



DELEGATION OF AUTHORITY

TITLE: HEAVY VEHICLE

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 – Section 257

Heavy Vehicle (Mass, Dimension and Loading) National Regulation

Heavy Vehicle National Law (Qld)

Heavy Vehicle National Law Regulation 2014

Delegated Power:

1. To exercise the powers of Council pursuant to the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a road manager, to consent to the making of an HML declaration subject to conditions	Section 14(3)
Power, as a road manager for a HML declaration, to request the regulator to amend or cancel the declaration.	Section 14(4)
Power, as a relevant road manager for an HML declaration, to consent to the making of the declaration subject to the condition that stated intelligent access conditions are imposed on the use of a stated type of HML heavy vehicle under the higher mass limits in an area or on a route to which the declaration applies.	Section 14 (3)
Power, as a relevant road manager for an HML declaration, to give written reasons for a decision made under subsection 14(3) to the Regulator.	Sections 14(4)
Power, as a relevant road manager for an HML declaration in the circumstances set out in subsection 18(1), to ask the Regulator to do one or more of the things listed in subsection 18(2).	Section 18
Power, as a road manager, to consent to the granting of an HML permit.	Sections 22(1)(b) and 23
Power, as a road manager, to consent to the granting of an HML permit subject to conditions	Section 24(1)(a)
Power, as a road manager, to consent to amendment of an HML.	Section 29(4)
Power, as a road manager for a HML permit, to request the regulator to amend or cancel the permit.	Section 31(2)
Power, as a road manager, to consent to a declaration of the regulator pursuant to section 40.	Section 41(1)

2. To exercise the powers of Council pursuant to the *Heavy Vehicle National Law (Qld)*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a road manager, to consent to the grant of a mass or dimension authority.	Section 156(1)
Power, as a road manager, to ask the regulator for a longer period of time under section 156(1)(b).	Section 156(2)
Power, as a road manager, to give the regulator a written statement that explains the road manager's decision and complies with section 172.	Section 156(6)
Power, as a road manager, to notify the regulator:- (a) that a route assessment is required for the road manager deciding whether to give or not to give the consent; (b) the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.	Section 159(2)
Power, as a road manager, to <u>consent to the</u> grant a mass or dimension authority subject to conditions.	Sections 160(1), 161(1) and 162(1)
Power, as a road manager for a mass or dimension authority, to give the regulator a written statement that explains the road manager's decision and complies with section 172.	Sections 160(2), 161(2) and 162(2)
Power, as a road manager for a mass or dimension authority, to seek an extension of time to give a notice under section 167(2)(b).	167(2)(b)(ii)
Power, as a road manager for a mass or dimension authority, to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months.	Section 169(1)
Power, as a road manager for a mass or dimension authority, to object to the renewal of the authority for a further trial period.	Section 170(3)
Power, as a road manager for a mass or dimension authority granted by Commonwealth gazette notice, to request the regulator to amend or cancel the authority <u>if the circumstances of section 174(1) exist.</u>	Section 174(2)
Power, as a road manager for a mass or dimension authority granted by permit, to request the regulator to amend or cancel the authority <u>if the circumstances of section 178(1) exist.</u>	Section 178(2)
Power, as a road manager, to apply to the Court for a compensation order.	Section 611(2)
Power, as a <u>road manager and</u> public authority, to sign a certificate.	Section 612(2)(c)
Power, as a road manager <u>and reviewer</u> , to agree to a longer prescribed period for a review of a reviewable decision.	Section 645(6)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a road manager, to agree to a longer prescribed period for a review of a reviewable decision.	Section 645(6)

3. To exercise the powers of Council pursuant to the *Heavy Vehicle National Law Regulation 2014*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a road manager, to set the fee payable for a route assessment.	Section 4 (2)

Conditions of Delegation:

1. The delegated officer must exercise this delegation in accordance with council; resolutions, policies, guidelines, procedures, industrial instruments and agreements.
2. If the Chief Executive Officer delegates any of these powers the delegated officer must exercise any delegated power in accordance with the scope and limitations of the subject officer's letter of appointment and/or, position description, qualifications, technical knowledge and legislative requirements.
3. In the event that there is a change to any Delegate Position as set out in the schedule of this instrument (Former Delegated Position) which is not then reflected in this Instrument:
 - a. for any Former Delegated Position that remains in existence and has been renamed, the reference in this Instrument to the Former Delegated Position will be read as a reference to the renamed position; and
 - b. for any Former Delegated Position that ceases to exist, the reference in this Instrument to the Former Delegated Position will be read as being a reference to the position that then most closely resembles the Former Delegated Position.

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1. The powers and authorities set out above are hereby delegated to the Officer(s) designated.
 2. This Delegation is authorised for inclusion in the Delegation of Authority Register.



DELEGATION OF AUTHORITY

TITLE: LOCAL GOVERNMENT ACT

Delegation by the Council to:
Chief Executive Officer

Date:

Source of Authority:
Local Government Act 2009

To exercise the powers of Council pursuant to the *Local Government Act 2009*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION (THE ACT)
Local Government Employees	
Power to decide to take no further action in relation to a complaint assessed to be about a frivolous matter or made vexatiously, or that the complaint is lacking in substance.	Section 176C(3)
Power to appoint local government employees (other than senior executive employees).	Section 196(3)
Power to take disciplinary action against a local government employee.	Section 197(1)
Authorised Persons	
Power to appoint a qualified person to be an authorised person.	Section 202(1)
Power to determine the competencies necessary to perform the responsibilities required to be performed by the authorised person.	Section 202(2)
Power to give written notice of conditions of appointment.	Section 202(5)
Power to issue an identity card to an authorised person	Section 204
The Public – Authorised Persons Power to Enter Property	
Power to give or to attempt to give an occupier of a property a written notice that informs the occupier of the local government's intention to enter the property.	Section 133
Power to assess, agree and pay compensation for damage or loss incurred by a person because of the exercise, or purported exercise, of a power under division 1 part 2 chapter 5 of the Local Government Act 2009.	Section 137
Power to authorise an employee or agent of the local government to act as a local government worker.	Section 138(5)
Power to give each local government worker an identity card.	Section 138A(1)
Power to give a reasonable entry notice, as defined by section 138AA (4), to the occupier of a property that a local government worker may enter the property and take action required under a remedial notice.	Section 142(2)
Power to recover as a debt the amount that the local government properly and reasonably incurs in taking the action from the person who failed to take the action.	Section 142(4)



DESCRIPTION OF POWER DELEGATED	LEGISLATION (THE ACT)
Power to recover a debt payable under section 142 of the Local Government Act 2009 as if the debt were an overdue rate.	Section 142 (7)
Power to give reasonable entry notice to the owner and the occupier of rateable land of entry by a local government worker to search for and remove materials.	Section 143
Power to agree and to pay the amount of compensation payable to a person who incurs damage or loss during the course of the exercise, or purported exercise, of a power under division 2, part 2, chapter 5 of the Local Government Act 2009.	Section 147
<u>Power to request the conduct tribunal to:-</u> <u>(a) investigate the suspected inappropriate conduct of a councillor referred to the local government, by the assessor, to be dealt with by the local government; and</u> <u>(b) make recommendations to the local government about dealing with the conduct.</u>	<u>Section 150DU</u>
Legal Provisions	
Power to effect substituted service.	Section 239
Power to authorise an employee in any legal proceedings – (a) to give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.	Section 240(1)
Missing Property	
Power to give written notice to the auditor general and the police of missing property of the local government which has a total value of \$1,000.00 or more.	Section 307A

Conditions of Delegation:

1. The delegated officer must exercise this delegation in accordance with council; resolutions, policies, guidelines, procedures, industrial instruments and agreements.
2. If the Chief Executive Officer delegates any of these powers the delegated officer must exercise any delegated power in accordance with the scope and limitations of the subject officer's letter of appointment and/or, position description, qualifications, technical knowledge and legislative requirements.
3. In the event that there is a change to any Delegate Position as set out in the schedule of this instrument (Former Delegated Position) which is not then reflected in this Instrument:
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DELEGATION OF AUTHORITY

TITLE: STATE PENALTIES ENFORCEMENT

Delegation by the Council to:
Chief Executive Officer

Date:

Source of Authority:

Local Government Act 2009 – Section 257
State Penalties Enforcement Act 1999

Delegated Power:

1. To exercise powers of the Council pursuant to the *State Penalties Enforcement Act 1999*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as administering authority, to approve a form for an infringement notice.	Section 15(1)
Power, as administering authority, to approve (or refuse where the conditions in this section have not been complied with) an application for payment of a fine by instalments.	Section 23
Power, as administering authority, to submit particulars required for registration of approval of instalment payments with the State Penalties Enforcement Registry.	Section 24(1)
Power, as administering authority, to withdraw an infringement notice at any time before the fine is satisfied in full <u>and take steps required by subsection 2.-</u>	Section 28(1) <u>and (2)</u>
Power, as administering authority, to give the State Penalties Enforcement Registry a default certificate for registration in respect of any recipient of an infringement notice who has not taken action within the time period provided by the infringement notice.	Section 33(1)
Power, as administering authority, to (a) commence proceedings against an applicant for an offence; or (b) accept payment of the fine in full; or (c) issue a fresh infringement notice where the registrar has cancelled an enforcement notice and referred the matter back to Council.	Section 57(5)
<u>Power, as an employer who pays earnings to an employee for whom a fine collection notice for redirection of the enforcement debtor's earnings is in force, to when paying the earnings, deduct an amount from the earnings as required under Part 5, Division 4.</u>	<u>Section 81</u>
Power, as an administering authority, to state any matter in subsection (2) is evidence of the matter.	Section 157(2) State Penalties

DESCRIPTION OF POWER DELEGATED	LEGISLATION
<u>Power, as an administering authority, to request the Registrar to give a certificate under subsection (3).</u>	<u>Section 157(4)</u>
Power to approve forms for use as infringement notices.	Section 162

2. To exercise powers as a delegated officer under the *State Penalties Enforcement Act 1999*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
NOTE: No power to delegate CEO's powers included in <i>State Penalties Enforcement Act 1999</i> Section 259 of the LGA sufficient. Section 27A(12) of the <i>Acts Interpretation Act 1954</i> would prevent sub-delegation.	
Power to delegate Council's powers as administering authority under the <i>State Penalties Enforcement Act</i> to an appropriately qualified person.	Section 160

Conditions of Delegation:

1. The delegated officer must exercise this delegation in accordance with council; resolutions, policies, guidelines, procedures, industrial instruments and agreements.
2. If the Chief Executive Officer delegates any of these powers the delegated officer must exercise any delegated power in accordance with the scope and limitations of the subject officer's letter of appointment and/or, position description, qualifications, technical knowledge and legislative requirements.
3. In the event that there is a change to any Delegate Position as set out in the schedule of this instrument (Former Delegated Position) which is not then reflected in this Instrument:
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1. The powers and authorities set out above are hereby delegated to the Officer(s) designated.
 2. This Delegation is authorised for inclusion in the Delegation of Authority Register.

DELEGATION OF AUTHORITY

TITLE: WASTE REDUCTION & RECYCLING

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

*Local Government Act 2009 – Section 257
Waste Reduction and Recycling Act 2011
Waste Reduction and Recycling Regulation 2011*

Delegated Power:

1. To exercise powers of the Council pursuant to the *Waste Reduction and Recycling Act 2011*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
<p>NOTE: The State (via DERM as it was previously known) has delegated certain powers of the chief executive to local governments under section 263(1)(b) of the Waste Reduction and Recycling Act 2011 This has been done via:</p> <p>*the Waste Reduction and Recycling (Local Government) Delegation (No. 1) 2015.</p> <p>The delegations specifically include the power to sub-delegate to an “appropriately qualified entity”</p>	
Power, as the operator of a waste disposal site required to hold an environmental authority for the disposal of more than 10000t of waste in a year at the site to install prescribed under a regulation, to install and keep in proper working order, a weighbridge (Nb. this obligation does not come into operation until the day provided in section 8(2) of the Regulation).	Section 43
Power, as the operator of a waste disposal site at which a weighbridge is installed, to measure and record waste.	Section 44
Power, as the operator of a waste disposal site, to prepare a waste data return for each reporting period.	Section 52
Power to apply to the chief executive for accreditation as scheme manager for a voluntary product stewardship scheme.	Section 89
Power, as a participant in an accredited stewardship scheme, to amend the scheme by agreement with all other participants in the scheme.	Section 95
Power, as scheme manager of an accredited stewardship scheme that the minister is proposing to revoke, to make written submissions to show why the proposed action to revoke the accreditation should not be taken.	Section 97
<u>Power to claim a refund amount for an empty container under chapter 4, part 3B, division 3, subdivision 1.</u>	<u>Section 99S and 99U</u>

DESCRIPTION OF POWER DELEGATED	LEGISLATION
<p><u>Note: this power does not come into effect until 01 November 2018 (section 63 of the Heavy Vehicle National Law and Other Legislation Amendment Act 2018).</u></p>	
<p>Power, as delegate of the chief executive administering the Act, to give a notice to an adult person. As this power relates to Chapter 5, Part 2 of the Act.</p>	Section 110
<p>Power, as delegate of the chief executive administering the Act, to give a notice to an adult person. As this power relates to Chapter 5, Part 2 of the Act.</p>	Section 111
<p>Power, as delegate of the chief executive administering the Act, to direct a responsible entity to collect material from premises. As this power relates to Chapter 5, Part 2 of the Act.</p>	Section 112
<p>Power, as a local government, to prepare and implement a waste reduction and recycling plan (Nb. this obligation does not commence until 30 June 2015).</p>	Section 123
<p>Power to make written submissions where the chief executive intends to prepare a waste reduction and recycling plan for the local government to address an aspect that is relevant to the local government.</p>	Section 128
<p>Power, as a local government, to give the chief executive a report about the operation, in the financial year, of all the local government's waste reduction and recycling plans in force in its local government area (Nb. this obligation does not commence until 2 months after 30 June 2015).</p>	Section 147
<p>Power, as a reporting entity, to give the chief executive a report about the entity's receiving, sorting, recycling, treatment or disposal of waste in the financial year.</p>	Section 152
<p>Power to apply to the chief executive for a specific approval of a resource.</p>	Section 157
<p>Power to agree with the chief executive to extend the time for providing additional material requested by the chief executive on an application for a specific approval of a resource.</p>	Section 158
<p>Power, as holder of a specific approval of a resource, to apply to the chief executive to transfer the benefit of the approval or amend the approval.</p>	Section 168
<p>Power to agree with the chief executive to extend the time for providing additional material requested by the chief executive on an application to transfer or amend a specific approval of a resource.</p>	Section 169
<p>Power, in relation to an approval which the minister intends to amend, cancel or suspend, to make written submissions to show why the proposed actions should not be taken.</p>	Section 172
<p><u>Power to apply to the chief executive for an end of waste approval to conduct a trial for 1 kind of waste.</u></p>	Section 173I
<p><u>Power to respond to a request from the chief executive for further information or documents required to decide an application under chapter 8A.</u></p>	Section 173T

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, where given, or entitled to be given, an information notice for a decision, to apply to the chief executive for an internal review of the decision.	Section 175
Power to, as delegate of the chief executive administering the Act, apply for an internal review of the decision. As this power relates to sections 248(2) and 253(3) of the Act.	Section 175
Power to, as delegate of the chief executive administering the Act, extend the time for making an internal review application. As this power relates to sections 248(2) and 253(3) of the Act.	Section 176(2)
Power, where an internal review application has been made, to apply for a stay of the original decision.	Section 177
Power to, as delegate of the chief executive administering the Act, conduct an internal review of the original decision and decide the internal review application. As this power relates to sections 248(2) and 253(3) of the Act.	Section 178
Power to, as delegate of the chief executive administering the Act, give notice of an internal review decision. As this power relates to sections 248(2) and 253(3) of the Act.	Section 179
Power, where given, or entitled to be given, a QCAT information notice under section 179 of the <i>Waste Reduction and Recycling Act 2011</i> , to apply to QCAT, under the QCAT Act, for external review of the decision.	Section 180
<p>Power, as delegate of the chief executive administering the Act, to appoint a person as an authorised person. Any appointment of an authorised person must be subject to the limitation that an authorised person can only exercise the powers in section 117 and Chapter 10 of the Act in relation to the following offences:</p> <ul style="list-style-type: none"> - Chapter 5, Parts 1, 2 and 3, Division 1 and 2 of the Act; - Section 251(a); - Section 251(c); - Section 254; and - Section 264 	Section 183 and
Power, as delegate of the chief executive administering the Act, to issue an identity card to an authorised person.	Section 187
Power, as delegate of the chief executive administering the Act, to give a show cause notice. As this power relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2) and 112(2) of the Act.	Section 246
Power, as delegate of the chief executive administering the Act, to give a compliance notice. As this power relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2) and 112(2) of the Act.	Sections 248 and 249
Power, as delegate of the chief executive administering the Act, to give a notice requiring the person to commission a waste audit and to provide a waste report on the audit. As this power relates to section 104 of the Act	Sections 253
Power to bring a proceeding in a Magistrates Court for an order to remedy or restrain an offence against the Act. or a threatened or anticipated offence against the Act.	Section 261

2. To exercise powers of the Council pursuant to the Waste Reduction and Recycling Regulation 2011.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, where Council has, by resolution, designated areas to conduct general waste or green waste collection, to decide the frequency of general waste or green waste collection in designated areas.	Section 7(b)
Power to give the information required by sections 41Q(2) and 41Q(3) to the Chief Executive	Section 41Q
Power to give the information required by sections 41ZL(1) and 41ZL(2) to the Chief Executive.	Section 41ZL
Power to prepare an emergency plan and keep it up to date.	Section 41ZM

Any Conditions of Delegation:

1. The delegated officer must exercise this delegation in accordance with council; resolutions, policies, guidelines, procedures, industrial instruments and agreements.
2. If the Chief Executive Officer on delegates any of these powers the delegated officer must exercise any delegated power in accordance with the scope and limitations of the subject officer's letter of appointment and/or, position description, qualifications, technical knowledge and legislative requirements.
3. In the event that there is a change to any Delegate Position as set out in the schedule of this instrument (Former Delegated Position) which is not then reflected in this Instrument:
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DELEGATION OF AUTHORITY

**TITLE: WORKERS COMPENSATION, REHABILITATION AND
WORK HEALTH AND SAFETY**

Delegation by the Council to:
Chief Executive Officer

Date:

Source of Authority:

Local Government Act 2009 – Section 257

Workers' Compensation and Rehabilitation Act 2003

Workers' Compensation and Rehabilitation Regulation 2014

Work Health and Safety Act 2011

Work Health and Safety Regulation 2011

Delegated Power:

- To exercise the powers of Council pursuant to the *Workers' Compensation and Rehabilitation Act 2003*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an employer, to insure and keep insured all Council's employees and Councillors.	Section 48
Power, as an employer who is not a self-insurer, and who is or is required to be insured under a WorkCover policy, to pay the weekly payment of compensation payable to an injured worker during the excess period.	Section 66(2)
Power, as an employer who is not a self-insurer, to pay compensation for an injury sustained by a worker where the worker has made an application for compensation under section 132 and Council has complied with section 133A.	Section 109(4)
Power, as an employer, other than a self-insurer, to give WorkCover written notice in the approved form if:- (a) a worker asks the employer for compensation for an injury sustained by the worker; or (b) the employer pays the worker an amount, either in compensation or instead of compensation, that is payable by the employer or WorkCover under the Act for an injury sustained by the worker.	Section 133A
Power, as an employer, to pay compensation to an injured worker for the day the worker stops work because of the injury.	Section 144
Power, as an employer, to pay the amount of the first charge or the whole of the damages to the insurer.	Section 207B(3)
Power, as an employer, to appoint a Rehabilitation and Return to Work Coordinator where the employer meets the criteria prescribed under a regulation.	Section 226
Power, as an employer, to prepare and have in place a workplace rehabilitation policy and procedure, and review those policies and procedures every 3 years.	Section 227
Power, as an employer, to assist or provide an injured worker with rehabilitation.	Section 228(1) and 228(2)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to comply with the requirement of an authorised person to give information or produce documents required under section 532C.	Section 532C
Power, as an employer or contractor, to keep the documents about workers, and contracts for the performance of work, prescribed under a regulation.	Section 532D
Power to apply for a review of a decision identified in section 540(1) of the Workers' Compensation and Rehabilitation Act 2003 and to take all steps necessary to conduct the application and to appear at the hearing.	Section 541
Power to appeal to an appeal body against the following decisions of the Regulator or the insurer: (a) a review decision, other than a decision to return a matter to a decision-maker under section 545 of the Workers' Compensation and Rehabilitation Act 2003; and (b) a decision under Chapter 3 or Chapter 4 of the Workers' Compensation and Rehabilitation Act 2003 that is not a decision mentioned in section 540(1) (a non-reviewable decision), and to take all steps necessary to file and serve the notice of appeal and conduct the appeal, to appear at any conference in the proceeding and to appear at the hearing.	Section 549, 550, 552A and 554
Power to seek the consent of the other party or the leave of the appeal body for Council to be represented by a lawyer at a conference under section 552A or at the hearing of an appeal.	552B
Power to appeal against a decision of the Regulator identified in section 567 of the Workers' Compensation and Rehabilitation Act 2003 and to take all steps necessary to file and serve the notice of appeal and conduct the appeal, to appear at any conference in the proceeding and to appear at the hearing.	Section 568
Power, as a prospective employer, to request in writing that a prospective worker disclose to Council the worker's pre-existing injury or medical condition, if any.	Section 571B
Power, as a prospective employer, to apply to the Regulator for a prospective worker's claims history summary.	Section 571D
Power, as a principal contractor for a construction project to, by written notice, to ask the relevant contractor for a copy of a required document.	Section 576C

2. To exercise the powers of council pursuant to the Workers' Compensation and Rehabilitation Regulation 2014.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an employer of employees to appoint 1 rehabilitation and return to work coordinator for more than one workplace.	Section 115(3)

3. To exercise the powers of council pursuant to the Work Health and Safety Act 2011.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to notify the regulator after becoming aware a notifiable incident has occurred	Section 38
Power to consult with workers who are, or are likely to be, directly affected by a matter relating to work health or safety	Section 47
Power to facilitate the conduct of an election for 1 or more health and safety representatives to represent workers	Sections 51 to 54
Power to make an application to the commission to disqualify a health and safety representative.	Section 65
<u>Power to comply with the general obligations of a person conducting a business or undertaking provided in section 70.</u>	<u>Section 70</u>
Power to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a workgroup.	Section 71(5)
<u>Power, as person conducting a business or undertaking, to refuse to grant access to information mentioned in section 70(1)(c) if the information is confidential commercial information.</u>	<u>Section 71(7)</u>
Power to ask the regulator to appoint an inspector to decide the matter.	Section 72(5)
<u>Power as a person conducting a business or undertaking to comply with subsections (a) to (c).</u>	<u>Section 74</u>
Power to establish a health and safety committee.	Sections 75 to 78
Power, as a party to an issue, to resolve the issue in accordance with an agreed procedure or the default procedure.	Section 80 and 81
Power to ask the regulator to appoint an inspector to assist in resolving the issue.	Section 82(2)
Power to direct the worker to carry out suitable alternative work at the same or another workplace.	Section 87
Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising from a cessation of work.	Section 89
<u>Power to give a copy of the provisional improvement notice to the regulator.</u>	<u>Section 97A</u>
<u>Power to give the industrial registrar written notice of the dispute</u>	<u>Section 102B</u>
<u>Power to appeal a decision of the Commission given under Part 5, Division 7A.</u>	<u>Section 102G</u>
<u>Power, as a person conducting a business or undertaking, to appoint a work health and safety officer for that business or undertaking.</u>	<u>Section 103A</u>
<u>Power, as a person conducting a business or undertaking, to instruct a work health and safety officer to take reasonable action to eliminate or minimise risks to health and safety.</u>	<u>Section 103F</u>
<u>Power to apply to the Magistrates Court for an order under section 112 about engaging in or inducing discriminatory or coercive conduct.</u>	<u>Section 112</u>
Power to apply to the Commission to revoke a WHS entry permit.	Section 138
Power to appeal a decision of the commission.	Section 140

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute	Section 141
<u>Power to appeal a decision of the Commission.</u>	<u>Section 142A</u>
Power to apply to the Commission for it to deal with the dispute.	Section 142 (4)
Power to apply to the regulator for the return of a seized thing.	Section 180
Power to demand that the regulator allow the CEO to inspect a seized thing and if the seized thing is a document to make copies of it.	Section 181
Power to claim compensation from the State.	Section 184
Power to make a written undertaking (a WHS undertaking) in connection with a matter relating to a contravention or alleged contravention of the Work Health and Safety Act.	Section 216
Power, as a person who has made a WHS undertaking, to at any time, with the agreement of the regulator, withdraw the undertaking or vary the undertaking.	Section 221
Power, as an eligible person in relation to a reviewable decision to apply to the regulator for an internal review of the decision.	Section 224
Power, as an eligible person to apply to the external review body for review of a reviewable decision made by the regulator or a decision made, or taken to have been made, on an internal review.	Section 229 to 229E
Power to appeal a decision of the commission.	Section 229F
<u>Power to, in the circumstances provided in subsections (1) or (1A), make a written request to the regulator that a prosecution be brought.</u>	<u>Section 231(1) and (1A)</u>
<u>Power to, in the circumstances provided in subsection (3), request the regulator to refer the matter to the director of public prosecutions.</u>	<u>Section 231(3)</u>

4. To exercise the powers of Council pursuant to the Work Health and Safety Regulation 2011.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a person conducting a business or undertaking at a workplace, to prepare, maintain and implement an emergency plan.	Section 43
Power, as a person conducting a business or undertaking at a workplace, to maintain a written record of the evidence provided under subsections (1), (2) and (3).	Section 85 (4)
Power to apply to the regulator for a licence to carry out demolition work.	Section 144B
Power to make a submission to the regulator in relation to a proposed refusal	Section 144I
Power, as a holder of a licence to carry out demolition work, to make a submission to the regulator in relation to a proposed amendment to a licence.	Section 144P
Power, as a holder of a licence to carry out demolition work to apply to the regulator to amend the licence.	Section 144Q(1)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power after receiving a written notice of intention to refuse an application to amend the licence from the regulator, to make a submission to the regulator in relation to the proposed refusal.	Section 144Q(2)
Power to apply to the regulator for a replacement document.	Section 144U
Power, as a holder of a licence to carry out demolition work to voluntarily surrender the licence document to the regulator.	Section 144V
Power, as a holder of a licence to carry out demolition work to make a submission to the regulator in relation to the proposed suspension, cancellation and/or disqualification.	Section 144Y
Power, as a person with management or control of an item of plant stated in schedule 5, part 2, to apply to the regulator for the registration of that item of plant.	Section 265
Power to respond to a notice from the regulator on a proposal to refuse registration of an item of plant stated in schedule 5, part 2.	Section 270(1)(b)
Power to respond to a notice from the regulator on a proposal to cancel the registration of an item of plant stated in schedule 5, part 2.	Section 288C
Power to return the registration document for an item of plant stated in schedule 5, part 2 to the regulator.	Section 288D
Power, as a person conducting a business or undertaking, to obtain the current safety data sheet for a hazardous chemical used at a workplace	Section 344
Power, as a person conducting a business or undertaking, to prepare and maintain a register of hazardous chemical used at a workplace	Section 346
Power to apply in writing to the regulator for authorisation to use, handle or store a prohibited carcinogen or restricted carcinogen	Section 383
Power to ensure that all asbestos or asbestos contaminated material at a workplace is identified by a competent person.	Section 422(1)
Power to ensure that the presence and location of all asbestos or asbestos contaminated material at a workplace is clearly indicated and if practicable labelled.	Section 424
Power to prepare, maintain and review an asbestos register for each workplace.	Sections 425(1) and 426
Power to prepare, maintain and review an asbestos management plan for each workplace.	Section 429 and 430
Power, as an eligible person in relation to a reviewable decision set out in section 676 of the Work Health and Safety Regulation, to apply to the regulator for an internal review of a decision.	Section 678(1)
Power, as an eligible person in relation to a reviewable decision under section 89(5), 118(5), 256(5), 269(5) or 497(5) of the Work Health and Safety Regulation to apply to the regulator for an internal review of the decision.	Section 678(2)
Power, as an eligible person to apply to QCAT for an external review of reviewable decision made by the regulator or of a decision made, or taken to have been made, on an internal review.	Section 683
Power to apply for an exemption from compliance with any provision of the Work Health and Safety Regulation.	Section 684

Conditions of Delegation:

1. The delegated officer must exercise this delegation in accordance with council; resolutions, policies, guidelines, procedures, industrial instruments and agreements.
2. If the Chief Executive Officer delegates any of these powers the delegated officer must exercise any delegated power in accordance with the scope and limitations of the subject officer's letter of appointment and/or, position description, qualifications, technical knowledge and legislative requirements.
3. In the event that there is a change to any Delegate Position as set out in the schedule of this instrument (Former Delegated Position) which is not then reflected in this Instrument:
 - a. for any Former Delegated Position that remains in existence and has been renamed, the reference in this Instrument to the Former Delegated Position will be read as a reference to the renamed position; and
 - b. for and Former Delegated Position that ceases to exist, the reference in this Instrument to the Former Delegated Position will be read as being a reference to the position that then most closely resembles the Former Delegated Position.

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1. The powers and authorities set out above are hereby delegated to the Officer(s) designated.
 2. This Delegation is authorised for inclusion in the Delegation of Authority Register.