14. | under section 81Y of the <i>Local Government Act 1989</i> – appoints the officer to be the Principal Conduct Officer . <sup>5</sup> [ DCCS- Mr Ashley Roberts]   |

<sup>4</sup> Authorisation requires the consent of the Minister (see section 190 of the *Land Act 1958*).



- ## PART C

- <sup>9</sup> Council may only appoint an authorised officer who is also appointed under section 72 of the Act.



section 33A of the *Impounding of Livestock Act 1994*  
section 10(4) of the *Graffiti Prevention Act 2007*  
section 219 of the *Public Health and Wellbeing Act 2008*  
section 45AC of the *Food Act 1984*

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

**It is declared that** this Instrument -

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

This Instrument is authorised by a resolution of the West Wimmera Shire Council made on 6 August 2018

##[**Council seal**]