

**Item 10.1 Review of Delegations – Road Management
Responsibilities and Domestic Animals, Environmental
Protection and Food**

Appendix A – Instrument of Delegation – Council to Council Staff – Road
Management Responsibilities



INSTRUMENT OF DELEGATION - COUNCIL TO COUNCIL STAFF - ROAD MANAGEMENT RESPONSIBILITIES

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. declares that:
 - 2.1 this Instrument of Delegation is authorised by a resolution of Council passed on 24 July 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 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

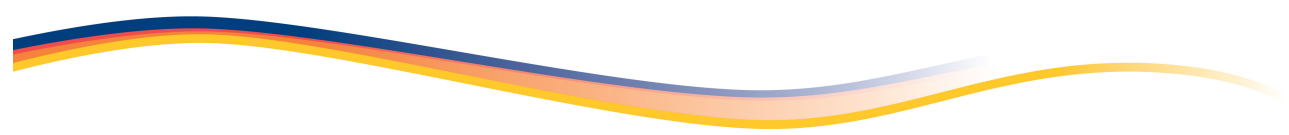
made on the 24 July 2017

in the presence of

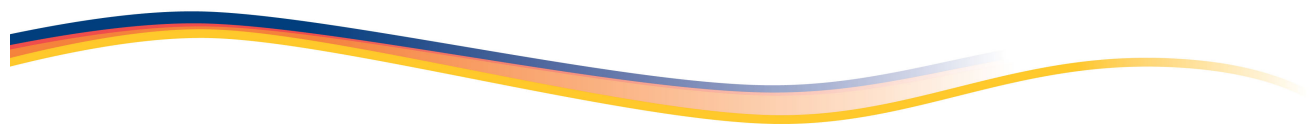
Mayor

Chief Executive Officer

Councillor

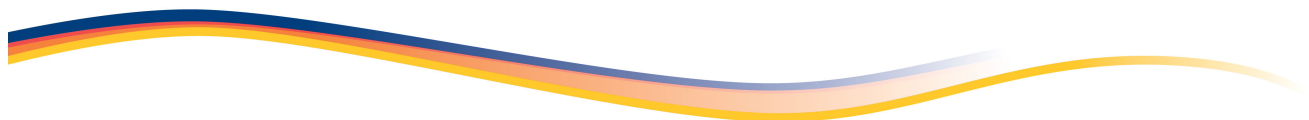


SCHEDULE



INDEX

RAIL SAFETY (LOCAL OPERATIONS) ACT 20062
ROAD MANAGEMENT ACT 2004.....2
ROAD MANAGEMENT (GENERAL) REGULATIONS 2016.....2
ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015.....2



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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is a utility under section 3
s.33A	duty to comply with a direction of the Safety Director to give effect to arrangements under this section	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	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)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is a utility under section 3
s.34C(2)	function of entering into safety interface agreements with rail infrastructure manager	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34D(2)	function of receiving written notice of opinion	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority
s.34D(4)	function of entering into safety interface agreement with infrastructure manager	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority
s.34E(1)(a)	duty to identify and assess risks to safety	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority
s.34E(1)(b)	duty to determine measures to manage any risks identified and assessed having regard to items set out in section 34E(2)(a)-(c)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority
s.34E(3)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34F(1)(a)	duty to identify and assess risks to safety, if written notice has been received under section 34D(2)(a)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	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)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority
s.34F(2)	duty to seek to enter into a safety interface agreement with rail infrastructure manager	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority
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)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority
s.34I	function of entering into safety interface agreements	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority

RAIL SAFETY (LOCAL OPERATIONS) ACT 2006			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s.34J(2)	function of receiving notice from Safety Director	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority
s.34J(7)	duty to comply with a direction of the Safety Director given under section 34J(5)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority
s.34K(2)	duty to maintain a register of items set out in subsections (a)-(b)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	where council is the relevant road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(1)	power to declare a road by publishing a notice in the Government Gazette	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	obtain consent in circumstances specified in section 11(2)
s.11(8)	power to name a road or change the name of a road by publishing notice in Government Gazette	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Coordinator – Property Management	
s.11(9)(b)	duty to advise Registrar	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Coordinator – Property Management	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.11(10)	duty to inform Secretary to Department of Environment, Land, Water and Planning Sustainability and Environment of declaration etc.	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	clause subject to section 11(10A)
s.11(10A)	duty to inform Secretary to Department of Environment, Land, Water and Planning Sustainability and Environment or nominated person	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
s.12(2)	power to discontinue road or part of a road	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(4)	power to publish, and provide copy, notice of proposed discontinuance	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	power of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(5)	duty to consider written submissions received within 28 days of notice	Chief Executive Officer Director – Engineering & Infrastructure Manager – Sustainable Infrastructure Director – Corporate Development Manager – Governance & Innovation Coordinator – Property Management	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.12(6)	function of hearing a person in support of their written submission	Chief Executive Officer Director – Engineering & Infrastructure Manager – Sustainable Infrastructure Director – Corporate Development Manager – Governance & Innovation Coordinator – Property Management	function of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(7)	duty to fix day, time and place of meeting under subsection (6) and to give notice	Chief Executive Officer Director – Corporate Development Manager – Governance & Innovation Coordinator – Property Management	duty of coordinating road authority where it is the discontinuing body unless subsection (11) applies
s.12(10)	duty to notify of decision made	Chief Executive Officer Director – Corporate Development Manager – Governance & Innovation Coordinator – Property Management	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

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.13(1)	power to fix a boundary of a road by publishing notice in Government Gazette	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Director - City Development Manager - City Futures	power of coordinating road authority and obtain consent under section 13(3) and section 13(4) as appropriate
s.14(4)	function of receiving notice from VicRoads	Chief Executive Officer Director - Engineering & Infrastructure	
s.14(7)	power to appeal against decision of VicRoads	Chief Executive Officer Director - Engineering & Infrastructure	
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	Chief Executive Officer Director - Engineering & Infrastructure	
s.15(1A)	power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	Chief Executive Officer Director - Engineering & Infrastructure	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.15(2)	duty to include details of arrangement in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.16(7)	power to enter into an arrangement under section 15	Chief Executive Officer Director - Engineering & Infrastructure	
s.16(8)	duty to enter details of determination in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.17(2)	duty to register public road in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	where council is the coordinating road authority
s.17(3)	power to decide that a road is reasonably required for general public use	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.17(3)	duty to register a road reasonably required for general public use in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	where council is the coordinating road authority
s.18(1)	power to designate ancillary area	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	where council is the coordinating road authority, and obtain consent in circumstances specified in section 18(2)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.18(3)	duty to record designation in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.19(4)	duty to specify details of discontinuance in public roads register	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.19(5)	duty to ensure public roads register is available for public inspection	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.21	function of replying to request for information or advice	Chief Executive Officer Director - Engineering & Infrastructure	obtain consent in circumstances specified in section 11(2)

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.22(2)	function of commenting on proposed direction	Chief Executive Officer Director - Engineering & Infrastructure	
s.22(4)	duty to publish a copy or summary of any direction made under section 22 by the Minister in its annual report.	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
s.22(5)	duty to give effect to a direction under this section.	Chief Executive Officer Director - Engineering & Infrastructure	
s.40(1)	duty to inspect, maintain and repair a public road.	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.40(5)	power to inspect, maintain and repair a road which is not a public road	Chief Executive Officer Director - Engineering & Infrastructure <u>Manager – Operations</u> Manager – Sustainable Infrastructure	
s.41(1)	power to determine the standard of construction, inspection, maintenance and repair	Chief Executive Officer Director - Engineering & Infrastructure	
s.42(1)	power to declare a public road as a controlled access road	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	power of coordinating road authority and Schedule 2 also applies
s.42(2)	power to amend or revoke declaration by notice published in Government Gazette	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	power of coordinating road authority and Schedule 2 also applies
s.42A(3)	duty to consult with VicRoads before road is specified	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	where council is the coordinating road authority if road is a municipal road or part thereof

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.42A(4)	power to approve Minister's decision to specify a road as a specified freight road	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	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)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Coordinator - Works Services Coordinator - Parks Services Coordinator – Construction Group	where council is the responsible road authority, infrastructure manager or works manager
s.48M(3)	function of consulting with the <u>Secretary-relevant authority</u> for purposes of developing guidelines under section 48M	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.48N	duty to notify the Secretary-relevant authority of the location of the bus stopping point and the action taken by council	Chief Executive Officer Director – Engineering & Infrastructure Manager – Sustainable Infrastructure	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.49	power to develop and publish a road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.51	power to determine standards by incorporating the standards in a road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.53(2)	power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.54(2)	duty to give notice of proposal to make a road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.54(5)	duty to conduct a review of road management plan at prescribed intervals	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.54(6)	power to amend road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.54(7)	duty to incorporate the amendments into the road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	
s.55(1)	duty to cause notice of road management plan to be published in Government Gazette and newspaper	Chief Executive Officer Director - Engineering & Infrastructure Manager – Sustainable Infrastructure	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.63(1)	power to consent to conduct of works on road	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Manager – Operations	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Manager – Operations	where council is the infrastructure manager
s.64(1)	duty to comply with clause 13 of Schedule 7	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety & Health Coordinator - Local Laws Team Leader - Parking Services Team Leader - Asset Preservation Local Laws Officers	where council is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.66(1)	power to consent to structure etc	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety & Health Coordinator - Local Laws Team Leader - Parking Services Team Leader - Asset Preservation Local Laws Officers	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	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety & Health Coordinator - Local Laws Team Leader - Parking Services Team Leader - Asset Preservation Local Laws Officers	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.67(3)	power to request information	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety & Health Coordinator - Local Laws Team Leader - Parking Services Team Leader - Asset Preservation Local Laws Officers	where council is the coordinating road authority
s.68(2)	power to request information	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety & Health Coordinator - Local Laws Team Leader - Parking Services Team Leader - Asset Preservation Local Laws Officers	where council is the coordinating road authority
s.71(3)	power to appoint an authorised officer	Chief Executive Officer	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.72	duty to issue an identity card to each authorised officer	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Coordinator – Governance <u>Governance Officer</u>	
s.85	function of receiving report from authorised officer	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure	
s.86	duty to keep register re section 85 matters	Chief Executive Officer Director - Corporate Development Manager – Governance & Innovation Coordinator – Governance	
s.87(1)	function of receiving complaints	Chief Executive Officer Director - Engineering & Infrastructure	
s.87(2)	duty to investigate complaint and provide report	Relevant Director	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.112(2)	power to recover damages in court	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	
s.116	power to cause or carry out inspection	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure Coordinator - Project Delivery Team Leader - Asset Preservation	
s.119(2)	function of consulting with VicRoads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.120(1)	power to exercise road management functions on an arterial road (with the consent of VicRoads)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Coordinator - Works Services Coordinator - Parks Services Coordinator - Construction	
s.120(2)	duty to seek consent of VicRoads to exercise road management functions before exercising power in section 120(1)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure Manager - Operations	
s.121(1)	power to enter into an agreement in respect of works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure Manager - Operations Manager - Community Infrastructure	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.122(1)	power to charge and recover fees	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	
s.123(1)	power to charge for any service	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	
Schedule 2 Clause 2(1)	power to make a decision in respect of controlled access roads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure Manager - Community Infrastructure Manager - Operations	
Schedule 2 Clause 3(1)	duty to make policy about controlled access roads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 2 Clause 3(2)	power to amend, revoke or substitute policy about controlled access roads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
Schedule 2 Clause 4	function of receiving details of proposal from VicRoads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
Schedule 2 Clause 5	duty to publish notice of declaration	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the infrastructure manager or works manager
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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the infrastructure manager or works manager responsible for non-road infrastructure
Schedule 7, Clause 9(2)	duty to give information to another infrastructure manager or works manager where 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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the infrastructure manager or works manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7, Clause 10(2)	where Schedule 7 Clause 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the infrastructure manager or works manager
Schedule 7 Clause 12(2)	power to direct infrastructure manager or works manager to conduct reinstatement works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where council is the coordinating road authority
Schedule 7 Clause 12(3)	power to take measures to ensure reinstatement works are completed	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where council is the coordinating road authority
Schedule 7 Clause 12(4)	duty to ensure that works are conducted by an appropriately qualified person	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 12(5)	power to recover costs	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where council is the coordinating road authority
Schedule 7, Clause 13(1)	duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to Schedule 7, Clause 13(2)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where council is the works manager
Schedule 7 Clause 13(2)	power to vary notice period	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where council is the coordinating road authority
Schedule 7, Clause 13(3)	duty to ensure works manager has complied with obligation to give notice under Schedule 7, Clause 13(1)	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where council is the infrastructure manager

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(1)	power to consent to proposed works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
Schedule 7 Clause 16(4)	duty to consult	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority, responsible authority or infrastructure manager
Schedule 7 Clause 16(5)	power to consent to proposed works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 16(6)	power to set reasonable conditions on consent	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
Schedule 7 Clause 16(8)	power to include consents and conditions	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
Schedule 7 Clause 17(2)	power to refuse to give consent and duty to give reasons for refusal	Chief Executive Officer Director - Engineering & Infrastructure Manager - Operations Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7 Clause 18(1)	power to enter into an agreement	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
Schedule 7 Clause 19(1)	power to give notice requiring rectification of works	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	where council is the coordinating road authority
Schedule 7 Clause 19(2) & (3)	power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure	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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority

ROAD MANAGEMENT ACT 2004			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
Schedule 7A Clause 2	power to cause street lights to be installed on roads	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
Schedule 7A Clause 3(1)(d)	duty to pay installation and operation costs of street lighting - where road is not an arterial road	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where council is 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	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where council is the responsible road authority
Schedule 7A Clause (3)(1)(f),	duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with clauses 3(2) and 4	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	duty of council as responsible road authority that installed the light (re: installation costs) and where council is relevant municipal council (re: operating costs)

ROAD MANAGEMENT (GENERAL) REGULATIONS 2005-2016			
Note: these regulations are due to expire on 20-21 March 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 3018 (1)	duty to conduct reviews of road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
r. 302 (2)	duty to give notice of review of road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
r. 3029 (5 2)	duty to produce written report of review of road management plan and make report available	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
r. 9 (3)	<u>Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)</u>	<u>Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure</u>	<u>where council is the coordinating road authority</u>

ROAD MANAGEMENT (GENERAL) REGULATIONS <u>2005-2016</u>			
Note: these regulations are due to expire on 20-21 March 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. 303 10	duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under section 41 of the Act	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
r.13(1)	Duty to publish notice of amendments to road management plan	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
r. 306 (213 3)	duty to record on road management plan the substance and date of effect of amendment	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	
r. 504 16(4 3)	power to issue permit	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS <u>2005-2016</u>			
Note: these regulations are due to expire on 20-21 March 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.501(4)	power to charge fee for issuing permit under regulation 501(1)	Chief Executive Officer Director – Engineering & Infrastructure Manager – Sustainable Infrastructure	where council is the coordinating road authority
r.503(18)(1)	power to give written consent re to person to drive on road a vehicle which is likely to cause damage to road	Chief Executive Officer Director - Engineering & Infrastructure Manager - Sustainable Infrastructure	where council is the coordinating road authority
r.508(323)(2)	power to make submission to Tribunal	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Manager - Sustainable Infrastructure Manager – Operations Director – City Development Manager – City Safety & Health Coordinator – Local Laws Team Leader – Parking Services	where council is the coordinating road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS <u>2005-2016</u>			
Note: - these regulations are due to expire on 20-21 March 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.23(4)	power to charge a fee for application under section 66(1) Road Management Act	Chief Executive Officer Director - Engineering & Infrastructure Manager - Community Infrastructure Coordinator - Project Delivery Director - City Development Manager - City Safety and Health Coordinator - Local Laws Team Leader - Parking Services Team Leader - Asset Preservation Local Laws Officers	where council is the coordinating road authority
r.50925(1)	power to remove objects, refuse, rubbish or other material deposited or left on road	Chief Executive Officer Director - Engineering & Infrastructure Manager – Community Infrastructure Manager - Sustainable Infrastructure Manager – Operations Director – City Development Manager – City Safety & Health Coordinator – Local Laws Team Leader – Parking Services	where council is the responsible road authority

ROAD MANAGEMENT (GENERAL) REGULATIONS <u>2005-2016</u>			
Note: these regulations are due to expire on 20-21 March 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r. <u>50925</u> (2)	power to sell or destroy-dispose of things removed from road or part of road (after first complying with regulation <u>50925</u> (3))	Chief Executive Officer Director - Engineering & Infrastructure Manager – Operations Director – Corporate Development Manager – Governance & Innovation Director – City Development Manager – City Safety & Health Coordinator – Local Laws	where council is the responsible road authority
r. <u>50925</u> (4 <u>5</u>)	power to recover in the Magistrates' Court, expenses from person responsible	Chief Executive Officer Director - Engineering & Infrastructure Manager – Operations Director – City Development Manager – City Safety & Health Coordinator – Local Laws	

ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS ~~2005~~2015

Note: these regulations commenced on 20 June 2015, are due to expire on replacing the Roads Management (works & infrastructure) Regulations 2005, which expired on 21 June 2015.

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r.15	power to exempt a person from requirement under clause 13(1) of Schedule 7 of the Act to give notice as to the completion of those works	Chief Executive Officer Director – Engineering & Infrastructure Manager – Community Infrastructure	where council is the coordinating road authority and where consent given under section 63(1) of the Act
r.22(2)	power to waive whole or part of fee in certain circumstances	Chief Executive Officer Director – Engineering & Infrastructure Manager – Community Infrastructure	where council is the coordinating road authority

**Item 10.1 Review of Delegations – Road Management
Responsibilities and Domestic Animals, Environmental
Protection and Food**

Appendix B – Instrument of Delegation – Council to Council Staff –
Domestic Animals, Environmental Protection and Food



INSTRUMENT OF DELEGATION COUNCIL TO COUNCIL STAFF – DOMESTIC ANIMALS, ENVIRONMENT PROTECTION & FOOD ACT

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 **22 July 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

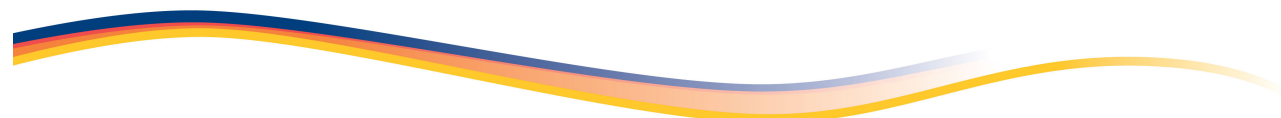
made on the **24 July 2017**

in the presence of

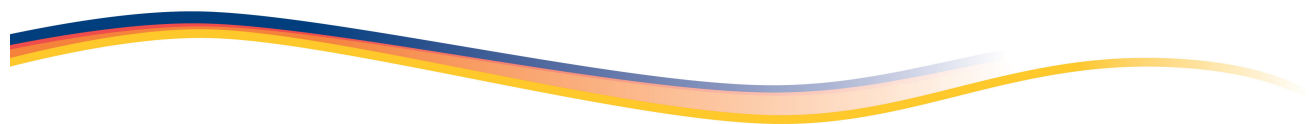
Mayor

Chief Executive Officer

Councillor

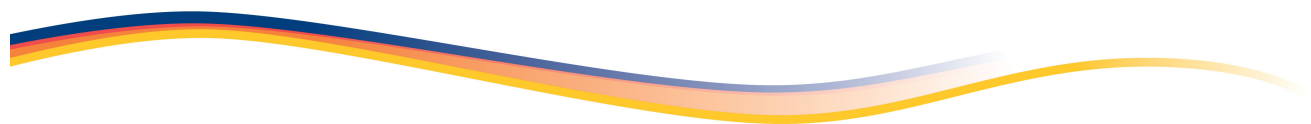


SCHEDULE



INDEX

DOMESTIC ANIMALS ACT 1994	1
ENVIRONMENT PROTECTION ACT 1970	2
FOOD ACT 1984	4



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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Local <u>Community</u> Laws	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	
s.53M(4)	duty to advise applicant that application is not to be dealt with	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	
s.53M(5)	duty to approve plans, issue permit or refuse permit	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	refusal must be ratified by council or it is of no effect
s.53M(6)	power to refuse to issue septic tank permit	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	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)	Chief Executive Officer Director – City Development Manager – City Safety & Health	refusal must be ratified by council or it is of no effect
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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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	If section 19(1) applies
s.19(4)(a)	power to direct that an order made under section 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	Chief Executive Officer Director – City Development Manager – City Safety & Health	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	If section 19(1) applies

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	If section 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).	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where council is the registration authority
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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where council is the registration authority
s.19CB(4)(b)	power to request copy of records	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19E(1)(d)	power to request a copy of the food safety program	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer	where council is the registration authority
s.19NA(1)	power to request food safety audit reports	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator- Health Compliance Environmental Health Officer Authorised Officer	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19U(3)	power to waive and vary the costs of a food safety audit if there are special circumstances	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	
s.19UA	power to charge fees for conducting a food safety assessment or inspection	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.19W(3)(b)	power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where council is the registration authority
---	power to register, renew or transfer registration	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where council is the registration authority refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see section 58A(2))
s.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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	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)	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where council is the registration authority
s.38A(4)	power to request a copy of a completed food safety program template	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38B(1)(a)	duty to assess the application and determine which class of food premises under section 19C the food premises belongs	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where council is the registration authority
s.38B(1)(b)	duty to ensure proprietor has complied with requirements of section 38A	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where council is the registration authority
s.38B(2)	duty to be satisfied of the matters in section 38B(2)(a)-(b)	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where council is the registration authority
s.38D(1)	duty to ensure compliance with the applicable provisions of section 38C and inspect the premises if required by section 39	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38D(2)	duty to be satisfied of the matters in section 38D(2)(a)-(d)	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where council is the registration authority
s.38D(3)	power to request copies of any audit reports	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where council is the registration authority
s.38E(2)	power to register the food premises on a conditional basis	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s.38F(3)(b)	power to require proprietor to comply with requirements of this Act	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer Authorised Officer	where council is the registration authority
s.39A	power to register, renew or transfer food premises despite minor defects	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where council is the registration authority only if satisfied of 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>	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	
s.40C(2)	power to grant or renew the registration of food premises for a period of less than 1 year	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where council is the registration authority
s.40D(1)	power to suspend or revoke the registration of food premises	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance	where council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where council is the registration authority
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	Chief Executive Officer Director – City Development Manager – City Safety & Health Coordinator – Health Compliance Environmental Health Officer	where council is the registration authority