

KNOX CITY COUNCIL

SUPPLEMENTARY REPORTS

ORDINARY MEETING OF COUNCIL

to be held

on

Monday 25 September 2017

- 13.1. Review of Ferntree Gully Cemetery Trust Special Committee and Associated Delegations
- 13.2 Endorsement of MAV State Council Motion

ALL WARDS**13.1 REVIEW OF FERNTREE GULLY CEMETERY TRUST SPECIAL COMMITTEE AND ASSOCIATED DELEGATIONS**

SUMMARY: *Manager – Governance and Innovation (Fleur Cousins)*

This report presents for consideration a revised Instrument of Delegation for the operations of the Ferntree Gully Cemetery and further proposes to sunset the Ferntree Gully Cemetery Trust Special Committee.

RECOMMENDATION

That Council:

1. Resolves in exercise of the powers conferred by sections 86 and 87 of the Local Government Act 1989 that the Ferntree Gully Cemetery Trust Special Committee be sunset and the current Instrument of Delegation – Ferntree Gully Cemetery Trust Special Committee, sealed on 27 August 2013, be revoked.
2. Note the diligent and outstanding commitment of the Ferntree Gully Cemetery Trust Special Committee and formerly thank the long serving community members for their many years of dedicated service to the Ferntree Gully Cemetery.
3. Resolves in exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached Instrument of Delegation – Cemeteries and Crematories Act and Regulations that –
 - a. There be delegated to the members of Council staff holding, acting or performing the duties of the offices or positions referred to in the attached Instrument of Delegation – Cemeteries and Crematories Act and Regulations (Appendix A), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument;
 - b. The Instrument of Delegation – Cemeteries and Crematories Act and Regulations (Appendix A) comes into force immediately the common seal of Council is affixed to the instrument;
 - c. On coming into force of the instrument the previous Instrument of Delegation – Cemeteries and Crematories Act and Regulations are revoked; and
 - d. The duties and functions set out in the Instrument of Delegation – Cemeteries and Crematories Act and Regulations (Appendix A) must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

13.1 Review of Ferntree Gully Cemetery Trust Special Committee and Associated Delegations (cont'd)

1. INTRODUCTION

Sections 86 and 98 of the Local Government Act 1989 (the Act) empower Council to delegate any of its powers, duties or functions with some strategic exemptions; such as setting rates, borrowing funds and adopting a budget.

It is generally accepted that delegations are a valuable method for Council to effectively deal with a range of day to day routine administrative and operational matters and enable Council to focus on more significant strategic and longer term issues.

Sections 86(6) and 98(6) of the Act requires a Council to review, within a period of 12 months after a general election, all delegations which are in force and have been made by the Council in accordance with the Act. Delegations are required to be reviewed by 22 October 2017.

The existing Instrument of Delegation – Ferntree Gully Cemetery Trust Special Committee has been in force since 27 August 2013.

The existing Instrument of Delegation – Cemeteries and Crematories Act and Regulations has been in force since 27 August 2013.

2. DISCUSSION

The Ferntree Gully Cemetery Trust Special Committee (the Special Committee) was first established in 1998 and delegated the required powers to perform Council's duties in relation to the management of the Ferntree Gully Cemetery. The role, functions and powers of the Special Committee were last reviewed in September 2004.

When Council first took responsibility for the Cemetery, it was in a poor financial position and running at a loss. The Special Committee was charged with the responsibility of reviewing the Cemetery's operations in order to improve its financial position and reduce the financial burden to Council.

The Special Committee has played an integral role in identifying projects such as the expansion of the cemetery to create the foothills lawn area and the introduction of the Ashes Garden and The Grove Niche Walls to support growth and the financial viability of the Cemetery. Through this expansion, and various capital improvements, the Committee, in consultation with Council, has been able to improve the Cemetery's financial position so that it can now fund its operations in the short to medium term

13.1 Review of Ferntree Gully Cemetery Trust Special Committee and Associated Delegations (cont'd)

The Special Committee has instigated various improvement projects at the Cemetery including replacement of footpaths and the perimeter fencing. These works have made significant improvements to the amenity of the site and have been embraced by the local community as well as the families and friends who visit the site. The only outstanding items from the Special Committees annual work plan are the replacement of signage within the cemetery and upgrade to the entrance on Forest Road. These works have already been approved by the Committee and are currently being managed by staff. Once the construction of the entrance is complete there will be limited opportunity within the Cemetery for further growth or major beautification works.

Given the limited opportunity within the Cemetery for future strategic development, it is recommended that the Committee be sunset by revoking the Instrument of Delegation – Ferntree Gully Cemetery Trust Special Committee. Further, it is recommended that the powers, duties and functions contained in the Instrument of Delegation – Cemeteries and Crematories Act and Regulation be expanded to Council staff. This will enable the day to day operations of the cemetery to continue to be managed efficiently and without delay.

The Special Committee has been well served, since its inception in 1999, by three outstanding community representatives, Heather Kleesh, Kevin Knox and Tricia Kirk. They have demonstrated outstanding vision and commitment to the trust over 18 years. In sunseting the committee it is appropriate for Council to recognise and acknowledge their outstanding service.

A draft Instrument of Delegation has been prepared and is attached as Appendix A. All changes are based on the revocation of powers, duties and functions to the Special Committee and are shown using tracked changes.

3. CONSULTATION

No external consultation has been undertaken in relation to the Instrument of Delegation – Ferntree Gully Cemetery Trust Special Committee. The Special Committee was informed of the intention to recommend that the committee be sunsetted at a meeting on 20 September 2017.

Council subscribes to the Maddocks Authorisations and Delegations Service, which provides advice regarding legislative amendments and template instruments. Said templates are then tailored to organisational requirements.

The draft Instrument of Delegation – Cemeteries and Crematories Act and Regulation has been prepared based on the advice provided by Maddocks Lawyers.

4. ENVIRONMENTAL/AMENITY ISSUES

There are no environmental or amenity issues associated with this delegation review.

13.1 Review of Ferntree Gully Cemetery Trust Special Committee and Associated Delegations (cont'd)

5. FINANCIAL & ECONOMIC IMPLICATIONS

Provision has been made in the cemetery budget for catering at special committee meetings and savings will be realised if the committee is wound up.

In addition to catering costs, there will also be savings in staff time and resources in the governance budget who support the operation of the special committee. These resources may be reallocated to provide governance services to the organisation.

The cost to prepare and adopt the Instruments of Delegation - Cemeteries and Crematories Act and Regulation (Appendix A) is minimal in nature and has been met within the current department budget.

6. SOCIAL IMPLICATIONS

There are no social implications associated with this report.

7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021

By adopting Instruments of Delegations, Council is able to streamline routine administrative matters whilst ensuring the highest level of accountability in the process.

This relates to Goal 8 of the Community and Council Plan 2017-2021; maintaining confidence in decision making. In particular, effective delegation facilitates Strategy 8.1 by building, strengthening and promoting good governance practices across Council.

8. CONCLUSION

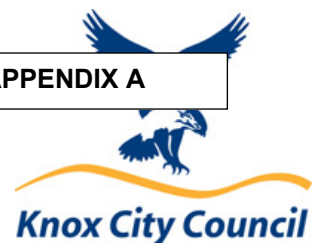
It is recommended that Council revoke the Instrument of Delegation – Ferntree Gully Cemetery Trust Special Committee and sign and seal the revised Instrument of Delegation - Cemeteries and Crematories Act and Regulation. It is also appropriate to formally acknowledge and thank the three long serving community representative, Heather Kleesh, Kevin Knox and Tricia Kirk for their outstanding service to the Trust.

9. CONFIDENTIALITY

There are no issues of confidentiality associated with this report.

Report Prepared By: *Manager – Governance & Innovation (Fleur Cousins)*

Report Authorised By: *Director – Corporate Development (Michael Fromberg)*



INSTRUMENT OF DELEGATION COUNCIL TO COUNCIL STAFF – CEMETERIES & CREMATORIA

In exercise of the power conferred by section 98(1) and 86(3) 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. declares that:
 - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 25 September 2017; and
 - 2.2 the delegation:
 - 2.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2.2 remains in force until varied or revoked;
 - 2.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
 - 2.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 2.3.1 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
 - 2.3.2 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

2.3.3 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

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

3. In exercising any duty, function or power under this delegation the officer concerned will be mindful of the provisions under Division 1A – Conduct and Interests of the Local Government Act 1989.

3.1 The principles of these provisions will apply to delegated officers.

3.2 Any disclosures under section 77A or 79 must be recorded in accordance with any guidelines or policies which Council from time to time adopts.

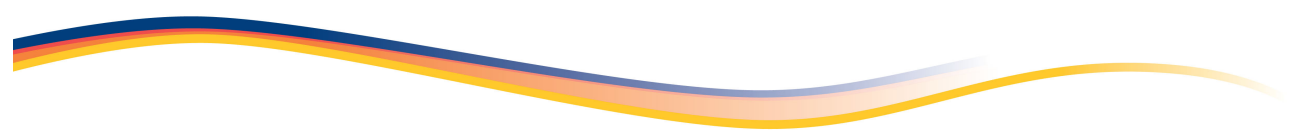
THE COMMON SEAL of KNOX CITY COUNCIL

was affixed pursuant to an Order of the Council made on the ~~28 August 2017~~ 25 September 2017 in the presence of

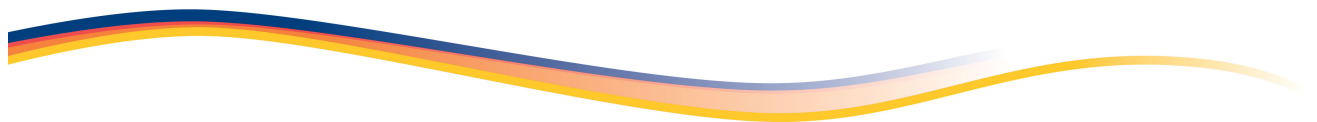
Mayor

Chief Executive Officer

Councillor



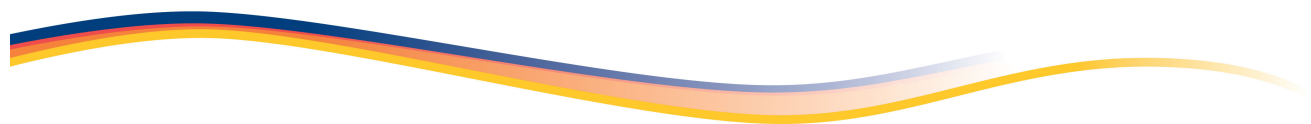
SCHEDULE



INDEX

INDEX ii

CEMETERIES AND CREMATORIA ACT 20031
CEMETERIES AND CREMATORIA REGULATIONS 2015.....28



CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.8(1)(a)(ii)	power to manage one or more public cemeteries	Not Delegated	<ul style="list-style-type: none"> where appointed to manage cemetery by Governor in Council
s.12(1)	function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	Ferntree Gully Cemetery Trust Special Committee Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	where council is a Class B cemetery trust
s.12(2)	duty to have regard to the matters set out in paragraphs (a)-(c) in exercising its functions	Ferntree Gully Cemetery Trust Special Committee Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	where council is a Class B cemetery trust

CEMETERIES AND CREMATORIA ACT 2003			
## The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.13	duty to do anything necessary or convenient to enable it to carry out its functions	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administration Officer Administration Officer Sexton	
s.15(1) and (2)	power to delegate powers or functions other than those listed	Chief Executive Officer	
s.15(4)	duty to keep records of delegations	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator – Governance <u>Governance Officer</u>	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(1)	power to employ any persons necessary	<u>Chief Executive Officer</u> Director - Corporate Development Manager - People Performance Coordinator - Employee Relations & Payroll Manager - Governance & Innovation Coordinator - Governance	
s.17(2)	power to engage any professional, technical or other assistance considered necessary	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s. 17(3)	power to determine the terms and conditions of employment or engagement	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	subject to any guidelines or directions of the Secretary

CEMETERIES AND CREMATORIA ACT 2003			
## The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18(3)	duty to comply with a direction from the Secretary	Ferntree Gully Cemetery Trust Special Committee Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s.19	power to carry out or permit the carrying out of works	Ferntree Gully Cemetery Trust Special Committee Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator – Governance <u>Senior Admin Support Officer</u> Sexton	
s.20(1)	duty to set aside areas for the interment of human remains	Ferntree Gully Cemetery Trust Special Committee Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.20(2)	power to set aside areas for the purposes of managing a public cemetery	Ferntree Gully Cemetery Trust Special Committee Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation	
s.20(3)	power to set aside areas for those things in paragraphs (a) – (e)	Ferntree Gully Cemetery Trust Special Committee Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation	
s.24(2)	power to apply to the Secretary for approval to alter the existing distribution of land	Ferntree Gully Cemetery Trust Special Committee Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation	
s.26(1)	power to make rules for or with respect to the general care, protection and management of a public cemetery		

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.36	power to grant licences to enter and use part of the land or building in a public cemetery in accordance with this section	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager – Governance & Innovation</u>	subject to the approval of the Minister
s.37	power to grant leases over land in a public cemetery in accordance with this section	Not delegated	subject to the Minister approving the purpose
s.39(1)	power to fix fees and charges or a scale of fees and charges for its services in accordance with this section		subject to the approval of the Secretary under section 40 unless exempt under section 40A
s.39(3)	power to fix different fees and charges for different cases or classes of cases		
s.40	duty to notify Secretary of fees and charges fixed under section 39	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.57(1)	duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	applies only to municipal councils, not cemetery trusts report must contain the particulars listed in s.57(2) report must be endorsed by Ferntree Gully Cemetery Trust Special Committee <u>Council</u>
s.59	duty to keep records for each public cemetery	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.60(1)	duty to make information in records available to the public for historical or research purposes	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	

CEMETERIES AND CREMATORIA ACT 2003

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.60(2)	power to charge fees for providing information	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u>	
s.64B(d)	power to permit interments at a reopened cemetery	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.66(1)	power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u>	the application must include the requirements listed in s.66(2)(a)–(d)
s.69	duty to take reasonable steps to notify of conversion to historic cemetery park	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.70(1)	duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s.70(2)	duty to make plans of existing place of interment available to the public	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s.71(1)	power to remove any memorials or other structures in an area to which an approval to convert applies	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator - Governance</u> Sexton	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.71(2)	power to dispose of any memorial or other structure removed	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator - Governance</u> Sexton	
s.72(2)	duty to comply with request received under section 72	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer	
s.73(1)	power to grant a right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	

CEMETERIES AND CREMATORIA ACT 2003			
## The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.73(2)	power to impose conditions on the right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.75	power to grant the rights of interment set out in subsections (a) and (b)	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.76(3)	duty to allocate a piece of interment if an unallocated right is granted	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.77(4)	power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.80(1)	function of receiving notification and payment of transfer of right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.80(2)	function of recording transfer of right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.82(2)	duty to pay refund on the surrender of an unexercised right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer	
s.83(2)	duty to pay refund on the surrender of an unexercised right of interment (sole holder)	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer	
s.83(3)	power to remove any memorial and grant another right of interment for a surrendered right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(1)	function of receiving notice of surrendering an entitlement to a right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.85(1)	duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer <u>Administration Officer</u>	the notice must be in writing and contain the requirements listed in s.85(2)
<u>s.85(2)(b)</u>	<u>duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator - Governance</u> <u>Senior Administrative Officer</u> <u>Administrative Officer</u>	<u>applies where Council appointed to manage cemetery as though it were a cemetery trust.</u> <u>does not apply where right of interment relates to remains of a deceased veteran.</u>

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
85(2)(c)	<p><u>power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or;</u></p> <p><u>remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.</u></p>	<p><u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator - Governance</u></p>	<p><u>may only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment</u></p> <p><u>applies where Council appointed to manage cemetery as though it were a cemetery trust.</u></p>
s.86	power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	<p><u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Sexton</p>	
s.86(2)	power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	<p><u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance</p>	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.86(3)(a)	power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s.86(3)(b)	power to remove interred cremated human remains and take further action in accordance with s.86(3)(b)	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.86(5)	duty to provide notification before taking action under s.86(4)	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer	
s 86A	duty to maintain place of interment and any memorial at place of interment, if action taken under s.86(3)	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer	
s.87(3)	duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.88	function to receive applications to carry out a lift and re-position procedure at a place of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s.89(1)	power to approve or refuse an application for a lift and re-position procedure in accordance with subsection (2) & (3)		can only be delegated to members of a committee established under section 86 of the Local Government Act 1989
s.90	power to authorise a person without an exhumation licence to carry out a lift and re-position procedure as set out in section 90(1)(a)-(d)		can only be delegated to members of a committee established under section 86 of the Local Government Act 1989
s.91(1)	power to cancel a right of interment in accordance with this section	Ferntree Gully Cemetery Trust Special Committee <u>Not Delegated</u>	
s.91(3)	duty to publish notice of intention to cancel right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.92	power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s.98(1)	function of receiving application to establish or alter a memorial or a place of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.99	power to approve or refuse an application made under section 98, or to cancel an approval	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	in consultation with Sexton

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.99(4)	duty to make a decision on an application under section 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	In consultation with Sexton
s.100(1)	power to require a person to remove memorials or places of interment	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s.100(2)	power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with section 100(1)	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Sexton	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.100(3)	power to recover costs of taking action under section 100(2)	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s.101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	
s.102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	Not Delegated	
s.102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under section 102(1)	Not Delegated	
s.103(1)	power to require a person to remove a building for ceremonies	Ferntree Gully Cemetery Trust Special Committee <u>Not Delegated</u>	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.103(2)	power to remove and dispose of a building for ceremonies or remedy the failure to comply with section 103(1)	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation	
s.103(3)	power to recover costs of taking action under section 103(2)	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u> <u>Director - Corporate Development Manager - Governance & Innovation</u>	
s.106(1)	power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	In consultation with Chairperson, Ferntree Gully Cemetery Trust Special Committee <u>Council</u>

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.106(2)	power to require the holder of the right of interment to provide for an examination	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	In consultation with Chairperson, Ferntree Gully Cemetery Trust Special Committee <u>Council</u>
s.106(3)	power to open and examine the place of interment if section 106(2) not complied with	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	In consultation with Chairperson, Ferntree Gully Cemetery Trust Special Committee <u>Council</u>
s.106(4)	power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under section 106(1) is not complied with	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	In consultation with Chairperson, Ferntree Gully Cemetery Trust Special Committee <u>Council</u>
<u>s.107(1)</u>	<u>power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u>	<u>In consultation with Council</u>

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.107(2)	<u>power to repair or take down, remove and dispose any building for ceremonies if notice under section 107(1) is not complied with</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u>	<u>In consultation with Council</u>
s.108	power to recover costs and expenses	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	In consultation with Chairperson, Ferntree Gully Cemetery Trust Special Committee <u>Council</u>
s.109(1)(a)	power to open, examine and repair a place of interment	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	where the holder of right of interment or responsible person cannot be found In consultation with Chairperson, Ferntree Gully Cemetery Trust Special Committee <u>Council</u>
s.109(1)(b)	power to repaid a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	where the holder of right of interment or responsible person cannot be found In consultation with Chairperson, Ferntree Gully Cemetery Trust Special Committee <u>Council</u>

CEMETERIES AND CREMATORIA ACT 2003

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.109(2)	power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	where the holder of right of interment or responsible person cannot be found In consultation with Chairperson, Ferntree Gully Cemetery Trust Special Committee <u>Council</u>
s.110(1)	power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	Ferntree Gully Cemetery Trust Special Committee <u>Not Delegated</u>	
<u>s.110(2)</u>	<u>power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary</u>	<u>Not Delegated</u>	
s. 110A	power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	<u>Not Delegated</u>	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.111	power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u> <u>Director - Corporate Development Manager - Governance & Innovation Coordinator – Governance</u>	
s.112	power to sell and supply memorials	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.116(4)	duty to notify the Secretary of an interment authorisation granted	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.116(5)	power to require an applicant to produce evidence of the right of interment holder's consent to application	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.118	power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.119	power to set terms and conditions for interment authorisations	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.145	duty to comply with an order made by the Magistrates' Court or a coroner	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.150 & 152(1)	power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
s.151	function of receiving applications to inter or cremate body parts	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	

CEMETERIES AND CREMATORIA ACT 2003			
### The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.152(2)	power to impose terms and conditions on authorisation granted under section 150.	<u>Chief Executive Officer</u> Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	
Schedule 1 clause 8(3)	power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator - Governance</u>	where council is a Class B cemetery trust Meetings held in accordance with meeting procedure local law
Schedule 1 clause 8(8)	power to regulate own proceedings	Ferntree Gully Cemetery Trust Special Committee <u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator - Governance</u>	where council is a Class B cemetery trust Meetings held in accordance with meeting procedure local law subject to clause 8

CEMETERIES AND CREMATORIA REGULATIONS 2015			
<u>##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS & LIMITATIONS</u>
<u>r.24</u>	<u>duty to ensure that cemetery complies with depth of burial requirements</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator - Governance</u> <u>Senior Administrative Officer</u> <u>Administrative Officer</u> <u>Sexton</u>	
<u>r.25</u>	<u>duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator - Governance</u> <u>Senior Administrative Officer</u> <u>Administrative Officer</u> <u>Sexton</u>	

CEMETERIES AND CREMATORIA REGULATIONS 2015			
<u>##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS & LIMITATIONS</u>
r.36	<u>duty to provide statement that alternative vendors or supplier of monuments exist</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator - Governance</u> <u>Senior Administrative Officer</u> <u>Administrative Officer</u>	
r. 40	<u>power to approve a person to play sport within a public cemetery</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator – Governance</u>	
r. 41(1)	<u>power to approve fishing and bathing within a public cemetery</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator – Governance</u>	
r. 42(1)	<u>power to approve hunting within a public cemetery</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator – Governance</u>	

CEMETERIES AND CREMATORIA REGULATIONS 2015			
<u>##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS & LIMITATIONS</u>
r. 43	<u>power to approve camping within a public cemetery</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator – Governance</u>	
r. 45(1)	<u>power to approve the removal of plants within a public cemetery</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator – Governance</u>	
r.46	<u>power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator – Governance</u>	
r. 47(3)	<u>power to approve the use of fire in a public cemetery</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u>	

CEMETERIES AND CREMATORIA REGULATIONS 2015			
<u>##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS & LIMITATIONS</u>
r.48(2)	<u>power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator – Governance</u>	<u>In consultation with Sexton</u>
<u>Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules</u>			
<u>Schedule 2, clause 4</u>	<u>power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 2</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator – Governance</u>	<u>see note above regarding model rules</u>
<u>Schedule 2, clause 5(1)</u>	<u>duty to display the hours during which pedestrian access is available to the cemetery</u>	<u>Chief Executive Officer</u> <u>Director - Corporate Development</u> <u>Manager - Governance & Innovation</u> <u>Coordinator - Governance</u> <u>Sexton</u>	<u>see note above regarding model rules</u>

CEMETERIES AND CREMATORIA REGULATIONS 2015			
<u>##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS & LIMITATIONS</u>
Schedule 2, clause 5(2)	<u>duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours</u>	Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	<u>see note above regarding model rules</u>
Schedule 2, clause 6(1)	<u>power to give directions regarding the manner in which a funeral is to be conducted</u>	Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer Sexton	<u>see note above regarding model rules</u>
Schedule 2, clause 7(1)	<u>power to give directions regarding the dressing of places of interment and memorials</u>	Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	<u>see note above regarding model rules</u> In consultation with Sexton

CEMETERIES AND CREMATORIA REGULATIONS 2015			
<u>##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS & LIMITATIONS</u>
Schedule 2, clause <u>8</u>	<u>power to approve certain mementos on a memorial</u>	Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Senior Administrative Officer Administrative Officer	<u>see note above regarding model rules</u>
Schedule 2, clause <u>11(1)</u>	<u>power to remove objects from a memorial or place of interment</u>	Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Sexton	<u>see note above regarding model rules</u>
Schedule 2, clause <u>11(2)</u>	<u>duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner</u>	Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Sexton	<u>see note above regarding model rules</u>

CEMETERIES AND CREMATORIA REGULATIONS 2015			
<u>##These provisions apply to Councils appointed as a cemetery trust under section 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Councils appointed to manage a public cemetery under section 8(1)(a)(ii) as though it were a cemetery trust (see section 53)</u>			
<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS & LIMITATIONS</u>
Schedule 2, clause 12	<u>power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies</u>	Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Sexton	<u>see note above regarding model rules</u>
Schedule 2, clause 14	<u>power to approve an animal to enter into or remain in a cemetery</u>	Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance	<u>see note above regarding model rules</u>
Schedule 2, clause 16(1)	<u>power to approve construction and building within a cemetery</u>	<u>Not Delegated</u>	<u>see note above regarding model rules</u> <u>Does not apply to a Cemetery Trust when carrying out its own functions or to an employee, agent or contractor of the Cemetery Trust</u>
Schedule 2, clause 17(1)	<u>power to approve action to disturb or demolish property of the cemetery trust</u>	<u>Not Delegated</u>	<u>see note above regarding model rules</u>

CEMETERIES AND CREMATORIA REGULATIONS 2015

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

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>PROVISION</u>	<u>THING DELEGATED</u>	<u>DELEGATE</u>	<u>CONDITIONS & LIMITATIONS</u>
Schedule 2, clause 18(1)	power to approve digging or planting within a cemetery	Chief Executive Officer Director - Corporate Development Manager - Governance & Innovation Coordinator - Governance Sexton	see note above regarding model rules

CEMETERIES AND CREMATORIA REGULATIONS 2005

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

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.17	power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)		
r.18(1)	power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator		
r.18(2)	duty to ensure any fittings removed of are disposed in an appropriate manner		
r.19	power to dispose of any metal substance or non-human substance recovered from a cremator		
r.20(2)	power to release cremated human remains to certain persons		Subject to any order of a court
r.21(1)	duty to make cremated human remains available for collection within 2 working days after the cremation		
r.21(2)	duty to hold cremated human remains for at least 12 months from the date of cremation		

CEMETERIES AND CREMATORIA REGULATIONS 2005

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

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.21(3)	power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation		
r.21(4)	duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period		
r.22	duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)		
r.26	duty to provide statement that alternative vendors or supplier of monuments exist		
r.36	power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)		
r.38(2)	power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area		
Schedule 6, clause 4	power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of Schedule 6		

CEMETERIES AND CREMATORIA REGULATIONS 2005

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

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 6, clause 5(1)	duty to display the hours during which pedestrian access is available to the cemetery		
Schedule 6, clause 5(2)	duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to these hours		
Schedule 6, clause 6(1)	power to give directions regarding the manner in which a funeral is to be conducted		
Schedule 6, clause 7(1)	power to give directions regarding the dressing of places of interment and memorials		
Schedule 6, clause 11(1)	power to remove objects from a memorial or place of interment		
Schedule 6, clause 11(2)	duty to ensure objects removed under sub-rule (1) are disposed of in an appropriate manner		
Schedule 6, clause 12	power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies		

CEMETERIES AND CREMATORIA REGULATIONS 2005

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

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

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 6, clause 14	power to approve an animal to enter into or remain in a cemetery		

ALL WARDS**13.2 ENDORSEMENT OF MAV STATE COUNCIL MOTION**

SUMMARY: Governance Officer (Kirstin Ritchie)

This report seeks endorsement of the Municipal Association of Victoria (MAV) motion submitted by Knox City Council to the MAV State Council meeting on 20 October 2017.

RECOMMENDATION

That Council endorse the Access to Landfill Levy funds for rehabilitation of closed landfills motion to be presented to the MAV State Council meeting on 20 October 2017, as contained in Appendix A.

1. INTRODUCTION

The MAV is the statutory peak body for local governments in Victoria with a key role of advocating local government interests to the State Government. The MAV has written to Victorian Councils seeking submissions of motions for consideration at the MAV State Council meeting to be held on 20 October 2017.

Attached to this report at Appendix A is the proposed motion.

2. DISCUSSION

The MAV State Council Meeting considers motions of statewide significance to local government submitted by Victorian municipalities. Motions that are carried at State Council become Resolutions, which are taken into consideration by the MAV Board when setting the strategic workplan and advocacy program for the MAV. State Council meetings provide a valuable opportunity for Council to explore and develop statewide and national approaches across a range of issues.

The following proposed motion is submitted to Council for endorsement:

- Access to Landfill Levy funds for rehabilitation of closed landfills

Motions were required to be submitted with the MAV by 22 September 2017. The proposed motion was prepared and lodged in accordance with this timeframe, following consultation with Councillors. Should Council not endorse or amend the proposed motion it can be withdrawn or amended up until 29 September.

3. CONSULTATION

Councillors were advised of the forthcoming MAV meeting and provided an opportunity to identify motions for consideration and endorsement.

13.2 Endorsement of MAV State Council Motion (cont'd)**4. ENVIRONMENTAL/AMENITY ISSUES**

There are no direct environmental or amenity issues associated with the preparation of this report.

5. FINANCIAL & ECONOMIC IMPLICATIONS

There are no financial or economic implications associated with this report.

6. SOCIAL IMPLICATIONS

Council plays a key advocacy role on behalf of the community. Participation at this forum assists Council to build strong relationships with other levels of government and develop statewide and national approaches across a range of areas.

7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)

The MAV State Council considers a wide range of motions that will have relevance to the City Plan.

8. CONCLUSION

Contributing to the MAV State Council meeting ensures that Council's views are represented at a state and national level.

9. CONFIDENTIALITY

There are no issues of confidentiality associated with this report.

Report Prepared By: Governance Officer (Kirstin Ritchie)

***Report Authorised By: Director – Corporate Development
(Michael Fromberg)***

MAV State Council Meeting – 20 October 2017

To submit a motion for consideration by State Council on Friday, 20 October 2017, please complete this form and email to the **State Council** email address S2@mav.asn.au, **no later than 22 September**. Please note, motions received by **14 September** (early motions) will be distributed to all MAV representatives on **15 September**. Submitters may amend their own motions up to 5pm on **29 September**.

Motion	
Access to Landfill Levy funds for rehabilitation of closed landfills	
<i>Submitted by: Knox City Council</i>	
MOTION:	
<p>MAV calls on the Victorian Government to implement an ‘as of right’ annual return of a proportion of the landfill levy funds to each Council for spending on programs consistent with priorities in the Sustainability Fund Priority Statement Framework as well as a direct funding contribution for projects related to the rehabilitation of closed landfills.</p>	
MAV Strategic Work Plan (SWP):	
Indicate whether or not the subject matter of your motion is included in the MAV SWP 2017-19.	
Is the subject matter of this motion included in the SWP?	Yes
If yes, identify the following:	
Objective No.	1
Priority No.	3
Item No.	P3
RATIONALE:	
<p>The wording of this motion is from correspondence to The Minister for Energy, Environment and Climate Change dated 9 June 2017 from Whitehorse City Council. Knox City Council is having to use Council funds for the rehabilitation of our two closed landfills which should be funded from the landfill levy. The landfill rehabilitation is consistent with the Victorian Government objective in using landfill levy funds to protect the environment.</p>	

Note: Motions must be submitted by **one council but may be supported by other councils. The council submitting the motion will need to supply written confirmation from any council(s) listed as supporting the motion. All relevant background information in support of the motion should be included in the space provided for the rationale and not in attachments. **The motion and rationale should be no longer than one page.***