

ATTACHMENT 2

***S6. Instrument of Delegation – Members of Staff***

**Whitehorse City Council**

**Instrument of Delegation**

**to**

**Members of Council Staff**

**Under various Acts and Regulations  
(Excludes Planning and Environment Act 1987  
and Regulations which is covered by a separate  
Instrument of Delegation from Council to staff)**

## Instrument of Delegation

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

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

Abbreviation	means	Position Title
CC		Coordinator Compliance
CEA		Coordinator Engineering Assets
CLC		Community Laws Coordinator
CLO		Community Laws Officer
CPS		Coordinator Parking Services
CWI		Civil Works Inspector
EHO		Environmental Health Officer appointed pursuant to the Public Health and Wellbeing Act 2008
EMG&CS		Executive Manager Governance and Customer Service
EWC		Engineering Works Coordinator
GISC		GIS Coordinator
GMCD		General Manager City Development
GMCS		General Manager Corporate Services
GMHS		General Manager Human Services
GMI		General Manager Infrastructure
HF&CP		Head of Finance and Corporate Performance
MC		Manager Compliance
MCW		Manager City Works
ME&ES		Manager Engineering and Environmental Services

<b>Abbreviation</b>	<b>means</b>	<b>Position Title</b>
MH&CS		Manager Home and Community Services
MH&FS		Manager Health and Family Services
MOD		Manager Organisation Development
PSO		Parking Services Officer
SPSO		Senior Parking Services Officer
TLEH		Team Leader Environmental Health
TLG		Team Leader Governance

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on May 2019; and

3.2 the delegation:

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

3.2.2 remains in force until varied or revoked;

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

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

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

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

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

(a) policy; or

(b) strategy

adopted by Council; or

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

3.3.4 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 )  
May 2019 in the presence of: )

..... **Councillor**

..... **Chief Executive Officer**

# SCHEDULE

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

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

**ENVIRONMENT PROTECTION ACT 1970**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 53M(3)	Power to require further information.	MH&FS and TLEH.	
s 53M(4)	Duty to advise applicant that application is not to be dealt with.	MH&FS and TLEH.	
s 53M(5)	Duty to approve plans, issue permit or refuse permit.	MH&FS and TLEH.	Refusal must be ratified by Council or it is of no effect.
s 53M(6)	Power to refuse to issue septic tank permit.	MH&FS and TLEH.	Refusal must be ratified by Council or it is of no effect.
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a) - (c).	MH&FS and TLEH.	Refusal must be ratified by Council or it is of no effect.



<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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 s 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.	If s 19(1) applies.
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process.	TLEH and EHO.	If s 19(1) applies. Only in relation to temporary food premises or mobile food premises.
s 19(4)(a)	Power to direct that an order made under s 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, MH&FS and TLEH.	If s 19(1) applies.
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with.	TLEH and EHO.	If s 19(1) applies.
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with.	TLEH and EHO.	If s 19(1) applies.
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a) - (c).	Not applicable.	Where Council is the registration authority.

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

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 19UA	Power to charge fees for conducting a food safety assessment or inspection.	Not delegated.	Except for an assessment required by a declaration under s 19C or an inspection under ss 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 and EHO.	Where Council is the registration authority.
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction.	TLEH and EHO.	Where Council is the registration authority.
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises.	TLEH and EHO.	Where Council is the registration authority.
---	Power to register, renew or transfer registration.	TLEH and EHO.	Where Council is the registration authority. Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 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 s 38AA in accordance with a declaration under s 38AB(1).	Not delegated.	Where Council is the registration authority.

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38A(4)	Power to request a copy of a completed food safety program template.	TLEH and EHO.	Where Council is the registration authority.
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs.	TLEH and EHO.	Where Council is the registration authority.
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A.	TLEH and EHO.	Where Council is the registration authority.
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a) - (b).	TLEH and EHO.	Where Council is the registration authority.
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39.	TLEH and EHO.	Where Council is the registration authority.
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a) - (d).	TLEH and EHO.	Where Council is the registration authority.
s 38D(3)	Power to request copies of any audit reports.	TLEH and EHO.	Where Council is the registration authority.
s 38E(2)	Power to register the food premises on a conditional basis.	TLEH and EHO.	Where Council is the registration authority. Not exceeding the prescribed time limit defined under s 38E(5).
s 38E(4)	Duty to register the food premises when conditions are satisfied.	TLEH and EHO.	Where Council is the registration authority.

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act.	TLEH and EHO.	Where Council is the registration authority.
s 39A	Power to register, renew or transfer food premises despite minor defects.	TLEH and EHO.	Where Council is the registration authority. Only if satisfied of matters in s 39A(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 of less than 1 year.	TLEH.	Where Council is the registration authority.
s 40D(1)	Power to suspend or revoke the registration of food premises.	MH&FS.	Where Council is the registration authority.
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business.	TLEH and EHO.	Where Council is the registration authority.
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 EHO.	Where Council is the registration authority.

<b>FOOD ACT 1984</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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 and EHO.	Where Council is the registration authority.

<b>HERITAGE ACT 2017</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 116	Power to sub-delegate Executive Director's functions, duties or powers.	GMCD.	Must first obtain Executive Director's written consent.  Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation.

<b>LOCAL GOVERNMENT ACT 1989</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge.	CEO. <sup>1</sup>	

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<sup>1</sup> The only member of staff who can be a delegate in Column 3 is the CEO.

<b>RAIL SAFETY (LOCAL OPERATIONS) ACT 2006</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s 33	Duty to comply with a direction of the Safety Director under this section.	CEO,GMCD, GMI, ME&ES and MCW.	Where Council is a utility under s 3.
s 33A	Duty to comply with a direction of the Safety Director to give effect to arrangements under s 33A.	CEO,GMCD, GMI, ME&ES 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 s 33(1).	CEO,GMCD, GMI, ME&ES and MCW.	Where Council is a utility under s 3.
s 34C(2)	Function of entering into safety interface agreements with 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 ME&ES.	Where Council is the relevant road authority.
s 34D(2)	Function of receiving written notice of opinion.	GMCD and ME&ES.	Where Council is the relevant road authority.
s 34D(4)	Function of entering into safety interface agreement with infrastructure manager.	CEO.	Where Council is the relevant road authority.
s 34E(1)(a)	Duty to identify and assess risks to safety.	GMCD and ME&ES.	Where Council is the relevant road authority.



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

**RAIL SAFETY (LOCAL OPERATIONS) ACT 2006**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS AND LIMITATIONS</b>
s 34K(2)	Duty to maintain a register of items set out in s 34K(a) - (b).	GMCD and ME&ES.	Where Council is the relevant road authority.

**RESIDENTIAL TENANCIES ACT 1997**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>

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

<b>RESIDENTIAL TENANCIES ACT 1997</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 522(1)	Power to give a compliance notice to a person.	No delegation required.	Note: The legislation relates to caravan parks (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.
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case).	No delegation required.	As above.
s 525(4)	Duty to issue identity card to authorised officers.	Not delegated.	
s 526(5)	Duty to keep record of entry by authorised officer under s 526.	No delegation required.	As above.
s 526A(3)	Function of receiving report of inspection.	GMHS and MH&CS.	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case).	No delegation required.	As above.

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette.	GMCD and ME&ES.	Obtain consent in circumstances specified in s 11(2).
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette.	Not delegated.	
s 11(9)(b)	Duty to advise Registrar.	TLG.	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMCD, ME&ES and EMG&CS.	Clause subject to s 11(10A).
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person.	TLG and GISC.	Where Council is the coordinating road authority.
s 12(2)	Power to discontinue road or part of a road.	Not applicable.	Where Council is the coordinating road authority.
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance.	Not applicable.	Power of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.
s 12(5)	Duty to consider written submissions received within 28 days of notice.	Not applicable.	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 12(6)	Function of hearing a person in support of their written submission.	Not applicable.	Function of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice.	Not applicable.	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies.
s 12(10)	Duty to notify of decision made.	Not applicable.	Duty of coordinating road authority where it is the discontinuing body. Does not apply where an exemption is specified by the regulations or given by the Minister.
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette.	Not delegated.	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate.
s 14(4)	Function of receiving notice from VicRoads.	ME&ES.	
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.	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
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 public roads register.	GMCD and ME&ES.	
s 16(7)	Power to enter into an arrangement under s 15.	Not delegated.	
s 16(8)	Duty to enter details of determination in public roads register.	GMCD and ME&ES.	
s 17(2)	Duty to register public road in public roads register.	GMCD and ME&ES.	Where Council is the coordinating road authority.
s 17(3)	Power to decide that a road is reasonably required for general public use.	GMCD and ME&ES.	Where Council is the coordinating road authority.
s 17(3)	Duty to register a road reasonably required for general public use in public roads register.	GMCD and ME&ES.	Where Council is the coordinating road authority.
s 17(4)	Power to decide that a road is no longer reasonably required for general public use.	GMCD and ME&ES.	Where Council is the coordinating road authority.
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register.	GMCD and ME&ES.	Where Council is the coordinating road authority.

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 18(1)	Power to designate ancillary area.	GMCD and ME&ES.	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2).
s 18(3)	Duty to record designation in public roads register.	GMCD and ME&ES.	Where Council is the 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 ME&ES.	
s 19(4)	Duty to specify details of discontinuance in public roads register.	GMCD and ME&ES.	
s 19(5)	Duty to ensure public roads register is available for public inspection.	GMCD and ME&ES.	
s 21	Function of replying to request for information or advice.	Not delegated.	Obtain consent in circumstances specified in s 11(2).
s 22(2)	Function of commenting on proposed direction.	Not delegated.	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMCS, GMCD, HF&CP and ME&ES.	
s 22(5)	Duty to give effect to a direction under s 22.	GMCD and ME&ES.	



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 40(1)	Duty to inspect, maintain and repair a public road.	GMCD and ME&ES.	
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 ME&ES.	
s 42(1)	Power to declare a public road as a controlled access road.	Not delegated.	Power of coordinating road authority and sch 2 also applies.
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette.	Not delegated.	Power of coordinating road authority and sch 2 also applies.
s 42A(3)	Duty to consult with VicRoads before road is specified.	Not delegated.	Where Council is the coordinating road authority. If road is a municipal road or part thereof.
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road.	Not delegated.	Where Council is the coordinating road authority. If road is a municipal road or part thereof and where road is to be specified a freight road.
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport).	GMCD, GMI, ME&ES and MCW.	Where Council is the responsible road authority, infrastructure manager or works manager.

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M.	ME&ES.	
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.	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan.	CEO.	
s 54(2)	Duty to give notice of proposal to make a road management plan.	Not delegated.	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals.	CEO.	
s 54(6)	Power to amend road management plan.	Not delegated.	
s 54(7)	Duty to incorporate the amendments into the road management plan.	ME&ES.	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper.	CEO.	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 63(1)	Power to consent to conduct of works on road.	GMCD, GMI, ME&ES, CEA, MCW, CWI and EWC.	Where Council is the coordinating road authority.
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency.	GMCD, GMI, ME&ES, CEA, MCW, CWI and EWC.	Where Council is the infrastructure manager.
s 64(1)	Duty to comply with cl 13 of sch 7.	GMCD, GMI, ME&ES and MCW.	Where Council is the infrastructure manager or works manager.
s 66(1)	Power to consent to structure etc.	GMCD, GMCS, GMI, ME&ES, MCW and MC.	Where Council is the coordinating road authority.
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill.	MC.	Where Council is the coordinating road authority.
s 67(3)	Power to request information.	GMCD, GMCS, GMI, ME&ES, MCW, MC, CLO, PSO, CLC, CPS and SPSO.	Where Council is the coordinating road authority.

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 68(2)	Power to request information.	GMCD, GMCS, GMI, ME&ES, MCW, MC, CLO, PSO, CLC, CPS and SPSO.	Where Council is the coordinating road authority.
s 71(3)	Power to appoint an authorised officer.	Not delegated.	
s 72	Duty to issue an identity card to each authorised officer.	TLEH.	
s 85	Function of receiving report from authorised officer.	MC and ME&ES.	
s 86	Duty to keep register re s 85 matters.	MC.	
s 87(1)	Function of receiving complaints.	CEO.	
s 87(2)	Duty to investigate complaint and provide report.	GMCD, GMCS, ME&ES, MC, CLO, PSO, CLC, CPS and SPSO.	
s 112(2)	Power to recover damages in court.	MC.	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
s 116	Power to cause or carry out inspection.	GMCD, ME&ES, MCW, CLO, PSO, CLC, CPS and SPSO.	
s 119(2)	Function of consulting with VicRoads.	CEO.	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of VicRoads).	GMCD, GMI, ME&ES, MCW and EWC.	
s 120(2)	Duty to seek consent of VicRoads to exercise road management functions before exercising power in s 120(1).	GMCD, GMI, ME&ES and MCW.	
s 121(1)	Power to enter into an agreement in respect of works.	GMCD, GMI, ME&ES and MCW.	
s 122(1)	Power to charge and recover fees.	MC and ME&ES.	
s 123(1)	Power to charge for any service.	MC and ME&ES.	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads.	GMCD, GMI and ME&ES.	

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 2 cl 3(1)	Duty to make policy about controlled access roads.	Not delegated.	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads.	Not delegated.	
sch 2 cl 4	Function of receiving details of proposal from VicRoads.	CEO.	
sch 2 cl 5	Duty to publish notice of declaration.	Not delegated.	
sch 7 cl 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 ME&ES.	Where Council is the infrastructure manager or works manager.
sch 7 cl 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 ME&ES.	Where Council is the infrastructure manager or works manager.
sch 7 cl 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 ME&ES.	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure.

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 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, ME&ES and MCW.	Where Council is the infrastructure manager or works manager.
sch 7 cl 10(2)	Where s 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected.	GMCD, GMI, ME&ES and MCW.	Where Council is the infrastructure manager or works manager.
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works.	GMCD, GMCS, GMI, ME&ES, MC, MCW and CEA.	Where Council is the coordinating road authority.
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed.	GMCD, GMCS, GMI, ME&ES, MC, MCW and CEA.	Where Council is the coordinating road authority.
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person.	GMCD, GMCS, GMI, ME&ES, MC, MCW, CEA and EWC.	Where Council is the coordinating road authority.
sch 7 cl 12(5)	Power to recover costs.	GMCD, GMCS, ME&ES, MC and CEA.	Where Council is the coordinating road authority.

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2).	GMCD, GMI, ME&ES, MCW and EWC.	Where Council is the works manager.
sch 7 cl 13(2)	Power to vary notice period.	GMCD, GMI, ME&ES and MCW.	Where Council is the coordinating road authority.
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1).	GMCD, GMI, ME&ES and MCW.	Where Council is the infrastructure manager.
sch 7 cl 16(1)	Power to consent to proposed works.	GMCD, GMI, ME&ES, MCW, CEA and CWI.	Where Council is the coordinating road authority.
sch 7 cl 16(4)	Duty to consult.	ME&ES.	Where Council is the coordinating road authority, responsible authority or infrastructure manager.
sch 7 cl 16(5)	Power to consent to proposed works.	ME&ES and CEA.	Where Council is the coordinating road authority.
sch 7 cl 16(6)	Power to set reasonable conditions on consent.	ME&ES and CEA.	Where Council is the coordinating road authority.
sch 7 cl 16(8)	Power to include consents and conditions.	ME&ES and CEA.	Where Council is the coordinating road authority.



<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal.	GMCD, GMI, ME&ES, MCW, CEA and CWI.	Where Council is the coordinating road authority.
sch 7 cl 18(1)	Power to enter into an agreement.	GMCD, GMI, ME&ES, MCW, CEA and CWI.	Where Council is the coordinating road authority.
sch 7 cl 19(1)	Power to give notice requiring rectification of works.	GMCD, GMI, ME&ES, MCW, CEA and CWI.	Where Council is the coordinating road authority.
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred.	ME&ES and CEA.	Where Council is the coordinating road authority.
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure.	GMCD, GMI, ME&ES, MCW, CEA and CWI.	Where Council is the coordinating road authority.
sch 7A cl 2	Power to cause street lights to be installed on roads.	GMCD, ME&ES and CEA.	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road.
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road.	GMCD, ME&ES and CEA.	Where Council is the responsible road authority.

<b>ROAD MANAGEMENT ACT 2004</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
sch 7A cl 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, ME&ES and CEA.	Where Council is the responsible road authority.
sch 7A cl (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, ME&ES 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).

<b>CEMETERIES AND CREMATORIA REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
	These regulations are not relevant to the City of Whitehorse, as Council does not manage a cemetery.	Not applicable.	

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

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 8(1)	Duty to conduct reviews of road management plan.	CEO.	
r 9(2)	Duty to produce written report of review of road management plan and make report available.	ME&ES.	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required).	Not delegated.	Where Council is the coordinating road authority.
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act.	Not delegated.	
r 13(1)	Duty to publish notice of amendments to road management plan.	Not delegated.	Where Council is the coordinating road authority.
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment.	Not delegated.	
r 16(3)	Power to issue permit.	GMCD, ME&ES, MC and CEA.	Where Council is the coordinating road authority.
r 18(1)	Power to give written consent re damage to road.	GMCD and ME&ES.	Where Council is the coordinating road authority.

<b>ROAD MANAGEMENT (GENERAL) REGULATIONS 2016</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 23(2)	Power to make submission to Tribunal.	GMCD and ME&ES.	Where Council is the coordinating road authority.
r 23(4)	Power to charge a fee for application under s 66(1) Road Management Act.	Not delegated.	Where Council is the coordinating road authority.
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road.	MC, CLC, CPS, CC, PSO and CLO.	Where Council is the responsible road authority.
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with r 25(3)).	MC, CLC, CPS, and CC.	Where Council is the responsible road authority.
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible.	MC, CLC, CPS and CC.	

<b>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>

**ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>PROVISION</b>	<b>THING DELEGATED</b>	<b>DELEGATE</b>	<b>CONDITIONS &amp; LIMITATIONS</b>
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works.	GMCD and ME&ES.	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act.
r 22(2)	Power to waive whole or part of fee in certain circumstances.	GMCD and ME&ES.	Where Council is the coordinating road authority.