S6. Instrument of Delegation – Members of Staff

Mildura Rural City Council

Instrument of Delegation

to

Members of Council Staff
## Document Control Page

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### Document History

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<tr>
<td>1.0</td>
<td>27 May 2010</td>
<td>Inclusion of Cemeteries &amp; Crematoria Act 2003</td>
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<td>Name change to Domestic Animals Act 1994</td>
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<td>Additions to the Food Act 1984</td>
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<td>Delegation of the Health Act 1958</td>
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<td>Additions to the Planning &amp; Environment Act 1987</td>
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<td>Additions to the Road Management Act 2004</td>
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<td>Inclusion of the Cemeteries &amp; Crematoria Regulations 2005</td>
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<td>Minor amendment to the Planning &amp; Environment (Fees) Regulations 2000</td>
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<td>Minor changes to the Residential Tenancies (Caravan Parks &amp; Movable</td>
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<td>Dwellings Registration &amp; Standards) Regulations 1999</td>
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<tr>
<td>2.0</td>
<td>22 July 2010</td>
<td>Changes to positions to reflect new organisational structure</td>
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<td>3.0</td>
<td>25 Nov 2010</td>
<td>Inclusion of Residential Tenancies (Caravan Parks and Moveable Dwellings</td>
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<td>Registration and Standards) Regulations 2010.</td>
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<td>Tidying up of Food Act 1984 delegations</td>
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<td>9.0</td>
<td>February 2014</td>
<td>Maddocks Delegations &amp; Authorisation Update – December 2013</td>
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<td>10.0</td>
<td>November 2014</td>
<td>Maddocks Delegations &amp; Authorisation Update – August 2014</td>
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<td>11.0</td>
<td>February 2015</td>
<td>Maddocks Delegations &amp; Authorisation Update – February 2015</td>
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<td>12.0</td>
<td>August 2015</td>
<td>Maddocks Delegations &amp; Authorisation Update – June 2015</td>
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Instrument of Delegation

In the 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:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Means</th>
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</thead>
<tbody>
<tr>
<td>AMTL</td>
<td>Asset Management Team Leader</td>
</tr>
<tr>
<td>CEO</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>ELT</td>
<td>Executive Leadership Team (which consists of CEO, GMCS, GMC &amp; GMD)</td>
</tr>
<tr>
<td>CSP</td>
<td>Coordinator Strategic Planning</td>
</tr>
<tr>
<td>CTL</td>
<td>Cemetery Team Leader</td>
</tr>
<tr>
<td>E</td>
<td>Engineer</td>
</tr>
<tr>
<td>ENTL</td>
<td>Enforcement Team Leader</td>
</tr>
<tr>
<td>EHO</td>
<td>Environmental Health Officer</td>
</tr>
<tr>
<td>ETL</td>
<td>Engineering Team Leader</td>
</tr>
<tr>
<td>GC</td>
<td>Governance Coordinator</td>
</tr>
<tr>
<td>GMD</td>
<td>General Manager Development</td>
</tr>
<tr>
<td>GMC</td>
<td>General Manager Community</td>
</tr>
<tr>
<td>GMCS</td>
<td>General Manager Corporate</td>
</tr>
<tr>
<td>EHC</td>
<td>Environmental Health Coordinator</td>
</tr>
<tr>
<td>MBS</td>
<td>Municipal Building Surveyor</td>
</tr>
<tr>
<td>MCcCS</td>
<td>Manager Community Care Services</td>
</tr>
<tr>
<td>MCF</td>
<td>Manager Community Futures</td>
</tr>
<tr>
<td>MDS</td>
<td>Manager Development Services</td>
</tr>
<tr>
<td>MAS</td>
<td>Manager Asset Services</td>
</tr>
<tr>
<td>MFS</td>
<td>Manager Financial Services</td>
</tr>
<tr>
<td>MWIS</td>
<td>Manager Works &amp; Infrastructure Services</td>
</tr>
<tr>
<td>RSO</td>
<td>Road Safety Officer</td>
</tr>
<tr>
<td>SO</td>
<td>Subdivisions Officer</td>
</tr>
<tr>
<td>STO-ES</td>
<td>Senior Technical Officer – Engineering Services</td>
</tr>
<tr>
<td>STP</td>
<td>Senior Town Planner</td>
</tr>
<tr>
<td>LLC</td>
<td>Local Laws Coordinator</td>
</tr>
<tr>
<td>LLO</td>
<td>Local Laws Officer</td>
</tr>
<tr>
<td>SPC</td>
<td>Statutory Planning Coordinator</td>
</tr>
</tbody>
</table>
3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on Thursday 24 September 2015; and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

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

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

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

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

a. policy; or

b. strategy

adopted by Council; or

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

3.3.4 if the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
THE COMMON SEAL of the MILDURA RURAL CITY COUNCIL was affixed hereto by authority of the Council in the presence of:

COUNCILLOR
CR MUNGE

COUNCILLOR
CR JOSLIN

CHIEF EXECUTIVE OFFICER

24 SEPTEMBER 2015 DATE
SCHEDULE
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<td>Road Management (Works and Infrastructure) Regulations 2005</td>
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CEMETERIES AND CREMATORIA ACT 2003

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

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<td>DELEGATE</td>
<td>CONDITIONS &amp; LIMITATIONS</td>
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<tr>
<td>s.8(1)(a)(ii)</td>
<td>Power to manage one or more public cemeteries</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Where appointed to manage cemetery by Governor in Council</td>
</tr>
<tr>
<td>s.12(2)</td>
<td>Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act.</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Where Council is a Class B cemetery trust</td>
</tr>
<tr>
<td>s.12(1)</td>
<td>Duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Where Council is a Class B cemetery trust</td>
</tr>
<tr>
<td>s.12A(1)</td>
<td>Function to do the activities set out in paragraphs (a) – (n)</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>S.12A(2)</td>
<td>Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.13</td>
<td>Duty to do anything necessary or convenient to enable it to carry out its functions</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
</tr>
<tr>
<td>s.14</td>
<td>Power to manager multiple public cemeteries as if they are one cemetery</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
</tr>
<tr>
<td>s.15(1) and (2)</td>
<td>Power to delegate powers or functions other than those listed</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
</tr>
<tr>
<td>s.15(4)</td>
<td>Duty to keep records of delegations</td>
<td>GMCS, GMD, MCA</td>
<td></td>
</tr>
<tr>
<td>s.17(1)</td>
<td>Power to employ any persons necessary</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
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</tbody>
</table>
## CEMETERIES AND CREMATORIA ACT 2003

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

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<td>s.17(2)</td>
<td>Power to engage any professional, technical or other assistance considered necessary</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
</tr>
<tr>
<td>s.17(3)</td>
<td>Power to determine the terms and conditions of employment or engagement</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Subject to any guidelines or directions of the Secretary</td>
</tr>
<tr>
<td>s.18(3)</td>
<td>Duty to comply with a direction from the Secretary</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
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<tr>
<td>s.18B(1) &amp; (2)</td>
<td>Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18C</td>
<td>Power to determine the membership of the governance committee</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18D</td>
<td>Power to determine procedure of governance committee</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18D(1)(a)</td>
<td>Duty to appoint community advisory committee for the purpose of liaising with communities</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18D(1)(b)</td>
<td>Power to appoint any additional community advisory committees</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18D(2)</td>
<td>Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a class A cemetery trust</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
</tbody>
</table>
## CEMETERIES AND CREMATORIA ACT 2003

### PREFACE

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

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<td>s.18D(3)</td>
<td>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</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18F(2)</td>
<td>Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18H(1)</td>
<td>Duty to hold an annual meeting before 30 December in each calendar year, in accordance with section</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18I</td>
<td>Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18J</td>
<td>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))</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
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<tr>
<td>s.18L(1)</td>
<td>Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18N(1)</td>
<td>Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
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</tbody>
</table>
CEMETERIES AND CREMATORIA ACT 2003

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

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<tr>
<td>s.18N(3)</td>
<td>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</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18N(5)</td>
<td>Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within three months</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18N(7)</td>
<td>Duty to ensure that an approved annual plan is available to members of the public on request</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18O(1)</td>
<td>Duty to prepare a strategic plan and submit the plan to the Secretary for approval</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18O(4)</td>
<td>Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18O(5)</td>
<td>Duty to ensure that an approved strategic plan is available to members of the public on request</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.18Q(1)</td>
<td>Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>s.19</td>
<td>Power to carry out or permit the carrying out of works</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
</tr>
<tr>
<td>s.20(1)</td>
<td>Duty to set aside areas for the interment of human remains</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
</tr>
<tr>
<td>Column 1</td>
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<td>Column 3</td>
<td>Column 4</td>
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<tr>
<td><strong>PROVISION</strong></td>
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<td><strong>DELEGATE</strong></td>
<td><strong>CONDITIONS &amp; LIMITATIONS</strong></td>
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<td>s.20(2)</td>
<td>Power to set aside areas for the purposes of managing a public cemetery</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
</tr>
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<td>s.20(3)</td>
<td>Power to set aside areas for those things in paragraphs (a) – (e)</td>
<td>GMCS, GMD, MFS, MBES</td>
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</tr>
<tr>
<td>s.21(1)</td>
<td>Power to establish and operate a crematorium in a public cemetery</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>Council must not establish or operate a crematorium set aside for particular religious or community groups</td>
</tr>
<tr>
<td>s.22</td>
<td>Power to establish mausolea facilities</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>Subject to the prior written approval of the Secretary</td>
</tr>
<tr>
<td>s.24(2)</td>
<td>Power to apply to the Secretary for approval to alter the existing distribution of land</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
</tr>
<tr>
<td>s.26(1)</td>
<td>Power to make rules for or with respect to the general care, protection and management of a public cemetery</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
</tr>
<tr>
<td>s.36</td>
<td>Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Subject to the approval of the Minister</td>
</tr>
<tr>
<td>s.37</td>
<td>Power to grant leases over land in a public cemetery in accordance with this section</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Subject to the Minister approving the purpose</td>
</tr>
<tr>
<td>s.39(1)</td>
<td>Power to fix fees and charges or a scale of fees and charges for its services in accordance with this section</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Subject to the approval of the Secretary under section 40 unless exempt under section 40A</td>
</tr>
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</table>
## CEMETERIES AND CREMATORIA ACT 2003

[### The provisions of this Act apply to Council's appointed as a cemetery trust under section 5 of this Act, and also apply to Council's appointed to manage a public cemetery under section 8(1)(a(ii) as though it was a cemetery trust (see section 53)]

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<td>s.39(3)</td>
<td>Power to fix different fees and charges for different cases or classes of cases</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.40</td>
<td>Duty to notify Secretary of fees and charges fixed under section 39</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.45</td>
<td>Power to invest money</td>
<td>GMCS, MFS</td>
<td>Subject to any direction of the Minister</td>
</tr>
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<td>This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing &amp; investment powers are governed by the Local Government Act 1989</td>
</tr>
<tr>
<td>s.46</td>
<td>Power to borrow money to enable it to perform its functions and exercise its powers</td>
<td>GMCS, MFS</td>
<td>Subject to the approval and conditions of the Treasurer</td>
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<td>This provision does not apply if the management of the public cemetery is a municipal council, not a cemetery trust. In this case, the borrowing &amp; investment powers are governed by the Local Government Act 1989</td>
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<tr>
<td>s.47</td>
<td>Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Provided the street was constructed pursuant to the Local Government Act 1989</td>
</tr>
<tr>
<td>s.57(1)</td>
<td>Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Applies only to municipal council's not cemetery trusts</td>
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<td>Report must contain the particulars listed in s.57(2)</td>
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## CEMETERIES AND CREMATORIA ACT 2003

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

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<td>s.59</td>
<td>Duty to keep records for each public cemetery</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.60(1)</td>
<td>Duty to make information in records available to the public for historical or research purposes</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
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<tr>
<td>s.60(2)</td>
<td>Power to charge fees for providing information</td>
<td>GMCS, GMD, MFS</td>
<td></td>
</tr>
<tr>
<td>s.64(4)</td>
<td>Duty to comply with a direction from the Secretary under section 64(3)</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
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<tr>
<td>s.64B(d)</td>
<td>Power to permit interments at a reopened cemetery</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
</tr>
<tr>
<td>s.66(1)</td>
<td>Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>The application must include the requirements listed in s.66(2)(a)-(d)</td>
</tr>
<tr>
<td>s.69</td>
<td>Duty to take reasonable steps to notify of conversion to historic cemetery park</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
</tr>
<tr>
<td>s.70(1)</td>
<td>Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
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<tr>
<td>s.70(2)</td>
<td>Duty to make plans of existing place of interment available to the public</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
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## CEMETERIES AND CREMATORIA ACT 2003

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<td>s.71(1)</td>
<td>Power to remove any memorial or other structure in an area to which an approval to convert applies</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
</tr>
<tr>
<td>s.71(2)</td>
<td>Power to dispose of any memorial or other structure removed</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
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<tr>
<td>s.72(2)</td>
<td>Duty to comply with request received under section 72</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
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<tr>
<td>s.73(1)</td>
<td>Power to grant a right of interment</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
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<tr>
<td>s.73(2)</td>
<td>Power to impose conditions on the right of interment</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
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<tr>
<td>s.75</td>
<td>Power to grant the rights of interment set out in subsections (a) and (b)</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
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<tr>
<td>s.76(3)</td>
<td>Duty to allocate a piece of interment if an unallocated right is granted</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
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<tr>
<td>s.77(4)</td>
<td>Power to authorise and impose terms and conditions on the removal of cremated remains or body parts from the place of interment on application</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.80(1)</td>
<td>Function of receiving notification and payment of transfer of right of interment</td>
<td>GMCS, MFS</td>
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### CEMETERIES AND CREMATORIA ACT 2003

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<td>s.80(2)</td>
<td>Function of recording transfer of right of interment</td>
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<td>s.82(2)</td>
<td>Duty to pay refund on the surrender of an unexercised right of interment</td>
<td>GMCS, MFS</td>
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<tr>
<td>s.83(2)</td>
<td>Duty to pay refund on the surrender of an unexercised right of interment (sole holder)</td>
<td>GMCS, MFS</td>
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<tr>
<td>s.83(3)</td>
<td>Power to remove any memorial and grant another right of interment for a surrendered right of interment</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.84(1)</td>
<td>Function of receiving notice of surrendering an entitlement to a right of interment</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.85(1)</td>
<td>Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry</td>
<td>N/A</td>
<td>The notice must be in writing and contain the requirements listed in s.85(2)</td>
</tr>
<tr>
<td>s.86</td>
<td>Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>s.86(2)</td>
<td>Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>This provision is not yet in force and will commence on 1 February 2016, if not proclaimed earlier</td>
</tr>
<tr>
<td>s.86(3)(a)</td>
<td>Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>This provision is not yet in force and will commence on 1 February 2016, if not proclaimed earlier</td>
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<td>s.86(3)(b)</td>
<td>Power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>This provision is not yet in force and will commence on 1 February 2016, if not proclaimed earlier</td>
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<tr>
<td>s.86(4)</td>
<td>Power to take action under s.86(4) relating to removing and re-interring cremated human remains</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>This provision is not yet in force and will commence on 1 February 2016, if not proclaimed earlier</td>
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<td>s.86(5)</td>
<td>Duty to provide notification before taking action under s.86(4)</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>This provision is not yet in force and will commence on 1 February 2016, if not proclaimed earlier</td>
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<tr>
<td>s.86A</td>
<td>Duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>This provision is not yet in force and will commence on 1 February 2016, if not proclaimed earlier</td>
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<tr>
<td>s.87(3)</td>
<td>Duty, if request, to extend the right for a further 25 years or convert the right to a perpetual right of interment</td>
<td>N/A</td>
<td></td>
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<tr>
<td>s.88</td>
<td>Function to receive applications to carry out a lift and re-position procedure at a place of interment</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.89(1)</td>
<td>Power to approve or refuse an application for a lift and re-position procedure in accordance with subsection (2) &amp; (3)</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>Can only be delegated to members of a committee established under section 86 of the Local Government Act 1989</td>
</tr>
<tr>
<td>s.90</td>
<td>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)</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Can only be delegated to members of a committee established under section 86 of the Local Government Act 1989</td>
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<td>s.91(1)</td>
<td>Power to cancel a right of interment in accordance with this section</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.91(3)</td>
<td>Duty to publish notice of intention to cancel right of interment</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.92</td>
<td>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</td>
<td>GMCS, MFS</td>
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<tr>
<td>s.98(1)</td>
<td>Function of receiving application to establish or alter a memorial or a place of interment</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.99</td>
<td>Power to approve or refuse an application made under section 98, or to cancel an approval</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
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<tr>
<td>s.99(4)</td>
<td>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</td>
<td>GMCS, GMD, MFS, MBES</td>
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<td>s.100(1)</td>
<td>Power to require a person to remove memorials or places of interment</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.100(2)</td>
<td>Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)</td>
<td>GMCS, GMD, MFS, MBES</td>
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<td>s.100(3)</td>
<td>Power to recover costs of taking action under section 100(2)</td>
<td>GMCS, MFS</td>
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<td>s.101</td>
<td>Function of receiving applications to establish or alter a building for ceremonies in the cemetery</td>
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<td>GMCS, GMD, MFS, MBE5</td>
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<td>s.102(1)</td>
<td>Power to approve or refuse (if satisfied of the matters in (b) and (c)) an application under section 101</td>
<td>GMCS, GMD, MFS, MBE5</td>
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<tr>
<td>s.102(2) &amp; (3)</td>
<td>Power to set terms and conditions in respect of, or to cancel, an approval granted under section 102</td>
<td>GMCS, GMD, MFS, MBE5</td>
<td></td>
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<tr>
<td>s.103(1)</td>
<td>Power to require a person to remove a building for ceremonies</td>
<td>GMCS, GMD, MFS, MBE5</td>
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<tr>
<td>s.103(2)</td>
<td>Power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103</td>
<td>GMCS, MFS</td>
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<tr>
<td>s.103(3)</td>
<td>Power to recover costs of taking action under section 103</td>
<td>GMCS, MFS</td>
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<td>s.106(1)</td>
<td>Power to require the holder of the right of interment to provide for an examination</td>
<td>GMCS, GMD, MFS, MBE5</td>
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<tr>
<td>s.106(2)</td>
<td>Power to require the holder of the right of interment to provide for an examination if section 106(2) not complied with</td>
<td>GMCS, GMD, MFS, MBE5</td>
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<tr>
<td>s.106(3)</td>
<td>Power to open and examine the place of interment</td>
<td>GMCS, GMD, MFS, MBE5</td>
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<tr>
<td>s.106(4)</td>
<td>Power to repair or – with the approval of the Secretary – take down, remove and dispose of any memorial or place of interment if notice under section 106(1) is not complied with</td>
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<td>s.107(1)</td>
<td>Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.107(2)</td>
<td>Power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.108</td>
<td>Power to recover costs and expenses</td>
<td>GMCS, MFS</td>
<td></td>
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<tr>
<td>s.109(1)(a)</td>
<td>Power to open, examine and repair a place of interment</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Where the holder of right of interment or responsible person cannot be found</td>
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<tr>
<td>s.109(1)(b)</td>
<td>Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Where the holder of right of interment or responsible person cannot be found</td>
</tr>
<tr>
<td>s.109(2)</td>
<td>Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>Where the holder of right of interment or responsible person cannot be found</td>
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<tr>
<td>s.110(1)</td>
<td>Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder, with consent of the Secretary</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
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<tr>
<td>s.110(2)</td>
<td>Power to maintain, repair or restore any buildings for ceremonies from other funds if unable to find responsible person and with consent of the Secretary</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
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<td>s.110A</td>
<td>Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran</td>
<td>GMCS, MFS</td>
<td>This provision is not yet in force and will commence on 1 February 2016, if not proclaimed earlier</td>
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<td>s.111</td>
<td>Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.112</td>
<td>Power to sell and supply memorials</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>s.116(4)</td>
<td>Duty to notify the Secretary of an interment authorisation granted</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
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<tr>
<td>s.116(5)</td>
<td>Power to require an applicant to produce evidence of the right of interment holder's consent to application</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td></td>
</tr>
<tr>
<td>s.118</td>
<td>Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
</tr>
<tr>
<td>s.119</td>
<td>Power to set terms and conditions for interment authorisations</td>
<td>GMCS, GMD, MFS, MBES</td>
<td></td>
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<tr>
<td>s.131</td>
<td>Function of receiving an application for cremation authorisation</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>s.133(1)</td>
<td>Duty not to grant a cremation authorisation unless satisfied that requirements of section 133 have been complied with</td>
<td>N/A</td>
<td>Subject to subsection (2)</td>
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### CEMETERIES AND CREMATORIA ACT 2003

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<td><strong>PROVISION</strong></td>
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<tr>
<td>s.145</td>
<td>Duty to comply with an order made by the Magistrates' Court or a coroner</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.146</td>
<td>Power to dispose of bodily remains by a method other than interment or cremation with the approval of the Secretary</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
<td>Subject to the approval of the Secretary</td>
</tr>
<tr>
<td>s.147</td>
<td>Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
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<tr>
<td>s.149</td>
<td>Duty to cease using method of disposal if approval revoked by the Secretary</td>
<td>GMCS, GMD, MFS, MBES, CTL</td>
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<tr>
<td>s.150 &amp; 152(1)</td>
<td>Power to authorise the interment or cremation of body parts if the requirements of Division 1 or Part 11 are met</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.151</td>
<td>Function of receiving an application to inter or cremate body parts</td>
<td>GMCS, GMD, MFS, MBES</td>
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<tr>
<td>s.152(2)</td>
<td>Power to impose terms and conditions on authorisation granted under section 150</td>
<td>GMCS, GMD, MFS, MBES</td>
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<td>Schedule 1 Clause 8(3)</td>
<td>Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Where Council is a Class B cemetery trust</td>
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<tr>
<td>Schedule 1 Clause 8(8)</td>
<td>Power to regulate own proceedings</td>
<td>GMCS, GMD, MFS, MBES</td>
<td>Where Council is a Class B Cemetery Trust</td>
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</tr>
<tr>
<td>Schedule 1A Clause 8(3)</td>
<td>Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication</td>
<td>N/A</td>
<td>Where Council is a Class A cemetery trust</td>
</tr>
<tr>
<td>Schedule 1A Clause 8(8)</td>
<td>Power to regulate own proceedings</td>
<td>N/A</td>
<td>Where Council is a Class A Cemetery Trust subject to Clause 8</td>
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### DOMESTIC ANIMALS ACT 1994

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<tr>
<td>s.41A(1)</td>
<td>Power to declare a dog to be a menacing dog</td>
<td>GMD, MDS, LLC, SLLO</td>
<td>Council may delegate this power to an authorised officer</td>
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### ENVIRONMENT PROTECTION ACT 1970

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<td>s.53M(3)</td>
<td>Power to require further information</td>
<td>GMD, MDS, EHC</td>
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<td>s.53M(4)</td>
<td>Duty to advise applicant that application is not to be dealt with</td>
<td>GMD, MDS, EHC</td>
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<tr>
<td>s.53M(5)</td>
<td>Duty to approve plans, issue permit or refuse permit</td>
<td>GMD, MDS, EHC, EHO</td>
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<td>s.53M(6)</td>
<td>Power to refuse to issue septic tank permit</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>s.53M(7)</td>
<td>Duty to refuse to issue a permit in circumstances in (a)-(c)</td>
<td>GMD, MDS, EHC, EHO</td>
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### FOOD ACT 1984

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<tr>
<td>s.19(2)(a)</td>
<td>Power to direct by written order that the food premises be put into a clean and sanitary condition</td>
<td>GMD, MDS, EHC, EHO</td>
<td>If section 19(1) applies</td>
</tr>
<tr>
<td>s.19(2)(b)</td>
<td>Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable</td>
<td>GMD, MDS, EHC, EHO</td>
<td>If section 19(1) applies</td>
</tr>
<tr>
<td>s.19(4)(a)</td>
<td>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</td>
<td>GMD, MDS, EHC, EHO</td>
<td>If section 19(1) applies</td>
</tr>
<tr>
<td>s.19(6)(a)</td>
<td>Duty to revoke any order under s.19 if satisfied that an order has been complied with</td>
<td>GMD, MDS, EHC, EHO</td>
<td>If section 19(1) applies</td>
</tr>
<tr>
<td>s.19(5)(b)</td>
<td>Duty to give written notice of revocation under section 19(5)(a) if satisfied that an order has been complied with</td>
<td>GMD, MDS, EHC, EHO</td>
<td>If section 19(1) applies</td>
</tr>
<tr>
<td>s.19AA(2)</td>
<td>Power to direct, by written order, that a person must take any of the actions described in (a) – (c)</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
</tr>
<tr>
<td>s.19AA(4)(c)</td>
<td>Power to direct, in an order made under s.19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Note: the power to direct the matters under s.19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution</td>
</tr>
<tr>
<td>s.19AA(7)</td>
<td>Duty to revoke order issued under s.19AA and give written notice of revocation, if satisfied that the order has been complied with</td>
<td>GMD, MDS, EHC</td>
<td>Where Council is the registration authority</td>
</tr>
<tr>
<td>s.19CB(4)(b)</td>
<td>Power to request copy of records</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<td>s.19E(1)(d)</td>
<td>Power to request a copy of the food safety program</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
</tr>
<tr>
<td>s.19GB</td>
<td>Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
</tr>
<tr>
<td>s.19M(4)(a) &amp; (5)</td>
<td>Power to conduct a food safety audit and take actions where deficiencies are identified</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
</tr>
<tr>
<td>s.19NA(1)</td>
<td>Power to request food safety audit reports</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.19U(3)</td>
<td>Power to waive and vary the costs of a food safety audit if there are special circumstances</td>
<td>GMD, MDS, EHC</td>
<td></td>
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<tr>
<td>s.19UA</td>
<td>Power to charge fees for conducting a food safety assessment or inspection</td>
<td>GMD, MDS, EHC</td>
<td>Except for an assessment required by a declaration under section 19C or an inspection under sections 38B(1)(c) or 39</td>
</tr>
<tr>
<td>s.19W</td>
<td>Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Power of registration authority</td>
</tr>
<tr>
<td>s.19W(3)(a)</td>
<td>Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Power of registration authority</td>
</tr>
<tr>
<td>s.19W(3)(b)</td>
<td>Power to direct a proprietor of a food premises to have details of any staff training incorporate into the minimum records required to be kept or food safety program of the premises</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Power of registration authority</td>
</tr>
<tr>
<td>---</td>
<td>Power to register, renew or transfer registration</td>
<td>GMD, MDS, EHC</td>
<td>Where Council is the registration authority Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58(2))</td>
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<tr>
<td>s.38AA(5)</td>
<td>Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.38AB(4)</td>
<td>Power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1)</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.38A(4)</td>
<td>Power to request a copy of a completed food safety program template</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.38B(1)(a)</td>
<td>Duty to assess the application and determine which class of food premises under section 19C the food premises belongs</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.38B(1)(b)</td>
<td>Duty to ensure proprietor has complied with requirements of section 38A</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.38B(2)</td>
<td>Duty to be satisfied of the matters in section 38B(2)(a) – (b)</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.38D(1)</td>
<td>Duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.38D(2)</td>
<td>Duty to be satisfied of the matters in section 38D(2)(a) – (d)</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.38D(3)</td>
<td>Power to request copies of any audit reports</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.38E(2)</td>
<td>Power to register the food premises on a conditional basis</td>
<td>GMD, MDS, EHC</td>
<td>Not exceeding the prescribed time limit defined under subsection (5)</td>
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<tr>
<td>s.38E(3)(a)</td>
<td>Function of receiving certificates</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
</tr>
<tr>
<td>s.38E(4)</td>
<td>Duty to register the food premises when conditions are satisfied</td>
<td>GMD, MDS, EHC</td>
<td>Where Council is the registration authority</td>
</tr>
<tr>
<td>s.38F(3)(b)</td>
<td>Power to require proprietor to comply with requirements of this Act</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
</tr>
<tr>
<td>s.39A</td>
<td>Power to register, renew or transfer food premises despite minor defects</td>
<td>GMD, MDS, EHC</td>
<td>Where Council is the registration authority</td>
</tr>
<tr>
<td>s.40(2)</td>
<td>Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008</td>
<td>GMD, MDS, EHC</td>
<td>Only if satisfied of matters in subsections (2)(a)-(c)</td>
</tr>
<tr>
<td>s.40C(2)</td>
<td>Power to grant or renew the registration of food premises for a period of less than 1 year</td>
<td>GMD, MDS, EHC</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.40D(1)</td>
<td>Power to suspend or revoke the registration of food premises</td>
<td>GMD, MDS, EHC</td>
<td>Where Council is the registration authority</td>
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<tr>
<td>s.43F(6)</td>
<td>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</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
</tr>
<tr>
<td>s.43F(7)</td>
<td>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</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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### FOOD ACT 1984

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<td>s.46(5)</td>
<td>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</td>
<td>GMD, MDS, EHC, EHO</td>
<td>Where Council is the registration authority</td>
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### HERITAGE ACT 1995

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<td>s.84(2)</td>
<td>Power to sub-delegate Executive Director’s functions</td>
<td>GMC, GMD, GMCS</td>
<td>Must obtain Executive Director’s written consent first</td>
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<td>s.4B</td>
<td>Power to prepare an amendment to the Victoria Planning Provisions</td>
<td>GMD, GMC</td>
<td>If authorised by the Minister</td>
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<tr>
<td>s.4G</td>
<td>Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister</td>
<td>GMD, GMC</td>
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<tr>
<td>s.4H</td>
<td>Duty to make amendment to Victoria Planning Provisions available</td>
<td>GMD, GMC, MDS, MCF</td>
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<tr>
<td>s.4I</td>
<td>Duty to keep Victoria Planning Provisions and other document available</td>
<td>GMD, GMC, MDS, MCF</td>
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<td>s.8A(3)</td>
<td>Power to apply to Minister to prepare an amendment to the planning scheme</td>
<td>GMD, GMC, MDS, MCF</td>
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<td>s.11(3)(b)</td>
<td>Duty to submit amendment to planning scheme to Minister for approval if the Minister withdraws authorisation</td>
<td>GMD, GMC</td>
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<tr>
<td>s.12(3)</td>
<td>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 coordination of planning scheme with these persons</td>
<td>GMD, GMC, MDS, MCF</td>
<td></td>
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<tr>
<td>s.12A(1)</td>
<td>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)</td>
<td>GMD, GMC</td>
<td>ELT to ratify</td>
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<td>s.12B(1)</td>
<td>Duty to review planning scheme</td>
<td>GMD, GMC</td>
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<tr>
<td>s.12B(2)</td>
<td>Duty to review planning scheme at direction of Minister</td>
<td>GMD, GMC</td>
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<tr>
<td>s.12B(5)</td>
<td>Duty to report findings of review of planning scheme to Minister without delay</td>
<td>GMD, GMC</td>
<td></td>
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<tr>
<td>s.14</td>
<td>Duties of a Responsible Authority as set out in subsection (a) to (d)</td>
<td>GMD, GMC, MDS, MCF</td>
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<tr>
<td>s.17(1)</td>
<td>Duty of giving copy amendment to the planning scheme</td>
<td>GMD, GMC, MDS, MCF</td>
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<tr>
<td>s.17(2)</td>
<td>Duty of giving copy of s.173 agreement</td>
<td>GMD, GMC, MDS, MCF, STP, SO, SPC, SPTL</td>
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<tr>
<td>s.18</td>
<td>Duty to make amendment etc available</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
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</tr>
<tr>
<td>s.19</td>
<td>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</td>
<td>GMD, GMC, MDS, MCF</td>
<td></td>
</tr>
<tr>
<td>s.19</td>
<td>Function of receiving notice of preparation of an amendment to a planning scheme</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
<td>Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority</td>
</tr>
<tr>
<td>s.20(1)</td>
<td>Power to apply to Minister for exemption from the requirements of s.19</td>
<td>GMD, GMC, MDS, MCF</td>
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<td>s.21(2)</td>
<td>Duty to make submissions available</td>
<td>GMD, GMC, MDS, MCF</td>
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<tr>
<td>s.21A(4)</td>
<td>Duty to publish notice in accordance with section</td>
<td>GMD, GMC, MDS, MCF</td>
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<tr>
<td>s.22</td>
<td>Duty to consider all submissions</td>
<td>GMD, GMC, MDS, MCF</td>
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</tr>
<tr>
<td>s.23(1)(b)</td>
<td>Duty to refer submissions which request a change to the amendment to a panel</td>
<td>GMD, GMC, MCF, CSP</td>
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<tr>
<td>s.23(2)</td>
<td>Power to refer to a panel submissions which do not require a change to the amendment</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
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<tr>
<td>s.24</td>
<td>Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s.96D)</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
<td>MDS, MCF &amp; CSP to refer matter to GMD when acting alone</td>
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<tr>
<td>s.26(1)</td>
<td>Power to make report available for inspection</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
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<tr>
<td>s.26(2)</td>
<td>Duty to keep report of panel available for inspection</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
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<tr>
<td>s.27(2)</td>
<td>Power to apply for exemption if panel's report not received</td>
<td>GMD, GMC</td>
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<tr>
<td>s.28</td>
<td>Duty to notify the Minister if abandoning an amendment</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
<td>Note: the power to make a decision to abandon an amendment cannot be delegated</td>
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## PLANNING AND ENVIRONMENT ACT 1987

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<td>s.30(4)(a)</td>
<td>Duty to say if amendment has lapsed</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.30(4)(b)</td>
<td>Duty to provide information in writing upon request</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.31</td>
<td>Duty to submit adopted amendment to Minister and, if applicable, details under s.19(1B)</td>
<td>GMD, GMC, MDS, MCF</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.32(2)</td>
<td>Duty to give more notice if required</td>
<td>GMD, GMC, MDS, MCF</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.33(1)</td>
<td>Duty to give more notice of changes to an amendment</td>
<td>GMD, GMC, MDS, MCF</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.35A(2)</td>
<td>Duty to not approve an amendment under s.35B unless the amendment has been certified by the Secretary</td>
<td>GMD, GMC</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.35B(1)</td>
<td>Power to approve amendment in form certified under s.35A</td>
<td>GMD, GMC</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.35B(2)</td>
<td>Duty to give to Minister notice of approval, copy of approved amendment and other documents</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.36(2)</td>
<td>Duty to give notice of approval of amendment</td>
<td>GMD, GMC, MDS, MCF</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.38(5)</td>
<td>Duty to give notice of revocation of an amendment</td>
<td>GMD, GMC, MDS, MCF</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.39</td>
<td>Function of being a party to a proceeding commenced under s.39 and duty to comply with determination by VCAT</td>
<td>GMD, GMC, MDS, MCF</td>
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<tr>
<td>s.40(1)</td>
<td>Function of lodging copy of approved amendment</td>
<td>GMD, GMC, MDS, MCF</td>
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<tr>
<td>s.40(1A)</td>
<td>Duty to lodge prescribed documents and copy of approved amendment with the relevant authorities</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
<td>Note: This revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.41</td>
<td>Duty to make approved amendment available</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
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<td>s.42</td>
<td>Duty to make copy of planning scheme available</td>
<td>GMD, GMC, MDS, MCF</td>
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<td>s.46AS(ac)</td>
<td>Power to request the Growth Areas Authority to provide advice on any matter relating to land in Victoria or an objective of planning in Victoria</td>
<td>GMD, GMC, MDS, MCF, CSP, SPC, SPTL</td>
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<td>s.46N(1)</td>
<td>Duty to include condition in permit regarding payment of development infrastructure levy</td>
<td>GMD, GMC, MDS, MCF</td>
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<tr>
<td>s.46N(2)(c)</td>
<td>Function of determining time and manner for receipt of development contributions levy</td>
<td>GMD, GMC, MDS, MCF</td>
<td>Requires consideration of requirements from MAS and Development Contributions Plan</td>
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<tr>
<td>s.46N(2)(d)</td>
<td>Power to enter into an agreement with the applicant regarding payment of development infrastructure levy</td>
<td>GMD, GMC</td>
<td>Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan</td>
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<td>s.46O(1)(a) &amp; (2)(a)</td>
<td>Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit</td>
<td>GMD, GMC, MDS, MCF, MBS</td>
<td>Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan</td>
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<tr>
<td>s.46O(1)(d) &amp; (2)(d)</td>
<td>Power to enter into agreement with the applicant regarding payment of community infrastructure levy</td>
<td>GMD, GMC</td>
<td>Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan</td>
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<tr>
<td>s.46P(1)</td>
<td>Power to require payment of amount of levy under s.46N or s.46O to be satisfactorily secured</td>
<td>GMD, GMC, MDS, MCF</td>
<td>Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan</td>
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<tr>
<td>s.46P(2)</td>
<td>Power to accept provision of land, works, services or facilities in part or full payment of levy payable</td>
<td>GMD, GMC</td>
<td>Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan</td>
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<tr>
<td>s.46Q(1)</td>
<td>Duty to keep proper accounts of levies paid</td>
<td>GMCS, MFS</td>
<td>To be based on information supply by the Development Services Unit</td>
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<tr>
<td>s.46Q(1A)</td>
<td>Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency</td>
<td>GMD, GMC, MDS, MCF, MAS</td>
<td>Requires consideration of requirements from MDS and Development Contributions Plan</td>
</tr>
<tr>
<td>s.46Q(2)</td>
<td>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</td>
<td>GMD, GMC, GMCS</td>
<td>Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan</td>
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<tr>
<td>s.46Q(3)</td>
<td>Power to refund any amount of levy paid if it is satisfied the development is not to proceed</td>
<td>GMD, GMC</td>
<td>Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan</td>
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Only applies when levy is paid to Council as a 'development agency'
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<td>s.46Q(4)(c)</td>
<td>Duty to pay amount to current owners of land in the area</td>
<td>GMD, GMC</td>
<td>Requires consideration of requirements from Development Contributions Plan 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</td>
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<tr>
<td>s.46Q(4)(d)</td>
<td>Duty to submit to the Minister an amendment to the approved development contributions plan</td>
<td>GMD, GMC, MDS, MCF</td>
<td>Must be done in accordance with Part 3</td>
</tr>
<tr>
<td>s.46Q(4)(e)</td>
<td>Duty to expend that amount on other works etc</td>
<td>GMD, GMC</td>
<td>With the consent of, and in the manner approved by, the Minister</td>
</tr>
<tr>
<td>s.46QC</td>
<td>Power to recover any amount of levy payable under Part 3B</td>
<td>GMD, GMC, GMCS</td>
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<tr>
<td>s.46V(3)</td>
<td>Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available</td>
<td>N/A</td>
<td></td>
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<tr>
<td>s.48Y</td>
<td>Duty to carry out works in conformity with the approved strategy plan</td>
<td>N/A</td>
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<tr>
<td>s.47</td>
<td>Power to decide that an application for a planning permit does not comply with that Act</td>
<td>GMD, GMC, MDS, MCF</td>
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<td>s.49(1)</td>
<td>Duty to keep a register of all applications for permits and determinations relating to permits</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL, STP</td>
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<tr>
<td>s.49(2)</td>
<td>Duty to make register available for inspection</td>
<td>GMD, GMC, MDS, MCF</td>
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<td>s.50(4)</td>
<td>Duty to amend application</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL, STP</td>
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<tr>
<td>s.50(5)</td>
<td>Power to refuse to amend application</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL, STP</td>
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<td>s.50(6)</td>
<td>Duty to make note of amendment to application in register</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL, STP</td>
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<tr>
<td>s.50A(1)</td>
<td>Power to make amendment to application</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL, STP</td>
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<tr>
<td>s.50A(3)</td>
<td>Power to require applicant to notify owner and make a declaration that notice has been given</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL, STP</td>
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<td>s.50A(4)</td>
<td>Duty to note amendment to application in register</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL, STP</td>
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<td>s.51</td>
<td>Duty to make copy of application available for inspection</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL, STP</td>
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<tr>
<td>s.52(1)(a)</td>
<td>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</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL, CSP</td>
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<td>s.52(1)(b)</td>
<td>Duty to give notice of the application to other municipal councils where appropriate</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL, CSP</td>
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<tr>
<td>s.52(1)(c)</td>
<td>Duty to give notice of the application to all persons required by the planning scheme</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL, CSP</td>
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<tr>
<td>s.52(1)(ca)</td>
<td>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</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL, CSP</td>
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<tr>
<td>s.52(1)(cb)</td>
<td>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</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL, CSP</td>
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<tr>
<td>s.52(1)(d)</td>
<td>Duty to give notice of the application to other persons who may be detrimentally effected</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL, CSP</td>
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<td>s.52(1AA)</td>
<td>Duty to give notice of an application to remove or vary a registered restrictive covenant</td>
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<td>s.52(3)</td>
<td>Power to give any further notice of an application where appropriate</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, SPC, SPTL</td>
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<td>s.53(1)</td>
<td>Power to require the applicant to give notice under section 52(1) to persons specified by it</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, SPC, SPTL</td>
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<td>s.53(1A)</td>
<td>Power to require the applicant to give the notice under section 52(1AA)</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
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<td>s.54(1)</td>
<td>Power to require the applicant to provide more information</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
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<td>s.54(1A)</td>
<td>Duty to give notice in writing of information required under s.54(1)</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, TP, SPC, SPTL</td>
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<td>s.54(1B)</td>
<td>Duty to specify the lapse date for an application</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, TP, SPC, SPTL</td>
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<tr>
<td>s.54A(3)</td>
<td>Power to decide to extend time or refuse to extend time to give required information</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, SPC, SPTL</td>
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<td>s.54A(4)</td>
<td>Duty to give written notice of decision to extend or refuse to extend time under s.54A(3)</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, SPC, SPTL</td>
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<tr>
<td>s.55(1)</td>
<td>Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme</td>
<td>GMD, GMC, MDS, MCF, STP, SPC, SPTL</td>
<td>Note: this amendment is not yet in force and will commence on 28 October 2013, or not proclaimed earlier</td>
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<td>s.57(2A)</td>
<td>Power to reject objections considered made primarily for commercial advantage for the objector</td>
<td>GMD, GMC, MDS, MCF</td>
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<tr>
<td>s.57(3)</td>
<td>Function of receiving name and address of persons to whom notice of decision is to go</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
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<tr>
<td>s.57(5)</td>
<td>Duty to make available for inspection copy of all objections</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
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<tr>
<td>s.57A(4)</td>
<td>Duty to amend application in accordance with applicant's request, subject to s.57A(5)</td>
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<tr>
<td>s.57A(5)</td>
<td>Power to refuse to amend application</td>
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<td>s.57A(6)</td>
<td>Duty to note amendments to application in register</td>
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<td>s.57B(1)</td>
<td>Duty to determine whether and to whom notice should be given</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, SPC, SPTL</td>
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<tr>
<td>s.57B(2)</td>
<td>Duty to consider certain matters in determining whether notice should be given</td>
<td>GMD, GMC, MDS, MCF, STP, SPC, SPTL</td>
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<td>s.57C(1)</td>
<td>Duty to give copy of amended application to referral authority</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
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<td>s.58</td>
<td>Duty to consider every application for a permit except for a development assessment committee application</td>
<td>GMD, GMC, MDS, MCF, STP, SPC, SPTL</td>
<td>Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.58A</td>
<td>Power to request advice from the Planning Application Committee</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL</td>
<td>Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.60</td>
<td>Duty to consider certain matters</td>
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<td>s.60(1A)</td>
<td>Power to consider certain matters before deciding on application</td>
<td>GMD, GMC, MDS, MCF, STP, SPC, SPTL, TP</td>
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<td>s.61(1)</td>
<td>Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application</td>
<td>GMD, GMC, MDS, MCF, STP, SPC, SPTL</td>
<td>The permit must not be inconsistent with a cultural heritage management plan under the <em>Aboriginal Heritage Act 2006</em> Refusals to be in consultation with GMD &amp; MDS</td>
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<tr>
<td>s.61(2)</td>
<td>Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, TP, SPC, SPTL</td>
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<tr>
<td>s.61(2A)</td>
<td>Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit</td>
<td>GMD, MDS, SPC</td>
<td>Note: this section is not yet in force and will commence on 28 October 2013, of not proclaimed earlier. SPC in consultation with GMD or MDS</td>
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<tr>
<td>s.61(3)(a)</td>
<td>Duty not to decide to grant a permit to use coastal Crown land without Minister's consent</td>
<td>N/A</td>
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<tr>
<td>s.61(3)(b)</td>
<td>Duty to refuse to grant the permit without the Minister's consent</td>
<td>N/A</td>
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<td>s.61(4)</td>
<td>Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant</td>
<td>GMD, GMC, MDS, MCF, SPC</td>
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<td>s.62(1)</td>
<td>Duty to include certain conditions in deciding to grant a permit</td>
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<td>s.62(2)</td>
<td>Power to include other conditions</td>
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<td>s.62(4)</td>
<td>Duty to ensure conditions are consistent with subsections (a), (b) and (c)</td>
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<td>s.62(5)(a)</td>
<td>Power to include a permit condition to implement an approved development contributions plan</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
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<td>s.62(5)(b)</td>
<td>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</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
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<td>s.62(5)(c)</td>
<td>Power to include a permit condition that specified works be provided or paid for by the applicant</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
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<td>s.62(6)(a)</td>
<td>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</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL, STP</td>
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<td>s.62(6)(b)</td>
<td>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)</td>
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<td>s.63</td>
<td>Duty to issue the permit where made a decision in favour of the application (if no one has objected)</td>
<td>GMD, GMC, MDS, MCF, SPC, STP, SPTL</td>
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<td>s.64(1)</td>
<td>Duty to give notice of decision to grant a permit to applicant and objectors</td>
<td>GMD, GMC, MDS, MCF, SPC, STP, SPTL</td>
<td>Where six or less objections are received. The officers may, at their discretion, refer any application to Council for determination. This provision applies also to a decision to grant an amendment to a permit – see section 75</td>
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<td>s.64(3)</td>
<td>Duty not to issue a permit until after the specified period</td>
<td>GMD, GMC, MDS, MCF, SPC, STP, SPTL</td>
<td>This provision applies also to a decision to grant an amendment to a permit – see section 75</td>
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<td>s.64(5)</td>
<td>Duty to give each objector a copy of an exempt decision</td>
<td>GMD, MDS</td>
<td>This provision applies also to a decision to grant an amendment to a permit – see section 75</td>
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<tr>
<td>s.64A</td>
<td>Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit</td>
<td>GMD, MDS, SPC, SPTL, STP</td>
<td>This provision applies also to a decision to grant an amendment to a permit – see section 75A (not yet in force). Not: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.65(1)</td>
<td>Duty to give notice of refusal to grant permit to applicant and person who objected under section 57</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
<td>Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>Duty to give notice under s.64 or s.65 and copy permit to relevant determining referral authorities</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
<td>Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.66(2)</td>
<td>Duty to give a recommending referral authority notice of its decision to grant a permit</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
<td>If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.66(4)</td>
<td>Duty to give a recommending referral authority notice of its decision to refuse a permit</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
<td>If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.66(5)</td>
<td>Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under section 64 or 65</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
<td>If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.69(2)</td>
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<td>Duty to make copy permit available for inspection</td>
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<td>s.74</td>
<td>Duty to issue amended permit to applicant if no objectors</td>
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<td>s.76</td>
<td>Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit</td>
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<td>s.76A(1)</td>
<td>Duty to give relevant determining referral authorities copy of amended permit and copy of notice</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, TP, SPC, SPTL</td>
<td>Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.76A(2)</td>
<td>Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, TP, SPC, SPTL</td>
<td>If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.76A(4)</td>
<td>Duty to give a recommending referral authority notice of its decision to refuse a permit</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, TP, SPC, SPTL</td>
<td>If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit. Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier.</td>
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<tr>
<td>s.76A(6)</td>
<td>Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under section 64 or 76</td>
<td>GMD, GMC, MDS, MCF, STP, CSP, TP, SPC, SPTL</td>
<td>If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit. Note: this section is not yet in force and will commence on 28 October 2013, if not proclaimed earlier.</td>
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<tr>
<td>s.76D</td>
<td>Duty to comply with direction of Minister to issue amended permit</td>
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<td>s.83</td>
<td>Function of being respondent to an appeal</td>
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<td>s.83B</td>
<td>Duty to give or publish notice of application for review</td>
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<td>s.84(1)</td>
<td>Power to decide on an application at any time after an appeal is lodged against failure to grant a permit</td>
<td>GMD, GMC, MDS, MCF, SPC, STP, SPTL</td>
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<td>s.84(2)</td>
<td>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</td>
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<td>s.84(3)</td>
<td>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</td>
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<td>s.84(4)</td>
<td>Duty to issue permit on receipt of advice within 3 working days</td>
<td>GMD, GMC, MDS, MCF, STP, TP, SPC, SPTL</td>
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<td>s.86</td>
<td>Duty to issue a permit at order of Tribunal within 3 working days</td>
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<td>Function of being heard at hearing of request for cancellation or amendment of a permit</td>
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<td>Duty to comply with the directions of VCAT</td>
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<td>Duty to issue amended permit to owner if Tribunal so directs</td>
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<td>s.92</td>
<td>Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s.90</td>
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<td>Duty to provide documents and information to development assessment committee</td>
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<td>Duty to ensure that the register of applications specifies whether the development assessment committee has made the decision</td>
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<td>Function of nominating member of the development assessment committee</td>
<td>GMD, GMC</td>
<td>Note: this revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier In consultation with CEO</td>
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<tr>
<td>s.97ML(4)</td>
<td>Power to nominate alternate members of the development assessment committee</td>
<td>GMD, GMC</td>
<td>Note: this revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier In consultation with CEO</td>
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<td>s.97MH</td>
<td>Duty to provide information or assistance to the Planning Application Committee</td>
<td>GMD, GMC, MDS, MCF, STP, SPC, SPTL</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.97MI</td>
<td>Duty to contribute to the costs of the Planning Application Committee or subcommittee</td>
<td>GMD, GMC</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.97O</td>
<td>Duty to consider application and issue or refuse to issue certificate of compliance</td>
<td>GMD, GMC, MDS, MCF, STP, SPC, SPTL</td>
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<td>s.97P(3)</td>
<td>Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate</td>
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<td>Function of receiving claim for compensation in certain circumstances</td>
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<td>s.114(1)</td>
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<td>Power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement</td>
<td>GMD, GMC, MDS, MCF, SPC</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier SPC in consultation with GMD and MDS</td>
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<td>s.156</td>
<td>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)</td>
<td>GMD, GMC, MDS, MCF</td>
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<td>s.171(2)(f)</td>
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<td>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 the Council or Responsible Authority</td>
<td>GMD, GMC, MDS, MCF</td>
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<td>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</td>
<td>GMD, GMC, MDS, MCF</td>
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<td>s.177(2)</td>
<td>Power to end a section 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 or Part 9</td>
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<td>s.178</td>
<td>Power to amend a s.173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9</td>
<td>GMD, GMC</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.178A(1)</td>
<td>Function of receiving application to amend or end a agreement</td>
<td>GMD</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.178A(3)</td>
<td>Function of notifying the owner as to whether it agrees in principle to the proposal under s.178A(1)</td>
<td>GMD, MDS, SPC, SPTL</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.178A(4)</td>
<td>Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal</td>
<td>GMD, MDS, SPC, SPTL</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.178A(5)</td>
<td>Power to propose to amend or end an agreement</td>
<td>GMD</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.178B(1)</td>
<td>Duty to consider certain matters when considering proposal to amend an agreement</td>
<td>GMD, MDS, SPC, SPTL</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.178B(2)</td>
<td>Duty to consider certain matters when considering proposal to end an agreement</td>
<td>GMD, MDS, SPC, SPTL</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.178C(2)</td>
<td>Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end</td>
<td>GMD, MDS, SPC, SPTL</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.178C(4)</td>
<td>Function of determining how to give notice under s.178C(2)</td>
<td>GMD, MDS, SPC, SPTL</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.178E(1)</td>
<td>Duty to not make decision under after 14 days after notice has been given</td>
<td>GMD, MDS, SPC</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.178E(2)(a)</td>
<td>Power to amend or end the agreement in accordance with the proposal</td>
<td>GMD</td>
<td>If no objections are made under s.178D Must consider matters in s.178B Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.178E(2)(b)</td>
<td>Power to amend or end the agreement in a manner that is not substantively different from the proposal</td>
<td>GMD</td>
<td>If no objections are made under s.178D Must consider matters in s.178B Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.178E(2)(c)</td>
<td>Power to refuse to amend or end the agreement</td>
<td>GMD</td>
<td>If no objections are made under s.178D Must consider matters in s.178B Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<tr>
<td>s.178E(3)(a)</td>
<td>Power to amend or end the agreement in accordance with the proposal</td>
<td>GMD</td>
<td>After considering objections, submissions are matters in s.178B Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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| s.178E(3)(b)   | Power to amend or end the agreement in a manner that is not substantively different from the proposal | GMD      | After considering objections, submissions are matters in s.178B  
Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier |
| s.178E(3)(c)   | Power to amend or end the agreement in a manner that is substantively different from the proposal | GMD      | After considering objections, submissions are matters in s.178B  
Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier |
| s.178E(3)(d)   | Power to refuse to amend or end the agreement                                   | GMD      | After considering objections, submissions are matters in s.178B  
Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier |
<p>| s.178F(1)      | Duty to give notice of its decision under s.178E(3)(a) or (b)                  | GMD, MDS, SPC, SPTL, STP, TP | Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier TP in consultation with MDS or SPC |
| s.178F(2)      | Duty to give notice of its decision under s.178E(2)(c) or (3)(d)               | GMD, MDS, SPC, SPTL, STP, TP | Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier TP in consultation with MDS or SPC |
| s.178F(4)      | Duty not to proceed to amend or end an agreement under s.178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn | GMD, MDS | Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier |</p>
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<td>s.178G</td>
<td>Duty to sign amended agreement and give copy to each other party to the agreement</td>
<td>GMD</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.178H</td>
<td>Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement</td>
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<td>s.178I(3)</td>
<td>Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land</td>
<td>GMD, MDS, SPC, SPTL</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.179(1)</td>
<td>Duty to lodge agreement with Minister</td>
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<td>Note: this revocation is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.179(2)</td>
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<td>GMD, GMC, MDS, MCF, STP, SO, SPC, SPTL</td>
<td>Note: this amendment is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.181(1A)(a)</td>
<td>Power to apply to the Registrar of Titles to record the agreement</td>
<td>GMD, GMC, MDS, MCF, STP, SO, SPC, SPTL</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.184F(1)</td>
<td>Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision</td>
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<td>Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement</td>
<td>GMD</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>GMD, MDS, SPC</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.184F(5)</td>
<td>Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council’s decision</td>
<td>GMD, MDS, SPC</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.184G(2)</td>
<td>Duty to comply with a direction of the Tribunal</td>
<td>GMD, MDS, SPC, SPTL, STP, TP, SO</td>
<td>Note: this provision is not yet in force and will commence on 28 October 2013, if not proclaimed earlier</td>
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<td>s.184G(3)</td>
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<td>GMD, MDS, SPC, SPTL, STP, TP, SO</td>
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<td>s.201(1)</td>
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<td>s.201(3)</td>
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<td>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</td>
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<td>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</td>
<td>GMD, GMC, MDS, MCF, SPC, SPTL, STP</td>
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<td>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</td>
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<td>Power to give written authorisation in accordance with a provision of a planning scheme</td>
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<td>s.201UAB(1)</td>
<td>Function of providing the Growth Areas Authority with information relating to any land within the municipal district</td>
<td>GMD, MDS, CSP</td>
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<td>s.201UAB(2)</td>
<td>Duty to provide the Growth Areas Authority with information requested under subsection(1) as soon as possible</td>
<td>GMD, MDS, CSP</td>
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## ROAD MANAGEMENT ACT 2004

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## CEMETERIES AND CREMATORIA REGULATIONS 2005

[The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Council's appointed to manage a public cemetery under section 8(1)(a)(ii) as though it was a cemetery trust (see section 53)]

Note: these Regulations are due to expire on 28 June 2015

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## CEMETERIES AND CREMATORIA REGULATIONS 2005

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CEMETERIES AND CREMATORIA REGULATIONS 2005

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<td>Function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application</td>
<td>GMD, GMC, MDS, MCF, CSP</td>
<td>Where Council is not the planning authority and the amendment affects land within Council’s municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority</td>
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</tbody>
</table>
PLANNING AND ENVIRONMENT (FEES) FURTHER INTERIM REGULATIONS 2014

Note: these Regulations expire on 16 October 2015

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<tbody>
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<td>DELEGATE</td>
<td>CONDITIONS &amp; LIMITATIONS</td>
</tr>
<tr>
<td>r.16</td>
<td>Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme</td>
<td>GMCS, MCF, CSP</td>
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<tr>
<td>r.17</td>
<td>Power to waive or rebate a fee relating to an amendment of a planning scheme</td>
<td>GMCS, MCF, CSP</td>
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<tr>
<td>r.18</td>
<td>Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r.16 or r.17</td>
<td>GMCS, MCF, CSP</td>
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<tr>
<td>r.7</td>
<td>Function of entering into a written agreement with a caravan park owner</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.11</td>
<td>Function of receiving applications for registration</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.13(1)</td>
<td>Duty to grant the registration if satisfied that the caravan park complies with these regulations</td>
<td>GMD, MDS, EHC, EHO</td>
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</tr>
<tr>
<td>r.13(2)</td>
<td>Duty to renew the registration if satisfied that the caravan park complies with these regulations</td>
<td>GMD, MDS, EHC, EHO</td>
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</tr>
<tr>
<td>r.13(2)</td>
<td>Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.13(4) &amp; (5)</td>
<td>Duty to issue certificate of registration</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.15(1)</td>
<td>Function of receiving notice of transfer of ownership</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>s.15(3)</td>
<td>Power to determine where notice of transfer is displayed</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.16(1)</td>
<td>Duty to transfer registration to new caravan park owner</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.16(2)</td>
<td>Duty to issue certificate of transfer of registration</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.17(1)</td>
<td>Power to determine the fee to accompany applications for registration or applications for renewal of registration</td>
<td>NA</td>
<td>Statutory set and ratified by Council resolution.</td>
</tr>
<tr>
<td>r.18</td>
<td>Duty to keep register of caravan parks</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>s.19(4)</td>
<td>Power to determine where the emergency contact person’s details are displayed</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>s.19(6)</td>
<td>Power to determine where certain information is displayed</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.22A(1)</td>
<td>Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.22A(2)</td>
<td>Duty to consult with relevant emergency services agencies</td>
<td>GMD, MDS, EHC, EHO</td>
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<td>s.23</td>
<td>Power to determine places in which caravan park owner must display a copy of emergency procedures</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.24</td>
<td>Power to determine places in which caravan park owner must display copy of public emergency warnings</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.25(3)</td>
<td>Duty to consult with relevant floodplain management authority</td>
<td>GMD, MDS, EHC, EHO</td>
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<td>r.26</td>
<td>Duty to have regard to any report of the relevant fire authority</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.28(c)</td>
<td>Power to approve system for the collection, removal and disposal of sewage</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td></td>
<td>and waste water from a moveable dwelling</td>
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<tr>
<td>r.39</td>
<td>Function of receiving notice of proposed installation of unregistrable</td>
<td>GMD, MDS, EHC, EHO</td>
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<td></td>
<td>movable dwelling or rigid annexe</td>
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<tr>
<td>r.39(b)</td>
<td>Power to require notice of proposal to install unregistrable movable</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td></td>
<td>dwelling or rigid annexe</td>
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<tr>
<td>s.40(4)</td>
<td>Function of receiving installation certificate</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td>r.42</td>
<td>Power to approve use of a non-habitable structure as a dwelling or part</td>
<td>GMD, MDS, EHC, EHO</td>
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<tr>
<td></td>
<td>of a dwelling</td>
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<tr>
<td>Schedule 3</td>
<td>Power to approve the removal of wheels and axles from unregistrable</td>
<td>GMD, MDS, EHC, LL, SLLO, LLO, EHO</td>
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<tr>
<td>Clause 4(3)</td>
<td>movable dwelling</td>
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<tr>
<td>r.301(1)</td>
<td>Duty to conduct reviews of road management plan</td>
<td>GMD, MAS, MWIS</td>
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<tr>
<td>r.302(2)</td>
<td>Duty to give notice of review of road management plan</td>
<td>GMD, MAS, MWIS</td>
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<tr>
<td>r.302(5)</td>
<td>Duty to produce written report of review of road management plan and make report available</td>
<td>GMD, MAS, MWIS</td>
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<tr>
<td>r.303</td>
<td>Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act</td>
<td>GMD, MAS, MWIS</td>
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<tr>
<td>r.306(2)</td>
<td>Duty to record on road management plan the substance and date of effect of amendment</td>
<td>GMD, MAS</td>
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<tr>
<td>r.501(1)</td>
<td>Power to issue permit</td>
<td>GMD, MAS, ETL, STO-ES</td>
<td>Power of coordinating road authority</td>
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<tr>
<td>r.501(4)</td>
<td>Power to charge fee for issuing permit under r.501(1)</td>
<td>GMD, MAS, ETL, STO-ES</td>
<td>Power of coordinating road authority</td>
</tr>
<tr>
<td>r.503(1)</td>
<td>Power to give written consent to person to drive on road a vehicle which is likely to cause damage to road</td>
<td>GMD, MAS, ETL, STO-ES</td>
<td>Power of coordinating road authority</td>
</tr>
<tr>
<td>r.508(3)</td>
<td>Power to make submission to Tribunal</td>
<td>GMD, MAS, ETL</td>
<td>Power of coordinating road authority</td>
</tr>
<tr>
<td>r.509(1)</td>
<td>Power to remove objects, refuse, rubbish or other material deposited or left on road</td>
<td>GMD, MAS, ETL, STO-ES</td>
<td>Power of responsible road authority</td>
</tr>
</tbody>
</table>

Note: these regulations are due to expire on 20 March 2016
## ROAD MANAGEMENT (GENERAL) REGULATIONS 2005

*Note: these regulations are due to expire on 20 March 2016*

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<tr>
<td>r.509(2)</td>
<td>Power to sell or destroy things removed from road or part of road (after first complying with r.509(3))</td>
<td>GMD</td>
<td>Power of responsible road authority</td>
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<tr>
<td>r.509(4)</td>
<td>Power to recover in the Magistrates’ Court, expenses from person responsible</td>
<td>GMD, GMCS, MFS</td>
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<tr>
<td>Provision</td>
<td>Item Delegated</td>
<td>Delegate</td>
<td>Conditions &amp; Limitations</td>
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<tr>
<td>r.10</td>
<td>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 works</td>
<td>GMD, MAS, MWIS</td>
<td>Power of coordinating road authority</td>
</tr>
<tr>
<td>r.18(2)</td>
<td>Power to waive whole or part of fee in certain circumstances</td>
<td>GMD, GMCS, MAS, MWIS, MFS</td>
<td>Power of coordinating road authority</td>
</tr>
</tbody>
</table>