



Queenscliffe Borough Council

Instrument of Delegation

Council

to

Members of Council Staff

Instrument of Delegation

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

GMP&I	means General Manager Planning and Infrastructure
F&CPC	means Foreshore and Caravan Parks Co-Ordinator
P&CE	means Projects and Contracts Engineer
R&IE	means Roads and Infrastructure Engineer
EHO	means Environmental Health Officer
SP	means Senior Planner
SLEO	means Senior Law Enforcement Officer

3. declares that:

- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on **###insert date of new resolution###**; 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 [sub-paragraph 3.3, and the](#) in the Schedule; and

- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts;

- 3.3 the delegate must not determine the issue, take the action or do the act or thing:

- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council; or

- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy;

adopted by Council; or

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

| Dated the.....day of.....201~~2~~⁴

Issued under the seal of the Council of the Borough of Queenscliffe

|
.....Councillor

|
.....Chief Executive Officer

SCHEDULE

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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	GMP&I, SLEO	

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	GMP&I, EHO	
s.53M(4)	duty to advise applicant that application is not to be dealt with	GMP&I, EHO	
s.53M(5)	duty to approve plans, issue permit or refuse permit	GMP&I, EHO	refusal must be ratified by Council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	GMP&I, EHO	refusal must be ratified by Council or it is of no effect
s.53M(7)	duty to refuse to issue a permit in circumstances in (a)-(c)	GMP&I, EHO	refusal must be ratified by council or it is of no effect

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	power to direct by written order that the food premises be put into a clean and sanitary condition	GMP&I, EHO	If section 19(1) applies
s.19(2)(b)	power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	GMP&I, EHO	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	GMP&I, EHO	If section 19(1) applies
s.19(4)(b)	duty to notify the Department of the making of the order	GMP&I, EHO	If section 19(1) applies
s.19(4)(c)	duty to notify the registration authority of the making of the order and any appeal and the outcome of the appeal	GMP&I, EHO	If section 19(1) applies and if council is not the registration authority
s.19(6)(a)	duty to revoke any order under section 19 if satisfied that an order has been complied with	GMP&I, EHO	If section 19(1) applies
s.19(6)(b)	duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	GMP&I, EHO	If section 19(1) applies
s.19A(4)(b)	function of receiving notice from authorised officer	GMP&I, EHO	Where council is the registration authority
s.19BA(3)	duty to give notice of the variation or revocation of the order to the general public in the same manner as the original notice	GMP&I, EHO	Must be done by the same person as gave the original notice

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19CB(4)(b)	power to request copy of records	GMP&I, EHO	where council is the registration authority
s.19E(1)(d)	power to request a copy of the food safety program	GMP&I, EHO	where council is the registration authority
s.19EA(3)	function of receiving a copy of any significant revision made to the food safety program	GMP&I, EHO	where council is the registration authority
s.19GB	power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	GMP&I, EHO	where council is the registration authority
s.19H(5)(a) & (5)(b)	duty to take into account (a) the food safety performance of the food business; and (b) any guidelines issued by the Secretary in determining the frequency and intervals of the assessments and audits	GMP&I, EHO	where council is the registration authority
s.19I	duty to conduct a food safety assessment as required under section 19H	GMP&I, EHO	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 unless subsection (3) applies.	GMP&I, EHO	where council is the registration authority
s.19M(4)(a) & (5)	power to conduct a food safety audit and take actions where deficiencies are identified	GMP&I, EHO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19N	Function of receiving information from a food safety auditor	GMP&I, EHO	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	GMP&I, EHO	where council is the registration authority
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	GMP&I, EHO	
s.19U(4)	duty to ensure that information relating to costs of a food safety audit are available for inspection by the public	GMP&I, EHO	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	GMP&I, EHO	except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39.
s.19UA(4)	duty to consider proprietor's history of compliance in deciding whether to charge the fee	GMP&I, EHO	
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	GMP&I, EHO	
s.19W	power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	GMP&I, EHO	where council is the registration authority
s.19W(3)(a)	power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	GMP&I, EHO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	GMP&I, EHO	where council is the registration authority
---	power to register, renew or transfer registration	GMP&I, EHO	Where Council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (See section 58A(2))
s.35A(2)	function of receiving notice of operation from the proprietor of a food premises	GMP&I, EHO	where council is the registration authority
s.37	function of receiving application, information and documents required under section 36 from the proprietor of a food business		
s.38(3)	duty to consult with the Secretary about the proposed exemption under section 38(2)		
s.38AA(2)	function of being notified of operation	GMP&I, EHO	where council is the registration authority
s.38AA(4)	duty to determine whether the food premises are exempt from the requirement of registration	GMP&I, EHO	where council is the registration authority
s.35B(1)	power to recognise, in writing, the registration of another registration authority for a specified temporary or mobile food premises	GMP&I, EHO	
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	GMP&I, EHO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38AB(4)	power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)	GMP&I, EHO	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	GMP&I, EHO	where council is the registration authority
s.38A(5) & (6)	Function of recieveing a food safety audit certificate from a proprietor	GMP&I, EHO	where council is the registration authority
s.38B(1)(a)	Duty to assess the application and determine which class of food premises under section 19C the food premises belongs	GMP&I, EHO	where council is the registration authority
s.38B(1)(b)	Duty to ensure proprietor has complied with requirements of section 38A	GMP&I, EHO	where council is the registration authority
s.38B(1)(c)	Duty to inspect premises	GMP&I, EHO	where council is the registration authority
s.38B(2)	Duty to be satisfied of the matters in section 38B(2)(a)-(b)	GMP&I, EHO	where council is the registration authority
s.38D(1)	Duty to be satisfied of the matters in section 38(D)(2)(a)-(d)	GMP&I, EHO	where council is the registration authority
s.38D(2)		GMP&I, EHO	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	GMP&I, EHO	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38E(1)(c)	function of assessing the requirement for a food safety program	GMP&I, EHO	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	GMP&I, EHO	where council is the registration authority; not exceeding the prescribed time limit defined under subsection (5).
s.38E(3)(a)	function of receiving certificates	GMP&I, EHO	where council is the registration authority
s.38E(4)	duty to register the food premises when conditions are satisfied	GMP&I, EHO	where council is the registration authority
s.38F(3)(a)	duty to note the change to the classification of the food premises on the certificate of registration	GMP&I, EHO	where council is the registration authority
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	GMP&I, EHO	where council is the registration authority
S.39(2)	duty to inspect within 12 months before renewal of registration	GMP&I, EHO	where council is the registration authority
s.39(3)	duty to inspect within 3 months before renewal of registration if circumstances in section 39(3)(a)-(d) apply	GMP&I, EHO	where council is the registration authority
s.39A	power to register food premises despite minor defects	GMP&I, EHO	where council is the registration authority only if satisfied of matters in subsections (2)(a)-(c)
s.39A(6)	duty to comply with a direction of Secretary	GMP&I, EHO	
s.40(1)	duty to issue a certificate of registration in the prescribed form	GMP&I, EHO	Where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.40(2)	power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <u>Public Health and Wellbeing Act 2008</u>	GMP&I, EHO	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	GMP&I, EHO	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	GMP&I, EHO	where council is the registration authority
s.40D(2)	duty to specify how long a suspension is to last under s.40D(1)	GMP&I	where council is the registration authority
S40E(4)	duty to comply with direction of Secretary	GMP&I	where council is the registration authority
s.43(1) and (2)	duty to maintain records of the prescribed particulars and orders in force under Part III	GMP&I, EHO	where council is the registration authority
s.43(3)	duty to make available information held in records, free of charge, on request	GMP&I, EHO	where council is the registration authority
s.43F(6)	duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	GMP&I, EHO	where council is the registration authority
S43F(7)	power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	GMP&I, EHO	where council is the registration authority
s.43I	function of receiving a statement of trade of a proprietor of a food business	GMP&I, EHO	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.46(5)	power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	GMP&I, EHO	where council is the registration authority

HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	power to sub-delegate Executive Director's functions	GMP&I	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	GMP&I	If authorised by the Minister
s.4G	function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister	GMP&I	
s.4H	duty to make amendment to Victoria Planning Provisions available	GMP&I	
s.4I	duty to keep Victoria Planning Provisions and other documents available	GMP&I	
s.8A(3)	power to apply to Minister to prepare an amendment to the planning scheme	GMP&I	
s.11(3)(b)	duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation	GMP&I	
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	GMP&I	

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 Planning and Environment (Planning Schemes) Act 1996)	GMP&I	
s.12B(1)	duty to review planning scheme	GMP&I	
s.12B(2)	duty to review planning scheme at direction of Minister	GMP&I	
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMP&I	
s.14	duties of a Responsible Authority as set out in subsections (a) to (d)	GMP&I	
s.17(1)	duty of giving copy amendment to the planning scheme	GMP&I	
s.17(2)	duty of giving copy s.173 agreement	GMP&I	
s.18	duty to make amendment etc. available	GMP&I	
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	GMP&I	
s.20(1)	power to apply to Minister for exemption from the requirements of s 19	GMP&I	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21(2)	duty to make submissions available	GMP&I, SP	SP with direction of GMP&I
s.21A(4)	duty to publish notice in accordance with section	GMP&I, SP	SP with direction of GMP&I
s.22	duty to consider all submissions	GMP&I	
s.23(2)	power to refer submissions to a panel	GMP&I, SP	SP with direction of GMP&I
s.24	function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	GMP&I, SP	SP with direction of GMP&I
s.26(1)	power to make report available for inspection	GMP&I	
s.26(2)	duty to keep report of panel available for inspection	GMP&I	
s.27(2)	power to apply for exemption if panel's report not received	GMP&I	
s.28	duty to notify the Minister if abandoning an amendment	GMP&I	Note: the power to make a decision to abandon an amendment cannot be delegated
s.30(4)(a)	duty to say if amendment has lapsed	GMP&I	
s.30(4)(b)	duty to provide information in writing upon request	GMP&I	
s.31	duty to submit adopted amendment to Minister and, if applicable, details under s.19(1B)	GMP&I	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.32(2)	duty to give more notice if required	GMP&I	
s.33(1)	duty to give more notice of changes to an amendment	GMP&I	
s.35A(2)	duty to not approve an amendment under s.35B unless the amendment has been certified by the Secretary	GMP&I	
s.35B(1)	power to approve amendment in form certified under s.35A	GMP&I	
s.35B(2)	duty to give to Minister notice of approval, copy of approved amendment and other documents	GMP&I	
s.36(2)	duty to give notice of approval of amendment	GMP&I	
s.38(5)	duty to give notice of revocation of an amendment	GMP&I	
s.39	function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT	GMP&I	
s.40(1)	function of lodging copy of approved amendment	GMP&I	
s.40(1A)	duty to lodge prescribed documents and copy of approved amendment with the relevant authorities	GMP&I	
s.41	duty to make approved amendment available	GMP&I, SP	SP with direction of GMP&I

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42	duty to make copy of planning scheme available	GMP&I, SP	SP with direction of GMP&I
s.46N(1)	duty to include condition in permit regarding payment of development infrastructure levy	GMP&I	
s.46N(2)(c)	function of determining time and manner for receipt of development contributions levy	GMP&I	
s.46N(2)(d)	power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMP&I	
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	GMP&I	
s.46O(1)(d) & (2)(d)	power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMP&I	
s.46P(1)	power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured	GMP&I	
s.46P(2)	power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMP&I	
s.46Q(1)	duty to keep proper accounts of levies paid	GMP&I	
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	GMP&I	

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.	GMP&I	
s.46Q(3)	power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMP&I	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	GMP&I	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	GMP&I	must be done in accordance with Part 3
s46Q(4)(e)	duty to expend that amount on other works etc.	GMP&I	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	GMP&I	
s.46V(3)	duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	Not Applicable	
s.46Y	duty to carry out works in conformity with the approved strategy plan	Not Applicable	
s.47	power to decide that an application for a planning permit does not comply with that Act	GMP&I, SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.49(1)	duty to keep a register of all applications for permits and determinations relating to permits	GMP&I, SP	
s.49(2)	duty to make register available for inspection	GMP&I, SP	
s.50(4)	duty to amend application	GMP&I, SP	
s.50(5)	power to refuse to amend application	GMP&I, SP	
s.50(6)	duty to make note of amendment to application in register	GMP&I, SP	
s.50A(1)	power to make amendment to application	GMP&I, SP	
s.50A(3)	power to require applicant to notify owner and make a declaration that notice has been given	GMP&I, SP	
s.50A(4)	duty to note amendment to application in register	GMP&I, SP	
s.51	duty to make copy of application available for inspection	GMP&I, SP	
s.52(1)(a)	duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	GMP&I, SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.52(1)(b)	duty to give notice of the application to other municipal councils where appropriate	GMP&I, SP	
s.52(1)(c)	duty to give notice of the application to all persons required by the planning scheme	GMP&I, SP	
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	GMP&, SP	
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	GMP&I, SP	
s.52(1)(d)	duty to give notice of the application to other persons who may be detrimentally effected	GMP&I, SP	
s.52(1AA)	duty to give notice of an application to remove or vary a registered restrictive covenant	GMP&I, SP	
s.52(1A)	power to refuse an application	GMP&I,SP	SP with direction of the GMP&IU\
s.52(3)	power to give any further notice of an application where appropriate	GMP&I, SP	
s.53(1)	power to require the applicant to give notice under section 52(1) to persons specified by it	GMP&I, SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53(1A)	power to require the applicant to give the notice under section 52(1AA)	GMP&I, SP	
s.54(1)	power to require the applicant to provide more information	GMP&I, SP	
s.54(1A)	duty to give notice in writing of information required under s.54(1)	GMP&I, SP	
s.54(1B)	duty to specify the lapse date for an application	GMP&I, SP	
s.54A(3)	power to decide to extend time or refuse to extend time to give required information	GMP&I, SP	
s.54A(4)	duty to give written notice of decision to extend or refuse to extend time und s.54A(3)	GMP&I, SP	
s.55(1)	duty to give copy application to every referral authority specified in the planning scheme	GMP&I, SP	
s.57(2A)	power to reject objections considered made primarily for commercial advantage for the objector	-	To be referred to Council
s.57(3)	function of receiving name and address of persons to whom notice of decision is to go	GMP&I, SP	
s.57(5)	duty to make available for inspection copy of all objections	GMP&I, SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57A(4)	duty to amend application in accordance with applicant's request, subject to s.57A(5)	GMP&I, SP	
s.57A(5)	power to refuse to amend application	GMP&I	
s.57A(6)	duty to note amendments to application in register	GMP&I, SP	
s.57B(1)	duty to determine whether and to whom notice should be given	GMP&I, SP	
s.57B(2)	duty to consider certain matters in determining whether notice should be given	GMP&I, SP	
s.57C(1)	duty to give copy of amended application to referral authority	GMP&I, SP	
s.58	duty to consider every application for a permit except for a development assessment committee application	GMP&I, PS	
s.60	duty to consider certain matters	GMP&I, SP	
s60(1A)	power to consider certain matters before deciding on application	GMP&I, SP	
s.61(1)(a)	power to decide to grant a permit	GMP&I, SP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act</i> 2006.

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.61(1)(b)	power to decide to grant a permit with conditions	GMP&I, SP	the permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act</i> 2006.
s.61(1)(c)	power to refuse the permit	GMP&I	
s.61(2)	duty to decide to refuse to grant a permit if referral authority objects to grant of permit	GMP&I, SP	
s.61(3)(a)	duty not to decide to grant a permit to use coastal Crown land without Minister's consent	GMP&I, SP	
s.61(3)(b)	duty to refuse to grant the permit without the Minister's consent	GMP&I, SP	
s.61(4)	duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	GMP&I, SP	
s.62(1)	duty to include certain conditions in deciding to grant a permit	GMP&I, SP	
s.62(2)	power to include other conditions	GMP&I, SP	
s.62(5)(a)	power to include a permit condition to implement an approved development contributions plan	GMP&I	
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	GMP&I, SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.62(5)(c)	power to include a permit condition that specified works be provided or paid for by the applicant	GMP&I	
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	GMP&I	
s.62(6)(b)	duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s.62(1)(a)	GMP&I	
s.63	duty to issue the permit where made a decision in favour of the application (if no one has objected)	GMP&I, SP	
s.64(1)	duty to give notice of decision to grant a permit to applicant and objectors	GMP&I, SP	
s.64(3)	duty not to issue a permit until after the specified period	GMP&I, SP	
s.65(1)	duty to give notice of refusal to grant permit to applicant and objector	GMP&I, SP	
s.66	duty to give notice under s.64 or s.65 and copy permit to referral authorities	GMP&I, SP	
s.69(1)	function of receiving application for extension of time of permit	GMP&I, SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.69(2)	power to extend time	GMP&I	
s.70	duty to make copy permit available for inspection	GMP&I, SP	
s.71(1)	power to correct certain mistakes	GMP&I, SP	
s.71(2)	duty to note corrections in register	GMP&I, SP	
s.73	power to decide to grant amendment subject to conditions	GMP&I	
s.74	duty to issue amended permit to applicant if no objectors	GMP&I, SP	
s.76	duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	GMP&I, SP	
s.76A	duty to give referral authorities copy of amended permit and copy of notice	GMP&I, SP	
s.76D	duty to comply with direction of Minister to issue amended permit	GMP&I, SP	
s.83	function of being respondent to an appeal	GMP&I, SP	
s.83B	duty to give or publish notice of application for review	GMP&I, SP	
s.84(1)	power to decide on an application at any time after an appeal is lodged against failure to grant a permit	GMP&I	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	GMP&I	
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	GMP&I	
s.84(6)	duty to issue permit on receipt of advice within 3 working days	GMP&I	
s.86	duty to issue a permit at order of Tribunal within 3 working days	GMP&I, SP	
s.87(3)	power to apply to VCAT for the cancellation or amendment of a permit	GMP&I	
s.90(1)	function of being heard at hearing of request for cancellation or amendment of a permit	GMP&I, SP	
s.91(2)	duty to comply with the directions of VCAT	GMP&I, SP	
s.91(2A)	Duty to issue amended permit to owner if Tribunal so directs	GMP&I, SP	
s.92	duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90	GMP&I, SP	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.93(2)	duty to give notice of VCAT order to stop development	GMP&I, SP	
s.95(3)	function of referring certain applications to the Minister	GMP&I, SP	
s.95(4)	duty to comply with an order or direction	GMP&I, SP	
s.96(1)	duty to obtain a permit from the Minister to use and develop its land	GMP&I	
s.96(2)	function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMP&I	
s.96A(2)	power to agree to consider an application for permit concurrently with preparation of proposed amendment	GMP&I	
s.96C	power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	GMP&I	
s.96F	duty to consider the panel's report under section 96E	GMP&I	

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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.97MCA(2)	function of consulting with advisory committee regarding the areas for which the Development Assessment Committee is to be established	GMP&I	
s.97MG	duty to provide documents and information to development assessment committee	GMP&I	
s.97MH	duty to provide assistance to the development assessment committee	GMP&I	
s.97MJ(2)	duty to ensure that the register of applications specifies whether the development assessment committee has made the decision	GMP&I	
s.97MK	function of nominating member of the development assessment committee	GMP&I	
s.97ML(4)	power to nominate alternate members of the development assessment committee	GMP&I	
s.97O	duty to consider application and issue or refuse to issue certificate of compliance	GMP&I	
s.97P(3)	duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	GMP&I	

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

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	power to apply for an interim enforcement order where s.114 application has been made	GMP&I	
s.123(1)	power to carry out work required by enforcement order and recover costs	GMP&I	
s.123(2)	power to sell buildings, materials, etc salvaged in carrying out work under s.123(1)	GMP&I	Except Crown Land
s.125	power to apply for an injunction restraining a person from contravening an enforcement order or interim enforcement order	GMP&I	
s.129	function of recovering penalties	GMP&I	
s.130(5)	power to allow person served with an infringement notice further time	GMP&I	
s.149A(1)	power to refer a matter to the VCAT for determination	GMP&I	
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)	GMP&I	Where council is the relevant planning authority

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.171(2)(f)	power to carry out studies and commission reports	GMP&I	
s.171(2)(g)	power to grant and reserve easements	GMP&I	
s.173	power to enter into agreement covering matters set out in s.174	GMP&I	
---	power to decide whether something is to the satisfaction of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires something to be to the satisfaction of Council or Responsible Authority	GMP&I	
---	power to give consent on behalf of Council, where an agreement made under section 173 of the <i>Planning and Environment Act</i> 1987 requires that something may not be done without the consent of Council or Responsible Authority	GMP&I	
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	GMP&I	
s.178	power to amend a s.173 agreement	GMP&I	
s.179(1)	duty to lodge agreement with Minister	GMP&I	
s.179(2)	duty to make available for inspection copy agreement	GMP&I	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.181	power to apply to the Registrar of Titles for registration of the agreement and to deliver a memorial to Registrar-General	GMP&I	
s.182	power to enforce an agreement	GMP&I	
s.183	duty to tell Registrar of Titles of ending/amendment of agreement	GMP&I	
s.198(1)	function to receive application for planning certificate	GMP&I	
s.199(1)	duty to give planning certificate to applicant	GMP&I	
s.201(1)	function of receiving application for declaration of underlying zoning	GMP&I	
s.201(3)	duty to make declaration	GMP&I	
-	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	GMP&I	
-	power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	GMP&I	

PLANNING AND ENVIRONMENT ACT 1987			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	GMP&I	
-	power to give written authorisation in accordance with a provision of a planning scheme	GMP&I	
s.201UAB(1)	function of providing the Growth Areas Authority with information relating to any land within municipal district	Not Applicable	
s.201UAB(2)	duty to provide the Growth Areas Authority with information requested under subsection (1) as soon as possible	Not Applicable	

PLANNING AND ENVIRONMENT REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
r 6	duty of responsible authority to provide copy of matter considered under section 60(1A)(g) for inspection free of charge	GMP&I	
r7	duty of responsible authority to provide copy information or report requested by Minister	GMP&I	
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	GMP&I	
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	GMP&I	

PLANNING AND ENVIRONMENT (FEES) <u>INTERIM</u> REGULATIONS 20<u>12</u>00 <u>*These regulations expire on 22 April 2013</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	COMMENTS
r. 13(1) <u>16</u>	power to waive or rebate fee in prescribed circumstances	GMP&I	
r. 13(2) <u>17</u>	power to waive or rebate fee for amendment to a planning scheme in prescribed circumstances	GMP&I	
r. 13(3) <u>18</u>	duty if fee waived or rebated to record the matters taken into account and which formed the basis of the decision	GMP&I	

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	duty to comply with a direction of the Safety Director under this section	GMP&I, P&CE, R&IE	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	GMP&I, P&CE, R&IE	duty of council as a road authority under the <i>Road Management Act 2004</i>
s.34	duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1)	GMP&I, P&CE, R&IE	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34D(1)	function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34D(2)	function of receiving written notice of opinion	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	GMP&I, P&CE, R&IE	where council is the relevant road manager

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34E(1)(a)	duty to identify and assess risks to safety	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34F(1)(b)	duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D(2)(a)	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34H	power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c)	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34I	function of entering into safety interface agreements	GMP&I, P&CE, R&IE	where council is the relevant road manager

RAIL SAFETY ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34J(2)	function of receiving notice from Safety Director	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	GMP&I, P&CE, R&IE	where council is the relevant road manager
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	GMP&I, P&CE, R&IE	where council is the relevant road manager

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	function of receiving notice regarding an unregistered rooming house	GMP&I, PPFC, EHO, MBS	
s.252	power to give tenant a notice to vacate rented premises if subsection (1) applies	GMP&I, PPFC, EHO, MBS	where council is the landlord
s.262(1)	power to give tenant a notice to vacate rented premises	GMP&I, PPFC, EHO, MBS	where council is the landlord
s.262(3)	power to publish its criteria for eligibility for the provision of housing by council	GMP&I, PPFC, EHO, MBS	
s.518F	power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	GMP&I, PPFC, EHO, MBS	
s.522(1)	power to give a compliance notice to a person	GMP&I, PPFC, EHO, MBS	
s.525(2)	power to authorise an officer to exercise powers in s.526 (either generally or in a particular case)	GMP&I, PPFC, EHO, MBS	
s.525(4)	duty to issue identity card to authorised officers	GMP&I, PPFC, EHO, MBS	
s.526(5)	duty to keep record of entry by authorised officer under section 526	GMP&I, PPFC, EHO, MBS	

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.526A(3)	function of receiving report of inspection	GMP&I, PPFC, EHO, MBS	
s.527	power to authorise a person to institute proceedings (either generally or in a particular case)	GMP&I, PPFC, EHO, MBS	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.7	function of entering into a written agreement with a caravan park owner	GMP&I, PPFC, EHO	
r.11	function of receiving application for registration	GMP&I, EHO	
r.13(1) & (2)	duty to grant the registration if (a) & (b) is satisfied	GMP&I, EHO	
r.13(4) & (5)	duty to issue certificate of registration	GMP&I, EHO	
r.15(1)	function of receiving notice of transfer of ownership	GMP&I, EHO	
r.15(3)	power to determine where notice of transfer is displayed	GMP&I, EHO	
r.16(1)	duty to transfer registration to new caravan park owner	GMP&I, EHO	
r.16(2)	duty to issue a certificate of transfer of registration	GMP&I, EHO	
r.17(1)	power to determine the fee to accompany applications for registration or applications for renewal of registration	GMP&I	
r.18	duty to keep register of caravan parks	GMP&I, EHO	
r.19(4)	power to determine where the emergency contact person's details are displayed	GMP&I, EHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.19(6)	power to determine where certain information is displayed	GMP&I, PPFC, EHO, MBS	
r.22(6)	duty to notify caravan park owners of emergency service agencies	GMP&I, PPFC, EHO, MBS	
r.22(7)	duty to consult with relevant emergency services agency	GMP&I, PPFC, EHO, MBS	
r.23(2)	power to determine places in which caravan park owner must display a copy of emergency procedures	GMP&I, PPFC, EHO, MBS	
r.24(1)	power to determine places in which caravan park owner must display copy of public emergency warnings	GMP&I, PPFC, EHO, MBS	
r.25(3)	duty to consult with relevant floodplain management authority	GMP&I, PPFC, EHO, MBS	
r.26	duty to have regard to any report of the relevant fire authority	GMP&I, PPFC, EHO, MBS	
r.28(c)	power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	GMP&I, PPFC, EHO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.39	function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	GMP&I, PPFC, EHO	
r.39(b)	power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	GMP&I, PPFC, EHO	
r.40(4)	function of receiving installation certificate	GMP&I, PPFC, EHO	
r.42	power to approve use of a non-habitable structure as a dwelling or part of a dwelling	GMP&I, PPFC, EHO, MBS	
Schedule 3 clause 4(3)	power to approve the removal of wheels and axles from unregistrable movable dwelling	GMP&I, PPFC, EHO, MBS	

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	GMP&I	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	GMP&I	Following consultation with Council
s11(9)(b)	duty to advise Registrar	GMP&I	
s11(10)	duty to inform Secretary to Department of Sustainability and Environment of declaration etc.	GMP&I	
s.12(2)	power to discontinue road or part of a road	GMP&I	were council is the coordinating road authority
s12(4)	power to publish, and provide copy, notice of proposed discontinuance	GMP&I	power of coordinating road authority unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	GMP&I	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	GMP&I	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	GMP&I	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s12(10)	duty to notify of decision made	GMP&I	duty of coordinating road authority does not apply where an exemption is specified by the regulations or given by the Minister
s13(1)	power to fix a boundary road by publishing notice in Government Gazette	GMP&I	power of coordinating road authority and obtain consent under s13(3) and s13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	GMP&I	
s14(7)	power to appeal against decision of VicRoads	GMP&I	
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 or provider of public transport	GMP&I	
s15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMP&I	
s15(2)	duty to include details of arrangement in public roads register	GMP&I	
s16(7)	power to enter into an arrangement under s15	GMP&I	

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	GMP&I	
s17(2)	duty to register public road in public roads register	GMP&I	power of coordinating road authority
s17(3)	power to decide that a road is reasonably required for general public use	GMP&I	power of coordinating road authority
s17(3)	duty to register a road reasonably required for general public use in public roads register	GMP&I	power of coordinating road authority
s17(4)	power to decide that a road is no longer reasonably required for general public use	GMP&I	power of coordinating road authority
s17(4)	duty to remove road no longer reasonably required for general public use from public roads register	GMP&I	power of coordinating road authority
s18(1)	power to designate ancillary area	GMP&I	power of coordinating road authority, and obtain consent in circumstances specified in s18(2)
s18(3)	duty to record designation in public roads register	GMP&I	power of coordinating road authority
s19(1)	duty to keep register of public roads in respect of which it is the coordinating road authority	GMP&I	
s19(4)	duty to specify details of discontinuance in public roads register	GMP&I	
s19(5)	duty to ensure public roads register is available for public inspection	GMP&I	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.21	function of replying to request for information or advice	GMP&I	obtain consent in circumstances specified in s11(2)
s.22(2)	function of commenting on proposed direction	GMP&I	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	GMP&I	
s.22(5)	duty to give effect to a direction under this section.	GMP&I	
s.40(1)	duty to inspect, maintain and repair a public road.	GMP&I, P&CE, R&IE	
s.40(5)	power to inspect, maintain and repair a road which is not a public road	GMP&I, P&CE, R&IE	
s42(1)	power to declare a public road as a controlled access road	GMP&I, P&CE, R&IE	power of coordinating road authority and Schedule 2 also applies
s42(2)	power to amend or revoke declaration by notice published in Government Gazette	GMP&I	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	GMP&I, P&CE, R&IE	where council is the coordinating road authority if road is a municipal road or part thereof

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	GMP&I, P&CE, R&IE	where council is the coordinating road authority if road is a municipal road or part thereof and where road is to be specified a freight road
s.48EA	duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMP&I, P&CE, R&IE	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the Secretary for purposes of developing guidelines under section 48M	GMP&I	
s.48N	duty to notify the Secretary of the location of the bus stopping point and the action taken by council	GMP&I, P&CE, R&IE	
s.49	power to develop and publish a road management plan	GMP&I, P&CE, R&IE	
s.51	power to determine standards by incorporating the standards in a road management plan	GMP&I, P&CE, R&IE	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMP&I, P&CE, R&IE	
s.54(2)	duty to give notice of proposal to make a road management plan	GMP&I, P&CE, R&IE	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	GMP&I, P&CE, R&IE	
s.54(6)	power to amend road management plan	GMP&I, P&CE, R&IE	
s.54(7)	duty to incorporate the amendments into the road management plan	GMP&I, P&CE, R&IE	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMP&I, P&CE, R&IE	
s.63(1)	power to consent to conduct of works on road	GMP&I, P&CE, R&IE	where council is the coordinating road authority
s.63(2)(e)	power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	GMP&I, P&CE, R&IE	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	GMP&I	where council is the infrastructure manager or works manager
s.66(1)	power to consent to structure etc	GMP&I, P&CE, R&IE	where council is the coordinating road authority
s.67(2)	function of receiving the name & address of the person responsible for distributing the sign or bill	GMP&I, P&CE, R&IE	where council is the coordinating road authority
s.67(3)	power to request information	GMP&I, P&CE, R&IE	where council is the coordinating road authority
s.68(2)	power to request information	GMP&I, P&CE, R&IE	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(3)	power to appoint an authorised officer	GMP&I	following consultation with the CEO
s.72	duty to issue an identity card to each authorised officer	GMP&I	
s.85	function of receiving report from authorised officer	GMP&I	
s.86	duty to keep register re s85 matters	GMP&I	
s.87(1)	function of receiving complaints	GMP&I	
s.87(2)	power <u>duty</u> to investigate complaint and provide report	GMP&I	
s.112(2)	power to recover damages in court	GMP&I	
s.116	power to cause or carry out inspection	GMP&I, P&CE, R&IE	
s.119(2)	function of consulting with VicRoads	GMP&I, P&CE, R&IE	
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	GMP&I, P&CE, R&IE	
s.120(2)	power to seek consent of VicRoads	GMP&I, P&CE, R&IE	
s.121(1)	power to enter into an agreement re works	GMP&I	
s.122(1)	power to charge and recover fees	GMP&I	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.123(1)	power to charge for any service	GMP&I	
Schedule 2 Clause 2(1)	power to make a decision re controlled access roads	GMP&I, P&CE, R&IE	
Schedule 2 Clause 3(1)	power to make policy about controlled access roads	GMP&I	
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	GMP&I	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	GMP&I, P&CE, R&IE	
Schedule 2 Clause 5	duty to publish notice of declaration	GMP&I, P&CE, R&IE	
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	GMP&I, P&CE, R&IE	where council is the infrastructure manager or works manager
Schedule 7, Clause 8(1)	duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	GMP&I, P&CE, R&IE	where council is the 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	GMP&I, P&CE, R&IE	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where infrastructure manager or works manager 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	GMP&I, P&CE, R&IE	where council is the infrastructure manager or works manager
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	GMP&I, P&CE, R&IE	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	GMP&I, P&CE, R&IE	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	GMP&I, P&CE, R&IE	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	GMP&I, P&CE, R&IE	where council is the coordinating road authority
Schedule 7 Clause 12(5)	power to recover costs	GMP&I	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	GMP&I, P&CE, R&IE	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	GMP&I	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	GMP&I, P&CE, R&IE	where council is the infrastructure manager
Schedule 7 Clause 16(1)	power to consent to proposed works	GMP&I	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	GMP&I, P&CE, R&IE	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	GMP&I, P&CE, R&IE	where council is the coordinating road authority
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	GMP&I, P&CE, R&IE	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	GMP&I, P&CE, R&IE	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent	GMP&I	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 18(1)	power to enter into an agreement	GMP&I	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	GMP&I, P&CE, R&IE	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	GMP&I, P&CE, R&IE	where council is the coordinating road authority
Schedule 7 Clause 20(1)	power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	GMP&I, P&CE, R&IE	where council is the coordinating road authority
Schedule 7A Clause 2	power to cause street lights to be installed on roads	GMP&I, P&CE, R&IE	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	GMP&I	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	GMP&I	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	GMP&I	where council is responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.301(1)	duty to conduct reviews of road management plan	GMP&I	
r.302(2)	duty to give notice of review of road management plan	GMP&I	
r.302(5)	duty to produce written report of review of road management plan and make report available	GMP&I, P&CE, R&IE	
r.303	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	GMP&I	
r.306(2)	duty to record on road management plan the substance and date of effect of amendment	GMP&I, P&CE, R&IE	
r.501(1)	power to issue permit	GMP&I, P&CE, R&IE	where council is the coordinating road authority
r.501(4)	power to charge fee for issuing permit under r.501(1)	GMP&I	where council is the 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	GMP&I, P&CE, R&IE	where council is the coordinating road authority
r.508(3)	power to make submission to Tribunal	GMP&I, P&CE, R&IE	where council is the coordinating road authority
r.509(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	GMP&I, P&CE, R&IE	where council is the responsible road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.509(2)	power to sell or destroy things removed from road or part of road (after first complying with r.509(3))	GMP&I	where council is the responsible road authority
r.509(4)	power to recover in the Magistrates' Court, expenses from person responsible	GMP&I	

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	GMP&I	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.18(2)	power to waive whole or part of fee in certain circumstances	GMP&I	where council is the coordinating road authority