

DELEGATION OF AUTHORITY

TITLE: ANIMAL MANAGEMENT (CATS AND DOGS)

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 - Section 257

Animal Management (Cats and Dogs) Act 2008

Delegated Power:

1. To exercise powers of the council pursuant to the Animal Management (Cats and Dogs) Act 2008.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to give identifying information to particular persons.	Section 39
Power to recognise a body supervising an exhibition in which a cat or dog is participating.	Section 42(4)
Power to give registration notice.	Section 49(2)
Power to keep registration form and information.	Section 51
Power to fix the fee for the registration of a dog.	Section 52
Power to recognise a body supervising an exhibition or an obedience trial in which a dog is participating.	Section 64(1)
Power to require applicant to give a stated document or information that is relevant to a permit application.	Section 74(1)
Power to grant or refuse a permit application within a certain time.	Section 75(1)
Power to decide whether de sexing is likely to be a serious risk to the health of a dog.	Section 75(3)
Power to impose conditions on the grant of an application for a restricted dog permit.	Section 75(5)
Power to issue a restricted dog permit.	Section 77
Power to issue a decision notice after deciding to refuse a permit application.	Section 79
Power to grant or refuse a renewal application within a certain time.	Section 84(1)
Power to seek further information in deciding an application for a renewal application.	Section 84(4)(b)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to: <ul style="list-style-type: none"> if the application is granted, issue a renewed permit; or if the application is refused, issue a decision notice. 	Section 84(5)
Power to amend a restricted dog permit at any time.	Section 87
Power to give a dog owner a proposed declaration notice regarding a dog.	Section 90
Power to make:- <ul style="list-style-type: none"> (a) a dangerous dog declaration; (b) a menacing dog declaration; (c) a restricted dog declaration. 	Section 89(1)
Power to determine whether a dog is of a breed mentioned in section 63(1).	Section 89(4)
Power to withdraw a proposed declaration notice regarding a dog.	Section 92
Power to consider any written representations and evidence within a period stated in a proposed declaration notice and make a regulated dog declaration.	Section 94
Power to give an owner of a dog the subject of a regulated dog declaration, a notice about the decision under subsection (3) or (4).	Section 95
Power to destroy a surrendered regulated dog.	Section 100
Power to recover reasonable seizure or destruction costs.	Section 102
Power to give notice of a proposed inspection program.	Section 114
Power to include other information considered appropriate in the general register.	Section 178(e)
Power to authorise an employee to verify a copy of a document.	Section 198(1)
Where a local government has received a registration form in relation to a cat prior to 23 September 2013 and it has not yet given a registration notice, power to:- <ul style="list-style-type: none"> (a) refund the registration fee to the owner; or (b) if the local government is a declared local government—register the cat under former chapter 3, part 2; or (c) if a local government makes a local law requiring cats to be registered—register the cat under the local law. 	Section 227(2)
Where a local government has received a registration fee in relation to a cat prior to 23 September 2013 and it has given a registration notice for the cat, power to refund the registration fee or a portion of the fee to the owner.	Section 228(2)(b)

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.

DELEGATION OF AUTHORITY

TITLE: ASBESTOS COMPLAINTS

Delegation by the Council to:
Chief Executive Officer

Date:

Source of Authority:
Local Government Act 2009
Public Health Act 2005 S14

Delegated Power:

1. The Authority to:

DESCRIPTION OF POWER DELEGATED

Sign and refer relevant asbestos complaints to Queensland Health for investigation.

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 CEO 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:
 - 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.
4. Ensure all relevant complaints referred to Queensland Health are in writing and signed by the delegated officer.
5. Maintain a record of all instances where this delegation has been exercised.

DELEGATION OF AUTHORITY

TITLE: BIOSECURITY ACT

Delegation by the Council to:
Chief Executive Officer

Date:

Delegation by the Chief Executive Officer to:

Date:

Refer to attached Schedule

Source of Authority:

Local Government Act 2009 Section 257

Biosecurity Act 2014

Delegated Power:

- To exercise powers of the Council pursuant to the *Biosecurity Act 2014*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, in a circumstance listed in subsection (1), to advise an inspector of the presence of the biosecurity matter.	Section 36(2)
Power, in a circumstance listed in subsection (1), to advise an appropriate authorised officer of the presence of the biosecurity matter that is a relevant restricted matter.	Section 42(2)
Power to carry out the main function of a local government under the Act.	Section 48
Power to consult with the Minister.	Section 50(3)
Power to comply with a notice issued by the Minister pursuant to subsection (4).	Section 50(5)
Power to agree with the chief executive that Council cannot achieve substantial compliance with the notice.	Section 51(2)
Power to comply with a request from the Minister for a written report made pursuant to subsection (1).	Section 52(2)
Power to prepare and approve a biosecurity plan for invasive biosecurity matter for Council's area.	Section 53
Power to keep a copy of the biosecurity plan available for inspection.	Section 54
Power to consult with the chief executive about the suitability and priority of the activities.	Section 59
Power to pay the amount required by a notice issued by the Minister pursuant to this section.	Section 60(5)
Power, as a relevant entity, to consult with the chief executive about a proposed making of a code of practice.	Section 105
Power to make written submissions on a proposed guideline.	Section 107
Power to apply to an inspector for a biosecurity emergency order permit.	Section 121
Power to apply to an inspector for a biosecurity instrument permit.	Section 132
Power as a registrable biosecurity entity to apply for registration.	Sections 145 and 147
Power as a registrable biosecurity entity to apply for a registration exemption.	Section 146

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to make written submissions in response to a notice from the chief executive.	Section 150(3)(b)
Power, in the circumstances, referred to in subsection (1) to apply for deregistration as a biosecurity entity.	Section 152
Power to comply with a requirement of the chief executive made under subsection (2) or (3).	Section 156(2)
Power as a registered biosecurity entity, owner or occupier to give the chief executive a restricted place notice.	Section 160(2)
Power to apply to the chief executive for the removal of the entry for a restricted place from the biosecurity register.	Section 164
Power to apply to the chief executive for the end of a declaration of a designated animal as a restricted animal.	Section 164A
Power to apply to the chief executive for the end of a declaration of a designated biosecurity matter as a restricted biosecurity matter.	Section 164B
Power to give the chief executive further information or a document about the application.	Section 165
Power as a registered biosecurity entity to give the chief executive a change notice.	Section 170(2)
Power to apply to the chief executive for a travel approval for the movement of a special designated animal.	Section 181
Power, as a receiver of a special designated animal at a saleyard, to take the action referred to in subsections (a) and (b).	Section 187
Power, as a receiver of a special designated animal at a restricted agricultural show, to take the action referred to in subsection (2).	Section 188
Power, as a receiver of a special designated animal at a place, to take the action referred to in subsection (2).	Section 190
Power, in the circumstances referred to in subsection (1), as a receiver of a special designated animal to advise an inspector of the circumstances in subsection (1).	Section 193(2)
Power, to comply with all reasonable directions the inspector gives.	Section 193(3)
Power, as a relevant person, to create a movement record for a designated animal and to give the record to the conveyor or drover of the animal.	Section 194(2)
Power, as a relevant person, to keep and produce a movement record for a designated animal in accordance with the requirements of this section.	Section 197
Power, as person who receives a copy of a movement record, to keep and produce the copy of the movement record for in accordance with the requirements of this section.	Section 198(2) and (7)
Power, in the circumstances referred to in subsection (4) and as a person who accepts delivery of the animal at the end of the movement, to create, keep and produce a record complying with subsection (6).	Section 198(5) and (7)
Power, as a person having responsibility for the organisation and operation of an agricultural show, to keep a record in the appropriate form for the designated animal.	Section 199
Power to apply for a prohibited matter permit or a restricted matter permit and to take all steps required to bring the application to finalisation and obtain a decision on the application.	Sections 214 and 215
Power to apply for the renewal of a prohibited matter permit or a restricted matter permit and to take all steps required to bring the application to finalisation and obtain a decision on the application.	Sections 225 and 226
Power to comply with a direction of the chief executive issued pursuant to subsection (2).	Section 229
Power to apply for the transfer of a prohibited matter permit or a restricted matter permit.	Section 230

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to consult with an interested entity about a proposed biosecurity program.	Section 235(3)(d)
Power to consult with the chief executive about a proposed biosecurity program.	Section 239(1)
Power to consult with the chief executive and an invasive animal board before authorising a biosecurity program.	Section 239(2)
Power to give make copies of a biosecurity program authorisation available for inspection and purchase at Council's public office.	Section 241
Power to apply to the court for an order against the person convicted of an offence against the Act to pay the costs Council has incurred in taking a thing or doing something else during the investigation of the offence.	Section 358
Power, as a relevant body, to stay the original decision, fix conditions on the stay, fix the period of a stay and revoke a stay.	Section 364
Power, as the issuing authority, after receiving an internal review application to conduct an internal review and make a decision.	Section 365
Power, as the issuing authority, to give notice of an internal review decision.	Section 366
Power, as the issuing authority, to make a new decision following the receipt of directions from the court.	Section 372(1)
Power, as the issuing authority, to give effect to a decision of the court to substitute the internal review decision with a new decision.	Section 372(2)
Power, as the issuing authority for a biosecurity order, to give notice of the amount of the debt.	Section 380(2)
Power to register a charge over the land for an unpaid amount and to release the charge once the unpaid amount has been paid.	Section 381
Power, as a third party, to appear at the hearing of an application for a cost recovery order.	Section 383
Power to enter into a government and industry agreement with the Minister or the chief executive.	Section 391
Power to enter into a compliance agreement with the chief executive.	Section 393
Power to apply to the chief executive to enter into a compliance agreement with the State.	Section 396
Power to give the chief executive further information or a document required to decide the application.	Section 399(1)(b)
Power, as the other party to a compliance agreement, to make written representations to the chief executive following receipt of a show cause notice.	Section 405
Power, as the holder for a relevant authority, to apply to the chief executive to amend the conditions of the authority and to take all steps necessary to obtain a decision on the application.	Sections 479 and 480
Power, as the holder for a relevant authority, to make written representations about the show cause notice to the chief executive.	Section 485
Power, as the holder for a relevant authority, to ask the chief executive to cancel the authority.	Section 490
Power, as the holder for a relevant authority, to comply with a notice requiring the return of the document evidencing the authority.	Section 491(3)

2. To exercise the powers of Council as a delegated officer pursuant to the *Biosecurity Act 2014*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to agree with the chief executive that the State and Council act in a coordinated way to respond to a biosecurity event in the local government's area associated with its area's invasive biosecurity matter.	Section 49
Power to give notice of a biosecurity program before it starts.	Section 240

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to appoint an authorised person.	Section 246(2)
Power to appoint an authorised person.	Section 246(3)
Power, as the administrator for relevant entity, to give an information notice to a person who owned the thing immediately before it was forfeited to the relevant entity.	Section 312
Power, as a relevant administrator, to deal with a thing forfeited to Council under section 315 or 316 (including returning the proceeds of sale to the former owner of the thing after deducting the costs of sale).	Section 317
Power, as the administering executive, to issue an identity card to each designated officer.	Section 329
Power to sign a certificate stating a matter listed in subsection (1).	Section 355
Power to approve a biosecurity order referred to in subsection (1).	Section 378(2)
Power to keep a register of all biosecurity orders given by the authorised officer and to remove a biosecurity order from the register in the circumstances mentioned in subsection (3).	Section 379
Power to apply to the District Court for an injunction in relation to the conduct referred to in section 385.	Section 386

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.

DELEGATION OF AUTHORITY

TITLE: BODY CORPORATE & COMMUNITY MANAGEMENT

Delegation by the Council to:
Chief Executive Officer

Date:

Source of Authority:

Local Government Act 2009 Section 257

Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011

Delegated Power:

1. To exercise powers of the council pursuant to the Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as the relevant planning body, to issue a certificate certifying the transaction has been approved or noted as required under the relevant Planning Act.	Section 33(4)

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.

DELEGATION OF AUTHORITY

TITLE: BUILDING ACT

Delegation by the Council to:
Chief Executive Officer

Date:

Delegation by the Chief Executive Officer to:
Refer to attached Schedule

Date approved:

Source of Authority:
Local Government Act 2009 Section 257
Building Act 1975

Delegated Power:

1. To exercise powers of the Council as a delegated officer pursuant to the *Building Act 1975*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an assessment manager, to determine whether a building development application complies with the building assessment provisions and if it does, to approve the application.	Section 34A(2)
Power, as an assessment manager, to consult with the chief executive about the variation application.	Section 41(1)
Power, as a referral agency, to appoint or employ a building certifier to carry out the assessment against the fire safety standard.	Section 46(5)
Power, under the Planning Act to receive, assess and decide a building development application.	Section 51(2)(a)
Power to appoint or employ a private certifier or another building certifier.	Section 51(2)(b)
Power to appoint or employ a building certifier where asked in writing by the nominated owner and the building work has not been certified.	Section 51(3)
Power to issue a building development approval.	Section 52
Power, in carrying out functions under the Building Act, to accept and, without checking, rely and act on a certificate or other document made by or given to the building certifier.	Section 53(2)
Power to accept and, without further checking, rely and act on a document, given to Council by a private certifier for a building development application, for the purpose of making it available for inspection or purchase as required by the Planning Act.	Section 54
Power, as assessment manager, in relation to undecided building development applications and lapsed building development approvals, to resume or start the development assessment process under the Planning Act at any stage the assessment manager considers appropriate.	Section 55
Power, as the holder of a registered easement or statutory covenant, to consent to building work.	Section 65

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as the assessment manager, to give a reminder notice about the lapsing.	Section 95
Power to give a private certifier a document acknowledging receipt of the fee mentioned in subsection 86(1)(c).	Section 87
Power to take the action it considers necessary to complete the building work where the building development approval lapses and the building work is other than demolition.	Section 92(2)
Power to use all or part of any security given to the local government for the carrying out of the building work.	Section 92(5)
Power to refund or release part of any security given to the local government for the carrying out of the building work, at any time, having regard to the progress of the building work.	Section 93(1)
Power to decide an application to extend the period mentioned in subsection 71(3), to consult with an entity in deciding the application and to give notice of the decision.	Section 71
Power to consult with a private certifier with regard to further extensions of the period under the Planning Act, s 341 (When approval lapses if development not started).	Section 97(2)
Power, as the assessment manager, to take enforcement action against an owner contravening section 114 of the Act.	Section 117
Power to give a building certifier a notice ('show cause notice').	Section 206(1)
Power to consider any representations made under the show cause notice and decide to take no further action, or apply to the Queensland Civil and Administrative Tribunal to start a disciplinary proceeding against the building certifier.	Section 207
Power to apply to the Queensland Civil and Administrative Tribunal to conduct disciplinary proceeding to determine whether there are proper grounds for taking disciplinary action against a building certifier.	Section 208(1)
Power to notify the QBCC of its application to the Queensland Civil and Administrative Tribunal.	Section 210
Power to consult with any other entity considered appropriate in deciding an application made by the owner of a budget accommodation building to approve a period for the building under section 220(a)(ii) or (b)(ii) (longer periods for approval).	Section 221(2)
Power to grant (including with reasonable conditions) or refuse an application made by the owner of a budget accommodation building to approve a period for the building under section 220(a)(ii) or (b)(ii) (longer periods for approval).	Section 221(2)(b) and (3)
Power to decide the application and give the owner an information notice about the decision.	Section 221(4)
Power to, on written application from the owner, decide whether or not a building conforms with fire safety standards and, if applicable, state what must be done to make the building conform.	Section 222(2)
Power to inspect budget accommodation buildings at least once every 3 years.	Section 228
Power, as local government, to approve, with or without conditions, a later day for a residential care building to comply with section 231AK of the <i>Building Act</i> .	Section 231AK (a)(iii) and (b)(iii) and section 231AL

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as local government, on an application by the owner of an RCB for a later day to obtain a fire safety compliance certificate or certificate of classification to: (a) consult on the application; (b) decide the application; (c) impose conditions on the grant of an application; (d) give an information notice about the decision.	Section 231AL
Power to require the applicant to give medical evidence to support the application.	Section 236
Power to, on application by a pool owner, decide an application for exemption from complying with part of the pool safety standard relating to barriers for a regulated pool due to disability (with or without conditions).	Section 237
Power to give notice of Council's decision (including an information notice about the decision).	Section 238
Power to give notice of each exemption granted under Chapter 8, Part 2, Division 3 to the QBCC commissioner.	Section 239
Power to give an applicant a show cause notice.	Section 242(2)
Power to give to the QBCC commissioner notice of each revocation notice given.	Section 243
Power to keep a copy of each exemption granted and make the copy available for inspection and purchase as if it were a document, that under the Planning Act, the local government must make available for inspection and purchase.	Section 244
Power to, on application by a pool owner for exemption from complying with part of the pool safety standard relating to barriers for the regulated pool due to compliance being impracticable, require further information to establish that compliance with the part of the pool safety standard is not practicable.	Section 245A
Power to, on application by a pool owner, decide an application for exemption from complying with part of the pool safety standard relating to barriers for the regulated pool due to compliance being impracticable (with or without conditions).	Section 245B
Power to give written notice of the grant of an exemption.	Section 245C(1)
Power to give an information notice.	Section 245C(2)
Power to give the owner of the regulated pool a show cause notice.	Section 245E(2)
Power to consider any representations made under the show cause notice and give a further notice (a revocation notice) to the owner, revoking the decision previously given.	Section 245E(3)
Power to give the QBCC commissioner the notices required by sections 245F(1) and 245F(2).	Section 245F
Power to keep a copy of each exemption available for inspection and purchase as if it were a document that, under the Planning Act, must be available for inspection and purchase.	Section 245FA(2)
Power, as owner of adjoining land, to agree with the pool owner as to the construction of a pool barrier along the common boundary.	Section 245XB(2)
Power, as owner of adjoining land, to agree with the pool owner as to the alteration or replacement of a dividing fence that is used, or proposed to be used, as a pool barrier along the common boundary.	Section 245XD(2)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as owner of adjoining land where a pool barrier is constructed along the common boundary for a pool on the other land, to: <ul style="list-style-type: none"> •alter or replace the part of the pool barrier with the agreement of the pool owner; or •attach a think on the part of the pool barrier that does not unreasonably or materially alter or damage the barrier. 	Section 245XF(2) and (3)
Power, as owner of adjoining land, to grant access to Council's land to the owner of the other land to carry out fencing work.	Section 245XG(1)
Power, as owner of adjoining land, where Council has carried out urgent fencing work under section 245XK of the Building Act and the owner of the other land is responsible for some or all of the costs of carrying out the fencing work under section 245XH of the Building Act, to require the owner of the other land to contribute a share for any reasonable cost incurred for the fencing work.	Section 245XN(2)
Power, as owner of adjoining land, to apply to QCAT, in the absence of the owner of the other land, for authorisation to carry out fencing work, including apportionment of the contributions for the work.	Section 245XS(1)
Power, as owner of adjoining land, where an order has been made under section 245XS(1) of the <i>Building Act</i> and the owner of the other land has since been located, to give a copy of the order to the owner of the other land and recover the contribution as stated in the order.	Section 245XS(3)
Power, as owner of adjoining land, where the owner of the other land has carried out fencing work for a dividing fence forming part of a pool barrier without authorisation, to apply to QCAT for an order requiring the owner to rectify the dividing fence.	Section 245XV(2)
Power to inspect a regulated pool for compliance when a pool safety complaint notice, or section 245I or 245UA notice is received.	Section 246ADA(2)
Power to take necessary enforcement action to ensure the pool complies with the pool safety standard or fencing standards for the pool.	Section 246ADA(5)
Power to cancel pool safety certificate for a regulated pool.	Section 246AF(2)
Power to give the QBCC commissioner notice of the cancellation of the pool safety certificate for a regulated pool.	Section 246AF(3)
Power to give a show cause notice before cancelling a pool safety certificate.	Section 246AG(1)
Power to consider submissions and decide whether to cancel a pool safety certificate.	Section 246AG(5)
Power to give the owner notice of the decision.	Section 246AG(6)
Power to give the owner an information notice about the decision.	Section 246AG(7)
Power to appoint or employ a pool safety inspector to conduct an inspection of a pool in the circumstances referred to in subsection (1).	Section 246AH
Power to keep a record of a notice mentioned in section 246ADA(1) and the results of the inspection carried out under section 246ADA.	Section 246AIA
Power to comply with a request for information from the QBCC commissioner.	Section 246AIB(2)
Power to give the QBCC commissioner notice of each existing regulated pool in Council's local government area of which it has a record.	Section 246AQ

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to give the swimming pool safety advisory information to the owner of each non-certificate regulated pool in its local government area.	Section 246ATC
Power to, by gazette notice, designate land as a transport noise corridor.	Section 246X
Power to give a notice ('enforcement notice') to the owner of a building, structure or building work.	Section 248(1)
Power to give an enforcement notice to a person who does not comply with a particular matter in the <i>Building Act 1975</i> .	Section 248(2)
Power to give a person a show cause notice.	Section 248(3)
Power to authorise an officer to enter a building or structure and remove all persons found there.	Section 253
Power, as local government, to make a complaint for an offence against section 245K, 245L or 246AR(2) of the <i>Building Act 1975</i> .	Section 256(2)(e)
Power, as local government, to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the <i>Building Act 1975</i> .	Section 256(2)(f)
Power, as local government, to make a complaint for an offence against section 246AP(2) of the <i>Building Act 1975</i> .	Section 256(2)(g)
Power, as local government, to make a complaint for an offence against chapter 8, part 4, division 5, subdivision 2, other than section 246ATH(2) of the <i>Building Act 1975</i> .	Section 256(2)(h)
Power, as local government, to authorise a person to make a complaint for an offence against chapter 8, part 4, division 5, subdivision 2, other than section 246ATH(2) of the <i>Building Act 1975</i> .	Section 256(2)(h)
Power, as local government, to make a complaint for an offence against chapter 8, part 5 of the <i>Building Act 1975</i> .	Section 256(2)(i)
Power, as local government, to authorise a person to make a complaint for an offence against chapter 8, part 5 of the <i>Building Act 1975</i> .	Section 256(2)(i)
Power, as local government, to make a complaint for an offence in the <i>Building Act 1975</i> other than an offence listed in section 256(2)(a)-(j) of the <i>Building Act</i> .	Section 256(2)(k)
Power, as local government, to authorise a person to make a complaint for an offence in the <i>Building Act 1975</i> other than an offence listed in section 256(2)(a)-(j) of the <i>Building Act</i> .	Section 256(2)(k)
Power to extend the time for an owner of a swimming pool to comply with section 235 (where an extension under section 49H(11)(b) of the <i>Local Government Act 1936</i> is still in force).	Section 262

2. To exercise powers of Council as a delegated officer pursuant to the *Building Regulation 2006*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, if it is not practicable to show each of the designated bush fire prone area in Council's planning scheme maps, to:- (a) prepare maps showing the areas; and (b) ensure the maps are updated.	Section 12(4)
Power to keep a register of the flood hazard areas Council designates and when each designation was made.	Section 13(4)

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 CEO 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:*
 - 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.

DELEGATION OF AUTHORITY

TITLE: DISASTER MANAGEMENT

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 – Section 257
Disaster Management Act 2003

Delegated Power:

1. To exercise the powers of council as a delegated officer pursuant to the *Disaster Management Act 2003*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to establish a Local Disaster Management Group for the local government area.	Section 29
Power to agree to unite with one or more other local government/s for the purpose of establishing a local group.	Section 31
Power to provide, at least once a year, written notice of the members of a Local Disaster Management Group to the chief executive and the chairperson for the disaster district in which the Local Disaster Management Group is situated.	Section 37
Power to prepare a local disaster management plan for disaster management in the local government's area.	Section 57(1)
Power to review, or renew, its local disaster management plan when local government considers it appropriate.	Section 59
Power to, on payment of the appropriate fee, give a person a copy of the local disaster management plan.	Section 60
Power to agree to unite with one or more other local governments for the purpose of preparing a local disaster management plan.	Section 61

2. To exercise the powers of council as a delegated officer pursuant to the *Disaster Management Regulation 2014*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to inform the chief executive of the department, and the chairperson of the district group, of an appointment under section 5(1).	Section 5(6)
Power to nominate a person to a temporary district disaster management group.	Section 7(1)
Power to appoint a person as a member of a local disaster management group.	Section 9(1)
Power to appoint a chairperson and deputy chairperson of a local disaster management group.	Section 10(1)

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:
 - 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

-
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: ENVIRONMENTAL OFFSET

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 – Section 259

Environmental Offsets Act 2014

Environmental Offsets Regulation 2014

Delegated Power:

1. To exercise the powers of Council pursuant to the *Environmental Offsets Act 2014*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to make an environmental offsets policy available for inspection	Section 12(3)
Power to consider a notice of election and any offset delivery plan.	Section 19(1)
Power, as an administering agency, to keep a register of the matters listed in subsection one, make the register available for inspection and give information held on the register to the chief executive.	Section 90

2. To exercise the powers of Council pursuant to the *Environmental Offsets Regulation 2014*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an owner of land proposed to be included within a new area covered by a later environmental offset agreement, to decide whether or not to consent to the amended declaration of the environmental offset protection area.	Section 11(3)(c)
Power, as a decision maker, to decide an application for an area of land to be identified as an advanced offset and to do all things authorised or required by section 14 following the making of the decision.	Section 14
Power, as a decision maker, to remove an advanced offset from the register kept under section 90 of the Act.	Section 14(7)
Power, as a decision maker, to decide an application to vary the boundary of an area of land identified as an advanced offset and to do all things authorised or required by section 15 following the making of the decision.	Section 15
Power, as a relevant entity, to extend the time for applying for internal review.	Section 18(2)
Power, as a relevant entity, to review a reviewable decision, make an internal review decision and to do all things authorised or required by section 19 following the making of the decision.	Section 19

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:
 - 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.

DELEGATION OF AUTHORITY

TITLE: ENVIRONMENTAL PROTECTION

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 – Section 257
Environmental Protection (Water) Policy 2009
Environmental Protection Act 1994
Environmental Protection Regulation 2008

Delegated Power:

1. To exercise powers of the council pursuant to the *Environmental Protection (Water) Policy 2009*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, in cooperation with the chief executive, to develop a healthy waters management plan.	Section 24(2)

2. To exercise powers of the council pursuant to the *Environmental Protection Act 1994*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an affected person, to make written comments to the chief executive about a TOR notice.	Sections 42 and 43
Power to make a written submission about a submitted EIS.	Section 54
Power, as an administering authority, to give an applicant a notice about an application that is not a properly made application.	Section 128
Power to agree a further period within which the applicant must give notice under section 128	Section 129
Power, as an administering authority, to give a notice about an application made by joint applicants, to the principal applicant nominated in the application.	Section 130
Power, as an administering authority, to refuse to allow a change to an application if the change would result in the application not being a properly made application and the applicant does not take action to make the remade application properly made.	Section 132
Power, as an administering authority, to give written agreement that a change to an application is a minor change.	Section 133
Power, as an administering authority, to determine satisfaction that the requirements under the application stage have been complied with.	Section 136(b)(i)
Power, as an administering authority, to make a written information request to the applicant to give further information needed to assess the application.	Section 140
Power, as an administering authority, to agree to extend the applicant's information request response period.	Sections 145 and 147

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an administering authority, to determine not to make an information request.	Section 148(b)(i)
Power, as an administering authority, to give the applicant an information notice prescribing an additional or substituted way to give public notice of an application.	Section 152
Power to decide to allow or not allow substantial compliance with public notice requirements.	Section 159
Power, as an administering authority, to by written notice to the applicant extend the decision period and further extend the decision period with the written agreement of the applicant.	Section 168
Power, as an administering authority, to approve a standard application subject to the standard conditions for the relevant activity or authority.	Section 170
Power, as an administering authority, to approve a variation application subject to the standard conditions for the relevant activity or authority or subject to conditions which are different to the standard conditions for the activity or authority.	Section 171
Power, as an administering authority, to refuse a site- specific application or approve a site-specific application subject to conditions.	Section 172
Power, as an administering authority, to issue an environmental authority.	Section 172
Power, as an administering authority, to include a copy of the environmental authority in the relevant register.	Section 177
Power, as an administering authority, to give an information notice to the applicant for an environmental authority.	Section 198(2)
Power, as an administering authority, to give an information notice about the decision to any submitter for the application.	Section 198 (4)
Power, as an administering authority, to impose a condition on an environmental authority or draft environmental authority to which section 115 applies.	Section 203
Power, as an administering authority, to amend an environmental authority to correct a clerical or formal error by giving written notice to the holder but only if the amendment does not adversely affect the interests of the holder or anyone else.	Section 211
Power, as an administering authority, to amend an existing environmental authority issued subject to conditions to replace the existing standard conditions with new standard conditions issued by the chief executive and to give written notice of the amendment to the environmental authority holder.	Section 213
Power, as an administering authority, to make an amendment to an environmental authority which is necessary or desirable because of a matter mentioned in section 215(2) or if the holder has agreed in writing to the amendment.	Section 215
Power, as an administering authority, to make other amendments to an environmental authority in accordance with the procedure required by Chapter 5, Part 6, Division 2 or with the written agreement of the authority holder.	Sections 216 and 219
Power, as an administering authority, to refuse an amendment application to which section 227A(1) applies, to require the environmental authority holder to make a site specific application and to give written notice of the refusal to the applicant.	Section 227A
Power, as an administering authority, to decide whether an application made by the holder of an environmental authority to amend the authority is a minor or major amendment.	Section 228

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an administering authority, to give written agreement to the continued assessment of a changed application to amend an environmental authority.	Section 237
Power, as an administering authority, to request further information needed to assess a changed amendment application which is not a minor change and to which the information stage applies.	Section 238(3)
Power, as an administering authority, to decide that the notification stage be repeated in respect of a changed amendment application which would be likely to attract a submission objecting to the change.	Section 238(7)
Power, as an administering authority, to:- <ul style="list-style-type: none"> (a) decide to approve or refuse an amendment application; (b) if the amendment is approved, to make other amendments to the conditions of the environmental authority; (c) give notice of the decision to the applicant; and (d) include a copy of any amended environmental authority in the register. 	Section 240 and 242
Power, as an administering authority, to decide to approve an application to amalgamate environmental authorities or refuse an amalgamation application to which section 247(1)(b) applies.	Section 247
Power, as an administering authority, to:- <ul style="list-style-type: none"> (a) de-amalgamate an environmental authority; (b) issue 2 or more environmental authorities; and (c) include each environmental authority in the relevant register. 	Section 250C
Power, as an administering authority, to approve or refuse an application by the holder of an environmental authority to transfer all or part of the environmental authority to another entity.	Section 254
Power, as an administering authority, to decide whether a final rehabilitation report includes enough information to decide that the requirements in section 264(1)(b)(i) and 264(1)(b)(ii) have been met.	Section 264
Power, as an administering authority, to make a written request to an applicant to give further information needed to assess an application to surrender an environmental authority.	Section 265
Power, as an administering authority, to approve or refuse a surrender application.	Section 266
Power, as an administering authority, to:- <ul style="list-style-type: none"> (a) cancel or suspend an environmental authority if an event mentioned in section 278(2) has occurred; (b) follow the procedures in Chapter 5, Part 11, Division 2; and to (c) give notice of the decision; and (d) record the action in the relevant register. 	Sections 278, 279, 280, 281, 282, and 283 and 284
Power, as an administering authority, to approve or refuse an application made by the holder of an environmental authority to suspend the environmental authority.	Section 284C

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an administering authority, to impose a condition on an environmental authority requiring the holder to give financial assurances as security for compliance with the environmental authority and for costs or expenses mentioned in section 298.	Section 292
Power, as an administering authority, to decide the amount and form of financial assurance required under a condition of an environmental authority.	Section 295
Power, as an administering authority, to give notice of the decision under section 295(1).	Section 296
Power, as an administering authority, to decide to make a claim on or realise a financial assurance.	Section 301
Power, as an administering authority, to by written notice require an applicant to give a compliance statement for a financial assurance before deciding an application to amend or discharge the financial assurance.	Section 304
Power, as an administering authority, to approve or refuse an application by the holder of an environmental authority to amend the amount or form of a financial assurance stated in a notice given under section 296 or to discharge a financial assurance.	Section 305
Power, as an administering authority, to require a change of the amount of a financial assurance.	Section 306
Power, as an administering authority to, in the circumstances referred to in subsection (1), give notice stating how much of the financial assurance has been used and requiring it be replenished.	Section 307
Power, as the administering authority, to recover from the holder of an environmental authority as a debt, outstanding annual fees.	Section 308
Power, as an administering authority, to change the anniversary day for an environmental authority for which an annual fee is prescribed, in the circumstances provided for by section 310(1)(a) and 310(1)(b).	Section 310
Power, as an administering authority, to change an anniversary day for an environmental authority.	Section 311
Power, as an administering authority, to, in the circumstances specified in section 314(1)(a) and 314(1)(b):- <ul style="list-style-type: none"> (a) require the holder of the environmental authority to make a site-specific application for a new environmental authority under Chapter 5 Part 2 or make an amendment application for the authority under Chapter 5 Part 7; and (b) give written notice of the proposed requirement prior to making it. 	Section 314
Power, as an administering authority, to ask any entity for advice, comment or information about an application made under Chapter 5.	Section 315
Power to make submissions about a proposed ERA standard.	Section 318A
Power, as person aware of an event described in section 320A, to give written notice of the event, its nature and the circumstances in which it happened to the administering authority, any occupier of the affected land or any registered owner of the affected land, or by public notice.	Section 320C

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as employer aware of an event described in section 320A, to give written notice of the event, its nature and the circumstances in which it happened to the administering authority, any occupier of the affected land or any registered owner of the affected land, or by public notice.	Section 320D
Power, as a person mentioned in section 320A(2)(a), to within 24 hours after becoming aware of an event or change mentioned in section 320A(2)(b)(i) or (ii) give the administering authority written notice of the matters stated in subsection (2).	Section 320DA(1)
Power, as a person mentioned in section 320A(2)(a), to within 20 business days after becoming aware of an event or change mentioned in section 320A(2)(b)(iii) give the administering authority written notice of the activity.	Section 320DA(3)
Power, as a local government mentioned in section 320(3)(a), to within 20 business days after becoming aware that the activity has been, or is being, carried out on land in its area, give the administering authority written notice.	Section 320DB(1)
Power, as a local government mentioned in section 320(3)(b), to within 24 hours after becoming aware of the event or the change in condition of the land give the administering authority written notice.	Section 320DB(2)
Power, as an administering authority, to require a person to conduct or commission an environmental audit and give an environmental report about the audit.	Sections 322 and 323
Power, as an administering authority, to require a person to conduct or commission an environmental investigation.	Section 326B
Power, as an administering authority, to ask for further information.	Section 326F
Power, as an administering authority, to accept the report or refuse to accept the report and to give notice of the decision.	Section 326G
Power, as an administering authority which has accepted an environmental report under section 326G, to do 1 or more of the things listed in subsection (1).	Section 326H
Power, as an administering authority which has refused to accept an environmental report under section 326G(4)(b), to, by written notice, require the recipient to conduct or commission another environmental investigation and submit a report on the investigation.	Section 326I
Power, as an administering authority, to require a person or public authority to submit a draft transitional environmental program.	Section 332
Power to submit a draft transitional environmental program to the administering authority for approval.	Section 333
Power, as an administering authority, to by written notice require the person or public authority that submitted the draft transitional environmental authority to give further information.	Section 334A
Power to make a submission in relation to a draft transitional environmental program.	Section 335
Power, as an administering authority, to invite parties to a conference to help it determine whether or not to approve a draft transitional environmental program.	Section 336
Power, as an administering authority, to seek advice, comment or information about a TEP submission.	Section 336A

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an administering authority, to extend the period for decision about a draft transitional environmental program and approve a draft transitional environmental program.	Section 337
Power, as an administering authority, to:- a) approve a draft transitional environmental program as submitted or with amendments requested or agreed to by the administering authority; or b) refuse to approve a draft transitional environmental program.	Section 339(1)
Power, as an administering authority, to impose on an approval of a draft transitional environmental program:- a) any conditions the authority must impose under a regulatory requirement; and b) any other conditions the administering authority considers appropriate.	Section 339(2)
Power, as an administering authority, to give a person or public authority who submitted a draft transitional environmental program for approval written notice of the decision.	Section 340
Power, as an administering authority, to approve a draft transitional environmental program if there has been substantial compliance with public notice requirements.	Section 342
Power, as an administering authority, to consider and approve or refuse an application to amend a transitional environmental program.	Section 344
Power, as an administering authority, to cancel the approval for a transition environmental program, give notice of the decision or record details of the decision in a register.	Section 344E
Power, as an administering authority, to withdraw the notice or remove the record.	Section 344F
Power, as an administering authority, to give the holder of the environmental authority a copy of the authority that does not include the note.	Section 344G
Power, as an administering authority, to apply to the Court for an order that section 353(1) does not apply.	Section 355
Power, as an administering authority who has made an application to the Court under section 355, to apply to the Court for an order pending decision on the application.	Section 357(2)
Power, as administering authority, to – • grant an application for a temporary emissions licence, with or without conditions, as submitted or on different terms than have been requested in the application; or • refuse to grant the application for a temporary emissions licence.	Sections 357C, 357D and 357E
Power, as administering authority, to amend, cancel or suspend a temporary emissions licence.	Section 357J
Power, as holder of a temporary emissions licence, to give written agreement to the amendment of the licence.	Section 357J
Power, as an administering authority, to issue an environment protection order.	Section 358
Power, as the land's owner, to make a written submission to the administering authority in response to a show cause notice issued pursuant to section 375.	Section 376

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as owner, to consent to another party entering its land to conduct or commission remediation works. Power, to give the administering authority:- <ul style="list-style-type: none"> (a) a contaminated land investigation document accompanied by a declaration and a statement; and (b) a statement as owner of the land agreeing to the draft plan. 	Section 390
Power, as a prescribed responsible person, to make a written submission in response to a show cause notice issued pursuant to section 391.	Section 392(1)
Power, as a prescribed responsible person, to comply with a notice issued by the administering authority pursuant to this section.	Section 394(5)
Power, as a prescribed responsible person, to:- <ul style="list-style-type: none"> (a) obtain the consent of the owner or occupier to enter the land; (b) give the owner or occupier written notice of the intention to enter the land; (c) agree with the owner or occupier about reasonable compensation because of the loss or damage; and (d) appear in any proceeding before a court of competent jurisdiction (including instructing a legal representative to appear) where agreement about compensation cannot be reached. 	Section 395
Power, as a prescribed responsible person, to comply with a requirement of the administering authority given pursuant to this section.	Section 397
Power to apply to amend a site management plan and to comply with Chapter 7, Part 8, Division 3, Subdivisions 2 to 4 as they relate to the application.	Section 402
Power, as owner or occupier of land, to consent to the amendment of a site management plan for the land by the administering authority.	Section 403
Power, as the person who released the contaminant, the relevant local government or the owner of the land, to prepare a draft amendment of a site management plan if requested to do so by the administering authority and to comply with Chapter 7, Part 8, Division 3, Subdivisions 2 to 5 as they relate to the draft amendment.	Section 404
Power, as owner of land, to give a lessee or proposed lessee notice that particulars of the land have been recorded in the contaminated land register.	Section 407
Power, as an owner of land in a circumstance listed in subsection (1), to give the notice required by subsection (2).	Section 408
Power, as an administering authority, to require a person to provide information for the enforcement or administration of this Act.	Section 451
Power, as owner or occupier of land, to consent to an authorised person's entry onto the land.	Section 452
Power, as owner or occupier of land, to consent to an authorised person's entry onto the land.	Section 454
Power, as an administering authority, to issue a notice that an authorised person will enter land.	Section 454(3)(b) and (4)
Power, as the occupier of access land, to consent to an authorised person's entry onto the land.	Section 455

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power as a person to whom an emergency direction is given to comply with the direction and to take the steps required by subsection (b).	Section 478
Power, as an administering authority, to waive payment of costs of investigation or remediation work.	Section 489
Power, as an administering authority, to make an application to the court for an order against a defendant for costs.	Section 501 (1)(c)
Power, as an administering authority, to carry out work or take other action reasonably necessary where a person has failed to comply with an order made under section 502.	Section 502A(2)
Power, as an administering authority, to make an application to the Court to remedy or restrain an offence against this Act.	Section 505
Power, as a person who has made an application pursuant to section 505, to seek an order of the Court pending determination of the application.	Section 506
Power, as the administering authority, to: <ul style="list-style-type: none"> (a) accept or reject an enforceable undertaking; (b) given written notice of the decision and the reasons for the decision (c) publish a copy of any undertaking on Council's website; and take all reasonable steps to have any proceedings in relation to the contravention discontinued. 	Section 507
Power, as the administering authority, to agree in writing to the withdrawal or variation of an enforceable undertaking and to publish notice of the withdrawal or variation on Council's website.	Section 509
Power, as the administering authority, to amend an enforceable undertaking by written agreement.	Section 510
Power, as the administering authority, to make an amendment to an enforceable undertaking to correct a clerical or formal error and give written notice of the amendment.	Section 511
Power, as the administering authority, to:- <ul style="list-style-type: none"> (a) amend or suspend an enforceable undertaking where satisfied one of the circumstances in subsections 512(1)(a) to (d) apply; and (b) comply with the requirements of subsection 512(2) to (7). 	Section 512
Power, as the administering authority, to apply to the Magistrates Court for an order if a person contravenes an enforceable undertaking.	Section 513(2)
Power to exercise all the powers of the chief executive that have been delegated to Council. (Sub-section (2) permits sub delegation of these powers to a qualified entity).	Section 516
Power, where the chief executive has delegated the powers as an administering authority to Council, to exercise those delegated powers.	Section 518(1)
Power, as an administering authority, to review a decision.	Section 521(5)
Power, as a dissatisfied person, to apply for a review of an original decision.	Section 521
Power, as a dissatisfied person that has applied for a review under section 521, to apply to the Planning and Environment Court or the Land Court for a stay of operation of the original decision.	Section 522

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a dissatisfied person, to appeal to the Land Court against a review decision of an original decision mentioned in schedule 2, part 1.	Section 524
Power, as a dissatisfied person, to appeal to the Planning and Environment Court against a review decision of an original decision, other than a review decision to which Chapter 11, Part 3, Division 3, Subdivision 1 of this Act applies or a review decision that relates to an original decision mentioned in Schedule 2, Part 3.	Section 531
Power, as an administering authority, keep the registers listed in section 540(1) and keep them available for inspection.	Section 540, 541 and 542
Power, as an administering authority, to prepare and submit a report to the chief executive.	Section 546
Power, as an administering authority, to consult with the chief executive about guidelines the chief executive proposes for administering authorities.	Section 548(3)
Power to consult with the chief executive about guidelines the chief executive proposes.	Section 549(3)
Power, in the circumstance referred to in subsection 574BA(1), to recover the administering authorities reasonable costs and expenses in performing the function.	Section 547BA
Power, as an administering authority, to request written notice of damage caused to land or something on the land by a person who enters land under an entry order.	Section 578
Power, as an administering authority, to change or cancel a condition of an environmental authority given continuing effect under section 619(2)(d) or 619(4)(d) of this Act.	Section 620
Power, as an administering authority, in relation to an activity being carried out under section 619(1) of this Act, to give the person carrying out the activity a development approval and a registration certificate.	Section 621
Power, as an administering authority, to give the registered operator for a level 1 approval for a level 1 chapter 4 activity taken to be a registration certificate under section 619, a notice stating that section 316 applies to the registration certificate.	Section 623
Power, as an administering authority, to amend a condition about financial assurance imposed under Chapter 13 Part 7.	Section 634
Power, as an administering authority, to consider or continue to consider, a draft transitional program submitted under section 332 or 333 before 4 April 2011 and decide whether to approve it under the unamended Act.	Section 671(2)
Power, as an administering authority, to approve or refuse an application made by the holder of a transitional authority, to convert the conditions of the transitional authority to the standard conditions for the authority or relevant activity.	Section 697
Power, as an administering authority, to approve an application to convert a surrendered registration certificate to an environmental authority that has been suspended under Chapter 5, Part 11A of this Act.	Section 698B
Power, as an administering authority, to amend an environmental authority to which a requirement applies to impose a condition about the financial assurance and to give written notice of the amendment to the authority holder.	Section 699

3. To exercise powers of the Council pursuant to the Environmental *Protection Regulation 2008*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a generator, to give the transporter the prescribed information about the waste in the prescribed form and to record the prescribed information about the waste.	Section 81I
Power, as a transporter, to give the receiver the prescribed information about the waste in the prescribed form and to record the prescribed information about the waste.	Section 81J(2)
Power, as a transporter, to give the administering authority notice of a discrepancy in information received from the generator.	Section 81J(3)
Power, as a receiver, to record the prescribed information about the waste.	Section 81K(1)
Power, as a receiver, to give a copy of the prescribed information about the waste to the administering authority.	Section 81K(2)
Power, as a receiver, to give the administering authority notice of a discrepancy in information received from the transporter.	Section 81K(3)
Power, as a receiver, to record the prescribed information about the waste.	Section 81O(1)
Power, as a receiver, to give a copy of the prescribed information about the waste to the administering authority.	Section 81O(2)
Power, as a receiver, to give the administering authority notice of a discrepancy in information received from the transporter.	Section 81O(3)
Power, as a generator, to give the transporter the prescribed information about the waste and to record the prescribed information about the waste.	Section 81R(1)
Power, as a transporter, to give the administering authority notice of a discrepancy in information received from the generator.	Section 81S(2)
Power to apply to the administering executive for approval of a particular way of giving prescribed information to the administering authority under division 3 and to take all steps necessary to advance the application.	Section 81W
Power to apply to the administering executive for a consignment number for loads of trackable waste to be transported into Queensland and to take all steps necessary to advance the application.	Section 81X
Power to apply to the administering executive for an exemption for the transportation of trackable waste to which Chapter 5, Part 9 applies and to take all steps necessary to advance the application.	Section 81Y
Power to apply to the administering executive for a generator identification number.	Section 81ZB
Power to require an owner or occupier of relevant premises to supply waste containers other than standard general waste containers.	Section 81ZF(1)(b)
Power to require an owner or occupier of relevant premises to supply waste containers other than standard general waste containers.	Section 81ZF(2)
Power to require a waste container to be kept at a particular place at premises.	Section 81ZH(1)(a)
Power to require a prescribed person of serviced premises, other than a detached dwelling, to supply: <ul style="list-style-type: none"> (a) an elevated stand; or (b) an imperviously paved and drained area for the waste containers, and (c) a hose cock and hose in the vicinity of the stand or paved area; and (d) a suitable enclosure for the waste containers 	Section 81ZI(2)
Power to give a written notice about the removal of general waste.	Section 81ZJ

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to give written approval to the owner or occupier of relevant premises for depositing and disposing of general waste and to impose conditions on the approval.	Section 81ZK
Power to require the occupier of relevant premises where there is industrial waste to: (a) supply industrial waste containers; (b) keep the waste containers in a specified location; and (c) keep the waste containers clean and in good repair.	Section 81ZL
Power to require occupier of relevant premises, where there is industrial waste, to treat the waste to the standard required by Council for disposal of the waste at a waste facility.	Section 81ZM
Power to administer and enforce chapter 5A, part 2. ##Please note this section applies only until Council passes a local law which states it replaces Chapter 5A of the Regulation or 1 July 2018 (whichever is the earlier)##	Section 81ZS
Power, as the owner, operator or controller of a waste facility, to administer and enforce chapter 5A, part 3. ##Please note this section applies only until Council passes a local law which states it replaces Chapter 5A of the Regulation or 1 July 2018 (whichever is the earlier)##	Section 81ZT
Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to give the chief executive the information identified in subsection (2).	Section 85(2)
Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to comply with a notice issued by the chief executive pursuant to subsection (6).	Section 85(7)
Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to keep the information listed in section 87.	Section 87
Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to make written representations to the Minister in response to a notice issued pursuant to subsection (4).	Section 88
Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to apply to the chief executive for an estimation technique approval and to respond to any request for further information.	Section 91
Power, as an occupier of a reporting facility that under NPI NEPM exceeds the reporting threshold for a substance in the facility's reporting period, to give the chief executive a written notice claiming that the information required to be given under section 85(2) or (7) should be treated as confidential and to respond to any requests for further information.	Section 95
Power to administer and enforce those provisions of the Act devolved to Council.	Sections 98, 99, 100 and 101, 102
Power, as an administering authority, to recover as a debt an unpaid fee under the Act.	Section 116A
Power, as an administering authority, to recover as a debt from the holder of an environmental authority an unpaid supplementary annual fee for an amended environmental authority.	Section 134

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to administer and enforce former environmentally relevant activities devolved to Council.	Section 156
Power, as an administering authority, to refund:- a) the application fee for a later application; and b) the annual fee for a development approval for chemical storage.	Section 164
Power, as an administering authority, to refund to the holder of an environmental authority an annual fee if environmental authorities are amalgamated.	Section 168
Power, as an administering authority, to exercise the power contained in previous section 135 where the circumstances in subsection 177(1) apply.	Section 177
Power, as an administering authority, to exercise the power contained in previous section 136 where the circumstances in subsection 178(1) apply.	Section 178

4. To exercise the powers of Council as a delegated officer pursuant to the *Environmental Protection Act 1994*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as chief executive officer, to appoint an employee of the Council to be an authorised person	Section 445(2)
Power, as administering executive, to issue an identity card to each authorised person.	Section 448
Power, as administering executive to destroy or dispose of a forfeited thing that becomes the property of Council.	Section 463(2)
Power, as chief executive officer, to delegate powers as administering executive or otherwise under the Act to an appropriately qualified employee of the local government and authorising sub-delegation by the employee of the powers delegated.	Section 517 (2) and (3)
Power, as administering executive, to approve forms for use under the Environmental Protection Act 1994.	Section 544(1)

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 CEO 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.

DELEGATION OF AUTHORITY

TITLE: FIRE AND RESCUE SERVICES

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

*Local Government Act 2009 – Section 257
Fire and Emergency Services Act 1990*

Delegated Power:

1. To exercise the powers of council pursuant to the *Fire and Emergency Services Act 1990*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to comply with a requisition notice.	Section 69
Power, as the occupier of a premises in or on which any dangerous goods are stored or to be stored, to provide information sought by the commissioner in a notice.	Section 96
Power, as the occupier of a premises in or on which any dangerous goods are stored or to be stored, to prepare an off-site emergency plan and to amend the plan.	Sections 97, 99 and 100
Power to pay to the commissioner charges for any advice or other assistance provided in preparation of an off-site emergency plan.	Section 98(2)
Power to implement an off-site emergency plan.	Section 101
Power to give written notice to the chief executive of a change of circumstances affecting an off-site emergency plan.	Section 102(1)
Power, as the occupier of a building, to maintain a fire and evacuation plan and to provide instructions to prescribed persons in the building concerning the action to be taken by them in the event of fire threatening the building.	Section 104E
Power to pay to the commissioner charges for any advice or other assistance provided in preparation of a fire and evacuation plan.	Section 104F(2)
Power to consult with the commissioner about a notice under section 104G(1).	Section 104G(2)
Power, as the occupier or owner of a building, to comply with a notice issued by the commissioner under section 104G(1).	Section 104G(3)
Power to consult with an authorised officer about a notice under section 104I(7) or (8).	Section 104I(9)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to nominate a person to be appointed an assessor by the commissioner to help QCAT in section 104SG(1) proceedings.	Section 104SI(2)(b)(ii)
Power to furnish to the chief executive a return disclosing the particulars prescribed under a regulation relating to certain properties.	Section 109(1)
Power to collect annual contributions and other amounts imposed by the local government pursuant to Part 10 of the Fire and Emergency Service Act.	Section 111(2)
Power to, in respect of each financial year: (a) determine the prescribed properties within its area; and (b) determine the annual contributions payable in respect of prescribed properties by reference to the categories prescribed under a regulation made under section 108.	Section 112
Power to give the owner of a prescribed property a levy notice.	Section 112(2)
Power to give the chief executive information which is relevant to the determination of an appeal against a local government's determination, if required by the chief executive.	Section 113(3)
Power to amend, revoke or give a new levy notice if the chief executive allows an appeal.	Section 113(6)
Power to refund to the appellant any amount paid in respect of contributions, for the financial year to which the notice relates and for any previous financial year, in excess of the amount calculated in accordance with the chief executive's determination.	Section 113(7)
Power to decide the way in which it keeps an administration fee for performing functions under Part 10 of the Fire and Emergency Service Act.	Section 117(3)
Power to make payments to the department, for the fund, out of its operating fund from moneys received or recovered by the local government under Part 10.	Section 118(1)
Power to prepare and submit a return in the approved form	Section 118(4)
Power to refuse or grant, subject to any conditions, an application to pay contributions by instalments.	Section 121(2)
Power to engage a debt collector (authorised to perform a debt collection activity under the <i>Debt Collectors (Field Agents and Collection Agents) Act 2014</i>) to collect any arrears of annual contribution payable by an owner of prescribed property, and to require by notice in writing the owner to pay an amount by way of a collection fee	Section 126(1)
Power to make and levy special rates or charges or separate rates or charges and to contribute amounts raised to rural fire brigades operating in Council's local government area.	Section 128A
Power to consult with the commissioner about the establishment of an SES unit in Council's local government area.	Section 133(2)
Power to nominate a person to be the local controller for an SES unit.	Section 134(2)
Power as a local government affected by a disaster to request the commissioner to appoint a person as a SES coordinator.	Section 136(3)
Power to consult with the commissioner about the appointment of a person as a SES coordinator.	Section 136(4)
Power to enter an agreement with the Department which sets out the responsibilities of each party in relation to the SES in Council's local government area.	Section 140
Power to consult with the commissioner about the establishment of an ES unit in Council's local government area.	Section 141(2)
Power to consult with the commissioner about the functions of an ES unit in Council's local government area.	Section 142(3)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to nominate a person to be a ES unit coordinator.	Section 146(2)
Power to produce to an authorised person any document or record mentioned in subsection (2)(b).	Section 152C(4)

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 CEO 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:*
 - 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.

DELEGATION OF AUTHORITY

TITLE: FOOD PREMISES

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Food Act 2006

Food Production Safety Act 2000

Local Government Act 2009 – Section 257

Delegated Power:

1. To exercise powers of the Council pursuant to the Food Act 2006.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to administer and enforce the following provisions of the : (a) section 39(1); (b) chapters 3 and 4; (c) chapter 6, other than section 159.	Section 23(1)
Power to administer and enforce sections 32, 33, 35 and 36 of the Food Act, in conjunction with the State.	Section 24
Power to agree with the chief executive that the State may do a thing that is a matter of administration and enforcement for local government under section 23(1) of the .	Section 25(1)(a)
Power to agree with the chief executive that Council may do a thing that is a matter of administration and enforcement for the State under section 22(1) of the .	Section 25(1)(b)
Power to consult with the chief executive, and provide information required by the chief executive, about the administration and enforcement of sections 24 and 25 of the .	Section 28
Power to consider and grant, or refuse to grant, an application for a licence to carry on a licensable food business.	Section 55
Power to obtain and consider the written advice of an auditor about whether a food safety program complies with section 98.	Section 56(2)
Power to decide whether premises are suitable for carrying on a licensable food business.	Section 58
Power to make enquiries as to the suitability of the applicant to hold a licence, and the suitability of the premises for carrying on a licensable food business.	Section 59(1)(a)
Power to require the applicant to give Council further information or documents that Council reasonably requires.	Section 59(1)(b)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to extend the time needed to make a decision about the application.	Section 62(2)
Power to agree with the applicant, at any time prior to the final consideration day, about the day upon which the application must be decided.	Section 62(3)
Power to issue a provisional licence, at any time prior to deciding an application for a licence.	Section 64
Power to decide the term of the licence. (Note: not more than 3 years).	Section 67
Power to decide the term of the provisional licence. (Note: not more than 3 months).	Section 68(1)
Power to extend, and further extend, the term of a provisional licence (to a total period of not more than 3 months after the provisional licence was issued).	Section 68(2)
Power to impose reasonable conditions on the licence.	Section 69(1)(e)
Power to consider and renew, or refuse to renew, the licence for an application made under section 72(1) of the Food Act.	Section 72(3)
Power to consider and restore, or refuse to restore, the licence, where application has been made under section 73(1) of the Food Act.	Section 73(3)
Power to consider and amend, or refuse to amend, a licence, where application has been made under section 74(1) of the Food Act.	Section 74(3)
Power to require the applicant to give Council further information or documents Council reasonably requires to decide the application (for an application that is made under Chapter 3, Part 5, Division 2, Subdivision 1, i.e. sections 72(1), 73(1) and 74(1)).	Section 75(1)
Power to give an information notice where Council has failed to decide an application within 30 days of receipt under Chapter 3, Part 5, Division 2, Subdivision 1, i.e. Sections 72(1), 73(1) and 74(1).	Section 77(4)
Power to give a show cause notice.	Section 79(2)
Power to consider representations about a show cause notice.	Section 80(2)
Power to end the show cause process after considering representations made by the licensee.	Section 81
Power to suspend a licence after considering representations (if any).	Section 82(2)(a)
Power to cancel a licence after considering representations (if any).	Section 82(2)(b)
Power to suspend a licence immediately.	Section 83(1)
Power to give an information notice and show cause notice, as required, before suspending a licence pursuant to section 83(1).	Section 83(2)
Power, as the second local government, to take the same action as the first local government (except the power to cancel, suspend impose conditions or other similar action in relation to the licence).	Section 90(1)
Power, as the second local government, to advise the first local government of the thing done or omitted to be done by a licensee of a mobile food business.	Section 91(2)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as the first local government, to take action, in relation to a thing done or omitted to be done by the licensee in the second local government area.	Section 92(2)
Power to consider and grant, or refuse to grant, an application for a replacement licence.	Section 97
Power to consider an application and to accredit, or refuse to accredit, the food safety program.	Section 103(1)
Power to obtain and consider the written advice of an auditor about whether or not the food safety program complies with the criteria in section 104.	Section 103(2)
Power, before deciding the application, to require the applicant to give further information or documents reasonably required to decide the application.	Section 105(1)
Power to give an information notice to the applicant where the application is refused under section 107.	Section 107(4)
Power to decide that more time is needed to make a decision about the application.	Section 108(1)
Power to agree with the applicant, at any time prior to the final consideration day, about the day upon which the application must be decided.	Section 108(3)
Power, after accrediting an applicant's food safety program, to decide how often the program must have compliance audits.	Section 109(2)
Power to determine changes to the frequency of compliance audits for a food safety program accredited by Council.	Section 110
Power to consider an application and approve, or refuse to approve, the amendment of an accredited food safety program.	Section 112(4)
Power, before deciding the application, to require the applicant to give further information or documents reasonably required to decide the application.	Section 113(1)
Power, by notice, to direct the holder of a Council accredited food safety program to amend the program.	Section 114
Power to give the holder of a food safety program a show cause notice, and to decide the term of the show cause period.	Section 118
Power to consider representations about a show cause notice.	Section 119
Power, after considering written representations by the holder of the accredited food safety program, to take no further action.	Section 120
Power to cancel the accreditation of a food safety program.	Section 121 (2)
Power to conduct a non-conformance audit of a food safety program.	Section 160(2)
Power to approve an improvement notice where remedying the contravention would be likely to stop the food business from operating.	Section 210(2)
Power, as the 'reviewer', to review an original decision under Chapter 3 or Chapter 4 of the Food Act.	Section 237
Power, as reviewer, to, at any time, extend the time to apply for a review.	Section 238(2)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as reviewer, to, after reviewing the original decision, make a further decision to: (a) confirm the original decision; or (b) amend the original decision; or (c) substitute another decision for the original decision.	Section 239

2. To exercise powers of the Council pursuant to the *Food Production Safety Act 2000*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to approve the appointment of an employee of Council as an authorised officer by Safe Food Production (QLD).	Section 83

3. To exercise powers as a delegated officer pursuant to Council under the *Food Act 2006* and *Food Production Safety Act 2000*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
NOTE: No specific power to delegate CEO's powers included in the <i>Food Act 2006</i> . Section 259 of the LGA sufficient. Section 27A(12) of the <i>Acts Interpretation Act 1954</i> prevents sub-delegation.	
Power to agree with the chief executive that the State may do a thing that is a matter of administration and enforcement for local government under section 23(1) of the <i>Food Act 2006</i> .	Section 25(1)(a)
Power to agree with the chief executive that Council may do a thing that is a matter of administration and enforcement for the State under section 22(1) of the <i>Food Act 2006</i> .	Section 25(1)(b)
Power to consult with the chief executive in relation actions taken by the State on Council's behalf under section 26(2).	Section 27(a)
Power to consult with the chief executive about the chief executive asking Council to provide information about matters administered and enforced by Council, either solely or in conjunction with the State, under the <i>Food Act 2006</i> .	Section 28(4)
Power, as administering executive, to give directions to an authorised person in the exercise of powers under the <i>Food Act 2006</i> .	Section 165
Power to appoint an authorised person for the purposes of the <i>Food Act 2006</i> .	Section 168
Power, as administering executive, to sign a notice that states the conditions on which an authorised person holds office.	Section 169
Power, as administering executive, to issue an identity card to each authorised person.	Section 170
Power, if a seized thing is forfeited to Council, to deal with it a manner considered appropriate.	Section 193(6)
Power to apply to the District Court for an injunction.	Section 223
Power to sign a certificate stating that costs sought by Council under section 255 of the <i>Food Act 2006</i> were incurred.	Section 250(4)
Power to deal with a thing forfeited to Council, under section 257, in manner considered appropriate.	Section 258

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to approve forms for use by the Council under the <i>Food Act 2006</i> .	Section 277(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 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:
 - 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.

DELEGATION OF AUTHORITY

TITLE: INFORMATION PRIVACY

Part 1- Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 – Section 259

Information Privacy Act 2009

Delegated Power:

Part 1 -To exercise the powers of council pursuant to the *Information Privacy Act 2009*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as agency, to transfer an individual's personal information to an entity outside Australia under certain circumstances.	Section 33
Power, as agency, to enter into a service arrangement with an entity other than an agency to provide services.	Section 34
Power, as agency, to give access to a document created after the application for access is received.	Section 47
Power, as agency, to search for a document on a backup system if it considers the search is appropriate.	Section 49
Power, as agency, to appoint an appropriately qualified healthcare professional to make a healthcare decision in relation to an access or amendment application.	Section 50(5)(b)
Power, as agency, to contact the person and tell them how the application does not comply with a relevant application requirement.	Section 53(2)
Power, as agency, to refuse to deal with an access or amendment application if: (a) the application does not comply with all relevant application requirements; and (b) the applicant has been afforded a reasonable opportunity to consult with a view to making the application comply.	Section 53(3)
Power, as agency, to give prescribed written notice of the decision.	Section 53(6)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
<p>Power, as agency, to refuse to deal with an access application if:</p> <ul style="list-style-type: none"> (a) the application should have been made under the <i>Right to Information Act</i> (because it is for access to a document other than to the extent it contains the applicant's personal information); and (b) reasonable efforts have been made to inform the applicant that the application: <ul style="list-style-type: none"> (i) cannot be made under the <i>Information Privacy Act</i>; and (ii) should be made under the <i>Right to Information Act</i>; and (iii) may be changed so it can be made under the <i>Information Privacy Act</i>, or may be dealt with under the <i>Right to Information Act</i> by paying the application fee. 	Section 54
<p>Power, as agency, at any time before a deemed decision is taken to have been made in relation to an access or amendment application, to ask applicant for a further specified period to consider the application.</p> <p>Note: more than one request can be made (section 55(2) <i>Information Privacy Act</i>)</p>	Section 55(1)
<p>Power, as agency, to continue to consider an access or amendment application, if a further specified period has been requested under section 55(1), the applicant has not refused the request, and no notice that the applicant has applied for review has been received.</p>	Section 55(3)
<p>Power, as agency, to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency, or person (a "relevant third party"), <u>only if</u> reasonably practicable steps are taken to obtain the relevant third party's views on whether:</p> <ul style="list-style-type: none"> (a) the document is a document for Chapter 3 of the <i>Information Privacy Act</i> (document of an agency or a Minister under the <i>Right to Information Act</i>); or (b) the information is exempt information or contrary to public interest information. 	Section 56(1)
<p>Power, as agency, to transfer an access or amendment application to another agency if the document is not in the original agency's possession, but is, to the original agency's knowledge, in the other agency's possession, and the other agency consents.</p>	Section 57(2)
<p>Power, as agency, to refuse to deal with the application without having identified any or all of the documents, if the documents contain information of a stated kind or relate to a stated subject matter and it appears that all of the documents are comprised of exempt information (as defined in Schedule 3 of the <i>Right to Information Act</i>).</p>	Section 59
<p>Power, as agency, to refuse to deal with an access or amendment application, or, if considering two or more access or amendment applications by the applicant, all the applications, if the work involved in dealing with the application, or all the applications, would substantially and unreasonably divert the resources of Council from use in performance of Council functions.</p>	Section 60(1)
<p>Power, as agency, to give the applicant:</p> <ul style="list-style-type: none"> (a) written notice of the refusal to deal with an access or amendment application under section 60(1) <i>Information Privacy Act</i>; and (b) a reasonable opportunity to consult. 	Section 61(1)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as agency, to refuse to deal with a later access application for one or more of the same documents sought under the first access application by the same applicant, to the extent it is for access to documents in the first application, if the later application does not disclose any reasonable basis for seeking such access.	Section 62(3)
Power, as agency, to refuse to deal with a later amendment application for one or more of the same documents sought to be amended under the first access application by the same applicant, to the extent it is for amendment to documents in the first application, if the later application does not disclose any reasonable basis for seeking such access.	Section 63(3)
Power, as agency, after considering an access application, to decide whether to give access to the document and whether any access charge must be paid by the applicant.	Section 65
Power, as agency's principal officer, to give prescribed written notice of a deemed decision.	Section 66(2)
Power, as agency, to refuse access to a document in the same way and to the extent access can be refused under section 47 <i>Right to Information Act</i> , were access to the document applied for under that Act.	Section 67(1)
Power, as agency, to give a prescribed written notice to an applicant, for an access application, of: <ul style="list-style-type: none"> (a) the decision on the application, including a decision to refuse to deal with the application; and (b) the fact that the document is not a document in the possession, or under the control, of Council, if this is the case. 	Section 68(1)
Power, as agency, to not include any exempt information or contrary to public interest information in the notice given under section 68(1) <i>Information Privacy Act</i> .	Section 68(3)
Power, as agency, to give prescribed written notice to an applicant that does not include details required to be in a prescribed written notice under section 199(a) and (b) <i>Information Privacy Act</i> , but states that Council neither confirms nor denies the existence of the document, but assuming the document does exist, it would be a document to which access would be refused under section 67 <i>Information Privacy Act</i> to the extent it comprised prescribed information.	Section 69(2)
Power, as agency, after considering an amendment application, to decide whether amendment of the document is permitted.	Section 70
Power, as agency, to give an applicant for an amendment application a prescribed written notice of the decision on the application.	Section 73(1)
Power, as agency, to not include reasons for a decision to permit amendment of the document in the notice given under section 73(1) <i>Information Privacy Act</i> .	Section 73(2)
Power, as agency, to not include any exempt information or contrary to public interest information in the notice given under section 73(1) <i>Information Privacy Act</i> .	Section 73(3)
Power, as agency, if a decision to amend the document is made, to make the amendment by altering the personal information or adding an appropriate notation to the personal information.	Section 74

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as agency, to waive an access charge.	Sections 80, 81 and 82
Power, as agency, to refuse to give access to a document in a form requested, if it would: <ul style="list-style-type: none"> (a) interfere unreasonably with Council's operations, or (b) be detrimental to the preservation of the document, or (c) be inappropriate having regard to the physical nature of the document; or (d) involve an infringement of the copyright of a person other than the State, and give access in another form.	Section 83(4)
Power, as agency, to extend the period in which an applicant may access a document.	Section 84(2)
Power, as agency, to defer giving access to a document for a reasonable period if the document was prepared: <ul style="list-style-type: none"> (a) for presentation to the Assembly or a committee of the Assembly; or (b) for release to the media; or (c) solely for inclusion in a document prepared for a purpose in (a) or (b). 	Section 87
Power, as agency, to delete irrelevant information from a copy of a requested document when giving access to that requested document, if the agency considers it is reasonably practicable to give access to the copy.	Section 88
Power, as agency, to give access to a copy of a document from which the exempt information has been deleted.	Section 89
Power, as agency, to give access to a copy of a document from which the contrary to public interest information has been deleted.	Section 90
Power, as agency, to direct access to the document be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency, where access was refused under section 47(3)(d) of the <i>Right to Information Act</i> , as applied under the <i>Information Privacy Act</i> .	Section 92(2)
Power, as agency, to conduct a particular further search or to conduct further searches directed by the information commissioner.	Section 115
Power, as agency, to apply to the information commissioner for declaration that a person is a vexatious applicant.	Section 127
Power, as agency, to apply to the information commissioner for approval to waive or modify the obligation to comply with the privacy principles.	Section 157
Power, as agency, to ask the information commissioner to extend the time within which to take action stated in a compliance notice.	Section 159
Power, as agency, to apply to QCAT, as provided under the QCAT Act, for review of the information commissioner's decision to give a compliance notice.	Section 161(1)

Part 2 - Power, as agency's principal officer to;

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as agency's principal officer, to deal with an access or amendment application.	Section 50(1)
Power, as agency's principal officer, to delegate the power to deal with an	Section 50(2)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
access or amendment application, provided the application does <u>not</u> involve making a healthcare decision or appointing a health care professional.	and 50(5)

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:
 - 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."

-
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: INTEGRITY ACT

Source of Authority:

Local Government Act 2009 – Section 259
Integrity Act 2009

Delegated Power:

To exercise the powers of Council as a delegated officer pursuant to the *Integrity Act 2009*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as responsible person for a government representative, to give the entity's details to the integrity commissioner.	Section 71(3)
Power, as responsible person for a government representative, to delegate the obligation to give details under section 71(3) of the Integrity Act 2009 to the integrity commissioner.	Section 71(4)
Power, as responsible person for a government representative, where a lobbyist carries out a lobbying activity with the government representative, to give the integrity commissioner information about the lobbyist or lobbying activity, if the information may be relevant to the integrity commissioner's functions and powers under the Integrity Act 2009.	Section 72A(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 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:
 - 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

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: LAND

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 Section 257

Land Act 1994

Delegated Power:

1. To exercise the powers of Council pursuant to the *Land Act 1994*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a person who may take water under the Water Act 2000, section 96, to exercise a right of access, a right of grazing and a right to bring action for trespass over the adjacent land.	Section 13A(4)
Power, as a person an adjacent owner for the land, to consent to the dedication of non-tidal watercourse land or non-tidal lake land as a reserve.	Section 13AC(1)(a)
Power, as owner of land having a non-tidal boundary (the relevant land), to apply to the chief executive (water) to have land adjoining the relevant land (the watercourse land) declared to be former watercourse land.	Section 13B(1)
Power to give notice of the person's intention to make an application pursuant to section 13B to the owners of any land that adjoins the watercourse land	Section 13B(2)
Power, as an applicant under section 13B (1), to appeal against the refusal of the application.	Section 13B(6)
Power, as registered owner of land, to enter an agreement with the Governor in Council to exchange all or part of the freehold land for the grant of unallocated State land.	Section 18(1)
Power, as lessee of a freeholding lease, to enter an agreement with the Governor in Council to exchange all or part of the freeholding lease for a freeholding lease over unallocated state land.	Section 18(2)
Power, as lessee of a term lease (other than a State lease or a perpetual lease), to enter an agreement with the Minister to exchange all or part of the term lease for a lease of unallocated State land for a term of years or in perpetuity.	Section 18(3)
Power, as a person seeking to have a plan of subdivision registered in relation to the land contained in a deed of grant, deed of grant in trust or lease, to apply to the Minister for the allocation of a floating reservation to some or all of the lots created by the plan.	Section 23A(1)
Power, as an applicant under section 23A (1), to appeal against the Minister's decision.	Section 23A(6)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as registered owner of the deed of grant or lessee of a free holding lease of a reservation for a public purpose to be sold under section 24(1), to apply to the Governor in Council to buy the land.	Section 24(3)
Power to appeal against the Minister's determination of the unimproved value of land to be sold under section 24(1) of the Land Act 1994.	Section 25(2)
Power, as trustee, lessee or registered owner, to agree to the Minister's proposal to change the boundaries of a lease, deed of grant or deed of grant in trust where the Governor in Council is resuming possession of all or part of a reservation and the boundaries of the reservation are not stated in the lease, deed of grant or deed of grant in trust.	Section 26(2)
Power, as lessee, registered owner or trustee, to appeal the Minister's decision to change the boundaries of a lease, deed of grant or deed of grant in trust where the Governor in Council is resuming possession of all or part of a reservation and the boundaries of the reservation are not stated in the lease, deed of grant or deed of grant in trust.	Section 26(4)
Power, as lessee or registered owner, to buy a forest entitlement area under sections 24 and 25.	Section 26B(2)
Power, as lessee or registered owner, to appeal against the value decided by the Minister for commercial timber on a forest entitlement area that the local government is buying.	Section 26B(8)
Power, to apply to the Minister for the dedication of a reserve.	Section 31C(1)
Power to give notice of the intention to apply for the dedication of a reserve.	Sections 31C(2) and 31C(3)
Power, as trustee, to apply to the Minister to change the boundary of a reserve or the purpose of a reserve.	Section 31D(1)
Power to give notice of the intention to change the boundary of a reserve or the purpose of a reserve.	Sections 31D(2) and 31D(3)
Power, as trustee, to consult with the Minister in response to a proposed State lease over a reserve.	Section 32
Power to apply to the Minister to revoke the dedication of all or part of a reserve.	Section 34(1)
Power to give notice of the intention to apply to the Minister to revoke the dedication of all or part of a reserve.	Sections 34(2) and 34(3)
Power, as owner of improvements on a reserve the dedication to which has been revoked, to apply to remove improvements on the reserve.	Section 34H(1)
Power, as owner of improvements on a reserve the dedication to which has been revoked, to remove improvements with the written approval of the Minister.	Section 34H(2)
Power, as trustee of an operational reserve, to apply for a deed of grant over the reserve.	Section 34I(1)
Power, as trustee of an operational reserve, to give notice of the intention to apply for a deed of grant over the reserve.	Sections 34I(3) and 34I(4)
Power, as trustee, to apply for an additional community purpose or to amalgamate land with common purposes.	Section 38A(1)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as trustee, to apply for the cancellation of a deed of grant in trust under section 38.	Section 38A(2)
Power, as trustee, to give notice of the intention to apply under section 38A.	Sections 38A(3) and 38A(4)
Power, as owner of improvements on a deed of grant in trust that has been cancelled, to apply to remove the improvements on the deed of grant in trust.	Section 38G(1)
Power, as owner of improvements on a deed of grant in trust that has been cancelled, to remove the improvements with the Minister's approval.	Section 38G(2)
Power to accept appointment as trustee.	Section 44
Power, as trustee, to advise the chief executive of change in details.	Section 45
Power, as trustee, to comply with the administrative, accounting function and other directions provided by Minister.	Sections 46, 47, 48 and 49
Power to take all necessary action for the maintenance and management of trust land.	Sections 52(1)
Power, as trustee, to surrender all or part of a deed of grant in trust on terms agreed with the Minister and with the Minister's written approval.	Section 55(1)
Power, as trustee, to apply to surrender all or part of a deed of grant in trust.	Section 55A(1)
Power, as trustee, to give notice of the intention to apply to surrender all or part of a deed of grant in trust.	Sections 55A(2) and 55A(3)
Power, as owner of improvements on a deed of grant in trust that has been surrendered, to apply to remove the improvements on the deed of grant in trust.	Section 55H(1)
Power, as owner of improvements on a deed of grant in trust that has been surrendered, to remove the improvements on the deed of grant in trust with the written approval of the Minister.	Section 55H(2)
Power, as trustee, to lease all or part of the trust land if the trustee first obtains the Minister's written "in principle" approval to the lease.	Section 57(1)
Power as trustee to, without the Minister's approval, grant a trustee lease (construction) or a trustee lease (State or statutory body) over all or part of the trust land.	Section 57(3)
Power to seek the Minister's approval to amend a trustee lease.	Section 57A(1)
Power, as trustee lessee, to transfer, mortgage or sublease a trustee lease subject to the written approval of the Minister and the trustee to the transaction.	Section 58(1)
Power to appeal against the Minister's decision to refuse to allow a transfer, mortgage or sublease of a trustee lease.	Section 58(7)
Power, as trustee, to issue a trustee permit to use all or part of the trust land.	Section 60(1)
Power to lodge a trustee permit in the appropriate register.	Section 60(3)
Power to seek consent to group trust land reserved for similar purposes together.	Section 62
Power to seek the Minister's approval for rent from a trustee lease or trustee permit to be applied to costs other than on maintenance and enhancement of the trust land.	Section 63(3)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a relevant person, to apply for approval to lease, sublease or sub-lease trust land even if an authority is in force.	Section 64(4)
Power, as trustee, to cancel a trustee lease or trustee permit if the lessee or permittee does not comply with the conditions of the lease or permit.	Section 65(1)
Power to allow the trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.	Section 66(1)
Power, as trustee of a deed of grant in trust, to mortgage a deed of grant in trust issued prior to the commencement of the, subject to the Minister's approval under section 67(4).	Section 67(2)
Power to mortgage a deed of grant in trust issued after the commencement of the subject to section 67(3)(a) and (b) and the Minister's approval under section 67(4).	Section 67(3)
Power, as trustee of trust land for cemetery purposes, to repair or remove structures, monuments or tombstones from a cemetery on trust land.	Section 80(1)
Power to ask the Minister that a cemetery on trust land be closed to further burials.	Section 81(1)
Power to ask the Minister to re-open a cemetery previously closed for further burials.	Section 81(4)
Power to agree to take on the trusteeship of a cemetery from trustees of the cemetery, and to agree on the terms of the transfer.	Section 82
Power to seek approval from the Minister to exhume a body from a cemetery, in the absence of any local law covering the matter.	Section 83(1)
Power to apply to the Minister seeking approval to surrender land granted for an estate in fee simple for some community, public or similar purpose, the land to the State, and for the issue of a deed of grant in trust under this Act for a community or public purpose.	Section 84(1)
Power to apply for land to be dedicated as a road for public use.	Section 94(2)
Power to apply to the Minister to permanently close a road.	Section 99(1)
Power to apply to the Minister to temporarily close a road.	Section 99(3)
Power, as an adjoining owner of land who makes an application to permanently close a road pursuant to section 99(1) of the , to ask that the land be amalgamated with the adjoining owner's adjoining land upon its closure.	Section 99(4)
Power to object to a road closure application in response to a public notice.	Section 100
Power, as a road licensee, to surrender all or part of a road licence.	Section 105(3)
Power, as registered owner of land, to apply for the simultaneous opening and closing of roads subject to the conditions in section 109A(1)(a), (b) and (c).	Section 109A(1)
Power, as registered owner, to ask the Minister to include certain matters in the deed of grant in trust issued under section 358.	Section 109A(2)
Power, as registered owner, to appeal against any conditions the Minister imposes under section 420I.	Section 109A(3)
Power, as trustee of lessee, to apply for the simultaneous opening or closing of roads subject to section 109B (1)(a), (b) and (c).	Section 109B(1)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to ask the Minister to include certain matters in the deed of grant in trust issued under section 358 or dedicated as a reserve under section 31A (whichever is applicable).	Section 109B(2)
Power, as lessee, to ask that the land in the road being closed be amalgamated in accordance with section 109B (3)(a) or (b) (whichever is applicable).	Section 109B(3)
Power, as trustee or lessee, to appeal against any conditions the Minister imposes under section 420I.	Section 109B(4)
Power to apply for an interest in land that may be granted without competition.	Section 120A(1)
Power, as lessee, to apply to the Minister that a lease be used for additional or fewer purposes.	Section 154
Power, as lessee, to apply for extension of a term lease (40 years).	Section 155A(2)
Power, as lessee, to apply for extension of a term lease (50 years).	Section 155B(2)
Power, as lessee, to apply for extension of a term lease (75 years).	Section 155BA(2)
Power, as lessee, to apply for an offer of a new lease (a renewal application).	Section 158
Power, as an applicant for a renewal application, to appeal against the chief executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.	Section 160(3)
Power, as a lessee under a rolling term lease, to apply to the Minister for an extension of the term	Section 164C(1)
Power, as a lessee under a rolling term lease, to appeal to the Minister's refusal of an extension of the term.	Section 164C(7)
Power, as lessee, to apply to convert a perpetual lease to freehold land and a term lease to a perpetual lease or to freehold land.	Section 166(1)
Power, as applicant for a conversion application, to appeal against the chief executive's decision to refuse the conversion application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.	Section 168(5)
Power to appeal against the chief executive's decision on the purchase price for the conversion of a lease to a deed of grant.	Section 170(2)
Power, as lessee, to apply for approval to subdivide the lease.	Section 176(1)
Power to appeal against the Minister's decision to refuse an application for approval to subdivide a lease.	Section 176E
Power, as lessee of 2 or more leases, to apply to the Minister for approval to amalgamate the leases.	Section 176K
Power to give the chief executive an opinion in respect of a proposed road closure.	Section 176N
Power, as a local government, to prepare a statement of Council's views on the amalgamation of 2 or more leases.	Section 176K(3)(b)
Power to consult with the chief executive regarding the issue of a permit to occupy unallocated State land, a road or a reserve.	Section 177
Power to apply for a permit to occupy unallocated State land, a reserve or a road.	Section 177A(1)
Power to give notice of an intention to apply for a permit to occupy unallocated State land, a reserve or a road.	Section 177A(2)
Power, as an applicant for a permit, to enter an agreement with an adjoining owner about the maintenance of a fence.	Section 179

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a permittee, to surrender a permit to occupy on terms agreed to between the chief executive and the permittee and with the chief executive's written approval.	Section 180(2)
Power, as a relevant entity, to apply to surrender or cancel a permit to occupy.	Section 180A
Power, as a permittee for a permit that is cancelled or surrendered, to apply to remove the permittee's improvements on the permit land.	Section 180H(1)
Power, as a permittee, to remove improvements with the chief executive's written approval.	Section 180H(2)
Power, as lessee, licensee or permittee, to give the Minister the information asked for about the lease, licence or permit.	Section 201
Power, as lessee, licensee or permittee, to apply to change an imposed condition of the lease, licence or permit.	Section 210
Power to appeal against the Minister's decision to change an imposed condition about the protection and sustainability of the lease land.	Section 212(3)
Power to make submissions to the Minister in response to a warning notice.	Section 214A
Power, as a lessee or licensee to whom a remedial action notice has been given, to appeal against the decision to give the notice.	Section 214B
Power, as a lessee or licensee to whom a remedial action notice has been given, to comply with the notice.	Section 214D
Power, as lessee, to appeal against the Minister's decision to reduce the term of, or impose additional conditions on, a lease.	Section 214F(3)
Power, as a person who has a lawful interest in the matters listed at section 219(3)(a), (b) and (c), to claim compensation as prescribed by the <i>Acquisition of Land Act 1967</i> .	Section 219(3)
Power, as a compensation claimant, to appeal the Minister's decision about the amount of loss, costs and expenses the claimant is entitled to claim.	Section 222(6)
Power, as owner of lawful improvements on a lease or part of lease resumed under the division, to claim compensation.	Section 225(2)
Power, as lessee, to appeal against the Minister's decision on compensation payable.	Section 226(5)
Power, as owner of lawful improvements on all or part of a reservation resumed, to claim compensation.	Section 230(2)
Power, as owner, to appeal against the Minister's decision on compensation payable.	Section 232(5)
Power, as a relevant local government of a term or a perpetual lease, to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.	Section 239(4)
Power, after receiving a notice under section 235(1) or 238(3), as a lessee of a lease, to make written application for permission to sell the lease.	Section 240E(1)
Power, as a local government, to apply to the Minister to sell a lease.	Section 240G
Power, as lessee of a forfeited lease, to apply to remove the lessee's improvements on the lease.	Section 243(1A)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as lessee of a forfeited lease, to remove the improvements with the written approval of the Minister.	Section 243(1)
Power, as a transferor or a person creating the interest, or the transferee or the person in whose favour the interest is to be created, to sign a document transferring a lease, sublease or licence or creating an interest in a lease or sublease.	Section 288(1)
Power, as a transferor or a person creating the interest, or the transferee or the person in whose favour the interest is to be created, to sign a document transferring a lease, sublease or licence or creating an interest in a lease or sublease.	Section 288(1)(b)
Power to lodge a standard terms document and amend the standard terms document by lodging a further document.	Sections 318 & 319
Power, as a lessee, licensee or the holder of a sublease, to apply to transfer a lease, sublease or licence under the Act with the approval of the Minister.	Section 322
Power, as a lessee, licensee or the holder of a sublease, to apply to the Minister to extend the time mentioned in subsection 322(4).	Section 322(5)
Power, as a lessee, licensee or the holder of a sublease, to appeal a decision of the Minister not to grant the transfer of a lease, sublease or licence.	Section 322(8)
Power to surrender freehold land on terms agreed between the Minister and the registered owner and with the Minister's written approval.	Section 327
Power to surrender a lease or part of a lease on terms agreed between the Minister and the lessee and with the Minister's written approval.	Section 327A
Power, as a registered owner, to apply to the Minister to surrender freehold land.	Section 327B
Power, as a lessee, to apply to the Minister to surrender all or part of a lease.	Section 327C(1)
Power, as a lessee, to give notice of an intention to apply to the Minister to surrender all or part of a lease.	Sections 327C(2) and 327C(3)
Power, as owner of improvements on a lease that has been surrendered, to apply to remove the owner's improvements on the lease.	Section 327I(1)
Power, as owner of improvements on a lease that has been surrendered, to remove the owner's improvements with the Minister's written approval.	Section 327I(2)
Power, as lessee, to give notice of the intention to surrender a lease.	Section 329(1)
Power to seek the Minister's approval to sublease a lease issued under the Act.	Sections 332(1) and 332(2)
Power to appeal against the Minister's refusal to approve the sublease of a lease issued under the Act.	Section 332(6) and

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to seek the Minister's approval to amend a sublease.	Section 336
Power, as party to a sublease, to ask the chief executive to refer the dispute to mediation.	Section 339B
Power, as the registered owner or trustee, to surrender land if the description of the land is no longer correct, because of the reasons listed in section 358(1)(a) to (f).	Section 358(1)
Power, as registered owner or trustee, to surrender the land contained in the registered owner's deed of grant or trustee's deed of grant in trust if, on resurvey of the land, the boundaries of the land do not agree with the boundaries described in the existing deed or appropriate plan, and no doubt exists about the boundaries of the land, with the written approval of the Minister.	Section 358(2)
Power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).	Section 360C(1)
Power to apply to amend the description in a term lease, other than a State lease, or a perpetual lease if the description of the lease may be amended under section 360A(2)(a), (b) or (c).	Section 360C(2)
Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B (1)(a), (b), (c) or (d).	Section 360C(3)
Power, as a lessee or a person acting for a lessee, to give notice of an intention to make an application under section 360C to amend the description of a lease.	Section 360D
Power to sign the plan of survey for an easement where Council is the public utility provider or the owner of the land to be burdened.	Section 363(1)(b)
Power to sign a document surrendering an easement in favour of Council, where Council is one or more of the entities listed in subsections 371(2)(a) to (c).	Section 371(2)
Power to apply to the Minister for approval for a public utility easement to continue over unallocated State land when the deed of grant in trust, lease or licence ends or the dedication of the reserve is revoked.	Section 372(2)
Power to apply to the Minister for approval for a public utility easement to continue over unallocated State land when the freehold land is surrendered.	Section 372(5)
Power, as the trustee, lessee or sublessee of nonfreehold land the subject of a trust, lease or sublease, to consent to the creation of a covenant on the land.	Section 373A
Power, as trustee of trust land, or as a lessee, licensee or permittee to start a proceeding in the Magistrates Court for unlawful occupation or trespass of the trust land, or a lease, licence or permit.	Section 415
Power to make a submission in response to a notice received under the Act about a proposed application.	Section 420CB
Power to respond to a request from the Chief Executive for information listed in sections 420E(1)(a) and 420E(1)(b).	Section 420E
Power to apply to the Minister for a review of a decision.	Section 423
Power to appeal to the Court against a decision.	Section 427

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to make a local law stating use conditions that apply to a declared beach area.	Section 431T
Power to consult with the Minister about whether Council wishes to be the manager of a declared beach area.	Section 431U(2)
Power to consult with the public and the owner of the lot about the use conditions to be contained in a local law applying to a declared beach area.	Section 431U(3)
Power, as licensee, to surrender all or part of an occupation licence, on terms agreed to between the Minister and the licensee and with the Minister's written approval.	Section 481A
Power, as a public utility provider or a licensee to apply to cancel or surrender all or part of an occupation licence.	Section 481B(1) and 481B(2)
Power, to give notice of an intention to, as a public utility provider or a licensee, apply to cancel or surrender all or part of an occupation licence.	Section 481B(4) and 481B(5)
Power, as a licensee of an occupation licence that is cancelled or surrendered absolutely, to apply to remove the licensee's improvements on the licence.	Section 481J(1)
Power, as a licensee, to remove the licensee's improvements on the licence with the written approval of the Minister.	Section 481J(2)
Power, as licensee of an occupation licence, to carry out improvements or development work on the licence only with the Minister's written approval.	Section 482
Power, as a local government, to apply to exchange the conditional deed for a reserve or deed of grant in trust with the local government as trustee or a lease granted under the <i>Land Act 1994</i> .	Section 492(1)
Power to agree to an allocation or dedication of land from the State, where the land has become an asset of the State by virtue of section 231 (repealed) of the <i>Transport Infrastructure Act 1994</i> .	Section 505(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 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.

DELEGATION OF AUTHORITY

TITLE: Land Valuations Act

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 – Section 259

Land Valuations Act 2010

Delegated Power:

To exercise the powers of Council pursuant to the *Land Valuations Act 2010*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to consult with the valuer-general about a proposed decision not to make an annual valuation of land.	Section 74
Power to give the valuer-general valuation-related documents, information about a sale or proposed sale of land for unpaid rates and information about all land Council acquires or disposes of.	Section 244

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
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DELEGATION OF AUTHORITY

TITLE: LIQUOR

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Liquor Act 1992

Delegated Power:

1. To exercise powers of the Council pursuant to the Liquor Act 1992.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to make comments in regard to the grant of an adult entertainment permit.	Section 107D(2)
Power to raise a matter and make comment to the chief executive, where Council is consulted in relation to an application for an extended hours permit.	Section 110(4)(a)
Power to: (a) comment on the reasonable requirements of the public in the locality; or (b) object; in respect of the grant of a relevant application.	Section 117(2)
Power to make a submission about an application which requires a notice to be published under section 118 and a community impact statement to be given under section 116.	Section 118A
Power to make comment in regard to the grant of an application generally.	Section 121(1)(c)
Power to designate a "public place" as a "designated area", for the purposes of permitting the consumption of liquor, and power to set the period or times during which the designation will have effect.	Section 173C(1) and (2)
Power to advertise the designation made under section 173C (1), and power to erect signs advising of the designation, the period and times of the designation.	Section 173D(1) and (3)
Power to repeal or amend the designation under section 173C, and power to advertise the repeal or amendment; erect signs that the designation has been amended; or remove signs if the designation has been repealed	Section 173E (1) and (3)
Power to display a notice regarding a designation at or near each entrance to a place within a restricted area.	Section 173M(1)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to: <ul style="list-style-type: none"> (a) display a notice about the suspension of a restricted area designation on each of the section 173M notices displayed for the restricted area whilst the suspension is in force; and (b) notify the Queensland Police Service about the suspension. 	Section 173N (3) and (4)

2. To exercise powers of the Council as a delegated officer of council pursuant to the Liquor Act 1992.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to appoint an employee of the local government to be a member of a consultative committee for a safe night precinct.	Section 173NH(2)(d) Liquor Act 1992

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 CEO 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:
 - 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.

DELEGATION OF AUTHORITY

TITLE: LOCAL GOVERNMENT – AUTHORITY TO SIGN

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009

Local Government Regulation 2012

Delegated Power:

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

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Legal Provisions	
Power to sign a document on behalf of a local government as a delegate of the local government.	Section 236

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:
 - 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.

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 – PAYROLL

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)
Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into LGIASuper.	Section 219(1)
Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into another fund directed by the employee.	Section 219(2)
Power, as a local government other than the Brisbane City Council, to comply with a notice giving by the LGIASuper Trustee under subsection 219A(1).	Section 219A
Power, as a local government, to deduct all or part of the employee's contributions from the employee's salary or any money that the employee owes to Council.	Section 220A(4)
Power, in the circumstances set out in subsection 220B(1), to agree in writing with an employee:- (a) to reduce the pre-agreement contributions to the amount equal to the employee's concessional contributions cap for the financial year; and (b) if a yearly contribution made under section 220A(3) is part of the pre-agreement contributions – on the extent, if any to which a contribution mentioned in 220B(1)(a) of (b) will be reduced to achieve the reduction.	Section 220B(2)
Power, where the pre-agreement contributions are reduced under subsection 220B(2), to pay the amount of the reduction to the employee as salary.	Section 220B(3)
Power, as an employer, to agree in writing with an employee:- (a) that the employee is exempt, on the grounds of the employee's financial hardship, from paying all or a stated part of the contributions payable under section 220A(2) by the employee; and (b) on the period, of not more than 1 year, of the exemption.	Section 221(2)
Power, as an employer, to give a copy of the agreement made under subsection 220(2) to the relevant trustee.	Section 221(4)
Power, as an employer who has received a notice from the employee under subsection 222(2), to calculate the yearly contributions payable for the employee based on the employee's salary before it was decreased.	Section 222(3)

DESCRIPTION OF POWER DELEGATED	LEGISLATION (THE ACT)
Power, in the circumstances set out in subsection 224(1), to pay interest on the amount of the contribution to the relevant fund for the employee.	Section 224(2)
Power, as a local government (other than the Brisbane City Council), to, for its councillors:- (a) establish and amend a superannuation scheme; or (b) take part in a superannuation scheme.	Section 226(1)
Power, as a local government who has exercised its power under subsection 226(1), to pay an amount from its operating fund to the superannuation scheme as a contribution for its councillors.	Section 226(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
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DELEGATION OF AUTHORITY

TITLE: LOCAL GOVERNMENT - RATES

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009

Local Government Regulation 2012

Delegated Power:

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

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Rates & Charges - Overdue	
Power to register a charge over land for overdue rates and charges under section 95 of the <i>Local Government Act 2009</i> .	Section 95
Power to lodge documents with the Registrar of Titles for release of the charge if overdue rates and charges are paid.	Section 95
Power to sign a certificate as to a charge over land for overdue rates and charges.	Section 95(3)

2. To exercise the powers of local government under the Local Government Regulation 2012 including the:

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Rates & Charges	
Power to identify, in any way considered appropriate, parcels of rateable land to which a minimum amount of general rates apply.	Section 77(2)
Power to allow a longer period than prescribed for the owner of land to object to the categorisation of the owner's land for rating purposes.	Section 88(4)(d)(ii)
Power to allow a longer period within which an owner of rateable land must give an objection notice.	Section 90(5)(b)
Power to determine a period considered appropriate for the issue of a rate notice.	Section 107(1)
Power to give a benefit that is not a discount as an inducement for payment of rates or charges before the due date for payment.	Section 131
Power to recover overdue rates or charges by bringing Court proceedings for a debt.	Section 134

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to set a reserve price for the sale by auction of land for overdue rates and charges.	Section 143(1)
Power to enter into negotiations with the highest bidder at the auction to sell the land for overdue rates or charges and to form an agreement to sell the land.	Section 143(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.

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 - ROADS AND STORMWATER DRAINS

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009

Local Government Regulation 2012

Delegated Power:

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

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Roads & Stormwater Drains	
Power to exercise control of all roads in the local government area including the ability to survey and resurvey roads, construct, maintain and improve roads, approve the naming and numbering of private roads, and name and number other roads.	Section 60
Power to give the owner of land a notice of intention to acquire land.	Section 61
Power to lodge the copy of a notice of intention to acquire land with the Registrar of Titles for registration on the instrument of title to the land.	Section 61(6)
Power to decide a claim for compensation for a notice of intention to acquire land.	Section 62
Power to acquire land after service of notice of intention to acquire instead of paying compensation for injurious affection.	Section 64
Power to assess compensation for acquisition of land.	Section 64
Power to serve notice of decision not to proceed to acquire land the subject of a notice of intention to acquire.	Section 65(3)
Power to withdraw notice of intention to acquire land.	Section 65(4)
Power to lodge with Registrar of Titles for registration a notice of a decision not to proceed with, or to withdraw, notice of intention of realignment of road or part of road.	Section 65(4)
Power to assess and pay the owner of land reasonable compensation for decrease in value of land because of decision not to proceed with realignment of a road or part of a road after giving a notice of intention to acquire land and structural improvements have been made on land that adjoins the road.	Section 66
Power to acquire land that adjoins a road for use as a footpath.	Section 67

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to submit objection to application for opening or closing of road in local government area by someone other than the local government.	Section 68
Power to close a road (permanently or temporarily) to all traffic, or traffic of a particular class, if there is another road or route reasonably available for use by the traffic.	Section 69(1)
Power to close a road to all traffic, or traffic of a particular class: (a) during a temporary obstruction to traffic; or (b) if it is in the interests of public safety; or (c) if it is necessary or desirable to close the road for a temporary purpose (including a fair, for example).	Section 69(2)
Power to publish notice of closing of road.	Section 69(3)
Power to do everything necessary to stop traffic using the road after it is closed.	Section 69(4)
Power to permit the use of any part of a road after it is closed to traffic for a temporary purpose subject to appropriate conditions.	Section 69(5)
Power to make a temporary road through land adjoining the road to be used while the road is being remade or repaired.	Section 70(2)
Power to agree with owner or occupier of land regarding local government entry and the giving of written or oral notice as specified in section 70(3) and (4) of the <i>Local Government Act 2009</i> .	Section 70(3) and (4)
Power to allow additional time to submit a claim for compensation in relation to a temporary road.	Section 70(6)
Power to agree with the owner of land the amount of compensation for physical damage caused by local government entering, occupying or using land under section 70 of the <i>Local Government Act 2009</i> .	Sections 70(7) and (8)
Power to fix and advise the owner or occupier or change the permanent level of a road under section 71 of the <i>Local Government Act 2009</i> .	Sections 71(1) and (3)
Power to agree the amount of compensation payable under section 71 of the <i>Local Government Act 2009</i> .	Section 71(4)
Power to assess impact on roads of specified activities under section 72 of the <i>Local Government Act 2009</i> .	Section 72
Power, in the circumstances set out in subsection 72(1), to require the entity that is conducting the activity to provide information that will enable the local government to assess the impact of the activity on the road.	Section 72(2)
Power, in the circumstances set out in subsection 72(1), to assess impact of the activity on the roads.	Section 72(3)
Power to recover an amount of compensation payable under subsection 72(3)(b)(ii) in a court.	Section 72(5)
Power to categorise the roads in the local government area according to the surface of the road.	Section 73
Power to prepare and keep up to date a map of every road including private roads in the local government area and a register of roads showing the category of every road, the level of every road that has a fixed level and other particulars prescribed under a regulation.	Section 74
Power to approve the carrying out of works on a road or interference with a road or its operation subject to conditions.	Section 75

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.	Section 77
Power to give approval for the connection of a stormwater installation to the local government's stormwater drain (including the imposition of conditions) in accordance with section 77 of the <i>Local Government Act 2009</i> .	Section 77
Power to give a notice requiring the owner of a property to perform sewerage installation works.	Section 78
Power to perform work to fix damage and recover reasonable costs for the work from a person who puts a prohibited substance in the stormwater drain.	Section 79

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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TITLE: LOCAL LAWS

Delegation by Council to:

Council Resolution date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 – Section 257 & 259

Noosa Shire Council Local Law No. 1 (Administration) 2015

Noosa Shire Council Subordinate Local Law No. 1 (Administration) 2015

Noosa Shire Council Local Law No. 2 (Animal Management) 2015

Noosa Shire Council Subordinate Local Law No. 2 (Animal Management) 2015

Noosa Shire Council Local Law No. 3 (Community and Environmental Management) 2015

Noosa Shire Council Subordinate Local Law No. 3 (Community and Environmental Management) 2015

Noosa Shire Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015

Noosa Shire Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015

Noosa Shire Council Local Law No. 5 (Parking) 2015

Noosa Shire Council Subordinate Local Law No. 5 (Parking) 2015

Noosa Shire Council Local Law No. 6 (Bathing Reserves) 2015

Noosa Shire Council Subordinate Local Law No. 6 (Bathing Reserves) 2015

Noosa Shire Council Local Law No. 7 Waste Management 2018

Delegated Power:

1. To exercise the powers of local government under the Local Government's Local Laws including but not limited to the following:
2.
 - (a) keep and maintain a register;
 - (b) approve a form, accept or obtain a certificate, renew, refuse, extend, transfer, amend, suspend, restrict, request further reasonable information or clarification, impose prescribed conditions, cancel, make null and void, apply and amend conditions, waive requirements and grant an approval¹;
 - (c) give a written, information, impounding, show cause or compliance notice;
 - (d) take a sample for analysis;
 - (e) offer a reward for information;
 - (f) recover the cost of an action from the responsible person;
 - (g) review an original decision;
 - (h) extend the time for making a review on an original decision;
 - (i) give a stop order;

¹ An approval means a consent, permit, authorisation, registration, membership, label or approval under a local government act or a local law and includes all the conditions of a consent, permit, authorisation, registration, membership or approval.

- (j) advise the community by signage from where animals are prohibited, or the designation of dog off leash areas;
 - (k) declare or revoke an animal other than a dog to be a declared dangerous animal;
 - (l) establish an animal pound² or join with another local government or agency to establish an animal pound;
 - (m) keep and make available for inspection a register of impounded animals;
 - (n) make a destruction order and destroy an animal;
 - (o) dispose of or offer an animal for sale by public auction or tender;
 - (p) erect, install and maintain a sign;
 - (q) give a relevant place a name;
 - (r) seize, impound and dispose of goods and animals;
 - (s) form an opinion for land adjoining a road to be fenced to prevent risk; and
 - (t) issue a parking permit.
 - (u) issue an infringement notice
2. To exercise the powers of local government under *Noosa Shire Council Local Law No. 6 (Bathing Reserves) 2015* including the authority to appoint:
- (a) an employee of the local government as an authorised person;
 - (b) other persons who are eligible for appointment as authorised persons under the *Local Government Act 2009*;
 - (c) assign to a lifesaving club the responsibility for patrolling a bathing reserve.

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

² Subject to the *Planning Act 2016*

- 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.

-
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: PLANNING ACT 2016

Delegation by the Council to:
Chief Executive Officer

Date:

Source of Authority:

Local Government Act 2009 - Section 257

Planning Act 2016

Planning Regulation 2017

Development Assessment Rules

Delegated Power:

- To exercise the Council's powers pursuant to the *Planning Act 2016 (Act)*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to decide whether or not to agree to a superseded planning scheme request and give notice of the decision.	Section 29
Power to give an exemption certificate for the development. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 46.	Section 46
Power to act as the "assessment manager" for all development applications, change representations, cancellation applications and extension applications received by Council under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of an assessment manager and consider all matters as detailed in sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 of the Planning Act 2016.	Sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109
Power to act as a "referral agency" for all development applications received by Council as a referral agency under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a referral agency and consider all matters as detailed in sections 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 of the Planning Act 2016.	Sections 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109
Power to act as a "responsible entity" for all change applications received by Council as a responsible entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a responsible entity and consider all matters as detailed in sections 79, 80, 81, 82, 83, 93, 100, 105, 107 and 109 of the Planning Act 2016.	Sections 79, 80, 81, 82, 83, 93 and 100, 105, 107 and 109
Power to act as an "affected entity" for all change applications received by Council as an affected entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of an affected entity and consider all matters as detailed in section 80 of the Planning Act 2016.	Section 80
Power to carry out the steps required after making a charges resolution.	Section 118

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to give an infrastructure charges notice. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 119, 120, 121 and 129.	Sections 119, 120, 121 and 129
Power, as a local government that gave an infrastructure charges notice, to agree with the recipient about:- a) whether the levied charge may be paid other than as required under section 122, including whether it may be paid by instalments; and/or b) whether infrastructure may be provided instead of paying all or part of the levied charge.	Section 123
Power, as a local government, to consider representations made on an infrastructure charges notice and, issue a negotiated notice or give a decision notice.	Section 125
Power, as a local government with a LGIP that identifies adequate trunk infrastructure to service the subject premises, to impose a development condition requiring either or both of the following to be provided at a stated time: a) the identified infrastructure; and/or b) different trunk infrastructure delivering the same desired standard of service.	Section 128(1)
Power, as a local government with a LGIP that does not identify adequate trunk infrastructure to service the subject premises, to impose a development condition requiring development infrastructure necessary to service the premises to be provided at a stated time.	Section 128(2)
Power in the circumstances referred to in subsection (1) to, by notice given to the applicant, amend the infrastructure charges notice.	Section 137
Power, as a local government, to agree with an applicant that a levied charge, for the purpose of its recovery, is not taken to be rates.	Section 144(2)
Power, as a local government, to impose a development condition about non-trunk infrastructure.	Section 145
Power, as a local government, to enter an infrastructure agreement. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in Chapter 4, Part 4.	Chapter 4, Part 4
Power, as an enforcement authority, to give a show cause notice.	Section 167
Power, as an enforcement authority, to give an enforcement notice.	Section 168
Power to consult with a private certifier before giving an enforcement notice.	Section 169
Power to give notice of the giving or withdrawal of an enforcement notice to the chief executive.	Section 170
Power to bring offence proceedings for an offence against the Act.	Section 174
Power, as an enforcement authority, to:- (a) take the action required under the enforcement order; and (b) recover the reasonable cost of taking the action as a debt to the authority from the defendant.	Section 176(10)
Power, as an enforcement authority in an offence proceeding, to apply for an order for the payment of the expenses.	Section 178(1)(b)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to the start proceedings in the P&E Court for an enforcement order.	Section 180
Power, as an enforcement authority, to:- (a) take the action required under the enforcement order; and (b) recover the reasonable cost of taking the action as a debt to the authority from the respondent.	Section 180(13)
Power, as an enforcement authority in an offence proceeding, to apply for a disposal order.	Section 214
Power to make a claim for compensation from the State where Council incurs loss because of the exercise, or purported exercise, of a power by or for an inspector.	Section 221
Power as an appellant to start an appeal.	Sections 229(2) and 230
Power as a respondent or co-respondent to be heard in an appeal.	Section 229(4)
Power to elect to be a co-respondent in an appeal.	Section 230(6)
Power to start proceedings for a declaration by a tribunal. For avoidance of doubt, the power delegated includes the power to take all actions detailed in sections 239(1), 240 and 241.	Sections 239(1), 240 and 241,
Power to give the registrar information that the registrar reasonably requires for the proceedings.	Section 246(2)
Power to appear as a party to a tribunal proceeding.	Section 248
Power to make submissions to the tribunal.	Section 249
Power to give notice to the Registrar once a tribunal's direction or order has been complied with.	Section 257
Power to give an applicant the planning and development certificate applied for.	Section 265
Power, as an owner of premises in an affected area, before entering into a lease of the premises with a person, to give a notice that states :- (a) the premises are in an affected area; and (b) that restrictions may apply to the person in taking proceedings about emissions from registered premises in the affected area.	Section 270
Power to make an amendment of a type specified in subsection (1) by following the process set out in the rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in the rules.	Section 293(5)

2. To exercise the Council's powers pursuant to the *Planning Regulation 2017*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to extend the period mentioned in subparagraph (a).	Section 12(b)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, where the request complies with the criteria stated in section 2, to approve the request.	Schedule 18, Section 3(1)
Power to give notice of the approval to the person making the request.	Schedule 18, Section 3(2)
Power to keep the documents listed in subsection (1) available for inspection and purchase.	Schedule 22, Section 1
Power to publish the documents listed in subsections (1) and (4) on Council's website.	Schedule 22, Section 3
Power, as an assessment manager, to keep the documents listed in subsections (1) and (2) available for inspection and purchase.	Schedule 22, Section 5
Power, as an assessment manager, to keep the documents listed in subsection (1) available for inspection only.	Schedule 22, Section 6
Power, as an assessment manager, to publish the documents listed in subsections (1) and (4) on Council's website.	Schedule 22, Section 7
Power, as a referral agency, to keep the documents listed in subsections (a) to (d) available for inspection and purchase.	Schedule 22, Section 8
Power, as a referral agency, to keep a register for all development applications and change applications given to the referral agency under section 54 of the Act and to make it available for inspection only.	Schedule 22, Section 9
Power, as a referral agency, to publish the documents listed in subsections (a) to (d) on Council's website.	Schedule 22, Section 10

3. To exercise the Council's powers pursuant to the Development Assessment Rules.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an assessment manager, to determine if the application is a properly made application.	Section 1.2
Power, as an assessment manager, to give a confirmation notice.	Section 2.3
Power, as an assessment manager, to give an action notice.	Section 3.1
Power, as an assessment manager, to agree to a further period for the applicant to comply with all actions in the action notice and give notice to the assessment manager that it has complied.	Section 3.2
Power, as an assessment manager, to give a confirmation notice if the applicant has complied with the action notice.	Section 3.4
Power, as an assessment manager, to accept the application as a properly made application after giving an action notice.	Section 3.5
Power, as an assessment manager, to agree on a further period for giving a confirmation notice.	Section 3.6(b)
Power, as an assessment manager, to agree to a further period for the applicant to give a copy of the application to a referral agency.	Section 5.1
Power, as a referral agency, to determine if the application is a properly referred application.	Section 6.2
Power, as a referral agency, to give a referral confirmation notice.	Section 7.1
Power, as a referral agency, to give the applicant an action notice	Section 8.1(a)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a referral agency, to give a copy of the action notice to the assessment manager.	Section 8.1(b)
Power, as a referral agency, to agree to a further period for the applicant to comply with all the actions in the action notice.	Section 8.2
Power, as a referral agency, where the applicant has complied with all the actions in the action notice, to give a referral confirmation notice to the applicant and a copy to the assessment manager.	Section 8.2(b)
Power, as a referral agency, to give the assessment manager notice that the application is taken to have not been referred.	Section 8.3(b)
Power, as a referral agency, to agree to a further period for the referral agency assessment period.	Sections 9.2(a) and (b)
Power, as an assessing authority, to agree to receive further information from the applicant during the development assessment process.	Section 11.2
Power, as an assessing authority, to make an information request.	Section 12.1
Power, as an assessment manager, to agree to a further period in which to make the information request.	Section 12.2
Power, as a referral agency, to agree to a further period in which to make the information request.	Section 12.4
Power, as an assessing authority, to give the applicant advice about an information request or any other matter, including how the applicant may change the application.	Section 12.5
Power, as an assessing authority, to agree to a further period for the applicant to respond to the information request.	Section 13.1
Power, as an assessment manager acting under section 53(10) of the Act to comply with the public notice requirements.	Sections 17.1, 17.3 and 17.4
Power, as an assessment manager, to agree to a further period for the applicant to give notice of compliance with the public notice requirements.	Section 18.1
Power, as an assessment manager, to accept properly made submissions and not properly made submissions.	Section 19.1
Power, as an assessment manager, to agree to a further period to consider the submissions.	Section 19.3
Power, as the assessment manager, to agree to a further period to assess and decide the application.	Section 22.1(a)
Power, as the assessment manager, to:- <ul style="list-style-type: none"> (a) give a copy of the notice to each referral agency for the original application and any other referral agency required to be given referral; and (b) advise each referral agency, with a copy to the applicant, of the effect of the change on the development assessment process. 	Section 25.1
Power, as the assessment manager, to determine whether the change:- <ul style="list-style-type: none"> (a) only deals with a matter raised in a properly made submission for the application; or (b) is in response to an information request for the application; or (c) is in response to further advice provided by an assessing authority about the application. 	Section 26.1

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as the assessment manager, to give the applicant a confirmation notice where part 4 applies to the changed application and part 4 did not apply to the original application.	Section 26.2(a)(i)
Power, as the assessment manager, to determine whether the change:- (a) would be likely to attract a submission objecting to the thing comprising the change if public notification were to apply to the change; (b) only addresses a matter raised in a properly made submission.	Section 26.2(b)
Power, as the assessment manager, to give notice to the applicant that public notification is required under section 26.2(b) and that it must be carried out in accordance with section 16.4.	Section 26.2(c)
Power, as a referral agency, despite section 11.1, to make an information request as a result of a referral under section 26.	Section 26.5
Power, as an assessing authority, despite section 11.1, to make an information request about the change.	Section 27.2
Power, as the assessment manager, to determine whether the change would be likely to attract a submission objecting to the thing comprising the change, if public notification were to apply to the change.	Section 27.3
Power, as a concurrence agency, after the referral agency assessment period and any further periods has ended, to change its referral agency response or give a late referral agency response before the application is decided.	Section 28.1
Power, as a concurrence agency, to give notice of its intention to change its referral agency response to the assessment manager and the applicant.	Section 28.4(a)
Power, as a concurrence agency, to agree to a further period for the giving of an amended referral agency response.	Section 28.4(b)
Power, as a party to the application, to give notice to each other party that the applicant has not referred the application in accordance with section 54(1) of the Act.	Section 29.2
Power, as a referral agency, despite section 11.1, to make an information request as a result of a referral under section 29.	Section 29.6
Power, as a party who initiated an extension under the DA rules, to give a copy of the agreement to any other party to the application.	Section 33.1
Power, as an assessment manager or as a concurrence agency for the application, to ask any third party for third party advice.	Section 34.1
Power, as an assessment manager or as a concurrence agency for the application, to give further advice about the application to the applicant, including how the applicant may change the application.	Sections 35.1 and 35.2

Conditions of the Delegation:

1. The Delegated Officer must exercise this delegation in accordance with council; resolutions, policies, guidelines, procedures, industrial instruments and agreements.
2. If the CEO 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. The Delegated Officer may exercise the powers of the Council under the Planning Act 20016 for an application other than the following:
 - a) an application for a variation request mentioned in section 61 of the Planning Act 2016 to vary the effect of the planning scheme;
 - b) the approval of an application where there is substantial non-compliance with a stated policy of the Council or a high order provision of the Planning Scheme being a desired environmental outcome, or an overall outcome of a code;
 - c) the refusal of any application where Council is the assessment manager;
 - d) requests for change representations, and change applications to change or delete conditions that were imposed by Council at an Ordinary Meeting or a Special Meeting;
 - e) and an application for a proposed development of significant community interest.

However, the delegated officer may exercise the powers of the local government under the Planning Act 2016 for an application where the application has the potential for 'deemed approval' in accordance with section 64 of the Act.

A councillor may request an application to be determined at a Council meeting. The request shall be made to Chief Executive Officer, with the request to be made before the decision stage commences.

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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: PLUMBING AND DRAINAGE

Delegation by the Council to:
Chief Executive Officer

Date:

Source of Authority:

Local Government Act 2009 – Section 257
Plumbing and Drainage Act 2002
Standard Plumbing and Drainage Regulation 2003

Delegated Power:

1. To exercise the powers of the council pursuant to the *Plumbing and Drainage Act 2002*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to give a copy of a resolution which decides work for which a compliance permit is not required to the chief executive and a distributor-retailer (if applicable) and to make it available for inspection at Council's public office.	Section 83
Power to carry out a compliance assessment of plans or work in relation to compliance assessable work by or for a public sector entity and, if satisfied, issue a compliance permit if it is a plan and a compliance certificate if it is for a work.	Section 84
Power, as a relevant service provider, to give written consent before a compliance permit or certificate is issued.	Section 84(5)
Power to respond to a compliance request for compliance assessment of a plan for compliance assessable work, including requesting further information, deciding the request, imposing reasonable and relevant conditions and giving or refusing to give the compliance permit.	Section 85
Power to give a copy of a compliance permit to: a) The owner of premises to which a permit relates; and b) The water services provider, where Council is not the provider and the work involves the installation of water meters.	Section 85(8)
Power, upon refusal to give a compliance permit or the grant of a compliance permit on conditions, to give the person who made the request an information notice about the decision.	Section 85(10)
Power to assess and decide all requests for compliance assessment for compliance assessable work according to the provisions of the <i>Plumbing and Drainage Act 2002</i> and <i>Standard Plumbing and Drainage Regulation 2003</i> including giving or refusing to give the compliance certificate.	Section 86
Power to decide not to assess on-site sewerage work if an approved person for the assessment gives Council a notice in the approved form verifying that the work complies with the relevant compliance permit and the <i>Standard Plumbing and Drainage Regulation 2003</i> .	Section 86(6)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to ask, after assessing compliance assessable work or after a compliance notice is given for on-site sewerage work, for a plan of the assessed work.	Section 86(7)
Power to give a copy of a compliance certificate to: a) The owner of premises to which a permitted certificate relates; and b) The water services provider, where Council is not the provider, and the work involves the installation of water meters.	Section 86(10)
Power upon refusal to give a compliance certificate to give the person who made the request an information notice about the decision.	Section 86(12)
Power to ask a person who has completed compliance assessable work in a remote area to supply a plan of the completed work.	Section 86A(3)(b)
Power to decide a request for compliance assessment of compliance assessable work in a remote area to which a resolution under section 86A(1)(b) applies and to give the compliance certificate or refuse to give the compliance certificate and issue an information notice.	Section 86A(4), (5) and (8)
Power to give a copy of a compliance certificate for compliance assessable work in a remote area to which a resolution under section 86A(1)(b) to the owner of the premises.	Section 86A(6)
Power to give a copy of a resolution pursuant to section 86A(1)(b) to the chief executive and to make it available for inspection at Council's public office.	Section 86A(9)
Power to replace a compliance certificate with a certificate that has different conditions for the ongoing operation, maintenance or testing of a relevant grey water use facility or on-site sewerage facility.	Section 86D
Power to issue a written notice requiring a former holder of a compliance certificate for testing purposes to remove all or a stated part of a grey water use facility or on-site sewerage facility.	Section 86E
Power to amend any compliance certificate for work for testing purposes if it is necessary or desirable due to changes in a relevant chief executive's approval.	Section 86G
Power, as a relevant entity, to give the Plumbing Industry Council notice of the completion of notifiable work.	Section 87(3)(a)
Power to assess notifiable work that has been completed following the giving of a notice pursuant to section 87(3)(a).	Section 87(8)
Power, as a relevant entity, to give a copy of the notice of completion of notifiable work to the owner of the premises where the work was carried out or, if another person asked the relevant entity to carry out the work, the other person.	Section 87(9)
Power to administer the <i>Standard Plumbing and Drainage Regulation</i> for Council's area, or those areas not under Council's control that it has been requested to administer by the entity that has control of the area.	Section 89
Power to appoint those individuals that have the qualifications and experience prescribed under the <i>Standard Plumbing and Drainage Regulation 2003</i> as an inspector for the purposes of the <i>Plumbing and Drainage Act 2002</i> .	Section 107(1)
Power to notify the QBCC commissioner of the appointment of an inspector and to give the commissioner a list of Council's inspectors.	Section 107(2)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to issue an inspector's instrument of appointment with or without conditions limiting the inspector's powers under the <i>Plumbing and Drainage Act 2002</i> .	Section 108
Power to issue an identity card to each inspector appointed under section 107 of the <i>Plumbing and Drainage Act 2002</i> .	Section 109
Power to issue show causes notices before a local government gives a person an enforcement notice under section 116(1)(a)(ii) to (iv) or (2) of the <i>Plumbing and Drainage Act 2002</i> .	Sections 115
Power to issue an enforcement notice to the owner of premises requiring the owner to do a stated thing.	Section 116(1)
Power to issue an enforcement notice to a person who has performed plumbing or drainage work requiring the person to do a stated thing.	Section 116(2)
Power to give an enforcement notice to the owner or occupier of the premises to install a backflow prevention device.	Section 117(2)(a)
Power to give an enforcement notice to the owner or occupier of the premises to register a backflow prevention device that is required to be registered under the <i>Standard Plumbing and Drainage Regulation 2003</i> .	Section 117(2)(b)
Power to give an enforcement notice to the owner or occupier of the premises to have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licenced to do the work.	Section 117(2)(c)
Power to authorise a person to dismantle or take away all or part of a grey-water treatment plant.	Section 127A
Power to authorise a person to dismantle or take away all or part of an on-site sewerage facility.	Section 128
Power to approve the disposal of the contents of a grey water treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.	Section 128OA
Power to approve the disposal of the contents (other than effluent) of an on-site sewerage facility that has not been installed only for testing purposes.	Section 128P(2)
Power to approve the disposal of effluent from an on-site sewerage facility that has not been installed only for testing purposes.	Section 128P(4)
Power to keep a copy of each compliance document and make compliance documents available for inspection and purchase.	Section 143
Power to keep a register of details of on site sewerage and greywater use facilities installed in the local government area for which Council has given a compliance certificate.	Section 143A
Power to monitor greywater use facilities in Council's local government area.	Section 143B
Power to monitor an on-site sewerage facility installed for testing purposes in sewerred areas in Council's local government area.	Section 143C

2. To exercise the powers of the Council pursuant to the *Standard Plumbing and Drainage Regulation 2003*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to request a reasonable number of copies of a plan the subject of a compliance request.	Section 14(6)
Power to request other information that the local government requires in relation to the testing of a proposed grey water use facility.	Section 14B(c)(ii)
Power to request other information that the local government requires in relation to work for testing purposes on an on-site sewerage facility.	Section 14D(3)(c)(ii)
Power to accept a certification of a plan for compliance assessable work or on-site sewerage work from a competent person where the Chief Executive Officer has decided that part of the work is outside Council's expertise.	Section 15
Power to request information or documents to assess compliance assessable work from a person who, because of section 83(2) of the <i>Plumbing and Drainage Act 2002</i> , does not require compliance permit to perform regulated work.	Section 18
Power to test or commission plumbing or drainage the subject of compliance assessable work carried out in a remote area.	Section 27
Power to accept a notice of compliance under section 86A(3)(a) of the Act from a person other than the person who performed the work.	Section 29
Power to agree to assess, and assess, notifiable work for compliance with the regulation.	Section 29A
Power to give a rectification notice and an information notice	Section 29B(2) and 29B(6)
Power to give an information notice about a decision to give a rectification notice	Section 29B(6)
Power to approve the continued use of a plumbing or drainage item that is not certified and to require a person to have the item tested at the person's cost.	Section 30
Power to determine whether an item (that an inspector is satisfied is unsuitable for a particular use) may: <ul style="list-style-type: none"> (a) not be installed or used; or (b) be approved for installation or use with either a protective coating, lining or wrapping or another plumbing or drainage item. 	Section 32
Power to decide that a supply pipe for premises or a premises group cannot give an efficient water supply for the premises or premises group.	Section 34(1)
Power to require for a supply pipe for a premises: <ul style="list-style-type: none"> (a) part or all of the supply pipe (premises main) to be built to the standard of a water main; (b) the premises main to supply directly each separately occupied part of the premises; (c) the premises main to supply directly each fire service within the premises. 	Section 34(2)
Power to require for a supply pipe for a premises group: <ul style="list-style-type: none"> (a) part of the supply pipe (premises group main) to be built to the standard of a water main; (b) each separately occupied part of the premises group to be served directly by a supply pipe connected to the premises group main; and (c) each separately occupied part of the premises group that is to have a fire service to be served directly by a fire service connected to the premises group main. 	Section 34(3)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to require the sanitary drainage for premises or a group of premises to be of a standard of a sewer forming part of Council's or another service provider's sewerage system.	Section 35
Power to implement and maintain a program for the registration, maintenance and testing of testable backflow prevention devices.	Section 38
Power to approve the design and location of a grease arrestor.	Section 39
Power to approve air-cooling equipment's connection to a supply pipe.	Section 41
Power to approve hydraulic powered equipment's connection to a supply pipe.	Section 44
Power to approve a pipe carrying water supplied by the local government or other service provider to be:- (a) connected to a water storage tank used to store water obtained from another source or; (b) discharged into a water storage tank used to store water obtained from another source.	Section 45
Power to approve a water closet pan, urinal or another fixture below the level of the sewer or on-site sewerage facility.	Section 47
Power to issue a notice to the owner of a new building and an old building, requiring:- (a) the owner of the new building to pay the reasonable costs of changing the vents of the old building; and (b) the owner of the old building to change the vents.	Section 52
Power to determine the qualifications, skills and experience that an individual should have to be competent to assess plumbing and drainage work.	Section 53
Power to perform maintenance work on existing combined sanitary drains, apportion the reasonable costs between or among the owners and recover from each owner, the owner's share of Council's costs.	Section 54

1. To exercise the powers of Council as a delegated officer pursuant to the *Plumbing and Drainage Act 2002*

DESCRIPTION OF POWER DELEGATED	LEGISLATION
NOTE: No power to delegate CEO's powers included in the <i>Plumbing and Drainage Act 2002</i> . Section 259 of the LGA sufficient. Section 27A (12) of the <i>Acts Interpretation Act 1954</i> would prevent sub-delegation.	
Power to sign a notice containing conditions limiting an inspector's powers under the <i>Plumbing and Drainage Act 2002</i> .	Section 108

2. To exercise the powers of Council as a delegated officer pursuant to the *Standard Plumbing and Drainage Regulation 2003*

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to decide that a plan for compliance assessable work or on-site sewerage work includes a part of the work that is outside the local government's expertise to assess.	Section 15

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 a 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: *Procurement & Contracting*

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 – Sections 257, 259, 262

Local Government Regulation 2012 – Sections 225 to 228, 230 to 235 and 238

Delegated Power:

1. To exercise the powers of the local government under the *Local Government Act 2009* (the **Act**) and the *Local Government Regulation 2012* (the **Regulation**) including the authority to:
 - (a) undertake the following procurement and contracting activities:
 - (i) invite written quotes for medium-sized contractual arrangements;
 - (ii) invite written tenders for large-sized contractual arrangements;
 - (iii) invite expressions of interest (following Council resolution);
 - (iv) invite offers for the sale of valuable non-current assets (other than sale of land) by written tender or auction; and
 - (b) make, enter into, amend or discharge contracts (established by the aforementioned methods) for up to \$1,000,000 (excluding GST) for the:
 - (i) procurement of goods and services (including contracts about carrying out of works);
 - (ii) the disposal of valuable non-current assets (but not the sale of land);
 - (iii) the disposal of goods and assets (that are valuable non-current assets).
 - (c) make, enter into, amend or discharge contracts from the following properly established medium-sized and large-sized contractual arrangements:
 - (i) quote or tender consideration plan;
 - (ii) approved contractor list;
 - (iii) register of pre-qualified suppliers;

- (iv) preferred supplier arrangement;
 - (v) LGA arrangement;
 - (vi) an entity resolved by Council as a sole supplier;
 - (vii) an entity resolved by Council as providing specialised or confidential services;
 - (viii) when a genuine emergency exists;
 - (ix) the contract is for the goods and is made by auction;
 - (x) the contract is for second-hand goods; or
 - (xi) the contract is made with, or under an arrangement with, a government agency.
- (d) make, enter into, amend or discharge contracts for valuable non-current asset exceptions, subject to legislative conditions and Council resolution:
- (i) disposal of an interest by renewal to an existing tenant of the land;
 - (ii) disposal of an interest in land to a person who owns the adjoining land;
 - (iii) disposal of an interest in land by lease for a telecommunications tower;
 - (iv) disposal of a valuable non-current asset, other than land, by way of a trade-in for the supply of goods and services; or
 - (v) following Ministerial exemption (Council resolution not required).
- (e) authorise payments under a properly established contract;
- (f) authorise the issue of purchase cards up to the approved limit; and
- (g) authorise statutory payments and specific system payments.

Any Conditions of Delegation:

1. The Delegated Officer may make, amend or discharge a contract for Council if-
 - (a) Council's expenditure for the contract has been provided for in the approved annual budget for-
 - (i) the financial year when the contractual action is taken; or
 - (ii) the financial year in which the delegation is made, if the expenditure is within the limits stated in the resolution making the delegation; or
 - (b) The contractual action has been taken because of genuine emergency or hardship.
2. The delegated officer may exercise the delegated powers on behalf of Council subject to:
 - (a) compliance with relevant legislation, policies, guidelines and procedures; and
 - (b) the accepted offer is the most advantageous to Council.

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: PUBLIC HEALTH

Delegation by the Council to:
Chief Executive Officer

Date:

Source of Authority:
Local Government Act 2009 Section 257
Public Health Act 2005
Public Health Regulation 2005

Delegated Power:

- To exercise powers of the Council pursuant to the *Public Health Act 2005*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to administer and enforce the Act regarding local government public health risks and a regulation made under section 61 stating that the regulation is to be administered and enforced by local governments only.	Section 13
Power, as an issuing authority, to apply to a magistrate for an order enforcing a public health order (an enforcement order).	Section 24(2)
Power, as an issuing authority, to enter a place to take steps to remove or reduce the risk to public health from the public health risk or prevent the risk to public health from recurring, if ordered by a magistrate.	Section 27(2)(b)
Power, as an issuing authority, to recover the amount, plus interest, a person has been ordered to pay under an enforcement order as an overdue rate payable to Council under the <i>Local Government Act 2009</i> .	Section 31
Power to lodge a request to register with the registrar of titles, in the appropriate form over the land, an unpaid amount, including interest, that is payable to Council under an enforcement order relating to a public health risk on land owned by a person as a charge on the land.	Section 32
Power to consult with the chief executive before the chief executive authorises a prevention and control program which relates to Council's local government area.	Section 36(5)
Power, as a water service provider ¹ , to inform the authorised person that Council believes that it has complied with an improvement notice issued under this division.	Section 57B

¹ Excludes SE Qld Councils

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to enter into an agreement with the chief executive for the disclosure of confidential information.	Sections 84(1)(b)(i) and (2)(a), 226(1)(b)(i) and (2)(a), 244(1)(b)(i) and (2)(a), and 269(1)(b)(i) and (2)(a)
Power, as an issuing authority, to enter the place, at reasonable times, to take the steps stated in a public health order where the person has failed to comply the order.	Section 388(2)
Power, as an issuing authority, to give the occupier and owner of a place a notice required under the section, where an authorised person intends to enter the place to take steps required under a public health order.	Section 393(2)
Power, as an issuing authority, to recover the amount payable, including interest, of the reasonable costs and expenses incurred by Council in exercising powers under section 388 or 405 as an overdue rate payable to Council under the <i>Local Government Act 2009</i> .	Section 406
Power, as an issuing authority, to lodge with the registrar of titles, in the appropriate form over the land, a request to register an unpaid amount, including interest, that is payable to Council for steps taken by it on land owned by a person as a charge on the land.	Section 407
Power, as an owner of a thing seized by an authorised person, to inspect the thing and, if it is a document, to copy it.	Section 415
Power to apply to the court for an order against a person convicted of an offence against the Act for the payment of the costs Council has incurred in taking a thing or doing something else during the investigation of the offence.	Section 443(1)(b)
Power to deal with a thing forfeited as Council considers appropriate, including destroying the thing.	Section 446
Power, as an owner of a thing forfeited to a relevant entity under section 413(1), to appeal against a decision resulting in the forfeiture of the thing.	Section 450
Power to recover contribution from a prescribed person.	Section 454B(3) Public Health Act 2005
Power to comply with the indemnity conditions in relation to each asbestos-related event to which the official conduct relates.	Section 454C(2) Public Health Act 2005
Power to give notice of the proceeding to the State.	Section 454CA(2) Public Health Act 2005
Power to ensure each authorised person who exercises powers under the Act in relation to an asbestos-related event has satisfactorily completed the training prescribed by regulation.	Section 454G Public Health Act 2005

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to keep the records prescribed in subsections 454I(1), (2) for each asbestos-related event.	Section 454I Public Health Act 2005

2. To exercise powers of the council pursuant to the *Public Health Regulations 2005*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to administer and enforce Part 1A, Divisions 1, 2 and 3.	Sections 2C, 2M, and 2T
Power to approve a site for the disposal of asbestos waste.	Section 2I(2)(c)

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:
 - 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.

DELEGATION OF AUTHORITY

TITLE: PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES)

Delegation by the Council to:

Chief Executive Officer

Date:

Source of Authority:

Local Government Act 2009 – Section 257

Public Health (Infection Control for Personal Appearance Services) Act 2003

Delegated Power:

- To exercise powers of the council pursuant to the *Public Health (Infection Control for Personal Appearance Services) Act 2003*.

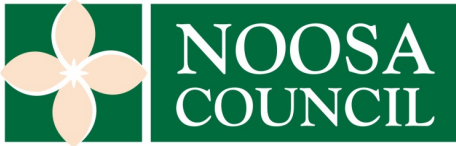
DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to administer and enforce the Act for Council's area.	Section 9
Power to consider all applications for licences, and determine whether to grant or refuse the application.	Section 33
Power to grant an application for a licence only if Council is satisfied—the applicant is a suitable person to hold a licence; and the premises at which the higher risk personal appearance services are to be provided are suitable for providing the services.	Section 34
Power to have regard to the matters listed in this section in deciding whether a person is a suitable person to hold a licence.	Section 35
Power to have regard to all the matters listed in this section in deciding whether the premises at which higher risk personal appearance services are to be provided are suitable for providing the services.	Section 36
Power to make inquiries before making a decision regarding sections 35 and 36 and, by giving notice to the applicant, require the applicant to give Council, within the reasonable time of at least 40 days stated in the notice, further information or a document Council reasonably requires to decide the application.	Section 37
Power to impose conditions on a licence.	Sections 38(2) and 41(1)(c)
Power to decide the earlier ending date of a licence.	Section 40
Power to consider all applications for renewals of licences, and determine whether to grant or refuse the application for renewal.	Section 44

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to give a notice to a licensee requiring the licensee to give Council, within a reasonable period of at least 40 days stated in the notice, further information or a document Council reasonably requires to decide a licence renewal application.	Section 45
Power to consider all applications for amendments to licences, and determine whether to grant or refuse the application to amend the licence.	Section 47
Power to give a notice to the licensee requiring the licensee to give Council, within a reasonable period of at least 40 days stated in the notice, further information or a document Council reasonably requires to decide an licence amendment application.	Section 48
Power to determine whether to grant or refuse the application to transfer the licence by having regard to whether the transferee is a suitable person to hold a licence and whether the premises are suitable for providing higher risk personal appearance services.	Section 49
Power to give a notice to the licensee requiring the licensee to give Council, within a reasonable period of at least 40 days stated in the notice, further information or a document Council reasonably requires to decide a licence transfer application.	Section 50
Power to, for forming a belief that the ground for suspending or cancelling a licence mentioned in subsection (1)(a) exists, have regard to the matters to which Council may have regard in deciding whether a proposed licensee is a suitable person to hold the licence	Section 51(2)
Power to issue a 'show cause notice'.	Section 52
Power to determine whether grounds continue to exist for the suspension or cancellation of a licence after issuing the licensee with a 'show cause' notice, and if so, determine whether to suspend or cancel the licence.	Sections 54 and 55
Power to suspend a licence immediately if Council believes—a ground exists to suspend or cancel the licence; and it is necessary to suspend the licence immediately because there is an immediate and serious risk of infection to the licensee's clients.	Section 56
Power to consider all applications for a replacement licence, and determine whether to grant or refuse the application for the replacement licence.	Section 62
Power to make an agreement with a licensee intending to provide higher risk personal appearance services from mobile premises to allow a lesser period for notification to Council of the licensee's intentions.	Section 65(3)
Power to, where Council is the second local government for a licence under the Act, notify the first local government where it is reasonable to believe that a mobile licensee or operator has contravened their licence.	Section 68
Power to, where Council is the first local government and has been notified by a second local government of their reasonable belief that a mobile license holder or operator has breached their licence conditions, take action under the Act.	Section 69
Power to appoint authorised persons.	Section 70
Power to apply conditions to an authorised person's powers under the Act by giving the person a signed notice.	Section 72
Power to monitor compliance with the Act by having authorised persons inspect places of business in Council's areas and recover monitoring costs from business proprietors.	Section 105

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to charge a business proprietor an inspection fee to check if the remedial notice given by an authorised person acting for Council to the proprietor has been complied with.	Section 110
Power to prosecute a business proprietor or operator for the contravention of a relevant provision for which a remedial notice has been issued without an authorised person first issuing a remedial notice for the contravention.	Section 111(7)
Power to, at any time, extend the time for applying for a review of Council's original decision relating to a licence application.	Section 121(2)
Power to, upon request, review an original decision and make a determination according to section 122 of the Act.	Part 7, Division 1
Power to, following the conviction of a person of an offence against this Act, apply to the court for an order against the person for the payment of the costs Council has incurred in taking a thing or doing something else during the investigation of the offence.	Section 137
Power to deal with a thing forfeited to Council, including destroying the thing.	Section 140
Power to commence proceedings against a person who has committed an offence against the Act.	Section 143
Power to approve forms to be used in the administration and enforcement of the Act.	Section 147
Power to, with regard to an application for registration of premises made under part 15 of the former regulation, assess the suitability of the application and the premises under this Act, and make inquiries and require further information or a document under section 37 of the Act.	Section 153
Power to, with regard to an application for renewal of registration of premises made under part 15 of the former regulation, assess the suitability of the applicant and the premises under this Act, and make inquiries and require further information or a document under section 45 of the Act.	Section 154
Power to, with regard to an application for registration or renewal of registration of 2 or more premises to which sections 153(2) and 154(2) apply, issue a single licence to cover all the premises.	Section 155

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 CEO 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:
 - 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.

DELEGATION OF AUTHORITY

TITLE: PUBLIC INTEREST DISCLOSURES

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 Section 257
Public Interest Disclosure Act 2010

Delegated Power:

1. To exercise the powers of Council pursuant to the *Public Interest Disclosure Act 2010*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to: (a) decide not to investigate or deal with a public interest disclosure in certain circumstances; and (b) give written reasons for a decision not to investigate.	Section 30(1) and (2)
Power to refer a disclosure to another public sector entity in certain circumstances.	Section 31(1) and (2)
Power to give a person making a disclosure, or an entity referring a disclosure, reasonable information about the disclosure.	Section 32(1) and (2)

2. To exercise the powers of Council as a delegated officer pursuant to the Public Interest Disclosure Act 2010.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to receive a public interest disclosure where the local government is a proper authority for the purposes of section 15 of the Public Interest Disclosure Act.	Section 17(3)(a)
Power to establish reasonable procedures to ensure that: (a) public officers making public interest disclosures receive appropriate support; (b) public interest disclosures are appropriately assessed, investigated and dealt with and appropriate action is taken; (c) appropriate action is taken about any wrongdoing disclosed; (d) a compliant management program standard is developed; and (e) public officers are offered protection from reprisal from other public officers in the local government.	28 (a) to (e)
Power to ensure that a proper record is kept about disclosures received by the public sector entity.	Section 29(1) and (2)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to review a decision not to investigate upon request from the person receiving written reasons for the decision.	Section 30(3)

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:
 - 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.

DELEGATION OF AUTHORITY

TITLE: RIGHT TO INFORMATION

Part 1 - Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 – Section 259
Right to Information Act 2009

Delegated Power:

Part 1 - To exercise the powers of Council pursuant to the *Right to Information Act 2009*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to disclose information under a publication scheme, without limiting another way Council may disclose information.	Section 22
Power to give access to a document created after the application is received but before notice is given under section 54.	Section 27(2)
Power to search for a document from a backup system if Council considers the search appropriate.	Section 29(2)
Power to appoint an appropriately qualified healthcare professional to make a healthcare decision in relation to an access application.	Section 30(5)(b)
Power to: <ul style="list-style-type: none"> (1) ask the applicant for a further specified period to consider the application; (2) make additional requests for further specified periods under subsection (1); and (3) continue to consider the application and make a considered decision in relation to it only if— <ul style="list-style-type: none"> (a) Council has asked the applicant for a further specified period under subsection (1); and (b) the applicant has not refused the request; and (c) Council has not received notice that the applicant has applied for review under this Act. 	Section 35
Power to make an agreement with the applicant to extend the prescribed period.	Section 36(7), “prescribed period”

DESCRIPTION OF POWER DELEGATED	LEGISLATION
<p>Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person (the relevant third party) only if Council has taken steps that are reasonably practicable—</p> <ul style="list-style-type: none"> (a) to obtain the views of the relevant third party about whether— <ul style="list-style-type: none"> (i) the document is a document to which this Act does not apply; or (ii) the information is exempt information or contrary to public interest information; and (b) to inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log. 	Section 37 (1)
<p>Power to decide that:</p> <ul style="list-style-type: none"> (a) a document to which section 37(1) applies is a document to which the Act does not apply; or (b) information in a document referred to in (a) is not exempt information or contrary to public interest information 	Section 37(3)(b)
<p>Power to transfer the application to another agency if—</p> <ul style="list-style-type: none"> (a) the document to which the application relates is not in Council's possession but is, to Council's knowledge, in the other agency's possession; and (b) the other agency consents to the transfer. 	Section 38(2)
<p>Power to deal with an access application even if this Act provides that the Council may refuse to deal with the application.</p>	Section 39(3)
<p>Power to refuse to deal with the access application without having identified any or all of the documents if—</p> <ul style="list-style-type: none"> (a) an access application is expressed to relate to all documents, or to all documents of a stated class, that contain information of a stated kind or relate to a stated subject matter; and (b) it appears to Council that all of the documents to which the application relates are comprised of exempt information. 	Section 40
<p>Power to refuse to deal with an access application or, if Council is considering 2 or more access applications by the applicant, all the applications, if Council considers the work involved in dealing with the application or all the applications would, if carried out, substantially and unreasonably divert the resources of the Council from their use by Council in the performance of its functions, provided that the conditions set out in section 42(1) have been complied with.</p>	Section 41(1)
<p>Power to make an agreement with an applicant to extend the prescribed consultation period.</p>	Section 42(6)(b)
<p>Power to refuse to deal with the later application to the extent it is for access to a document or documents sought under the first application if—</p> <ul style="list-style-type: none"> (a) when the later application was made, Council had not decided the first application; or (b) in relation to the first application, if made under this Act— <ul style="list-style-type: none"> (i) the applicant had been given notice under section 54 that access was to be given to the document sought or to some or all of the documents sought; or (ii) Council had decided that the application was for a document to which 	Section 43(3)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
<p>this Act does not apply; or</p> <p>(iii) Council had decided the document or documents sought were documents access to which was refused under section 47; or</p> <p>(iv) Council had refused to deal with it under this part; or</p> <p>(c) in relation to the first application, if made under the Information Privacy Act—</p> <p>(i) the applicant had been given notice under section 68 of that Act that access was to be given to the document sought or to some or all the documents sought; or</p> <p>(ii) Council had decided that the application was for a document to which chapter 3 of that Act does not apply; or</p> <p>(iii) Council had decided t the document or documents sought were documents access to which was refused under section 67 of that Act; or</p> <p>(iv) Council had refused to deal with it under chapter 3, part 4 of that Act; or</p> <p>(d) Council’s decision on the first application—</p> <p>(i) is the subject of a review and the review is not complete; or</p> <p>(ii) has been the subject of a completed review (other than an internal review).</p>	
Power to refuse access to a document of the Council.	Section 47(3)
Power to decide whether disclosure of a document would, on balance, be contrary to the public interest	Sections 48(1), 49(1), 50(1), and 51(1)
Power to give access to all or part of a document despite Council’s power under section 47(3)(a) to refuse access to all or part of the document.	Section 48(3)
Power to give access to all or part of a document despite Council’s power under section 47(3)(b) to refuse access to all or part of the document.	Section 49(5)
Power to give access to all or part of a document despite Council’s power under section 47(3)(c) to refuse access to all or part of the document.	Section 50(4)
Power to give access to all or part of a document despite Council’s power under section 47(3)(d) to refuse access to all or part of the document.	Section 51(3)
<p>Power to satisfy itself in dealing an application for access to a document that is nonexistent or unlocatable, that—</p> <p>(a) the document does not exist; or</p> <p>(b) the document has been or should be in Council’s possession, and all reasonable steps have been taken to find the document but the document cannot be found.</p>	Section 52(1)
Power to give a prescribed written notice, with regards to an access application for a document containing prescribed information, that does not include details mentioned in section 191(a) or (b), and in a schedule of relevant documents.	Section 55 (2) and (3)
Power to waive a processing charge, or access charge, for an access application if Council considers that the likely associated costs to Council would be more than the likely amount of the charge.	Section 64(1)
Power to give access to a document in one or more of the prescribed forms in section 68(1).	Section 68(1)
Power to refuse to give access to documents in a form requested by the applicant	Section 68(4)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
and give access in another form in the circumstances specified in section 68(4).	
Power to give access to a document in another form agreed to by the applicant	Section 68(8)
Power to allow an additional period during which a person may access a document.	Section 69(2)
<p>Power to defer giving access to a document for a reasonable period if the document was prepared—</p> <ul style="list-style-type: none"> (a) for presentation to the Assembly or a committee of the Assembly; or (b) for release to the media; or (c) solely for inclusion, in the same or an amended form, in a document to be prepared for a purpose mentioned in paragraph (a) or (b); <p>and the document is yet to be presented or released, or included in a document to be presented or released, as the case may be.</p>	Section 72(1)
Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted, only if Council considers the applicant would accept the copy and it is reasonably practicable to give access to the copy.	Section 73
Power, subject to section 55, to give access to a document containing exempt information if it is practicable to give access to a copy of the document from which the exempt information has been deleted and it appears to Council that the applicant would wish to be given access to the copy.	Section 74
Power, subject to section 55, to give access to a document containing contrary to public interest information if it is practicable to give access to a copy of the document from which the contrary to public interest information has been deleted and it appears to Council that the applicant would wish to be given access to the copy.	Section 75
Power to consider, despite Council refusing access to a document to the extent that it comprises personal information of the applicant, whether it is consistent with the primary object of the Act to give the applicant or an intermediary a summary of the personal information on conditions of use or disclosure agreed between Council and the intermediary, or between Council, the intermediary and the applicant specified in section 76(2).	Section 76(2)
Power to consult, or make an agreement, with the information giver or a person other than the applicant if a summary of information under section 76(2) includes information given by the information giver or the other person.	Section 76(3)
Power, despite Council refusing access to the document under section 47(3)(d), to direct that access to a document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by Council.	Section 77(2)
<p>Power to—</p> <ul style="list-style-type: none"> (a) include a copy of a document, or details identifying the document and information about how the document may be accessed, in a disclosure log if that document that does not contain personal information of the applicant and is accessed by the applicant within the access period; or (b) include details identifying the document and information about how the document may be accessed and any applicable charge if the applicant has failed to access the document within the access period. 	Section 78A
Power to apply to the information commissioner to participate in an external review if Council is affected by the decision the subject of the external review.	Section 89(2)

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to apply to the information commissioner to allow Council further time to deal with the access application which has become the subject of an application for an external review concerning a deemed decision in relation to an access application.	Section 93(1)
Power, as a participant in an external review, to apply to the information commissioner to correct an error in a written decision of the commissioner.	Section 111(2)
Power, as a participant in an external review, to make a request to the information commissioner to refer a question of law arising on an external review to the Queensland Civil and Administrative Tribunal.	Section 118 (1)
Power, as a participant in an external review, to appeal to the appeal tribunal against a decision of the information commissioner on the external review.	Section 119
Power to make an application to the information commissioner to extend the 10 year period during which disclosure of certain information cannot be made.	Schedule 4, Part 4, section1(3)

Part 2 - To exercise the powers as the Principle Officer pursuant to the Right to Information Act 2009 including the authority to:

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to delegate provided under section 30(2) of the <i>Right to Information Act 2009</i> . Additionally, section 27A (12) of the <i>Acts Interpretation Act 1954</i> prevents sub-delegation.	
Power to deal with an access application.	Section 30(1)

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.

DELEGATION OF AUTHORITY

TITLE: STATUTORY BODIES FINANCIAL ARRANGEMENTS

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Statutory Bodies Financial Arrangements Act 1982

Delegated Power:

To exercise powers of the Council pursuant to the *Statutory Bodies Financial Arrangements Act 1982*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as a statutory body, to operate a deposit and withdrawal account with a financial institution.	Section 31(1)
Power, as a statutory body, to keep records that show Council has invested in the way most appropriate in all the circumstances	Section 47(2)
Power, as a statutory body, to sign documents for a financial arrangement under the Act.	Section 62 (1)
Power, as a statutory body, to keep a register of the Treasurer's approvals under Part 9, Division 3 of the Act for Council's exercise of a power.	Section 74

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:
 - 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.

DELEGATION OF AUTHORITY

TITLE: SURVEY AND MAPPING INFRASTRUCTURE

Delegation by the Council to:
Chief Executive Officer

Date:

Source of Authority:

*Local Government Act 2009 – Section 257
Survey Mapping and Infrastructure Act 2003*

Delegated Power:

1. To exercise the powers of the Council pursuant to the *Survey Mapping and Infrastructure Act 2003*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power, as an owner or occupier of land, to consent to a surveyor placing a permanent survey mark on the land.	Section 21(2)
Power, as a public authority that placed, or requested to be placed, a survey mark, to give to the chief executive a copy of a survey plan or other information necessary to establish a survey mark as a recognised permanent survey mark.	Section 34
Power, where the survey mark is on a road under the control of Council, to maintain the integrity of survey markers, and provide updated information to the survey control register.	Section 39
Power, as a public authority, where the survey mark is on land, other than roads, controlled by Council, to maintain the integrity of survey markers, and provide updated information to the survey control register.	Section 40
Power, as a public authority, where a person interferes with a recognised permanent survey mark, to take action reasonably necessary to reinstate the physical and survey integrity of a recognised permanent survey marker.	Section 44
Power, as a public authority, to provide the chief executive with information about the boundaries of an administrative area.	Section 49

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 CEO 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: TORUMS - TRANSPORT OPERATIONS (ROAD USE MANAGEMENT)

Delegation by the Council to:

Date:

Chief Executive Officer

Source of Authority:

Local Government Act 2009 – Section 259

Transport Operations (Road Use Management) Act 1995

Delegated Power:

1. To exercise powers of the Council pursuant to the *Transport Operations (Road Use Management) Act 1995*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
Power to install and remove official traffic signs on Council's roads, off-street regulated parking areas and, with the chief executive's written consent, on declared roads.	Section 69
Power to install official traffic signs where reasonably satisfied that there is a danger, hindrance, and obstruction to traffic or other emergency.	Section 71
Power to take proceedings against a person who has committed an offence under section 74(1) of <i>Transport Operations (Road Use Management) Act</i> .	Section 74(2)
Power to remove unauthorised traffic signs.	Section 75(1)
Power to commence proceedings against a person who has injured one of Council's official traffic signs.	Section 76(1)
Power to remove and detain at a place for safe keeping any vehicles, trams and animals and any goods, equipment or thing contained in, on or about the vehicle, tram or animal, where the requirements of section 100(1) are satisfied.	Section 100
Power to regulate parking in its area on a road (other than a declared road), on a declared road (with the chief executive's written permission) or on an off-street regulated parking area.	Section 101(1)
Power to regulate parking by installing official traffic signs indicating how parking is regulated.	Section 102(1)
Power to exercise control over land for use as an off-street parking area under an arrangement with a person who owns or has an interest in the land.	Section 104
Power to install a parking meter or park at area for a designated parking space if it is installed in a way specified by the MUTCD or approved by the chief executive.	Section 105(5)

Power to enter into an agreement with the commissioner of police in respect of annual or periodical payments to the commissioner of police for costs incurred in the carrying out of duties by police officers enforcing parking regulations.	Section 109(1)
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2. To exercise powers as a delegated officer under the *Transport Operations (Road Use Management) Act 1995*.

DESCRIPTION OF POWER DELEGATED	LEGISLATION
NOTE: No power to delegate CEO's powers included in the <i>Transport Operations (Road Use Management) Act 1995</i> . Section 259 of the LGA sufficient. Section 27A (12) of the <i>Acts Interpretation Act 1954</i> prevents sub-delegation.	
Power to maintain and continue official traffic signs installed pursuant to section 71(1) where the chief executive officer is reasonably satisfied that there is a danger, hindrance, obstruction to traffic or other emergency.	Section 71
Power to take all the actions of the chief executive officer of a local government prescribed by section 100 of the <i>Transport Operations (Road Use Management) Act 1995</i> – for the removal of things from roads, including the giving of notice and determining the manner and terms of their disposal and the disposal of contents.	Section 100

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:
 - 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

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.