

Instrument of Delegation – Council to Members of Staff

Whitehorse City Council

Instrument of Delegation

to

Members of Council Staff

Under various Acts and Regulations

***Note: Refer to separate Instrument of Delegation from Council to staff
under the Planning and Environment Act 1987,
Planning and Environment Regulations 2015, and
Planning and Environment (Fees) Regulations 2016***

Adopted by Council 21 August 2017

Instrument of Delegation

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

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

Abbreviation		Title
ABS	means	Assistant Building Surveyor
AMDC&A	means	Assistant Manager Design, Construction & Assets
AMI&ED	means	Assistant Manager Investment and Economic Development
AMMP	means	Assistant Manager Major Projects
AMS	means	Assistant Manager Sustainability
AMSP	means	Assistant Manager Statutory Planning
AOBldg	means	Administrative Officer (Building Department)
APO	means	Team Leader Statutory Planning, Principal Planner, Development Planner, Senior Strategic Planner, Urban Planner and Planning Arborist
BCO	means	Building Control Officer
CC	means	Coordinator Compliance
CCI	means	Coordinator Corporate Information
CLC	means	Community Laws Coordinator
CEA	means	Coordinator Engineering Assets
CIT	means	Coordinator Information Technology
CLA	means	Community Laws Administration Officers
CLEO	means	Community Laws Education Officer
CLO	means	Community Laws Officers

Abbreviation		Title
CLPRO	means	Community Laws Project Officer
CPS	means	Coordinator Parking Services
CSO	means	Customer Services Officers
CStratP	means	Coordinator Strategic Planning
CT	means	Coordinator Transport
CustLo	means	Customer Liaison Officer
CWI	means	Civil Works Inspector
DAE	means	Development and Approvals Engineer
DMBS	means	Deputy Municipal Building Surveyor
DP	means	Development Planner(s)
EAC	means	Engineering Assets Coordinator
EHA	means	Environmental Health Administration
EHO	means	Environmental Health Officer appointed pursuant to the <i>Public Health and Wellbeing Act 2008</i>
EHT	means	Environmental Health Technician
EWC	means	Engineering Works Coordinator
FC	means	Festival Coordinator
FFSO	means	Fee For Service Officers
FinAcct	means	Financial Accountant
FPO	means	Fire Prevention Officer
GISC	means	GIS Coordinator
GMCD	means	General Manager City Development

Abbreviation		Title
GMCS	means	General Manager Corporate Services
GMHS	means	General Manager Human Services
GMI	means	General Manager Infrastructure
GMs	means	All General Managers
HACC AOs	means	Home and Community Care Assessment Officers
HBT	means	Head Business Technology
HF&CP	means	Head of Finance and Corporate Performance
IRO	means	Infringements Review Officer
MADO	means	Metro Access Development Officer
MARD	means	Manager Arts and Recreation Development
MBI	means	Manager Built Infrastructure
MBS	means	Municipal Building Surveyor
MC	means	Manager Compliance
MCD	means	Manager Community Development
MCOM	means	Manager Communications
MCS	means	Manager Civic Services
MCT	means	Manager Contracts and Tendering
MCW	means	Manager City Works
MEES	means	Manager Engineering & Environmental Services
MERO	means	Municipal Emergency Response Officer
Mgmt Acct	means	Management Accountant
Mgrs	means	All Managers

Abbreviation		Title
MH&CC	means	Manager Home and Community Care
MHFS	means	Manager Health and Family Services
MMP	means	Manager Major Projects
MCHub	means	Manager Nunawading Community Hub
MOD	means	Manager Organisation Development
MP&B	means	Manager Planning and Building
MPR	means	Manager Property and Rates
MPW	means	Manager Parks Wide
MR&WC	means	Manager Recycling and Waste Centre
PayCoord	means	Payroll Coordinator
P&BAO	means	Planning and Building Administration Officers
PDC	means	Protected Disclosure Coordinator
PEO	means	Planning Enforcement Officer(s)
POs	means	Planning Officer(s) which includes, TLSTATP, PP, DP, UP and SPO
PP	means	Principal Planner
PrivOffr	means	Privacy Officer
PropSup	means	Property Supervisor
PSO	means	Parking Services Officer
RA	means	Rate Administrator
RAO	means	Rate Administration Officers
RQSO	means	Rates Quality Systems Officer
SBCO	means	Senior Building Control Officer
SBS	means	Student Building Surveyor

Abbreviation		Title
SIC	means	Safety and Insurance Coordinator
SP	means	Strategic Planner
SPO	means	Subdivision Planning Officer
SPSO	means	Senior Parking Services Officer
SRAO	means	Senior Rates Administration Officer
TLCF&P	means	Team Leader Cultural Facilities & Programs
TLEH	means	Team Leader Environmental Health
TLG	means	Team Leader Governance
TLSTATP	means	Team Leader Statutory Planning
TptCoord	means	Transport Coordinator
UP	means	Urban Planners(s)
WCC	means	Whitehorse Centre Coordinator

- 3. declares that:
 - 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on 21 August 2017 and
 - 3.2 the delegation:
 - 3.2.1 revokes all previous delegations issued by the Council apart from the:
 - a) delegation dated 19 August 2013 (signed and sealed 20 August 2013) to the Special Committee of Council.
 - b) delegation dated 18 May 2015 (signed and sealed 1 June 2015) to the Chief Executive Officer.
 - 3.2.2 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 3.2.3 remains in force until varied or revoked;
 - 3.2.4 is subject to any conditions and limitations set out in sub-paragraph 3.3 and the Schedule;
 - 3.2.5 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 3.3 the delegate must not determine the issue, take the action or do the act or thing:
 - 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a resolution of Council; or
 - 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy;adopted by Council; or
 - 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
 - 3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

THE COMMON SEAL of the)
WHITEHORSE CITY COUNCIL)
was hereunto affixed this)
day of August 2017)
in the presence of:)

.....Councillor

.....Chief Executive Officer

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CEMETERIES AND CREMATORIA ACT 2003			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.8(1)(a)(ii)	Power to manage one or more public cemeteries.	Not applicable as Council does not manage any cemeteries.	

DOMESTIC ANIMALS ACT 1994			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.41A(1)	Power to declare a dog to be a menacing dog.	MC.	Council may delegate this power to an authorised officer.

ENVIRONMENT PROTECTION ACT 1970			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53M(3)	Power to require further information.	MHFS and TLEH.	
s.53M(4)	Duty to advise an applicant that the application is not to be dealt with.	MHFS and TLEH.	
s.53M(5)	Duty to approve plans, issue a permit or refuse a permit.	MHFS and TLEH.	Refusal must be ratified by Council or it is of no effect.
s.53M(6)	Power to refuse to issue a septic tank permit.	MHFS and TLEH.	
s.53M(7)	Duty to refuse to issue a permit in the circumstances in sub sections (a) to (c).	MHFS and TLEH.	Refusal must be ratified by Council or it is of no effect. <i>Note - section 53M (a) refers to specific aspects of applications for a septic tank permit.</i>

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition.	TLEH and EHO.	If section 19(1) applies.
s.19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable.	TLEH and EHO.	
s.19(3)	Power to direct by written order any of the matters in sub-section 19(3) (a)-(c) until section 19(2) is complied with.	TLEH and EHO.	If section 19(1) applies. <i>Note – section 58A (1A) – the delegation only applies to temporary food premises or mobile food premises.</i>
s.19(4)(a)	Power to direct that an order made under section 19(3)(a) or (b): i. be affixed to a conspicuous part of the premises; and ii. inform the public by notice in a published newspaper or otherwise.	CEO, GMHS, MHFS and TLEH.	If section 19(1) applies.
s.19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with.	TLEH and EHO.	
s.19(6)(b)	Duty to give written notice of revocation under section 19(6) (a) if satisfied that an order has been complied with.	TLEH and EHO.	
s.19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	Not applicable.	The section refers to “primary food production” and is not relevant to Whitehorse.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19AA(4)(c)	Power to direct, in an order made under section 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.	Not delegated.	Note: the power to direct the matters under section 19AA (4) (a) and (b) are not capable of delegation and so such directions must be made by a Council resolution.
s.19AA(7)	Duty to revoke an order issued under section 19AA and give written notice of revocation, if satisfied that that order has been complied with.	Not delegated.	Where council is the registration authority.
s.19CB(4)(b)	Power to request a copy of records.	TLEH and EHOs.	Where Council is the registration authority. <i>Note – refers to the records of the proprietor of the food premises.</i>
s.19E(1)(d)	Power to request a copy of the food safety program.	TLEH, EHO and EHT.	Where Council is the "registration authority".
s.19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor.	TLEH, EHO and EHT.	
s.19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where necessary where deficiencies are identified.	Not applicable.	Where Council is the registration authority. Whitehorse does not currently conduct food safety audits.
s.19NA(1)	Power to request food safety audit reports.	TLEH, EHO and EHT.	Where Council is the registration authority.
s.19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances.	Not delegated.	Council does not currently conduct food safety auditing services. This may be considered in future once a business case has been developed.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19UA(1)	Power to charge fees for conducting a food safety assessment or inspection.	Not delegated.	<ul style="list-style-type: none"> Fees are determined by Council in the annual budget process. Except for an assessment required by a declaration under section 19C or an inspection under sections 38B (1) (c) or 39.
s.19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB.	TLEH, EHO and EHT.	Where Council is the registration authority.
s.19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction.	TLEH, EHO and EHT.	
s.19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises.	TLEH, EHO and EHT.	
	Power to register, renew or transfer registration.	TLEH and EHO.	<ul style="list-style-type: none"> Where Council is the registration authority. Refusal to grant, renew or transfer registration must be ratified by Council or the CEO – see section 58A (2).
s.38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt.	TLEH and EHO.	Where Council is the registration authority.
s.38AB(4)	Power to fix a fee for the receipt of a notification under section 38AA in accordance with a declaration under subsection (1).	Not delegated.	<ul style="list-style-type: none"> Fees are determined by Council in the annual budget process. Where Council is the registration authority.

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.28A(4)	Power to request a copy of a completed food safety programme template.	TLEH, EHO and EHT.	Where Council is the registration authority.
s.38B(1)(a)	Duty to assess the application and determine which class of food premises under section 19C the food premises belongs.	TLEH and EHO.	
s.38B(1)(b)	Duty to ensure proprietor has complied with requirements of section 38A.	TLEH and EHO.	
s.38B(2)	Duty to be satisfied of the matters in section 38B (2) (a)-(b).	TLEH and EHO.	
s.38D(1)	Duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39.	TLEH, EHO and EHT.	
s.38D(2)	Duty to be satisfied of the matters in section 38D (2)(a)-(d).	TLEH and EHO.	
s.38D(3)	Power to request copies of any audit reports.	TLEH, EHO and EHT.	
s.38E(2)	Power to register the food premises on a conditional basis.	TLEH and EHO.	<ul style="list-style-type: none"> • Where Council is the registration authority. • Not exceeding the prescribed time limit defined under subsection (5).
s.38E(4)	Duty to register the food premises when conditions are satisfied.	TLEH and EHO.	Where Council is the registration authority.
s.38F(3)(b)	Power to require the proprietor to comply with requirements of this Act.	TLEH and EHO.	

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.39A	Power to register, renew or transfer the registration of food premises despite minor defects.	TLEH and EHO.	<ul style="list-style-type: none"> Where Council is the registration authority. Only if satisfied of the matters in subsections (2) (a) – (c).
s.40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i> .	CEO.	
s.40C(2)	Power to grant or renew the registration of food premises for a period less than one year.	TLEH.	Where Council is the registration authority.
s.40D(1)	Power to suspend or revoke the registration of food premises.	MHFS.	
s.43F(6)	Duty to be satisfied that the registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business.	TLEH and EHOs.	
s.43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements.	TLEH and EHOs.	
s.46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged.	TLEH, EHO and EHT.	

HERITAGE ACT 1995			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.84(2)	Power to sub-delegate Executive Director's (*) functions.	GMCD.	<i>(*) – Note – the delegate must first obtain Executive Director's written consent. Executive Director means the Executive Director of Heritage Victoria.</i>

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.33	Duty to comply with a direction of the Safety Director under this section.	CEO, GMCD, GMI, MEES and MCW.	Duty of Council as a utility under section 3.
s.33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under this section.	CEO, GMCD, GMI, MEES and MCW.	Duty of Council as a road authority under the <i>Road Management Act 2004</i> .
s.34	Duty to comply with a direction of the Safety Director to alter, demolish or take away works carried out contrary to a direction under section 33(1).	CEO, GMCD, GMI, MEES and MCW.	Duty of Council as a utility under section 3.
s.34C(2)	Function of entering into safety interface agreements with the rail infrastructure manager.	CEO.	Where Council is the relevant road authority.
s.34D(1)	Function of working in conjunction with rail infrastructure manager in determining whether risks to safety need to be managed.	GMCD and MEES.	
s.34D(2)	Function of receiving written notice of opinion from the rail infrastructure manager.	GMCD and MEES.	
s.34D(4)	Function of entering into a safety interface agreement with the infrastructure manager.	CEO.	
s.34E(1)(a)	Duty to identify and assess risks to safety.	GMCD and MEES.	

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34(1)(b)	Duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E (2) (a)-(c).	GMCD and MEES.	Where Council is the relevant road authority.
s.34E(3)	Duty to seek to enter into a safety interface agreement with the rail infrastructure manager.	GMCD and MEES.	
s.34F(1)(a)	Duty to identify and assess risks to safety, if written notice has been received under section 34D (2) (a).	GMCD and MEES.	
s.34F(1)(b)	Duty to determine measures to manage any risks identified and assessed, if written notice has been received under section 34D (2) (a).	GMCD and MEES.	
s.34F(2)	Duty to seek to enter into a safety interface agreement with rail infrastructure manager.	GMCD and MEES.	
s.34H	Power to identify and assess risks to safety as required under sections 34B, 34C, 34D, 34E or 34F in accordance with subsections (a)-(c).	GMCD and MEES.	
s.34I	Function of entering into safety interface agreements.	CEO.	
s.34J(2)	Function of receiving notice from the Safety Director.	CEO.	
s.34J(7)	Duty to comply with a direction of the Safety Director given under section 34 J (5).	GMCD and MEES.	

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34K(2)	Duty to maintain a register of items set out in subsections (a)-(b)	GMCD and MEES.	Where Council is the relevant road authority.

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.142D	Function of receiving notice regarding an unregistered rooming house.	TLEH and EHOs.	
s.142G(1)	Duty to enter required information in the Rooming House Register for each rooming house in municipal district.	TLEH and EHOs.	
s.142G(2)	Power to enter certain information in the Rooming House Register.	TLEH and EHOs.	
s.142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry.	TLEH and EHOs.	
s.252	Power to give tenant a notice to vacate rented premises if subsection (1) applies.	GMHS and MH&CC.	Where Council is the landlord.
s.262(1)	Power to give tenant a notice to vacate rented premises.	GMHS and MH&CC.	
s.262(3)	Power to publish its criteria for eligibility for the provision of housing by Council.	MH&CC.	
s.518F	Power to issue notice to a caravan park operator regarding an emergency management plan if determined that the plan does not comply with the requirements.	Not applicable.	There are no caravan parks in Whitehorse.

RESIDENTIAL TENANCIES ACT 1997			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.522	Power to give a compliance notice to a person.	No delegation required.	<i>Note - the legislation relates to caravan parks (there are none in Whitehorse), rooming houses and hotels and other prescribed accommodation. Staff exercise the necessary powers pursuant to the Public Health and Wellbeing Act 2008 and associated Regulations, therefore no delegations are required under the Residential Tenancies Act 1997.</i>
s.525(2)	Power to authorise an officer to exercise powers in section 526 (either generally or in a particular case).	No delegation required.	As above.
s.525(4)	Duty to issue an identity card to authorised officers.	Not delegated.	
s.526(5)	Duty to keep a record of entry by an authorised officer under section 526.	No delegation required.	As above.
s.526A(3)	Function of receiving the report of an inspection.	GMHS and MHCC.	
s.527	Power to authorise a person to institute proceedings (either generally or in a particular case).	No delegation required.	As above.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<i>Note – under this Act, “Secretary” refers to the Secretary of the Department of Environment, Land, Water and Planning.</i>
s.11(1)	Power to declare a road by publishing a notice in the Victoria Government Gazette.	GMCD and MEES.	The delegate must obtain consent in the circumstances specified in section 11(2).
s.11(8)	Power to name a road or change the name of a road by publishing a notice in the Victoria Government Gazette.	Not delegated.	
s.11(9)(b)	Duty to advise the Registrar.	TLG.	<i>Note – “Registrar” refers to the Registrar of Titles.</i>
s.11(10)	Duty to inform the Secretary of a declaration etc.	GMCD, MEES and MCS.	Subject to section 11(10A).
s.11(10A)	Duty to inform the Secretary or nominated person: a) for newly names roads; or b) where a road has been renamed.	TLG and GISCoord.	
s.12(2)	Power to discontinue a road or part of a road.	Not applicable.	At Whitehorse, roads are discontinued pursuant to the <i>Local Government Act 1989</i> .
s.12(4)	Power to publish and provide a copy of a notice of a proposed discontinuance.	Not applicable.	
s.12(5)	Duty to consider written submissions received within 28 days of notice.	Not applicable.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(6)	Function of hearing a person in support of their written submission.	Not applicable.	At Whitehorse, roads are discontinued pursuant to the <i>Local Government Act 1989</i> .
s.12(7)	Duty to fix day, time and place of meeting under subsection (6) and to give notice.	Not applicable.	
s.12(10)	Duty to notify submitters of the decision made.	Not applicable.	
s.13(1)	Power to fix a boundary road by publishing notice in the Victoria Government Gazette.	Not delegated.	
s.14(4)	Function of receiving notice from VicRoads.	MEES.	Section 14 refers to the power of VicRoads to make declaration in respect of roads.
s.14(7)	Power to appeal against decision of VicRoads.	Not delegated.	
s.15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport.	Not delegated.	
s.15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority.	Not delegated.	
s.15(2)	Duty to include details of arrangement in the public roads register.	GMCD and MEES.	
s.16(7)	Power to enter into an arrangement under section 15.	Not delegated.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.16(8)	Duty to enter details of determination in the public roads register.	GMCD and MEES.	
s.17(2)	Duty to register public road in the public roads register.	GMCD and MEES.	Duty of coordinating road authority.
s.17(3)	Power to decide that a road is reasonably required for general public use.	GMCD and MEES.	Power of coordinating road authority. <i>Note – a public road includes a road declared pursuant to section 204(1) of the Local Government Act 1989.</i>
s.17(3)	Duty to register a road reasonably required for general public use in the public roads register.	GMCD and MEES.	Duty of coordinating road authority.
s.17(4)	Power to decide that a road is no longer reasonably required for general public use.	GMCD and MEES.	Power of coordinating road authority.
s.17(4)	Duty to remove road no longer reasonably required for general public use from the public roads register.	GMCD and MEES.	Duty of coordinating road authority.
s.18(1)	Power to designate an ancillary area.	GMCD and MEES.	Where Council is the coordinating road authority, and obtains consent in circumstances specified in section 18(2).
s.18(3)	Duty to record a designation in the public roads register.	GMCD and MEES.	Duty of coordinating road authority.
s.19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority.	GMCD and MEES.	
s.19(4)	Duty to specify details of discontinuance in the public roads register.	GMCD and MEES.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19(5)	Duty to ensure the public roads register is available for public inspection.	GMCD and MEES.	
s.21	Function of replying to a request from the Minister or relevant Minister for information or advice.	Not delegated.	
s.22(2)	Function of commenting on a proposed Ministerial direction.	Not delegated.	
s.22(4)	Duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	GMCS, GMCD, MFIS and MEES.	
s.22(5)	Duty to give effect to a direction under this section.	GMCD and MEES.	
s.40(1)	Duty to inspect, maintain and repair a public road.	GMCD and MEES.	
s.40(5)	Power to inspect, maintain and repair a road which is not a public road.	GMI and GMCD.	
s.41(1)	Power to determine the standard of construction, inspection, maintenance and repair.	GMCD and MEES.	
s.42(1)	Power to declare a public road as a controlled access road	Not delegated.	<i>Note – “controlled access road” means a public road in respect of which a declaration is in force under section 42.</i>
s.42(2)	Power to amend or revoke declaration by notice published in the Victoria Government Gazette.	Not delegated.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(3)	Duty to consult with VicRoads before a road is specified.	Not delegated.	<p><i>Note - "specified road" means a road or part of a road which is specified under section 42A to be a specified road in respect of which a mode of transport is to have priority.</i></p> <p>Duty of coordinating road authority (ie: the duty remains with the Council).</p> <p>If the road is a municipal road or part thereof.</p>
s.42A(4)	Power to approve the Minister's decision to specify a road as a specified freight road.	Not delegated.	<p><i>Note – section 42A (4) provides that If a road or part of a road which is to be a specified freight road is a municipal road, the</i></p> <p><i>Minister must obtain the approval of the municipal council which is the coordinating road authority before the road or part of the road can be specified to be a specified freight road.</i></p>
s.48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport).	GMCD, GMI, MEES and MCW.	
s.48M(3)	Function of consulting with the relevant authority for the purposes of developing guidelines under section 48M.	MEES.	<i>Note – the section refers to bus stopping points and bus stop infrastructure.</i>
s.49	Power to develop and publish a road management plan.	Not delegated.	
s.51	Power to determine standards by incorporating the standards in a road management plan.	Not delegated.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.53(2)	Power to cause notice to be published in the Victoria Government Gazette of amendment etc of a document in road management plan.	CEO.	
s.54(2)	Duty to give notice of a proposal to make a road management plan.	Not delegated.	The duty remains with the Council.
s.54(5)	Duty to conduct a review of road management plan at prescribed intervals.	CEO.	
s.54(6)	Power to amend a road management plan.	Not delegated	The power remains with the Council.
s.54(7)	Duty to incorporate the amendments into the road management plan.	MEES.	
s.55(1)	Duty to cause notice of a road management plan to be published in the Victoria Government Gazette and newspaper.	CEO.	<i>Note – subject to adoption by Council of the Road Management Plan.</i>
s.62(1)	Power to prevent obstruction of a road.	GMCD, GMCS, GMI, MEES, MC, CLC, SPSO, PSO and CLOs.	
s.63(1)	Power to consent to the conduct of works on a road.	GMCD, GMI, MEES, CEA, MCW, CWI and EWC.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency.	GMCD, GMI, MEES, MCW CEA, CWI and EWC.	
s.64(1)	Duty to comply with clause 13 of Schedule 7.	GMCD, GMI, MEES and MCW.	<i>Note – Schedule 7 refers to infrastructure and works on roads. Clause 13 of Schedule 7 requires the works manager to give notice the relevant coordinating authority of the completion of works.</i>
s.66(1)	Power to consent to a structure etc.	GMCD, GMI, GMCS, MEES, MCW and MC.	
s.67(2)	Function of receiving the name and address of the person responsible for distributing the sign or bill.	MC.	Where Council is the coordinating road authority. <i>Note – the section refers to a person who commissions the making of an advertising sign or bill that is placed on or over a road or on a pole, bus shelter, traffic sign or other object or infrastructure on a road reserve.</i>
s.67(3)	Power to request information.	GMCD, GMCS, GMI, MEES, MCW, MC, CLO, PSO, CLC, CPS and SPSO.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.68(2)	Power to request information.	GMCD, GMCS, GMI, MEES, MCW, MC, CLO, PSO, CLC, CPS and SPSO.	
s.71(3)	Power to appoint an authorised officer.	Not delegated.	<i>Note – Authorised officers are appointed by the CEO.</i>
s.72	Duty to issue an identity card to each authorised officer.	MHROD.	
s.85	Function of receiving report from authorised officer.	MC and MEES.	Division 3 of the Act refers to the general powers of Authorised Officers. Section 85 refers specifically to power of entry.
s.86	Duty to keep a register regarding section 85 (*) matters.	MC.	<i>(*) – Note – refers to entry onto land.</i>
s.87(1)	Function of receiving complaints (ie: about authorised officers).	CEO.	
s.87(2)	Power to investigate a complaint and provide a report.	GMCD, GMCS, MEES, MC, CLO, PSO, CLC, CPS and SPSO.	
s.112(2)	Power to recover damages in court.	MC.	<i>Note – the section applies if a road authority incurs extraordinary expenses in repairing a road that has been damaged as a result of the passage of extraordinary traffic or excessive mass along the road.</i>

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.116	Power to cause or carry out an inspection.	GMCD, MEES, MCW, CLO, PSO, CLC, CPS and SPSO	
s.119(2)	Function of consulting with VicRoads	CEO.	<i>Note – the section refers to VicRoads performing a road management function</i>
s.120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads).	GMCD, GMI, MEES, MCW and EWC.	
s.120(2)	Duty to seek the consent of VicRoads to exercise road management functions before exercising the power in section 120(1).	GMCD, GMI, MEES and MCW.	
s.121(1)	Power to enter into an agreement in respect of works.	GMCD, GMI, MEES and MCW.	
s.122(1)	Power to charge and recover fees.	MC and MEES.	<i>Fees are determined in the annual budget process. Fees may be charged if authorised under the Road Management (General) Regulations 2016. The Regulations express the fees in terms of “fee units” which are indexed annually. In 2016/17 a fee unit is \$13.94.</i>

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.123(1)	Power to charge for any service.	MC and MEES.	<i>Note:</i> <ul style="list-style-type: none"> a) fees must not be inconsistent with the relevant Regulations. Charges are determined in the annual budget process; and b) the charge can include costs relating to: <ul style="list-style-type: none"> • supplying a service, product or commodity; or • giving information.
Schedule 2 Clause 2(1)	Power to make a decision in respect of controlled access roads.	GMCD, GMI and MEES.	<i>Note – “controlled access road” means a public road in respect of which a declaration is in force under section 42.</i>
Schedule 2 Clause 3(1)	Duty to make policy about controlled access roads.	Not delegated.	
Schedule 2 Clause 3(2)	Power to amend, revoke or substitute policy about controlled access roads.	Not delegated.	
Schedule 2 Clause 4	Function of receiving details of a proposal from VicRoads.	CEO.	<i>Note – Schedule 2 refers to management of road access.</i>
Schedule 2 Clause 5	Duty to publish notice of declaration.	Not delegated.	
			<i>Note – Schedule 7 refers to infrastructure and works on roads.</i>
Schedule 7, Clause 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve.	GMCD, GMI, MCW and MEES.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road.	GMCD, GMI, MCW and MEES.	
Schedule 7, Clause 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works.	GMCD and MEES.	
Schedule 7, Clause 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance.	GMCD, GMI, MEES and MCW.	
Schedule 7, Clause 10(2)	Where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected.	GMCD, GMI, MCW and MEES.	
Schedule 7 Clause 12(2)	Power to direct the infrastructure manager or works manager to conduct reinstatement works.	GMCD, GMCS, GMI, MEES, MC, MCW and CEA.	
Schedule 7 Clause 12(3)	Power to take measures to ensure reinstatement works are completed.	GMCD, GMCS, GMI, MEES, MC, MCW and CEA.	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 12(4)	Duty to ensure that works are conducted by an appropriately qualified person.	GMCD, GMCS, GMI, MEES, MC, MCW, CEA and EWC.	
Schedule 7 Clause 12(5)	Power to recover costs.	GMCD, GMCS, MEES, MC and CEA.	Power of coordinating road authority. <i>Note – at Whitehorse this usually refers to the non-release of a bond.</i>
Schedule 7, Clause 13(1)	Duty to notify the relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2).	GMCD, GMI, MEES, MCW and EWC	
Schedule 7 Clause 13(2)	Power to vary notice period.	GMCD, GMI, MEES and MCW.	
Schedule 7, Clause 13(3)	Duty to ensure the works manager has complied with an obligation to give notice under Schedule 7, Clause 13(1).	GMCD, GMI, MEES and MCW.	
Schedule 7 Clause 16(1)	Power to consent to proposed works.	GMCD, GMI, MEES, MCW, CEA and CWI.	
Schedule 7 Clause 16(4)	Duty to consult.	MEES.	Where Council is the coordinating road authority clause 16 provides that if an application for consent is made by an infrastructure manager, the coordinating road authority must consult with the infrastructure manager and the responsible road authority before determining the application.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(5)	Power to consent to proposed works.	MEES and CEA.	Where Council is the coordinating road authority.
Schedule 7 Clause 16(6)	Power to set reasonable conditions on consent for proposed works.	MEES and CEA.	
Schedule 7 Clause 16(8)	Power to include consents and conditions for proposed works.	MEES and CEA.	
Schedule 7 Clause 17(2)	Power to refuse to give consent to proposed works..	GMCD, GMI, MEES, MCW, CEA and CWI.	Power of coordinating road authority.
Schedule 7 Clause 18(1)	Power to enter into an agreement in relation to proposed works.	GMCD, GMI, MEES, MCW, CEA and CWI.	
Schedule 7 Clause 19(1)	Power to give notice requiring rectification of works.	GMCD, GMI, MEES, MCW, CEA and CWI.	
Schedule 7 Clause 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred.	MEES and CEA.	Where Council is the coordinating road authority.
Schedule 7 Clause 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure.	GMCD, GMI, MEES, MCW, CEA and CWI.	Power of coordinating road authority.

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause 2	Power to cause street lights to be installed on roads.	GMCD, MEES and CEA.	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.
Schedule 7A Clause 3(1)(d)	Duty to pay installation and operation costs of street lighting - where the road is not an arterial road.	GMCD, MEES and CEA.	Duty of Council as the responsible road authority.
Schedule 7A Clause 3(1)(e)	Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas.	GMCD, MEES and CEA.	
Schedule 7A Clause (3)(1)(f),	Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4.	GMCD, MEES and CEA.	Duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs).

CEMETERIES AND CREMATORIA REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	These Regulations are not relevant to the City of Whitehorse as Council does not manage a cemetery.	Not applicable.	Not applicable.

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	These Regulations are not relevant to the City of Whitehorse as the municipality has no caravan parks.	Not applicable.	Not applicable.

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
			<p><i>Note</i> The making of a road management plan is voluntary and a road authority may therefore decide not to have a road management plan—see section 49 of the Act. However, a road authority that has made a road management plan must conduct a review of that plan in accordance with the Regulations at the intervals prescribed by the Regulations— see section 54(5) of the Act.</p> <p><i>Each incoming municipal council must review its road management plan during the same period as it is preparing its Council Plan under the Local Government Act 1989. Section 125(1) of that Act requires each municipal council to prepare a Council Plan within the period of six months after each general election or by the next 30 June, whichever is later, unless the Minister administering that Act extends the period under section 125(4) of that Act.</i></p>
r.8(1) and (3), r.9(1)	Duty to conduct reviews of the road management plan.	CEO.	

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.9(2)	After completing a review of the road management plan, the duty to:		
	a) produce a written report summarising the findings and conclusions of the review; and	MEES.	
	b) make the report available for copying or inspection:		
	(i) at the place where the road management plan may be inspected or obtained in accordance with section 55(1)(b) of the Act; or	MEES.	
	(ii) on an Internet site maintained by the road authority.	MEES.	
r.9(3)	Where, after a review of the road management plan, it is decided <i>not</i> to amend the plan, the duty to give notice of certain matters.	Not delegated.	Where council is the coordinating road authority. <i>Note – the notice must be given in the Victoria Government Gazette and in a newspaper circulating in the area.</i>
r.10	Where the Council proposes to amend a road management plan and the amendment relates to the determination of a standard of construction, inspection, maintenance or repair, the duty to give notice of certain matters.	Not delegated.	<i>Note – the notice must be given in the Victoria Government Gazette, in a newspaper circulating in the area and to any person believed to be affected by the proposed amendment.</i>
r.13(1) & (2)	Duty to give notice of a proposed amendment to the road management plan under regulation 10(1).	Not delegated.	<i>Note – the notice must be given in the Victoria Government Gazette and in a newspaper circulating in the area.</i>

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.16	Power to issue a permit.	GMCD, MEES, MC and CEA.	Where council is the coordinating road authority.
r.18(1)	Power to give written consent regarding damage to a road.	GMCD and MEES.	Where council is the coordinating road authority
r.23(1)	Duty to consider certain matters when considering whether to give consent.	MC, CLC, CPS and CC.	<i>Division 2 of the Act refers to consent to the placing of advertising, signs and bills on roads and road infrastructure.</i>
r.23(2)	Power to make a submission to a Tribunal.	GMCD and MEES.	
r.23(4)	Power to charge a fee for a consent application the purposes of section 66(1) of the Act.	Not delegated.	Fees are determined by Council in the annual budget process.
r.25(1)	Power to remove any object, refuse, rubbish, substance or other materials deposited or left on a road or part of a road.	MC, CLC CPS, CC, PSO and CLO.	
r.25(2)	Power to sell or dispose of anything which the road authority has removed from a road (after first complying with regulation 25(3).	MC, CLC, CPS and CC.	
r.25(5)	Power to recover in the Magistrates' Court, from a responsible person, costs incurred in removing any object, refuse, rubbish, substance or other materials deposited or left on a road other than in a receptacle or area provided for that purpose by the road authority, including any relevant overhead and other indirect costs.	MC, CLC, CPS, CC and CLPRO.	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	Power to exempt a person from a requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works.	GMCD and MEES.	Where council is the coordinating road authority and where consent given under section 63(1) of the Act.
r.22(2)	Power to waive the whole or part of fee in certain circumstances.	GMCD and MEES.	Where council is the coordinating road authority.

WHITEHORSE CITY COUNCIL LOCAL LAWS			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
	Powers, discretions, authorities and considerations of Council under Community Local Law 2014 including (but not limited to) the powers, discretions and authority to issue or refuse permits, fix conditions and durations relevant to such permits, cancel permits, require additional information, apply standards or guidelines or policies of Council, consider appeals and waive the need for any permit or waive or reduce any fee or charge or to do any act, matter or thing necessary or incidental to the performance or exercise of power, duty or function of the Council.	GMCS and MC	
		FC, CLC and CPS	Only in relation to section 2.1.1(b) of the Community Local Law 2014 and for the sole purpose of managing events.