

- 9.2 STATUTORY PLANNING CONFLICT OF INTEREST REFERRAL POLICY REVIEW**
- Division:** Development & Infrastructure
Director: Eric Braslis
Author/Position: Hamish Lampp -
Manager Statutory Planning & Building

SUMMARY

Council has requested a review of the Statutory Planning Conflict of Interest Referral Policy that was adopted in February 2009. The existing policy requires planning applications where Councillors, Senior Officers of Council, Council employed Statutory Planning Officers or their immediate family, own or part own the subject site be referred to Council for determination. A review has been undertaken and it is recommended that the policy be amended to provide a definition of 'immediate family' and be expanded by applying the policy to property owned or part owned by a company whose directors include a Councillor, Senior Officer of Council, Council employed Statutory Planning Officer or the immediate family of any of the preceding.

RESOLUTION:

Council resolve to;

- 1. Revise the existing Statutory Planning Conflict of Interest Referral Policy as follows:**
 - a) Planning applications must be referred to an Ordinary Council meeting for decision where a site subject of an application is owned or part-owned by:**
 - **A Councillor or member of their immediate family;**
 - **A Senior Officer or member of their immediate family; or**
 - **A Council employed Statutory Planning Officer or member of their immediate family.**
 - b) For the purpose of this policy:**
 - **A Senior Officer is as defined by the Local Government Act (1989); and**
 - **A member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person;**
 - c) This policy relates to property owned or part owned by a company whose directors include an immediate family member of a Councillor, Senior Officer of Council or Council employed Statutory Planning Officer.**
- 2. Amend Council's planning application form by including a potential conflict of interest declaration requirement.**

3. **Revoke Instrument of Delegation to Members of Council Staff endorsed on the 23 March 2011.**
4. **Exercise its power conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Schedule.**
5. **Delegate 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;**
6. **Authorise the Instrument of Delegation as attached.**

The delegation:

- a) **Comes into force from 27 April 2011;**
- b) **Is authorised by affixing the common seal to the Instrument of Delegation;**
- c) **Remains in force until varied or revoked;**
- d) **Is subject to any conditions and limitations set out in the Schedules; and**
- e) **Must be exercised in accordance with any guidelines or policies which Council may adopt from time to time.**

Moved: Cr. Bromfield
Seconded: Cr. McIntosh

CARRIED
(R164/11)

9.2 STATUTORY PLANNING CONFLICT OF INTEREST REFERRAL POLICY REVIEW

Division: Development & Infrastructure
Director: Eric Braslis
Author/Position: Hamish Lampp -
Manager Statutory Planning & Building

SUMMARY

Council has requested a review of the Statutory Planning Conflict of Interest Referral Policy that was adopted in February 2009. The existing policy requires planning applications where Councillors, Senior Officers of Council, Council employed Statutory Planning Officers or their immediate family, own or part own the subject site be referred to Council for determination. A review has been undertaken and it is recommended that the policy be amended to provide a definition of 'immediate family' and be expanded by applying the policy to property owned or part owned by a company whose directors include a Councillor, Senior Officer of Council, Council employed Statutory Planning Officer or the immediate family of any of the preceding.

BACKGROUND

Council has requested a review of the existing conflict of interest referral process, referred to in this report as the *Statutory Planning Conflict of Interest Referral Policy*.

On 25 February 2009 Council adopted the following policy position:

1. *Planning applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the application is owned or part-owned by:*
 - *A Councillor or member of their immediate family;*
 - *A Senior officer or member of their immediate family;*
 - *A Council employed statutory planning officer or member of their immediate family.*
2. *For the purpose of this policy a senior officer is as defined by the Local Government Act (1989).*
3. *This policy relates to any property where a Councillor, Senior Officer or Statutory Planner is a director of a company with an ownership interest in a property.*

The policy was adopted in order to provide transparency in the decision making process in respect to planning applications where potential conflicts of interest may occur. A conflict of interest exists where there is an opportunity for public officials to take advantage of their public position for personal benefit.

In reviewing the above policy Council has sought legal advice on the matter. The legal advice is contained at Attachment 1.

ISSUES

The legal advice confirms that the Statutory Planning Conflict of Interest Referral Policy is a valid means of Council limiting who can determine planning applications. However a number of issues are recommended for further consideration having regard to the current policy and the content of the legal advice:

- Wording of the policy;
- Breadth of the policy;
- Potential for the policy to breach human rights;
- Trigger notification.

In addition to the above, a review of the time taken to process planning applications that have required referral to Council in accordance with the current policy is provided.

Wording of the Policy

The legal advice recommends:

- Removing a number of inconsistencies in the language used in the policy;
- Expanding the policy as it currently does not relate to a property owned or part owned by a company whose directors include an immediate family member of a Councillor, Senior Officer or Statutory Planning Officer;
- Include a definition of 'immediate family' for clarity.

Officers recommend adoption of all of the above recommendations. The proposed wording of the revised Statutory Planning Conflict of Interest Referral Policy therefore reads as follows (changes shown in bold):

1. *Planning applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the application is owned or part-owned by:*
 - *A Councillor or member of their immediate family;*
 - *A Senior Officer or member of their immediate family; or*
 - *A Council employed Statutory Planning Officer or member of their immediate family.*
2. *For the purpose of this policy:*
 - *A Senior Officer is as defined by the Local Government Act (1989); and*
 - *A member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person;*

3. *This policy relates to property owned or part owned by a company whose directors include a Councillor, Senior Officer of Council, Council employed Statutory Planning Officer, or an immediate family member of any of the preceding.*

The definition of immediate family is consistent with 'family member' as defined in Section 78 (1) of the Local Government Act.

For clarity, a Council employed Statutory Planning Officer includes all contracts, temporary and casual employees of the Statutory Planning Unit.

Breadth of the Policy

There are over 50 sections of the Planning and Environment Act 1987 that involve powers, duties or functions relevant to planning applications. It is not considered necessary for the policy to relate to all of these matters, as several of them relate to duties and not powers to decide an applications. For example, duty to give notice of an application and function of referring applications. It is recommended the policy be limited to the powers to determine a planning application and issue or refuse certificates of compliance. The relevant sections that the policy would apply are therefore as follows:

- s.61(1)(a) Power to decide to grant a permit;
- s.61(1)(b) Power to decide to grant a permit with conditions;
- s.61(1)(c) Power to refuse the permit;
- s.84(1) Power to decide on an application at any time after an appeal is lodged against failure to grant a permit;
- s.97O Duty to consider application and issue or refuse to issue a certificate of compliance.

The amended Instrument of Delegation to Members of Council Staff reflecting the above is included as Attachment 2.

Trigger Notification

As identified in the legal advice, a concern is raised regarding how the Statutory Planning Unit will know when a 'trigger person' is connected to an application, as there is nothing in the current planning application form that requires declaration of said 'trigger person'. In addition, nor currently will an applicant necessarily know whether they are a 'trigger person' as defined by this policy.

To address this issue, it is recommended that the planning application form be amended by including a declaration requirement to ensure that it is clear when a 'trigger person' is making the application.

Human Rights Impacts

In seeking legal advice regarding the current Statutory Planning Conflict of Interest Policy, officers requested advice regarding the possible breach of human rights. The advice received is provided below:

'The only relevant human rights that are listed in the Charter of Human Rights and Responsibilities Act 2006 are the right to equality before the law and the right to take part in public life. Though these rights are potentially relevant to the application, we do not think that the policy limits the rights unreasonably.'

Processing Time

Since the adoption of the policy in February 2009, five planning applications have been referred to Council for determination; three applications involving Councillor owned property and two applications involving Council employee owned property. Details of the applications, including the number of statutory processing days are provided in the below table.

Address	Proposal	Referral Trigger	Decision	Statutory days
208 Somerville St	Tree removal	Council officer	Permit	22
27 Nightingale St	Dwelling alterations	Council officer	Permit	96
40 Bridge St	Two lot subdivision	Councillor	Permit	59
Pound Hill Road	Temporary Extractive Industry	Councillor	Notice of Decision	80
14 Martin St	Signage	Councillor	Permit	48

As noted above, three of the five applications considered by Council were processed within the prescribed 60 statutory day period. Having regard to the very extensive reporting timeframes associated with Council's reporting cycle, the processing times detailed above are not considered unreasonable.

OPTIONS

1. Retain the existing Statutory Planning Conflict of Interest Policy;
2. Revise the existing Statutory Planning Conflict of Interest Policy as follows:
 1. *Planning applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the application is owned or part-owned by:*
 - *A Councillor or member of their immediate family;*
 - *A Senior Officer or member of their immediate family; or*
 - *A Council employed Statutory Planning Officer or member of their immediate family.*
 2. *For the purpose of this policy:*
 - *A Senior Officer is as defined by the Local Government Act (1989); and*

- *A member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person;*
3. *This policy relates to property owned or part owned by a company whose directors include a Councillor, Senior Officer of Council, Council employed Statutory Planning Officer, or an immediate family member of any of the preceding.*

SOCIAL IMPLICATIONS

Human Rights Consideration Matrix

As noted above, the right to equality before the law and the right to take part in public life are considered relevant. Although these rights are potentially relevant to the application, it is considered that the policy does not limit the rights unreasonably.

ENVIRONMENTAL IMPLICATIONS

It is considered that there are no environmental implications within this report.

CULTURAL IMPLICATIONS

It is considered that there are no cultural implications within this report. It is considered that there are no cultural implications within this report.

RISK MANAGEMENT IMPLICATIONS

It is considered that there are no risk management implications within this report.

FINANCIAL IMPLICATIONS

It is considered that there are no financial implications within this report.

IMPLEMENTATION AND MARKETING PLAN

It is considered that an implementation and marketing plan is not required.

OFFICER'S DECLARATION OF INTERESTS

Director – Eric Braslis

In providing this advice as the Director, I have no disclosable interests in this report.

Manager Responsible and Author – Hamish Lampp

In providing this advice as the Responsible Manager and Author, I have no disclosable interests in this report.

CONCLUSION

The current Statutory Planning Conflict of Interest Referral Policy is a valid means of referring planning applications to Council to ensure transparency in the decision making planning process and to resolve any potential conflicts of interest. It is recommended that the policy be refined to ensure consistency in language and to provide a definition of 'immediate family'. In addition, the policy should be expanded by including property owned or part owned by a company whose directors include an immediate family member of a Councillor, Senior Officer or Statutory Planning Officer.

ATTACHMENTS

- 1 S.6 Instrument of Delegation

RECOMMENDATION

Council resolve to;

1. **Revise the existing Statutory Planning Conflict of Interest Referral Policy as follows:**
 - a) **Planning applications must be referred to an Ordinary Council meeting for decision where a site subject of an application is owned or part-owned by:**
 - **A Councillor or member of their immediate family;**
 - **A Senior Officer or member of their immediate family; or**
 - **A Council employed Statutory Planning Officer or member of their immediate family.**
 - b) **For the purpose of this policy:**
 - **A Senior Officer is as defined by the Local Government Act (1989); and**
 - **A member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person;**
 - c) **This policy relates to property owned or part owned by a company whose directors include an immediate family member of a Councillor, Senior Officer of Council or Council employed Statutory Planning Officer.**
2. **Amend Council's planning application form by including a potential conflict of interest declaration requirement.**
3. **Revoke Instrument of Delegation to Members of Council Staff endorsed on the 23 March 2011.**
4. **Exercise its power conferred by section 98(1) of the Local Government**

Act 1989 and the other legislation referred to in the attached Schedule.

5. Delegate 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;
6. Authorise the Instrument of Delegation as attached.

The delegation:

- a) Comes into force from 27 April 2011;
- b) Is authorised by affixing the common seal to the Instrument of Delegation;
- c) Remains in force until varied or revoked;
- d) Is subject to any conditions and limitations set out in the Schedules; and
- e) Must be exercised in accordance with any guidelines or policies which Council may adopt from time to time.

March 2011

Maddocks Delegations and Authorisations

S6. Instrument of Delegation – Members of Staff

Ballarat City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

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

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to the abbreviation in column 1 of *Table 1* has the meaning shown in column 2 of *Table 1*.

Abbreviation (Column 1)	Meaning (Column 2)
AOEH	Administration Officer Environmental Health
BI	Building Inspector
BS	Building Surveyor
CBW	Coordinator Ballarat West Development
CED	Coordinator Engineering Development
CEO	Chief Executive Officer
DGD	Director Growth & Development
DPC	Director People & Communities
EHO	Environmental Health Officer
EHAO	Environmental Health Authorised Officer
EMF	Executive Manager Finance
EMGIS	Executive Manager Governance & Information Services
HSO	Health Services Officer
MCA	Manager Community Amenity
MCWS	Manager City Wide Services
MEH	Manager Environmental Health
MERO	Municipal Emergency Response Officer
MID	Manager Infrastructure Development
MIDEL	Manager Infrastructure Delivery

MPS	Manager Property Services
MRM	Manager Road Maintenance & Waste Services
MSP	Manager Strategic Planning
MSTPB	Manager Statutory Planning & Building
PEO	Planning Enforcement Officer
SLA	Senior Legal Advisor
SO	Subdivisions Officer
SP	Strategic Planner
SPPM	Strategic Planning Project Manager
SSTP	Senior Statutory Planner
SSP	Senior Strategic Planner
STP	Statutory Planner
TLCS	Team Leader Customer Service Planning & Building
TLSTP	Team Leader Statutory Planning
TOEH	Technical Officer Environmental Health

Table 1

- 3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 27 April 2011 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 the Schedule; and
 - 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
 - 3.2.5 all previous delegations dated 23 March 2011 are revoked

The Common Seal of the)
 Ballarat City Council)
 Was affixed by Authority)
 of the Council in the presence of:)

.....MAYOR/COUNCILLOR

.....COUNCILLOR

.....CHIEF EXECUTIVE OFFICER

March 2011

SCHEDULE INDEX

CEMETERIES AND CREMATORIA ACT 2003 6
DOMESTIC ANIMALS ACT 1994..... 19
ENVIRONMENT PROTECTION ACT 1970..... 20
FOOD ACT 1984..... 21
HERITAGE ACT 1995 33
PLANNING AND ENVIRONMENT ACT 1987 34
RAIL SAFETY ACT 2006 71
RESIDENTIAL TENANCIES ACT 1997 74
ROAD MANAGEMENT ACT 2004 75
CEMETERIES AND CREMATORIA REGULATIONS 2005..... 85
PLANNING AND ENVIRONMENT REGULATIONS 2005 88
**RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS
REGISTRATION AND STANDARDS) REGULATIONS 1999 [## THESE REGULATIONS
EXPIRE ON 29 JUNE 2010] 90**
ROAD MANAGEMENT (GENERAL) REGULATIONS 2005 93
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005 95

CEMETERIES AND CREMATORIA ACT 2003			
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	MPS.	
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.	MPS.	where council is a Class B cemetery trust
s.12(1)	Duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	MPS.	where council is a Class B cemetery trust
s.12A(1)	Function to do the activities set out in paragraphs (a) – (n)	Not applicable.	where council is a Class A cemetery trust
s.12A(2)	Duty to have regard to matters set out in paragraphs (a)-(e) in exercising its functions	Not applicable.	where council is a Class A cemetery trust
s.13	Duty to do anything necessary or convenient to enable it to carry out its functions	MPS.	
s.14	Power to manage multiple public cemeteries as if they are one cemetery	DGD.	
s.15(1) and (2)	Power to delegate powers or functions other than	DGD.	

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	those listed		
s.15(4)	Duty to keep records of delegations	EMGIS and SLA.	
s.17(1)	Power to employ any persons necessary	DGD.	
s.17(2)	Power to engage any professional, technical or other assistance considered necessary	MPS.	
s. 17(3)	Power to determine the terms and conditions of employment or engagement	DGD.	
s.18B(1) & 2	duty to establish governance committees within 12 months of becoming a Class A cemetery trust	Not applicable.	where council is a Class A cemetery trust
s.18D(1)(a)	duty to appoint community advisory committee for the purpose of liaising with communities	Not applicable.	where council is a Class A cemetery trust
s.18D(1)(b)	power to appoint any additional community advisory committees	Not applicable.	where council is a Class A cemetery trust
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.	Not applicable.	where council is a Class A cemetery trust
s.18D(3)	duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the Financial Management Act 1994	Not applicable.	where council is a Class A cemetery trust
s.18F(2)	duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when	Not applicable.	where council is a Class A cemetery trust

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	appointing a person to a community advisory committee		
s.18H(1)	duty to hold an annual meeting before 30 December in each calendar year	Not applicable.	where council is a Class A cemetery trust
s.18I	duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	Not applicable.	where council is a Class A cemetery trust
s.18J	duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in section 18J(2))	Not applicable.	where council is a Class A cemetery trust
s.18L(1)	duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust.	Not applicable.	where council is a Class A cemetery trust
s.18N(1)	duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	Not applicable.	where council is a Class A cemetery trust
s.18N(3)	duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	Not applicable.	where council is a Class A cemetery trust
s.18N(7)	duty to ensure that an approved annual plan is available to members of the public on request	Not applicable.	where council is a Class A cemetery trust
s.18O(1)	duty prepare a strategic plan and submit the plan to the Secretary for approval	Not applicable.	where council is a Class A cemetery trust
s.18O(4)	duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	Not applicable.	where council is a Class A cemetery trust

CEMETERIES AND CREMATORIA ACT 2003			
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	MPS.	
s.18Q(1)	duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	Not applicable.	where council is a Class A cemetery trust
s.19	Power to carry out or permit the carrying out of works	MPS.	
s.20(1)	Duty to set aside areas for the interment of human remains	MPS.	
s.20(2)	Power to set aside areas for the purposes of managing a public cemetery	MPS.	
s.20(3)	Power to set aside areas for those things in paragraph (a) – (e)	MPS.	
s.24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	DGD.	
s.26(1)	power to make rules for or with respect to the general care, protection and management of a public cemetery	MPS.	
s.40	duty to notify Secretary of fees and charges fixed under section 39	MPS.	
s.46(2)(b)	duty to comply with conditions imposed by the Treasurer	DGD.	

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	DGD.	
s.57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DGD.	
s.59	duty to keep records	DGD.	
s.60(1)	duty to make information in records available to the public for historical or research purposes	EMGIS.	
s.60(2)	power to charge fees for providing information	EMGIS.	
s.64(4)	duty to comply with a direction from the Secretary under section 64(3)	DGD.	
s.64B(d)	power to permit interments at a reopened cemetery	MPS.	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	DGD.	
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	DGD.	
s.70(1)	duty to prepare plan of existing places of interment	MPS.	

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.70(2)	duty to make plans of existing place of interment available to the public	MPS.	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	MPS.	
s.71(2)	power to dispose of any memorial or other structure removed	MPS.	
s.72(2)	duty to comply with request received under section 72	MPS.	
s.73(1)	power to grant a right of interment	MPS.	
s.73(2)	power to impose conditions on the right of interment	MPS.	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	MPS.	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	MPS.	
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	MPS.	
s.80(1)	function of receiving notification and payment of transfer of right of interment	MPS.	

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.80(2)	function of recording transfer of right of interment	MPS.	
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	MPS.	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	MPS.	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	MPS.	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	MPS.	
s.85(2)(b)	power to remove and dispose of cremated human remains and remove any memorial	MPS.	
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	MPS.	
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	MPS.	
s.89	power to approve or refuse an application for a lift and re-position procedure	Not applicable.	<ul style="list-style-type: none"> Can only be delegated to members of a committee established under section 86 of the Local Government Act 1989

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.90	power to authorise a person without an exhumation licence to carry out a lift and re-position procedure as set out in section 90(1)(a)-(d)	Not applicable.	<ul style="list-style-type: none"> Can only be delegated to members of a committee established under section 86 of the Local Government Act 1989
s.91(1)	power to cancel a right of interment	MPS.	
s.91(3)	duty to publish notice of intention to cancel right of interment	MPS.	
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	MPS.	
s.99	power to approve or refuse an application made under section 98	MPS.	
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	MPS.	
s.100(1)	power to require a person to remove memorials or places of interment	MPS.	
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)	MPS.	

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.100(3)	power to recover costs of taking action under section 100(2)	MPS.	
s.102	power to approve or refuse (if satisfied of the matters in (b) and (c)) an application under section 101	MPS.	
s.103(1)	power to require a person to remove a building for ceremonies	MPS.	
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	MPS.	
s.103(3)	power to recover costs of taking action under section 103(2)	MPS.	
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	MPS.	
s.106(2)	power to require the holder of the right of interment to provide for an examination	MPS.	
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	MPS.	
s.106(4)	power to repair or – with the approval of the Secretary - take down, remove and dispose any	MPS.	

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	memorial or place of interment if notice under section 106(1) is not complied with		
s.107(1)	power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	MPS.	
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	MPS.	
s.108	power to recover costs and expenses	MPS.	
s.109(1)(a)	power to open, examine and repair a place of interment	MPS.	
s.109(1)(b)	power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	MPS.	
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	MPS.	
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	MPS.	
s.110(2)	power to maintain, repair or restore any building for	MPS.	

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	ceremonies from other funds if unable to find responsible person and with consent of the Secretary		
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	MPS.	
s.112	power to sell and supply memorials	MPS.	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	MPS.	
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	MPS.	
s.131	function of receiving an application for cremation authorisation	MPS.	
s.133	power to satisfy itself that requirements of section 133 have been complied with before granting a cremation authorisation	MPS.	
s.152	power to satisfy itself that the requirements of Division 1 of Part 11 have been met in relation to application for authorisation	MPS.	
Schedule 1	power to permit members to participate in a particular meeting by telephone, closed-circuit	MPS.	where council is a Class B cemetery trust

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
clause 8(3)	television or any other means of communication		
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	MPS.	where council is a Class B cemetery trust
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	Not applicable.	where council is a Class A cemetery trust
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	MPS.	
s.146	power to dispose of bodily remains by a method other than interment or cremation with the approval of the Secretary	MPS.	
s.147	power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	MPS.	
s.149	duty to cease using method of disposal if approval revoked by the Secretary	MPS.	
s.150	power to authorise the interment or cremation of body parts	MPS.	

CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.151	function of receiving an application to inter or cremate body parts	MPS.	
s.152	power to satisfy itself that the requirements of Division 1 of Part 11 have been met in relation to application for authorisation	MPS.	
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	MPS.	where council is a Class B cemetery trust
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	Not applicable.	where council is a Class A cemetery trust

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
s.41A(1)	power to declare a dog to be a menacing dog	DPC and MCA.	

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	CBW, DGD, EHO, MCA, MEH, MSP, MSTPB, SP, SPPM, SSTP, SSP, STP, TLSTP and TOEH.	
s.53M(4)	duty to advise applicant that application is not to be dealt with	EHO, MCA, MEH, MSP, MSTPB and TOEH.	
s.53M(5)	duty to approve plans, issue permit or refuse permit	EHO, MCA, MEH, MSTPB and TOEH.	Refusal must be ratified by Council or it is of no effect.
s.53M(6)	power to refuse to issue septic tank permit	EHO, MCA, MEH, MSTPB and TOEH.	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.7D(3)	duty to comply with a declaration made by the Secretary under subsection (1) ^o	MCA.	
s.7E(6)	duty to publish a copy of a direction given by the Minister under subsection (1) in the annual report ^o	MCA.	
s.19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition.	EHO, MCA and MEH.	If section 19(1) applies
s.19(2)(b)	Power to direct by written order that specified	EHO, MCA and MEH.	If section 19(1) applies
s.19(4)(a)	Power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	CEO and MCA.	If section 19(1) applies
s.19(4)(b)	Duty to notify the Department of the making of the order	CEO, EHO, MCA and MEH.	If section 19(1) applies
s.19(4)(c)	Duty to notify the registration authority of the making of the order and any appeal and the outcome of the appeal	CEO, EHO, MCA and MEH.	If section 19(1) applies and if Council is not the registration authority
s.19(6)(a)	duty to revoke any order under s.19 if satisfied that an order has been complied	CEO, MCA and	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	with	MEH.	
s.19(6)(b)	duty to give written notice of revocation under s.19(6)(a)	EHO, MCA and MEH.	
s.19A(4)(b)	function of receiving notice from authorised officer	EHO, MCA and MEH.	where council is the registration authority
s.19BA(3)	duty to give notice of the variation or revocation of the order to the general public in the same manner as the original notice°	CEO and MCA,	must be done by the same person as gave the original notice
s.19E(1)(d)	power to request a copy of the food safety program°	EHO, MCA and MEH.	where Council is the "registration authority"
s.19EA(3)	function of receiving a copy of any significant revision made to the food safety program°	EHO, MCA and MEH.	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, MCA and MEH.	where council is the registration authority
s.19H(5)(a) & (5)(b)	duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the Secretary in determining the frequency	MCA and MEH.	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	and intervals of the assessments and audits		
s.19I	duty to conduct a food safety assessment as required under section 19H	EHAO, EHO and MEH.	Subject to section 19J where council is the registration authority
s.19IA(2)	duty to give written notice to proprietor if food safety requirements or section 19DC(2) have not been complied with ^o unless subsection (3) applies	EHAO, EHO and MEH.	where council is the registration authority
s.19N	function of receiving information from a food safety auditor	AOEH, EHO, HSO, MCA and MEH.	where council is the registration authority
s.19NA(1)	power to request food safety audit reports ^o	AOEH, EHO, HSO, MCA and MEH.	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	MCA and MEH.	
s.19U(4)	duty to ensure that information relating to costs of a food safety audit are available for inspection by the public	EHO, MCA and MEH.	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	EHO, MCA and MEH.	except for an assessment required by a declaration under section 19C or an inspection under sections

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			38B(1)(c) or 39.
s.19UA(4)	duty to consider proprietor's history of compliance in deciding whether to charge the fee	EHO, MCA and MEH.	
s.19UA(5)	duty to ensure that the method of determining a fee under subsection (3)(a) and the considerations that apply under subsection (4) are available for inspection by the public	EHO, MCA and MEH.	
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHAO, EHO and MEH.	power of 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	MCA and MEH.	power of 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	MCA and MEH	power of registration authority
---	power to register, renew or transfer registration	MCA and MEH.	refusal to grant/renew/transfer registration must be ratified by Council

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.20(1C)	Duty to ensure authorised officers are suitably qualified or trained	MCA.	
s.20(2)	Power to limit or impose conditions on the authority granted to an authorised officer	DPC.	
s.26(4)	duty to destroy or dispose of article	MEH.	
s.31(1)	Duty to submit samples of food for analysis	MEH.	
s.32(2)	Function of receiving report by analyst	MEH.	
s.32(3)	Duty to submit report to ordinary meeting of Council	MEH.	
s.35B(1)	power to recognise, in writing, the registration of another registration authority for a specified temporary or mobile food premises ^o	MCA and MEH	
s.38(3)	duty to consult with the Secretary about the proposed exemption under section 38(2)	MCA and MEH	
s.38AA(2)	function of being notified of operation	AOEH, EHO, HSO, MCA and MEH.	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38AA(4)	duty to determine whether the food premises are exempt from the requirement of registration	EHAO, EHO, MCA and MEH.	where council is the registration authority
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	EHAO, EHO, MCA and MEH.	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)	MCA and MEH.	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	EHAO, EHO and MEH.	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	EHAO, EHO, MCA and MEH.	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	EHAO, EHO, MCA and MEH.	where council is the registration authority
s.38B(1)(c)	duty to inspect	EHAO, EHO and MEH.	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	EHAO, EHO, MCA and MEH.	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	EHAO, EHO and MEH.	where council is the registration authority
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	EHAO, EHO and MEH.	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	AOEH, EHO, HSO and MEH.	where council is the registration authority
s.38E(1)(c)	function of assessing the requirement for a food safety program	EHAO, EHO and MEH.	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	EHAO, EHO and MEH.	where council is the registration authority not exceeding the prescribed time limit defined under subsection (5).
s.38E(3)(a)	function of receiving certificates	EHAO, EHO and MEH.	where council is the registration authority
s.38E(4)	duty to register the food premises when conditions are satisfied	EHAO, EHO and MEH.	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38F(3)(a)	duty to note the change to the classification of the food premises on the certificate of registration	EHAO, EHO and MEH.	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	EHO and MEH.	where council is the registration authority
	duty to inspect within 12 months before renewal of registration°		where council is the registration authority
s.39(3)	duty to inspect within 3 months before renewal of registration if circumstances in	EHAO, EHO and MEH.	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	section 39(3)(a)-(d) apply		
s.39A	power to register, renew or transfer food premises despite minor defects	EHO and MEH.	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.39A(6)	duty to comply with direction of Secretary.	MCA and MEH.	
s.40(1)	duty to issue a certificate of registration in the prescribed form	EHAO, EHO and MEH.	where council is the registration authority
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under the Public Health and Wellbeing Act 2008	EHO and MEH.	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year ^o	EHO and MEH.	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	MCA and MEH.	where council is the registration authority
s.40D(2)	duty to specify how long a suspension is to last under s.40D(1)	MCA and MEH.	where council is the registration authority
s.40E(4)	duty to comply with direction of Secretary	MCA and MEH.	
s.43(1) and (2)	duty to keep register of all registrations, renewals or transfers of registration and orders in force under Part III	MCA and MEH.	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s45AA	power to act in proceedings against the Crown	MCA and MEH.	power of the responsible agency
s.45AC	power to bring proceedings for an offence under the Act	MCA and MEH.	
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHO and MCA and MEH.	where council is the registration authority
s.53G(1)	duty to provide information in subsection (1) to the Secretary as soon as practicable after a person is convicted by a court for an offence under this Act	MCA and MEH.	where Council is the "relevant Council" under subsection (6)
s.53G(2)	duty to advise the Secretary that a person has not appealed a conviction within the time allowed	MCA and MEH.	where Council is the "relevant Council" under subsection (6)
s.53G(3)	duty to advise the Secretary of the fact that an appeal or application for leave is lodged against the conviction and of other matters in this subsection	MCA and MEH.	where Council is the "relevant Council" under subsection (6)
s.53G(4)	duty to inform the Secretary of the outcome of the appeal or application	MCA and MEH.	where Council is the "relevant Council" under subsection (6)

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(3)	duty to notify the Secretary where authority is given under s.54(2)	MCA and MEH.	
s.58(1)	duty to notify the Director of Liquor Licensing where an order is made under s.19 of the Act and a licence/permit under the <i>Liquor Control Reform Act 1998</i> is in force	EHO and MEH.	
s.58(2)	duty to notify the Director of Liquor Licensing when a holder of a permit/licence under the <i>Liquor Control Reform Act 1998</i> is found guilty or pleads guilty and in respect of which no conviction is recorded	EHO and MEH.	
s.58B(1)	Power to take action in relation to a thing done or omitted at the food premises	EHO, MCA and MEH.	Where Council is the registration authority for the temporary or mobile food premises
s.58B(2)	Power to take into account results of inspection, assessment, audit or other action taken by another registration authority in relation to temporary or mobile food premises	MEH.	Where Council is the registration authority for the temporary or mobile food premises
s.59C(2)	Power to take actions necessary to ensure compliance with direction under section 19, section 19B or Part VII	MCA and MEH.	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.59C(7)(b)	Power to recover costs incurred under subsection (2) or (3)	MCA and MEH.	
s.71(a)	power to revoke or suspend of the registration of the food premises under Part IIIB or section 40D in certain circumstances°	MCA and MEH.	

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	DGD.	Must obtain Executive Director's written consent first.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.4B	power to prepare an amendment to the Victoria Planning Provisions	DGD.	
s.4H	duty to make amendment etc available	CBW, DGD, MSP, SP, SPPM, SSTP, SSP, STP and TLSTP.	
s.4I	duty to keep Victoria Planning Provisions and other documents available	CBW, DGD, MSP, MSTPB, SP, SPPM, SSTP, SSP, STP and TLSTP.	
s.6(2)(h)	power to decide whether a specified thing has been done to the satisfaction of Council. If required by Planning Scheme	CBW, DGD, MSP, MSTPB, SPPM, SSP and TLSTP.	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	DGD and MSP.	
s.11(3)(b)	duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation	DGD.	

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 s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DGD.	
s.12(3)	power to carry out studies and do things to ensure proper use of land in which Council is the planning authority and consult with other persons to ensure co-ordination of planning scheme with these persons	CBW, DGD and MSP.	
s.12B(1)	duty to review planning scheme	DGD and MSP.	
s.12B(2)	Duty to review planning scheme at direction of Minister	DGD and MSP.	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	DGD.	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	DGD and MSP.	
s.17(1)	duty of giving copy amendment to the planning scheme	CBW, DGD, MSP, SPPM and SSP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(2)	duty of giving copy s.173 agreement	CBW, DGD, MSP, SP, SPPM and SSP.	
s.18	duty to make amendment etc. available	CBW, DGD, MSP, SP, SPPM and SSP.	
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 s 19 to a planning scheme	CBW, DGD, MSP, SP, SPPM and SSP.	
s.20(1)	power to apply to Minister for exemption from the requirements of s 19	DGD.	
s.21 (2)	duty to make submissions available	CBW, DGD, MSP, SPPM and SSP.	
s.22	duty to consider all submissions	DGD, MSP, SPPM, SSP and TLSTP.	
s.23(2)	power to refer submissions to a panel	Not delegated.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	MSP, SP, SPPM and SSP.	
s.26	duty to keep report of panel available for inspection	MSP, SP, SSP, SSTP and STP.	
s.27 (2)	power to apply for exemption if panel's report not received	DGD and MSP.	
s.30(4)(a)	duty to say if amendment has lapsed	MSP, MSTPB, SP, SSTP, STP and TLSTP.	
s.30(4)(b)	duty to provide information in writing upon request	DGD, MSP, MSTPB, SP, SSTP, STP and TLSTP.	
s.31	duty to submit adopted amendment to Minister and, if applicable, details under s.19(1B)	CBW, MSP and SP.	
s.32(2)	duty to give more notice if required	CBW, MSP, SP, SPPM and SSP.	
s.33(1)	duty to give more notice of changes to an	CBW, MSP, SP,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	amendment	SPPM and SSP.	
s.35A(2)	duty to not approve an amendment under s.35B unless the amendment has been certified by the Secretary	DGD and MSP.	
s.35B(1)	power to approve amendment in form certified under s.35A	DGD and MSP.	
s.35B(2)	duty to give to Minister notice of approval, copy of approved amendment and other documents	CBW, DGD, MSP, SP, SPPM and SSP.	
s.36(2)	duty to give notice of approval of amendment	CBW, DGD, MSP, SP, SPPM and SSP.	
s.38(5)	duty to give notice of revocation of an amendment	CBW, DGD, MSP, SP, SPPM and SSP.	
s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT	CBW, MSP, SP, SPPM and SSP.	
s.40(1)	function of lodging copy of approved amendment	CBW, DGD, MSP, SP,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		SPPM and SSP.	
s.40(1A)	duty to lodge prescribed documents and copy of approved amendment with the relevant authorities	CBW, DGD, MSP, SP, SPPM and SSP.	
s.41	duty to make approved amendment available	CBW, DGD, MSP, SP, SPPM and SSP.	
s.42	duty to make copy of planning scheme available	CBW, DGD, MSP, MSTPB, SP, SPPM, SSTP, SSP, STP and TLSTP.	
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	CBW, DGD, MID, MIDELE, MSP, MSTPB, SSTP, STP and TLSTP.	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	CBW, DGD, MID, MIDELE and MSP.	
s.46N(2)(d)	power to enter into an agreement with the	CBW, DGD,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	applicant regarding payment of development infrastructure levy	MID, MIDELE and MSP.	
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	DGD, MID, MIDELE and MSP.	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	CBW, DGD, DPC, MID, MIDELE, MSP and MSTPB.	
s.46P(1)	power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured	DGD, MID, MIDELE and MSP.	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	DGD, MID, MIDELE and MSP.	
s.46Q(1)	duty to keep proper accounts of levies paid	DGD and EMF.	
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	DGD and EMF.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46Q(2)	duty to apply levy only for a purpose relating to the provision of the works, services and facilities in respect of which the levy was paid etc.	DGD, MID, MIDEI and MSP.	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	DGD and EMF.	Only applies when levy is paid to Council as a 'development agency'.
s.46Q(4)(c)	duty to pay amount to current owners of land in the area	DGD and EMF.	<ul style="list-style-type: none"> 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	DGD and MSP.	Must be done in accordance with Part 3.
s.46Q(4)(e)	duty to expend that amount on other works etc.	DGD, MID and MIDEI.	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	DGD and EMF.	
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any	Does not apply to Ballarat.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	documents lodged with it available		
s.46Y	duty to carry out works in conformity with the approved strategy plan	DGD.	
s.47	power to decide that an application for a planning permit does not comply with that Act	DGD, MSP, MSTPB and TLSTP.	
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	DGD, MSTPB, SSTP, STP and TLSTP.	
s.49(2)	duty to make register available for inspection	DGD, MSTPB, SSTP, STP and TLSTP.	
s.50(4)	duty to amend application	DGD, MSP, MSTPB, SSTP, STP, SSP and TLSTP.	
s.50(5)	power to refuse to amend application	DGD, MSTPB, SSTP, STP and TLSTP, MSP & SSP.	
s.50(6)	duty to make note of amendment to	DGD, MSTPB,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	application in register	SSTP, STP, TLCS, MSP, SP, SSP TLSTP.	
s.50A(1)	power to make amendment to application	DGD, MSP, MSTPB, SSTP, STP, SS, SSP and TLSTP.	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	DGD, MSP, MSTPB, SSTP, STP, TLCS and TLSTP.	
s.50A(4)	duty to note amendment to application in register	DGD, MSTPB, SSTP, STP, TLCS and TLSTP.	
s.51	duty to make copy of application available for inspection	DGD, MSTPB, SSTP, STP, TLCS and TLSTP.	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit	DGD, MSP, MSTPB, SSTP, SSP, STP and	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	would not cause material detriment to any person	TLSTP.	
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
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	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
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	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	

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	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.52(1A)	power to refuse an application	DGD, MSP, MSTPB, STP and TLSTP.	
s.52(3)	power to give any further notice of an application where appropriate	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.54(1)	power to require the applicant to provide more information	DGD, MSP, MSTPB, SSTP, SSP, STP and	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		TLSTP.	
s.54(1A)	duty to give notice in writing of information required under s.54(1)	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.54(1B)	duty to specify the lapse date for an application	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time under s.54A(3)	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.55(1)	duty to give copy application to every referral authority specified in the planning scheme	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.57(2A)	power to reject objections considered	DGD, MSP,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	made primarily for commercial advantage for the objector	MSTPB and TLSTP.	
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	DGD, MSP, MSTPB, SSTP, SSP, STP, TLCS and TLSTP.	
s.57(5)	duty to make available for inspection copy of all objections	DGD, TLCS, TLSTP, MSP, MSTPB, SSP, STP and SSTP.	
s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	DGD, MSP, MSTPB, SSTP, SSP, STP, TLCS and TLSTP.	
s.57A(5)	power to refuse to amend application	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.57A(6)	duty to note amendments to application in register	DGD, MSTPB, SSTP, STP and TLSTP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57B(1)	duty to determine whether and to whom notice should be given	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.57C(1)	duty to give copy of amended application to referral authority	DGD, MSP, MSTPB, SSTP, SSP, STP, TLCS and TLSTP.	
s.58	duty to consider every application for a permit	DGD, MSP, MSTPB, SSTP, STP and TLSTP.	
s.60	duty to consider certain matters	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s60(1A)	power to consider certain matters before	DGD, MSP, MSTPB, SSTP,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	deciding on application	SSP, STP and TLSTP.	
s.61(1)(a)	power to decide to grant a permit	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p> <p><i>Planning permit applications involving premises licensed, or to be licensed, under the Liquor Control Reform Act 1998 must be determined by Council when any of the following apply:</i></p> <ul style="list-style-type: none"> - <i>The application involves licensing a proposed (new) tavern, hotel or nightclub;</i> - <i>The hours of trading allowed under any licence are to be extended after 11pm (includes extending hours of an existing licensed venue that already operates after 11pm);</i> - <i>The number of patrons allowed under any existing licence is to be increased.</i> - <i>A licence is sought for land/premises adjoining land in the Residential 1 Zone.</i> - <i>The application seeks licensing of any footpath.</i> <p><i>Planning applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the application is owned or part-owned by:</i></p> <ul style="list-style-type: none"> - <i>a Councillor or member of their immediate family;</i>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p>- a Senior Officer or member of their immediate family; or - a Council employed Statutory Planning Officer or member of their immediate family.</p> <p><i>For the purpose of this policy:</i></p> <p>- a Senior Officer is as defined by the Local Government Act (1989); and - a member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person;</p> <p><i>This policy relates to property owned or part owned by a company whose directors include a Councillor, Senior Officer of Council, Council employed Statutory Planning Officer, or an immediate family member of any of the preceding.</i></p>
s.61(1)(b)	power to decide to grant a permit with conditions	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	<p>The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p> <p><i>Planning permit applications involving premises licensed, or to be licensed, under the Liquor Control Reform Act</i></p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p>1998 must be determined by Council when any of the following apply:</p> <ul style="list-style-type: none"> - The application involves licensing a proposed (new) tavern, hotel or nightclub; - The hours of trading allowed under any licence are to be extended after 11pm (includes extending hours of an existing licensed venue that already operates after 11pm); - The number of patrons allowed under any existing licence is to be increased. - A licence is sought for land/premises adjoining land in the Residential 1 Zone. <p>The application seeks licensing of any footpath.</p> <p>Planning applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the application is owned or part-owned by:</p> <ul style="list-style-type: none"> - a Councillor or member of their immediate family; - a Senior Officer or member of their immediate family; or - a Council employed Statutory Planning Officer or member of their immediate family. <p>For the purpose of this policy:</p> <ul style="list-style-type: none"> - a Senior Officer is as defined by the Local Government Act (1989); and - a member of immediate family means the spouse

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p><i>or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person;</i></p> <p><i>This policy relates to property owned or part owned by a company whose directors include a Councillor, Senior Officer of Council, Council employed Statutory Planning Officer, or an immediate family member of any of the preceding.</i></p>
s.61(1)(c)	power to refuse the permit	DGD, MSP, MSTPB, SSTP and TLSTP.	<p><i>Planning applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the application is owned or part-owned by:</i></p> <ul style="list-style-type: none"> - a Councillor or member of their immediate family; - a Senior Officer or member of their immediate family; or - a Council employed Statutory Planning Officer or member of their immediate family. <p><i>For the purpose of this policy:</i></p> <ul style="list-style-type: none"> - a Senior Officer is as defined by the Local Government Act (1989); and - a member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person; <p><i>This policy relates to property owned or part owned by a</i></p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<i>company whose directors include a Councillor, Senior Officer of Council, Council employed Statutory Planning Officer, or an immediate family member of any of the preceding.</i>
s.61(2)	duty to decide to refuse to grant a permit if referral authority objects to grant of permit	DGD, MSP, MSTPB, SSTP, STP and TLSTP.	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	Not relevant to Ballarat.	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	Not relevant to Ballarat.	
s.61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DGD, MSP, MSTPB, SSTP, STP and TLSTP.	
s.62(1)	duty to include certain conditions in deciding to grant a permit	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(2)	power to include other conditions	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	DGD, MID, MIDEL, MSP, MSTPB, SSP and TLSTP.	
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	DGD, MID, MIDEL, MSP, MSTPB, SSP and TLSTP.	
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	DGD, MID, MIDEL, MSP, MSTPB, SSP and TLSTP.	
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 s.62(5) or s.46N	DGD, MID, MIDEL, MSP, MSTPB and TLSTP.	
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	DGD, MID, MIDEL, MSP, MSTPB and	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	planning scheme requires to be included as referred to in s.62(1)(a)	TLSTP.	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.64(3)	duty not to issue a permit until after the specified period	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.64(5)	duty to give each objector a copy of an exempt decision	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.65(1)	duty to give notice of refusal to grant permit to applicant and objector	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66	duty to give notice under s.64 or s.65 and copy permit to referral authorities	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.69(1)	function of receiving application for extension of time of permit	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.69(2)	power to extend time	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.70	duty to make copy permit available for inspection	DGD, MSP, MSTPB, SSTP, SSP, STP, TLCS and TLSTP.	
s.71(1)	power to correct certain mistakes	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.71(2)	duty to note corrections in register	DGD, MSTPB, SSTP, STP and	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		TLSTP.	
s.73	power to decide to grant amendment subject to conditions	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.74	duty to issue amended permit to applicant if no objectors	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.76A	duty to give referral authorities copy of amended permit and copy of notice	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.76D	duty to comply with direction of Minister to issue amended permit	DGD, MSP, MSTPB, SSTP, SSP, STP and TLSTP.	
s.83	function of being respondent to an appeal	DGD, MSTPB,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		SSTP, STP and TLSTP.	
s.83B	duty to give or publish notice of application for review	DGD, MSTPB, SSTP, STP and TLSTP.	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DGD, MSTPB and TLSTP.	<p><i>Planning applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the application is owned or part-owned by:</i></p> <ul style="list-style-type: none"> - a Councillor or member of their immediate family; - a Senior Officer or member of their immediate family; or - a Council employed Statutory Planning Officer or member of their immediate family. <p><i>For the purpose of this policy:</i></p> <ul style="list-style-type: none"> - a Senior Officer is as defined by the Local Government Act (1989); and - a member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person; <p><i>This policy relates to property owned or part owned by a company whose directors include a Councillor, Senior Officer of Council, Council employed Statutory Planning</i></p>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<i>Officer, or an immediate family member of any of the preceding.</i>
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	DGD, MSTPB and TLSTP.	
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	DGD, MSTPB, SSTP, STP and TLSTP.	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	DGD, MSTPB, SSTP, STP and TLSTP.	
s.86	duty to issue a permit at order of Tribunal within 3 working days	DGD, MSTPB, SSTP, STP and TLSTP.	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	DGD, MSTPB and TLSTP.	
s.87(4)	power to make a minor amendment to a permit	DGD, MSTPB and TLSTP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	DGD, MSTPB, SSTP, STP and TLSTP.	
s.91(2)	duty to comply with the directions of VCAT	DGD, MSTPB, SSTP, STP and TLSTP.	
s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DGD, MSTPB, SSTP, STP and TLSTP.	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	DGD, MSTPB, SSTP, STP and TLSTP.	
s.93(2)	duty to give notice of VCAT order to stop development	DGD, MSTPB, SSTP, STP and TLSTP.	
s.95(3)	function of referring certain applications to the Minister	DGD.	
s.95(4)	duty to comply with an order or direction	DGD, MSTPB, SSTP, STP and TLSTP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	DGD, MSP, MSTPB and TLSTP.	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	DGD.	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	DGD, MSP, MSTPB and TLSTP.	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DGD, MSP, MSTPB and TLSTP.	
s.96F	Duty to consider the panel's report under section 96E	Not delegated.	
s.96G	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 s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DGD, MSP, MSTPB and TLSTP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.96H	power to give notice in compliance with Minister's direction	DGD, MSP, MSTPB and TLSTP.	
s.96J	power to issue permit as directed by the Minister	DGD, MSP, MSTPB and TLSTP.	
s.96K	duty to comply with direction of the Minister to give notice of refusal	DGD, MSP, MSTPB and TLSTP.	
s.97C	power to request Minister to decide the application	DGD.	
s.97D(1)	duty to comply with directions of Minister to supply any document or assistance relating to application	DGD, MSP, MSTPB and TLSTP.	
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	DGD, MSP, MSTPB and TLSTP.	
s.97G(6)	duty to make a copy of permits issued under s.97F available for inspection	DGD, MSP, MSTPB, SSTP, STP and TLSTP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97L	duty to include Ministerial decisions in a register kept under s.49	DGD, MSP, MSTPB, SSTP, STP and TLSTP.	
s.97MG	duty to provide documents and information to development assessment committee	DGD, MSP, MSTPB, SP and SSP.	
s.97MH	duty to provide assistance to the development assessment committee	DGD, MSP, MSTPB, SP and SSP.	
s.97MJ(2)	duty to ensure that the register of applications specifies whether the development assessment committee has made the decision	DGD, MSP, MSTPB, SP and SSP.	
s.97MK	function of nominating member of the development assessment committee	DGD.	
s.97ML(4)	power to nominate alternate members of the development assessment committee	DGD.	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	DGD, MSP, MSTPB and TLSTP.	<i>Planning applications must be referred to an Ordinary Council meeting for decision where the property that is the subject of the application is owned or part-owned by: - a Councillor or member of their immediate family;</i>

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p>- a Senior Officer or member of their immediate family; or</p> <p>- a Council employed Statutory Planning Officer or member of their immediate family.</p> <p><i>For the purpose of this policy:</i></p> <p>- a Senior Officer is as defined by the Local Government Act (1989); and</p> <p>- a member of immediate family means the spouse or domestic partner of the person, or a son, daughter, mother, father, brother or sister that regularly resides with the person;</p> <p><i>This policy relates to property owned or part owned by a company whose directors include a Councillor, Senior Officer of Council, Council employed Statutory Planning Officer, or an immediate family member of any of the preceding.</i></p>
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DGD, MSP, MSTPB, SSTP, STP and TLSTP.	
s.97Q(2)	function of being heard by VCAT at hearing of request for amendment or	DGD, MSP, MSTPB, SSTP,	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	cancellation of certificate	STP and TLSTP.	
s.97Q(4)	duty to comply with directions of VCAT	DGD, MSP, MSTPB, SSTP, STP and TLSTP.	
s.97R	duty to keep register of all applications for certificate of compliance and related decisions	DGD, MSP, MSTPB, SSTP, STP, TLCS and TLSTP.	
s.98(1)&(2)	function of receiving claim for compensation in certain circumstances	DGD.	
s.98(4)	duty to inform any person of the name of the person from whom compensation can be claimed	DGD.	
s.101	function of receiving claim for expenses in conjunction with claim	DGD.	
s.103	power to reject a claim for compensation in certain circumstances	DGD.	
s.107	function of receiving claim for compensation	DGD.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.114(1)	power to apply to the VCAT for an enforcement order	DGD, MSTPB, PEO and TLSTP.	
s.117(1)(a)	function of making a submission to the VCAT where objections are received	DGD, MSTPB, PEO and TLSTP.	
s.120(1)	power to apply for an interim enforcement order where s.114 application has been made	DGD, MSTPB, PEO and TLSTP.	
s.123(1)	power to carry out work required by enforcement order and recover costs	DGD, MSTPB, PEO and TLSTP.	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under s.123(1)	EMF.	Except Crown Land
s.125	power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order	DGD, MSTPB and SLA.	
s.129	function of recovering penalties	EMF.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.130(5)	power to allow person served with an infringement notice further time	DGD, EMF, MSTPB, PEO and TLSTP.	
s.149A(1)	power to refer a matter to the VCAT for determination	DGD, PEO and TLSTP.	
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)	DGD, MSP, MSTPB and TLSTP.	Where council is the relevant planning authority
s.171(2)(f)	power to carry out studies and commission reports	CBW, DGD, MSP, MSTPB and TLSTP.	
s.171(2)(g)	power to grant and reserve easements	DGD.	
s.173	power to enter into agreement covering matters set out in s.174	DGD and EMF.	

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 Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	DGD and EMF	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	DGD and EMF.	
s.177(2)	power to end a section 173 agreement with approval of the Minister or the consent of all those bound by any covenant in the agreement	CBW, DGD, MSP and MSTPB.	
s.178	power to amend a s.173 agreement	DGD. and EMF	
s.179(1)	duty to lodge agreement with Minister	CBW, DGD, MSP, MSTPB and TLSTP.	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.179(2)	duty to make available for inspection copy agreement	DGD and MSP.	
s.181	power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General	DGD and MSP.	
s.182	power to enforce an agreement	DGD.	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	DGD.	
s.198(1)	function to receive application for planning certificate	DGD, MSTPB, SSTP, STP, TLCS and TLSTP.	
s.199(1)	duty to give planning certificate to applicant	DGD, MSTPB, SSTP, STP and TLSTP.	
s.201(1)	function of receiving application for declaration of underlying zoning	DGD, MSTPB, SSTP, STP and TLSTP.	
s.201(3)	duty to make declaration	DGD.	

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	DGD, MSTPB, MSP, SPPM, SSTP and STP.	
	Power in relation to any planning scheme or permit, to consent or refuse to consent to any matter which required the consent or approval of Council	TLSTP.	
	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 of permit	TLSTP.	
-	Power to give written authorisation in accordance with a provision of a planning scheme	TLSTP.	
s.201UAB(1)	Function of providing the Growth Areas Authority with information relating to any land within municipal district	Not delegated.	
S201UAB(2)	Duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Not delegated.	

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
S33	Duty to comply with a direction of the Safety Director under this section	DGD, MID and MIDL.	Where Council is a utility under section 3
S33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under this section	DGD, MID and MIDL.	duty of Council as a road authority under the Road Management Act 2004
S34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under s33(1)	DGD, MID and MIDL.	Where Council is a utility under section 3
S34C(2)	Function of entering into safety interface agreements with rail infrastructure manager	DGD, MID and MIDL.	Where Council is the relevant road manager
S34D(1)	Function of working in conjunction with rail infrastructure manager in determining weather risks to safety need to be managed	DGD, MID and MIDL.	Where Council is the relevant road manager
S34D(2)	Function of receiving written notice of opinion	DGD.	Where Council is the relevant road manager
s.42D(4)	Function of entering into safety interface agreement with infrastructure manager	DGD.	Where Council is the relevant road manager
S34E(1)(a)	Duty to identify and assess risks to safety	DGD, MID and	Where Council is the relevant road

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MIDEL.	manager
S34E(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)	DGD, MID and MIDEL.	Where Council is the relevant road manager
S34E(3)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	DGD.	Where Council is the relevant road manager
S34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	DGD, MID and MIDEL.	Where Council is the relevant road manager
S34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	DGD, MID and MIDEL.	Where Council is the relevant road manager
S34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager	DGD.	Where Council is the relevant road manager
S34H	Power to identify and assess risks to safety as required under sections 34B,34C,34D,34E or 34F in accordance with subsections (a)-(c)	DGD, MID and MIDEL.	Where Council is the relevant road manager
S34I	Function on entering into safety interface agreements	DGD.	Where Council is the relevant road manager
S34J(2)	Function of receiving notice from Safety Director	DGD.	Where Council is the relevant road

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			manager
S34J(7)	Duty to comply with a direction of the Safety Director given under section 34J(5)	DGD.	Where Council is the relevant road manager
S34K(2)	Duty to maintain a register of items set out in subsections (a)-(b)	MID.	Where Council is the relevant road manager
S522	Power to give a compliance notice to a person	MID and MIDL.	
S525(2)	Power to authorise an officer to exercise powers in section 526 (either generally or in a particular case)	DGD.	
S525(4)	Duty to issue identity card to authorised officers	DGD.	
S526(5)	Duty to keep record of entry by authorised officer under section 526	DGD.	
S527	Power to authorise a person to institute proceedings (either generally or in a particular case)	DGD.	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.522	give a compliance notice to a person	EHO and MEH.	
s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	GEO.	
s.525(4)	duty to issue identity card to authorised officers	GEO.	
s.526(5)	duty to keep record of entry by authorised officer under section 526	BI, BS, EHO, MBS and MEH.	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	BS, EHO, MBS and MEH.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s11(1)	power to declare a road by publishing a notice in the Government Gazette	DGD, MID and MDEL.	Obtain consent in circumstances specified in s11(2).
s11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	DGD, MID and MDEL.	
s11(9)(b)	duty to advise Registrar	DGD, MID and MDEL.	
s11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	DGD, MID and MDEL.	
s.11(10A)	Duty to inform Secretary to Department of Sustainability and Environment or nominated person	DGD.	duty of coordinating road authority
s.12(2)	Power to discontinue road or part of a road	DGD, MID and MDEL.	Power of coordinating road authority
s12(4)	power to publish, and provide copy, notice of proposed discontinuance	DGD, MID and MDEL.	Power of coordinating road authority.
s.12(5)	Duty to consider written submissions received within 28 days of notice	DGD, MID and MDEL.	<ul style="list-style-type: none"> 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	DGD, MID and MDEL.	<ul style="list-style-type: none"> function of coordinating road authority where it is the

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			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	DGD, MID and MIDL.	
s12(10)	duty to notify of decision made	DGD, MID and MIDL.	Power of coordinating road authority.
s13(1)	power to fix a boundary road by publishing notice in Government Gazette	DGD, MID and MIDL.	Power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate.
s14(7)	power to appeal against decision of VicRoads	DGD.	
s15(1)	power to enter into arrangement with another road authority or a utility to transfer a road management function of the road authority to the other road authority or to the utility	DGD, MID and MIDL.	
s15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	MID and MIDL.	
s15(2)	duty to include details of arrangement in public roads register	MID and MIDL.	
s16(7)	power to enter into an arrangement under s15	MID and MIDL.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s16(8)	duty to enter details of determination in public roads register	MID and MDEL.	
s17(2)	duty to register public road in public roads register	MID and MDEL.	Power of coordinating road authority.
s17(3)	power to decide that a road is reasonably required for general public use	MID and MDEL.	Power of coordinating road authority.
s17(3)	duty to register a road reasonably required for general public use in public roads register	MID and MDEL.	Power of coordinating road authority.
s17(4)	power to decide that a road is no longer reasonably required for general public use	MID and MDEL.	Power of coordinating road authority.
s17(4)	duty to remove road no longer reasonably required for general public use from public roads register	MID and MDEL.	Power of coordinating road authority.
s18(1)	power to designate ancillary area	MID and MDEL.	Power of coordinating road authority, and obtain consent in circumstances specified in s18(2).
s18(3)	duty to record designation in public roads register	MID and MDEL.	Power of coordinating road authority.
s19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	MID and MDEL.	
s19(4)	duty to specify details of discontinuance in public	MID and MDEL.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	roads register		
s19(5)	duty to ensure public roads register is available for public inspection	MID and MIDEL.	
s.21	power to reply to request for information or advice	MID and MIDEL.	Obtain consent in circumstances specified in s11(2).
s.22(2)	power to comment on proposed direction	MID and MIDEL.	
s.22(4)	Duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report	DGD.	Where Council is the road authority
s.22(5)	Duty to give effect to a direction under this section.	DGD.	Where Council is the road authority
s.40(1)	duty to inspect, maintain and repair a public road.	MCWS, MID, MIDEL and MRM.	
s.41(1)	Power to determine the standard of construction, inspection, maintenance and repair	MID and MIDEL.	
s42(1)	power to declare a public road as a controlled access road	MID and MIDEL.	Power of coordinating road authority and Schedule 2 also applies.
s42(2)	power to amend or revoke declaration by notice published in Government Gazette	MID and MIDEL.	Power of coordinating road authority and Schedule 2 also applies.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(3)	duty to consult with VicRoads before road is specified	DGD and MID.	<ul style="list-style-type: none"> duty of 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	DGD.	<ul style="list-style-type: none"> power of 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)	DGD, MID and MIDE L.	duty of responsible road authority, infrastructure manager or works manager
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	MID and MIDE L.	
s.54(2)	duty to give notice of proposal to make a road management plan	MID and MIDE L.	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	MID and MIDE L.	
s.63(1)	power to consent to conduct of works on road	MCWS, MID, MIDE L and	Power of coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
		MRM.	
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	MERO, MID, MIDELE and MRM.	Power of infrastructure manager.
s.64(1)	duty to comply with clause 13 of Schedule 7	MID and MIDELE.	Duty of infrastructure manager or works manager.
s.66(1)	power to consent to structure etc	MID and MIDELE.	Power of coordinating road authority.
s.67(3)	power to request information	MID and MIDELE.	Power of coordinating road authority.
s.68(2)	power to request information	MID and MIDELE.	Power of coordinating road authority.
s71(3)	power to appoint an authorised officer	MID and MIDELE.	
s86	duty to keep register re s85 matters	MID and MIDELE.	
s87(2)	power to investigate complaint and provide report	MCWS, MID, MIDELE and MRM.	
s116	power to cause or carry out inspection	MCWS, MID, MIDELE and MRM.	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	DGD, MID and MIDELE.	
s.120(2)	duty to seek consent of VicRoads to exercise road	DGD, MID and MIDELE.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	management functions before exercising power in section 120(1)		
s121(1)	power to enter into an agreement in respect of works	MCWS, MID, MIDEAL and MRM.	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	MID and MIDEAL.	
Schedule 2 Clause 3(1)	power to make policy about controlled access roads	Not delegated.	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Not delegated.	
Schedule 2 Clause 5	duty to publish notice of declaration	MID and MIDEAL.	
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	MID and MIDEAL.	Duty of 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	MID and MIDEAL.	Duty of infrastructure manager or works manager.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	MCWS, MID, MIDELE and MRM.	Duty of 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 he or she 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	MID and MIDELE.	Duty of 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	MID and MIDELE.	Duty of infrastructure manager or works manager.
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	MID and MIDELE.	Power of coordinating road authority.
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	MID and MIDELE.	Power of coordinating road authority.
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	MCWS, MID, MIDELE and MRM.	Power of 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(5)	power to recover costs	MID and MDEL.	Power of 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)	MID and MDEL.	Duty of works manager.
Schedule 7 Clause 13(2)	power to vary notice period	MID and MDEL.	Power of 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)	MID and MDEL.	Duty of infrastructure manager.
Schedule 7 Clause 16	power to consent to proposed works	MID and MDEL.	Power of coordinating road authority.
Schedule 7 Clause 17(2)	power to refuse to give consent	MID and MDEL.	Power of coordinating road authority.
Schedule 7 Clause 18(1)	power to enter into an agreement	MID and MDEL.	Power of coordinating road authority.
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	MID and MDEL.	Power of coordinating road authority.
Schedule 7	power to require removal, relocation, replacement	MID and MDEL.	Power of coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Clause 20(1)	or upgrade of existing non-road infrastructure		
Schedule 7A Clause 2	power to cause street lights to be installed on roads	CED, MID and MIDL.	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	CED, MID and MIDL.	where council is the responsible road authority for the road
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	CED, MID and MIDL.	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	CED, MID and MIDL.	where council is responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

CEMETERIES AND CREMATORIA REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.17	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	MPS.	
r.18(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	MPS.	
r.18(2)	duty to ensure any fittings removed of are disposed in an appropriate manner	MPS.	
r.19	power to dispose of any metal substance or non-human substance recovered from a cremator	MPS.	
r.20(2)	power to release cremated human remains to certain persons	MPS.	Subject to any order of a court
r.21(1)	duty to make cremated human remains available for collection within 2 working days after the cremation	MPS.	
r.21(2)	duty to hold cremated human remains for at least 12 months from the date of cremation	MPS.	
r.21(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	MPS.	

CEMETERIES AND CREMATORIA REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.21(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	MPS.	
r.22	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	MPS.	
r.26	duty to provide statement that alternative vendors or supplier of monuments exist	MPS.	
r.36	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	MPS.	
r.38(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	MPS.	
Schedule clause 4	6, power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 6	MPS.	
Schedule clause 5(1)	6, duty to display the hours during which pedestrian access is available to the cemetery	MPS.	
Schedule clause 5(2)	6, 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	MPS.	

CEMETERIES AND CREMATORIA REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule clause 6(1)	6, power to give directions regarding the manner in which a funeral is to be conducted	MPS.	
Schedule clause 7(1)	6, power to give directions regarding the dressing of places of interment and memorials	MPS.	
Schedule clause 11(1)	6, power to remove objects from a memorial or place of interment	MPS.	
Schedule clause 11(2)	6, duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	MPS.	
Schedule clause 12	6, power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	MPS.	
Schedule clause 14	6, power to approve an animal to enter into or remain in a cemetery	MPS.	

PLANNING AND ENVIRONMENT REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	DGD, MSP, MSTPB, PEO, SSTP, STP, TLCS and TLSTP.	
r7	duty of responsible authority to provide copy information or report requested by Minister	DGD, MSP and MSTPB.	
r22	power of responsible authority to require verification of information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in application for permit or to amend a permit or any information provided under section 54 of the Act	DGD, MSTPB, SSTP and TLSTP.	
r 55	duty of responsible authority to tell Registrar of Titles under r 183 of the Act of the cancellation or amendment of an agreement	DGD, MSTPB, SO, SSTP and TLSTP.	

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2000			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r.13(1)	power to waive or rebate fee in prescribed circumstances	DGD, MSP and MSTPB.	
r.13(2)	power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances	DGD, MSP and MSTPB.	
r.13(3)	duty if fee waived or rebated to record in writing the matters taken into account and which formed the basis of the decision	DGD, MSP and MSTPB.	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 1999 [## these regulations expire on 29 June 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	BS, EHO, MBS and MEH.	
r.11(1)	Function of receiving applications for registration	AOEH, EHO, HSO and MEH.	
r.13(1)	Duty to grant a registration received under Regulation 11, if satisfied of (a) and (b)	EHO, MCA and MEH.	
r.13(2)	Duty to grant renew registration received under regulation 12, if satisfied of (a) and (b)	EHO, MCA and MEH.	See also r.13(3)
r.13(3)	Duty to have regard to items (a) – (f) when considering an application for registration or renewal of registration	EHO, MCA and MEH.	See also r.13(3)
r.13(4)	Duty to issue a certificate of registration on granting registration	EHO, MCA and MEH.	
r.13(5)	Duty to issue a certificate of renewal upon renewing registration	EHO, MCA and MEH.	
r.15	Function of receiving notice of transfer of ownership	AOEH, EHO, HSO and MEH.	
r.16(1)	Duty to transfer registration of new caravan park owner	EHO, MCA and MEH.	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 1999 [## these regulations expire on 29 June 2010]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.16(2)	Duty to issue certificate of transfer of registration	EHO and MEH.	
r.17	Power to determine registration fee in accordance with this regulation	MCA and MEH.	
r.18	Duty to keep register of caravan parks	MCA and MEH.	
r.22(6)	Duty to notify caravan park owners of emergency services	EHO, MBS and MEH.	
r.22(7)	Duty to consult with relevant emergency services agency	BI, BS, EHO, MBS and MEH.	
r.24(1)	Power to determine places in which caravan park owner must display copy of public emergency warnings	BI, BS, EHO, MBS and MEH.	
r.25(3)	Duty to consult with relevant floodplain management authority	BI, BS, EHO, MBS and MEH.	
r.26	Duty to have regard to any report of the relevant fire authority	BI, BS, EHO, MBS and MEH.	
r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water for a movable dwelling	EHO, MCA, MEH, and TOEH.	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 1999 [## these regulations expire on 29 June 2010]			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.39	Function of receiving notice of proposed installation of unregistrable moveable dwelling or rigid annexe	AOEH, BI, BS, EHO, HSO, MEH and MBS.	
r.39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	BI, BS, EHO, MBS and MEH.	
r.42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBS.	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.301	duty to conduct reviews of road management plan	MID and MIDE L.	
r.302(2)	duty to give notice of review of road management plan	MID and MIDE L.	
r.302(5)	duty to produce written report of review of road management plan and make report available	MID and MIDE L.	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	MID and MIDE L.	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	MID and MIDE L.	
r.501(1)	power to issue permit	MID and MIDE L.	Power of coordinating road authority.
r.501(4)	power to charge fee for issuing permit under r.501(1)	MID and MIDE L.	Power of coordinating road authority.
r.503(1)	power to give written consent to person to drive on road a vehicle which is likely to cause damage to road	MID and MIDE L.	Power of coordinating road authority.
r.508(3)	power to make submission to Tribunal	MID and MIDE L.	Power of coordinating road authority.

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	MCWS, MID, MIDL and MRM.	Power of responsible road authority.
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with r.509(3))	MID and MIDL.	Power of responsible road authority.
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	MID and MIDL.	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.10	power, where consent given under s.63(1) of the Act, to exempt a person from requirement under clause 13(1) of Schedule 7 to that Act to give notice as to the completion of those work	MID and MIDL.	Power of coordinating road authority.
r.18(2)	power to waive whole or part of fee in certain circumstances	MID and MIDL.	Power of coordinating road authority.