



S6. Instrument of Delegation – Members of Staff

Towong Shire Council

Instrument of Delegation

to

Members of Council Staff

DRAFT

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:

Officer	Title
AA	Assistant Accountant
BI	Building Inspector
BS	Building Surveyor
CEO / N/A	Chief Executive Officer / No delegation given to staff members. Remains CEO responsibility.
CSO – Corryong	Customer Service Officer - Corryong
DTS	Director Technical Services
DCCS	Director Community and Corporate Services
EA	Executive Assistant
EHO	Environmental Health Officer
EMC	Emergency Management Coordinator
GCO	Governance and Communications Officer
MComS	Manager Community Services
MCorpS	Manager Corporate Services
MED	Manager Economic Development
MPlan	Manager Planning
OHS	OHS Officer
Ranger	Ranger

3. declares that:
- 3.1 this Instrument of Delegation is authorised by a **resolution** of Council passed on [#date#];
and
- 3.2 the delegation:
- 3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
- 3.2.2 remains in force until varied or revoked;
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
- (a) policy; or
- (b) strategy
- adopted by Council; or
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
- 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

The COMMON SEAL of the
TOWONG SHIRE COUNCIL
was affixed in the presence of:

CHIEF EXECUTIVE OFFICER

SENIOR OFFICER

SCHEDULE

INDEX

CEMETERIES AND CREMATORIA ACT 2003	1
DOMESTIC ANIMALS ACT 1994.....	14
ENVIRONMENT PROTECTION ACT 1970.....	15
FOOD ACT 1984.....	16
HERITAGE ACT 1995.....	20
PLANNING AND ENVIRONMENT ACT 1987.....	21 ²⁰
RAIL SAFETY (LOCAL OPERATIONS) ACT 2006.....	44
RESIDENTIAL TENANCIES ACT 1997	46
ROAD MANAGEMENT ACT 2004	48
PLANNING AND ENVIRONMENT REGULATIONS 2015.....	62
PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016.....	63
RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010	64
ROAD MANAGEMENT (GENERAL) REGULATIONS 2016	67
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015.....	69



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	CEO	where appointed to manage cemetery by Governor in Council
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	CEO	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	CEO	where council is a Class B cemetery trust
s.12A(1)	function to do the activities set out in paragraphs (a) – (n)	CEO	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	CEO	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	CSO - Corryong	
s.14	power to manage multiple public cemeteries as if they are one cemetery	CEO	
s.15(1) and (2)	power to delegate powers or functions other than those listed	CEO	
s.15(4)	duty to keep records of delegations	CEO	
s.17(1)	power to employ any persons necessary	CEO	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	CSO - Corryong	
s. 17(3)	power to determine the terms and conditions of employment or engagement	CEO	subject to any guidelines or directions of the Secretary



CEMETERIES AND CREMATORIA ACT 2003			
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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18(3)	duty to comply with a direction from the Secretary	CSO - Corryong	
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	CEO	where council is a Class A cemetery trust
s.18C	power to determine the membership of the governance committee	CEO	where council is a Class A cemetery trust
s.18D	power to determine procedure of governance committee	CEO	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	CEO	where council is a Class A cemetery trust
s.18D(1)(b)	power to appoint any additional community advisory committees	CEO	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.	CEO	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>	CEO	where council is a Class A cemetery trust
s.18F(2)	duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	CEO	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	CEO	where council is a Class A cemetery trust



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18I	duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	CEO	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))	CEO	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	CEO	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)	CEO	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	CEO	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	CEO	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	CEO	where council is a Class A cemetery trust
s.18O(1)	duty to prepare a strategic plan and submit the plan to the Secretary for approval	CEO	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	CEO	where council is a Class A cemetery trust



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18O(5)	duty to ensure that an approved strategic plan is available to members of the public on request	CEO	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.	CEO	where council is a Class A cemetery trust
s.19	power to carry out or permit the carrying out of works	CSO - Corryong	
s.20(1)	duty to set aside areas for the interment of human remains	CSO - Corryong	
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	CSO - Corryong	
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	CSO - Corryong	
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	CSO - Corryong	
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	CEO	▪ subject to the approval of the Minister
s.37	power to grant leases over land in a public cemetery in accordance with this section	CEO	▪ subject to the Minister approving the purpose
s.40	duty to notify Secretary of fees and charges fixed under section 39	CSO - Corryong	
s.47	power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	CEO	provided the street was constructed pursuant to the Local Government Act 1989



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	CEO	report must contain the particulars listed in s.57(2)
s.59	duty to keep records for each public cemetery	CSO - Corryong	
s.60(1)	duty to make information in records available to the public for historical or research purposes	CSO - Corryong	
s.60(2)	power to charge fees for providing information	CSO - Corryong	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	CSO - Corryong	
s.64B(d)	power to permit interments at a reopened cemetery	CSO - Corryong	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	CEO	the application must include the requirements listed in s.66(2)(a)–(d)
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	CEO	
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	CSO - Corryong	
s.70(2)	duty to make plans of existing place of interment available to the public	CSO - Corryong	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	CSO - Corryong	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(2)	power to dispose of any memorial or other structure removed	CSO - Corryong	
s.72(2)	duty to comply with request received under section 72	CSO - Corryong	
s.73(1)	power to grant a right of interment	CSO - Corryong	
s.73(2)	power to impose conditions on the right of interment	CSO - Corryong	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	CSO - Corryong	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	CSO - Corryong	
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	CSO - Corryong	
s.80(1)	function of receiving notification and payment of transfer of right of interment	CSO - Corryong	
s.80(2)	function of recording transfer of right of interment	CSO - Corryong	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	CSO - Corryong	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	CSO - Corryong	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	CSO - Corryong	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	CSO - Corryong	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	CSO - Corryong	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	CSO - Corryong	does not apply where right of interment relates to remains of a deceased veteran.
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.	CEO	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
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	CSO - Corryong	
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	CSO - Corryong	
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	CSO - Corryong	



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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	CSO - Corryong	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	CSO - Corryong	
s.86(5)	duty to provide notification before taking action under s.86(4)	CSO - Corryong	
s 86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	CSO - Corryong	
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	CSO - Corryong	
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	CSO - Corryong	
s.91(1)	power to cancel a right of interment in accordance with this section	CSO - Corryong	
s.91(3)	duty to publish notice of intention to cancel right of interment	CSO - Corryong	
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	CSO - Corryong	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	CSO - Corryong	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	CSO - Corryong	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CSO - Corryong	
s.100(1)	power to require a person to remove memorials or places of interment	CSO - Corryong	
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)	CSO - Corryong	
s.100(3)	power to recover costs of taking action under section 100(2)	CSO - Corryong	
s.101	function of receiving applications to establish or alter a building for ceremonies in the cemetery	CSO - Corryong	
s.102(1)	power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	CSO - Corryong	
s.102(2) & (3)	power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	CSO - Corryong	
s.103(1)	power to require a person to remove a building for ceremonies	CSO - Corryong	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	CSO - Corryong	
s.103(3)	power to recover costs of taking action under section 103(2)	CSO - Corryong	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CSO - Corryong	
s.106(2)	power to require the holder of the right of interment to provide for an examination	CSO - Corryong	
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	CSO - Corryong	
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	CSO - Corryong	
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	CSO - Corryong	
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	CSO - Corryong	
s.108	power to recover costs and expenses	CSO - Corryong	
s.109(1)(a)	power to open, examine and repair a place of interment	CEO	where the holder of right of interment or responsible person cannot be found
s.109(1)(b)	power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	CSO - Corryong	where the holder of right of interment or responsible person cannot be found



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CSO - Corryong	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	CEO	
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	CSO - Corryong	
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	CEO	
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	CSO - Corryong	
s.112	power to sell and supply memorials	CSO - Corryong	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	CSO - Corryong	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	CSO - Corryong	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	CSO - Corryong	
s.119	power to set terms and conditions for interment authorisations	CSO - Corryong	



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.131	function of receiving an application for cremation authorisation	CSO - Corryong	
s.133(1)	duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with	CSO - Corryong	Subject to subsection (2)
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	CEO	
s.146	power to dispose of bodily remains by a method other than interment or cremation	CSO - Corryong	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	CSO	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	CSO	
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	CSO	
s.151	function of receiving applications to inter or cremate body parts	CSO	
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	CSO	
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	CEO	Where council is a class B cemetery trust



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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 1 clause 8(8)	power to regulate own proceedings	CEO	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	CEO	where council is a Class A cemetery trust
Schedule 1A clause 8(8)	power to regulate own proceedings	CEO	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	DTS	Council may delegate this power to an authorised officer



ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	power to require further information	EHO	
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	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	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	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	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	EHO	If section 19(1) applies
s.19AA(2)	power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO	where council is the registration authority
s.19AA(4)(c)	power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHO	Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s.19AA(7)	duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that that order has been complied with	EHO	where council is the registration authority



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19CB(4)(b)	power to request copy of records	EHO	where council is the registration authority
s.19E(1)(d)	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
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))



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



FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	DTS	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	EHO	where council is the registration authority
s.43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO	where council is the registration authority
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	CEO	where council is the registration authority



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



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



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>)	MPlan	
s.12B(1)	duty to review planning scheme	MPlan	
s.12B(2)	duty to review planning scheme at direction of Minister	MPlan	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	CEO	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	MPlan	
s.17(1)	duty of giving copy amendment to the planning scheme	MPlan	
s.17(2)	duty of giving copy s.173 agreement	MPlan/DTS	
s.17(3)	duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	MPlan	
s.18	duty to make amendment etc. available	MPlan	
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	MPlan	
s.19	function of receiving notice of preparation of an amendment to a planning scheme	* MPlan	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 ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.20(1)	power to apply to Minister for exemption from the requirements of section 19	MPlan	
s.21(2)	duty to make submissions available	MPlan	
s.21A(4)	duty to publish notice in accordance with section	MPlan	
s.22	duty to consider all submissions	MPlan	
s.23(1)(b)	duty to refer submissions which request a change to the amendment to a panel	MPlan	AMENDED FROM PREVIOUS VERSION – WAS A POWER, NOW A DUTY
s.23(2)	power to refer to a panel submissions which do not require a change to the amendment	MPlan	
s.24	function to represent council and present a submission at a panel hearing (including a hearing referred to in section 96D)	MPlan	
s.26(1)	power to make report available for inspection	MPlan	
s.26(2)	duty to keep report of panel available for inspection	MPlan	
s.27(2)	power to apply for exemption if panel's report not received	MPlan	
s.28	duty to notify the Minister if abandoning an amendment	MPlan	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	MPlan	
s.30(4)(b)	duty to provide information in writing upon request	MPlan	
s.32(2)	duty to give more notice if required	MPlan	
s.33(1)	duty to give more notice of changes to an amendment	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.36(2)	duty to give notice of approval of amendment	MPlan	
s.38(5)	duty to give notice of revocation of an amendment	MPlan	
s.39	function of being a party to a proceeding commenced under section 39 and duty to comply with determination by VCAT	MPlan	
s.40(1)	function of lodging copy of approved amendment	MPlan	
s.41	duty to make approved amendment available	MPlan	
s.42	duty to make copy of planning scheme available	MPlan	
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	<u>MPlan</u>	
s.46GF	duty to comply with directions issued by the Minister	<u>MPlan</u>	
s.46GG	duty to include a condition in a permit relating to matters set out in s.46GG(c) and (d)	<u>MPlan</u>	
s.46GH(1)	power to require the payment of an amount of infrastructure levy to be secured to Council's satisfaction	<u>MPlan</u>	where council is a collecting agency
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	<u>MPlan</u>	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	<u>MPlan</u>	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.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>	<u>MF</u>	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	<u>MPlan</u>	
s.46GI(3)	duty to apply levy amount only in accordance with s.46GI(3) (a) and (b)	<u>MPlan</u>	
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	<u>MPlan</u>	
s.46GI(5)	duty to take action described in s.46GI(5)(c) – (e) where s.46GI(5)(a) and (b) applies.	<u>MPlan</u>	
s.46GL	power to recover any amount of infrastructure levy as a debt due to Council	<u>MF</u>	where council is a collecting agency
s.46GM	duty to prepare report and give a report to the Minister	<u>MPlan/MF</u>	where council is a collecting agency or development agency
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	MPlan	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	CEO	
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	CEO	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	CEO	
s.46P(1)	power to require payment of amount of levy under section 46N or section 46O to be satisfactorily secured	CEO	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	CEO	
s.46Q(1)	duty to keep proper accounts of levies paid	MPlan MF	
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	MPlan	
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	MPlan	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	MPlan	only applies when levy is paid to Council as a 'development agency'



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	MPlan	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	MPlan	must be done in accordance with Part 3
s.46Q(4)(e)	duty to expend that amount on other works etc.	MPlan	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	CEO	
s.46QD	duty to prepare report and give a report to the Minister	MPlan/MF	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	MPlan	
s.46Y	duty to carry out works in conformity with the approved strategy plan	MPlan	
s.47	power to decide that an application for a planning permit does not comply with that Act	MPlan	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	MPlan	
s.49(2)	duty to make register available for inspection	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.50(4)	duty to amend application	MPlan	
s.50(5)	power to refuse to amend application	MPlan	
s.50(6)	duty to make note of amendment to application in register	MPlan	
s.50A(1)	power to make amendment to application	MPlan	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	MPlan	
s.50A(4)	duty to note amendment to application in register	MPlan	
s.51	duty to make copy of application available for inspection	MPlan	
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	MPlan	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	MPlan	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	MPlan	
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	MPlan	
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	MPlan	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	MPlan	
s.52(3)	power to give any further notice of an application where appropriate	MPlan	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	MPlan	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	MPlan	
s.54(1)	power to require the applicant to provide more information	MPlan	
s.54(1A)	duty to give notice in writing of information required under section 54(1)	MPlan	
s.54(1B)	duty to specify the lapse date for an application	MPlan	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	MPlan	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und section 54A(3)	MPlan	
s.55(1)	duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	MPlan	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	CEO	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(5)	duty to make available for inspection copy of all objections	MPlan	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to section 57A(5)	MPlan	
s.57A(5)	power to refuse to amend application	MPlan	
s.57A(6)	duty to note amendments to application in register	MPlan	
s.57B(1)	duty to determine whether and to whom notice should be given	MPlan	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	MPlan	
s.57C(1)	duty to give copy of amended application to referral authority	MPlan	
s.58	duty to consider every application for a permit	MPlan	
s.58A	power to request advice from the Planning Application Committee	MPlan	
s.60	duty to consider certain matters	MPlan	
s60(1A)	duty to consider certain matters.	MPlan	
s.60(1B)	duty to consider number of objectors in considering whether use or development may have significant social effect	<u>MPlan</u>	
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	MPlan	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(2)	duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	MPlan	
s.61(2A)	power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	MPlan	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	N/A	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	N/A	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	MPlan	
s.62(1)	duty to include certain conditions in deciding to grant a permit	MPlan	
s.62(2)	power to include other conditions	MPlan	
s.62(4)	duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	MPlan	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	MPlan	
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	MPlan	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	MPlan	
s.62(6)(a)	duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with section 62(5) or section 46N	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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)	MPlan	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	MPlan	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	MPlan	<ul style="list-style-type: none"> 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	MPlan	<ul style="list-style-type: none"> 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	MPlan	<ul style="list-style-type: none"> 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	MPlan	<ul style="list-style-type: none"> this provision applies also to a decision to grant an amendment to a permit - see section 75A
s.65(1)	duty to give notice of refusal to grant permit to applicant and person who objected under section 57	MPlan	
s.66(1)	duty to give notice under section 64 or section 65 and copy permit to relevant determining referral authorities	MPlan	
s.66(2)	duty to give a recommending referral authority notice of its decision to grant a permit	MPlan	if the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(4)	duty to give a recommending referral authority notice of its decision to refuse a permit	MPlan	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	MPlan	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	MPlan	
s.69(1A)	function of receiving application for extension of time to complete development	MPlan	
s.69(2)	power to extend time	MPlan	
s.70	duty to make copy permit available for inspection	MPlan	
s.71(1)	power to correct certain mistakes	MPlan	
s.71(2)	duty to note corrections in register	MPlan	
s.73	power to decide to grant amendment subject to conditions	MPlan	
s.74	duty to issue amended permit to applicant if no objectors	MPlan	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	MPlan	
s.76A(1)	duty to give relevant determining referral authorities copy of amended permit and copy of notice	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.76A(2)	duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	MPlan	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	MPlan	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	MPlan	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	MPlan	
s.83	function of being respondent to an appeal	MPlan	
s.83B	duty to give or publish notice of application for review	MPlan	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	MPlan	
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	MPlan	
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	MPlan	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.86	duty to issue a permit at order of Tribunal within 3 working days	MPlan	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	MPlan	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	MPlan	
s.91(2)	duty to comply with the directions of VCAT	MPlan	
s.91(2A)	duty to issue amended permit to owner if Tribunal so directs	MPlan	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under section 90	MPlan	
s.93(2)	duty to give notice of VCAT order to stop development	MPlan	
s.95(3)	function of referring certain applications to the Minister	MPlan	
s.95(4)	duty to comply with an order or direction	MPlan	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	MPlan	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	MPlan	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	MPlan	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under section 96C	MPlan	
s.96F	duty to consider the panel's report under section 96E	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96G(1)	power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under section 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	CEO	
s.96H(3)	power to give notice in compliance with Minister's direction	MPlan	
s.96J	power to issue permit as directed by the Minister	MPlan	
s.96K	duty to comply with direction of the Minister to give notice of refusal	MPlan	
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	<u>MPlan</u>	
s.97C	power to request Minister to decide the application	MPlan	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	MPlan	
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	MPlan	
s.97G(6)	duty to make a copy of permits issued under section 97F available for inspection	MPlan	
s.97L	duty to include Ministerial decisions in a register kept under section 49	MPlan	
s.97MH	duty to provide information or assistance to the Planning Application Committee	MPlan	
s.97MI	duty to contribute to the costs of the Planning Application Committee or subcommittee	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	MPlan	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	MPlan	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	MPlan	
s.97Q(4)	duty to comply with directions of VCAT	MPlan	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	MPlan	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	MPlan	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	MPlan	
s.101	function of receiving claim for expenses in conjunction with claim	MPlan	
s.103	power to reject a claim for compensation in certain circumstances	CEO	
s.107(1)	function of receiving claim for compensation	MPlan	
s.107(3)	power to agree to extend time for making claim	MPlan	
s.114(1)	power to apply to the VCAT for an enforcement order	MPlan	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	power to apply for an interim enforcement order where section 114 application has been made	MPlan	
s.123(1)	power to carry out work required by enforcement order and recover costs	MPlan	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under section 123(1)	MPlan	except Crown Land
s.129	function of recovering penalties	MPlan	
s.130(5)	power to allow person served with an infringement notice further time	MPlan	
s.149A(1)	power to refer a matter to the VCAT for determination	MPlan	
s.149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	MPlan	
s.156	duty to pay fees and allowances (including a payment to the Crown under subsection (2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under subsection (2B)power to ask for contribution under subsection (3) and power to abandon amendment or part of it under subsection (4)	MPlan	where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	MPlan	
s.171(2)(g)	power to grant and reserve easements	MPlan	
s.173	power to enter into agreement covering matters set out in section 174	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	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	MPlan	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority	MPlan	
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	MPlan	
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	CEO	
s.178A(1)	function of receiving application to amend or end an agreement	CEO	
s.178A(3)	function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)	CEO	
s.178A(4)	function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	CEO	
s.178A(5)	power to propose to amend or end an agreement	CEO	
s.178B(1)	duty to consider certain matters when considering proposal to amend an agreement	CEO	
s.178B(2)	duty to consider certain matters when considering proposal to end an agreement	CEO	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	CEO	
s.178C(4)	function of determining how to give notice under s.178C(2)	CEO	
s.178E(1)	duty not to make decision until after 14 days after notice has been given	CEO	
s.178E(2)(a)	power to amend or end the agreement in accordance with the proposal	CEO	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	CEO	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	CEO	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	CEO	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	CEO	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	CEO	After considering objections, submissions and matters in s.178B



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.178E(3)(d)	power to refuse to amend or end the agreement	CEO	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)	CEO	
s.178F(2)	duty to give notice of its decision under s.178E(2)(c) or (3)(d)	CEO	
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	CEO	
s.178G	duty to sign amended agreement and give copy to each other party to the agreement	CEO	
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	CEO	
s.178I(3)	duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	CEO	
s.179(2)	duty to make available for inspection copy agreement	CEO	
s.181	duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	MPlan	
s.181(1A)(a)	power to apply to the Registrar of Titles to record the agreement	MPlan	
s.181(1A)(b)	duty to apply to the Registrar of Titles, without delay, to record the agreement	MPlan	
s.182	power to enforce an agreement	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	MPlan	
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	MPlan	
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	MPlan	
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	MPlan	
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	MPlan	
s.184G(2)	duty to comply with a direction of the Tribunal	MPlan	
s.184G(3)	duty to give notice as directed by the Tribunal	MPlan	
s.198(1)	function to receive application for planning certificate	MPlan	
s.199(1)	duty to give planning certificate to applicant	MPlan	
s.201(1)	function of receiving application for declaration of underlying zoning	MPlan	
s.201(3)	duty to make declaration	MPlan	



PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	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	MPlan	
	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	MPlan	
	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	MPlan	
-	power to give written authorisation in accordance with a provision of a planning scheme	MPlan	
s.201UAB(1)	function of providing the Victoria Planning Authority with information relating to any land within municipal district	MPlan	
s.201UAB(2)	duty to provide the Victoria Planning Authority with information requested under subsection (1) as soon as possible	MPlan	
s.224(8)	duty to provide information requested by Victoria Planning Authority under s.201UAB(1) not yet provided to Growth Areas Authority to Victorian Planning Authority	MPlan	



RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	N/A	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	N/A	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)	N/A	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	N/A	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	N/A	where council is the relevant road authority
s.34D(2)	function of receiving written notice of opinion	N/A	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	N/A	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	N/A	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)	N/A	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	N/A	where council is the relevant road authority
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	N/A	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)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	N/A	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	N/A	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)	N/A	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	N/A	where council is the relevant road authority
s.34J(2)	function of receiving notice from Safety Director	N/A	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)	N/A	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	N/A	where council is the relevant road authority



RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	CEO	
s.142G(1)	duty to enter required information in Rooming House Register for each rooming house in municipal district	CEO	
s. 142G(2)	power to enter certain information in the Rooming House Register	CEO	
s.142I(2)	power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CEO	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	CEO MED	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	CEO MED	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	CEO MED	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	DCCS	
s.522(1)	power to give a compliance notice to a person	CEO	
s.525(2)	power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	CEO	
s.525(4)	duty to issue identity 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	EA	
s.526A(3)	function of receiving report of inspection	CEO	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	DTS	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	DTS	
s.11(9)(b)	duty to advise Registrar	DTS	
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DTS	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DTS	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	DTS	were council is the coordinating road authority
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	DTS	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	DTS	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	DTS	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	DTS	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(10)	duty to notify of decision made	DTS	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	DTS	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	CEO	
s.14(7)	power to appeal against decision of VicRoads	CEO	
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	CEO	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO	
s.15(2)	duty to include details of arrangement in public roads register	DTS	
s.16(7)	power to enter into an arrangement under section 15	DTS	
s.16(8)	duty to enter details of determination in public roads register	DTS	
s.17(2)	duty to register public road in public roads register	DTS	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	DTS	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	DTS	where council is the coordinating road authority



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(4)	power to decide that a road is no longer reasonably required for general public use	DTS	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	DTS	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	DTS	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	DTS	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	DTS	
s.19(4)	duty to specify details of discontinuance in public roads register	DTS	
s.19(5)	duty to ensure public roads register is available for public inspection	DTS	
s.21	function of replying to request for information or advice	DTS	obtain consent in circumstances specified in section 11(2)
s.22(2)	function of commenting on proposed direction	DTS	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	DTS	
s.22(5)	duty to give effect to a direction under this section.	DTS	
s.40(1)	duty to inspect, maintain and repair a public road.	DTS	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	DTS	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	DTS	
s.42(1)	power to declare a public road as a controlled access road	DTS	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	DTS	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	DTS	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	DTS	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)	DTS	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	DTS	
s.49	power to develop and publish a road management plan	DTS	
s.51	power to determine standards by incorporating the standards in a road management plan	DTS	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	DTS	
s.54(2)	duty to give notice of proposal to make a road management plan	DTS	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	DTS	
s.54(6)	power to amend road management plan	DTS	
s.54(7)	duty to incorporate the amendments into the road management plan	DTS	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	DTS	
s.63(1)	power to consent to conduct of works on road	DTS	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	DTS	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	DTS	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	DTS	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	DTS	where council is the coordinating road authority
s.67(3)	power to request information	DTS	where council is the coordinating road authority
s.68(2)	power to request information	DTS	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	DTS	
s.72	duty to issue an identity card to each authorised officer	DTS	
s.85	function of receiving report from authorised officer	DTS	
s.86	duty to keep register re section 85 matters	DTS	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.87(1)	function of receiving complaints	DTS	
s.87(2)	duty to investigate complaint and provide report	DTS	
s.112(2)	power to recover damages in court	DTS	
s.116	power to cause or carry out inspection	DTS	
s.119(2)	function of consulting with VicRoads	DTS	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DTS	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	DTS	
s.121(1)	power to enter into an agreement in respect of works	DTS	
s.122(1)	power to charge and recover fees	DTS	
s.123(1)	power to charge for any service	DTS	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	DTS	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	DTS	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	DTS	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	DTS	



ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 5	duty to publish notice of declaration	DTS	
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	DTS	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	DTS	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	DTS	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	DTS	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	DTS	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	DTS	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	DTS	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	DTS	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	DTS	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)	DTS	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	DTS	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)	DTS	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	DTS	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	DTS	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	DTS	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	DTS	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	DTS	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	DTS	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 18(1)	power to enter into an agreement	DTS	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	DTS	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	DTS	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	DTS	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	DTS	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	DTS	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	DTS	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	DTS	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)



CEMETERIES AND CREMATORIA REGULATIONS 2015			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.24	duty to ensure that cemetery complies with depth of burial requirements	CSO Corryong	
r.25	duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	CSO Corryong	
r.27	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	N/A	
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	N/A	
r.28(2)	duty to ensure any fittings removed of are disposed in an appropriate manner	N/A	
r.29	power to dispose of any metal substance or non-human substance recovered from a cremator	N/A	
r.30(2)	power to release cremated human remains to certain persons	N/A	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	N/A	
r.31(2)	duty to hold cremated human remains for at least 12 months from the date of cremation	N/A	
r.31(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	N/A	
r.31(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	N/A	
r.32	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	CEO	
r.33(1)	duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	N/A	
r.33(2)	duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	N/A	
r.34	duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	N/A	
r.36	duty to provide statement that alternative vendors or supplier of monuments exist	CEO	

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	<u>CEO</u>	
r. 41(1)	power to approve fishing and bathing within a public cemetery	<u>CEO</u>	
r. 42(1)	power to approve hunting within a public cemetery	<u>CEO</u>	
r. 43	power to approve camping within a public cemetery	<u>CEO</u>	
r. 45(1)	power to approve the removal of plants within a public cemetery	<u>CSO Corryong/DTS</u>	
r.46	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	<u>CSO Corryong</u>	
r. 47(3)	power to approve the use of fire in a public cemetery	<u>CEO</u>	
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	<u>CSO Corryong</u>	
Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules			
Schedule 2, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2	CSO - Corryong	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	CSO - Corryong	see note above regarding model rules



CEMETERIES AND CREMATORIA REGULATIONS 2015			
[##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	CSO - Corryong	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	CSO - Corryong	see note above regarding model rules
Schedule 2, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials	CSO - Corryong	see note above regarding model rules
Schedule 2, clause 8	power to approve certain mementos on a memorial	CEO	see note above regarding model rules
Schedule 2, clause 11(1)	power to remove objects from a memorial or place of interment	CSO - Corryong	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	CSO - Corryong	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	CSO - Corryong	see note above regarding model rules
Schedule 2, clause 14	power to approve an animal to enter into or remain in a cemetery	CSO - Corryong	see note above regarding model rules
Schedule 2, clause 16(1)	power to approve construction and building within a cemetery	DTS	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	DTS	see note above regarding model rules
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	DTS	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	MPlan	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	MPlan	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	MPlan	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	MPlan	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	MPlan	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	MPlan	
r.20	power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	MPlan	
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	MPlan	



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	
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	EHO/DTS	
r.13(2)	power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	DTS	
r.13(4) & (5)	duty to issue certificate of registration	EHO	
r.15(1)	function of receiving notice of transfer of ownership	EHO	
r.15(3)	power to determine where notice of transfer is displayed	EHO	
r.16(1)	duty to transfer registration to new caravan park owner	EHO	
r.16(2)	duty to issue a certificate of transfer of registration	EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	EHO	
r.18	duty to keep register of caravan parks	EHO	
r.19(4)	power to determine where the emergency contact person's	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
	details are displayed		
r.19(6)	power to determine where certain information is displayed	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	EHO	
r.22A(2)	duty to consult with relevant emergency services agencies	EHO	
r.23	power to determine places in which caravan park owner must display a copy of emergency procedures	EHO	
r.24	power to determine places in which caravan park owner must display copy of public emergency warnings	EHO	
r.25(3)	duty to consult with relevant floodplain management authority	EHO	
r.26	duty to have regard to any report of the relevant fire authority	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	BI	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	BI	
r.40(4)	function of receiving installation certificate	BI	



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	BI	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	BI	



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	DTS	
r.9(2)	duty to produce written report of review of road management plan and make report available	DTS	
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)	DTS	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	DTS	
r.13(1)	Duty to publish notice of amendments to road management plan	DTS	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	DTS	
r.16(3)	power to issue permit	DTS	where council is the coordinating road authority
r.18(1)	power to give written consent re damage to road	DTS	where council is the coordinating road authority
r.23(2)	power to make submission to Tribunal	DTS	where council is the coordinating road authority
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	DTS	where council is the coordinating road authority



ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.25(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	DTS	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))	DTS	where council is the responsible road authority
r.25(5)	power to recover in the Magistrates' Court, expenses from person responsible	DTS	



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	<u>DTS</u>	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	<u>DTS</u>	where council is the coordinating road authority