

AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

FEBRUARY 2021

Tuesday 23rd February 2021, 10:30am – 5:00pm
Wednesday 24th February 2021, 9:00am – 5:00pm

Video Conference

COUNCIL ORDINARY MEETING

Tuesday 23rd February 2021

Agenda Items

1. 10:30am – 10:35am Welcome and Opening Remarks
2. 10:35am – 10:38am Apologies
3. 10:38am – 10:40am Declaration of Conflict of Interest (COI) (Prescribed and Declarable)
4. 10:40am – 11:00am Confirmation of Meeting Minutes
 - 19th and 20th January 2021 Ordinary Meeting
 - Special Meeting – 1st February 2021
 - Special Meeting – 28th July 2020
5. 11:00am – 11:15am Outstanding Ordinary Meeting Action Items
6. 11:15am – 11:30am Open Resolutions Register
7. 11:30am – 12:00pm CORPORATE – Operational Plan – Q2 Update
8. 12:00pm – 12:15pm CORPORATE – Community Grants – Regional Grants allocations
9. 12:15pm – 12:30pm CORPORATE – TSRA Deed Variation

LUNCH - 12:30pm – 1:30pm

10. 1:30pm – 1:45pm CORPORATE – Economic Growth Committee (Cr Gela)
11. 1:45pm – 2:00pm CORPORATE – Project Recommendation – Building Better Region – Round 5 Application
12. 2:00pm – 2:15pm LEGAL – Correction of Minutes – OM – 25 June 2019 – Insurance Renewal
13. 2:15pm – 3:00pm LEGAL – Delegation Register Update

AFTERNOON TEA - 3:00pm – 3:30pm

14. 3:30pm – 3:45pm LEGAL – Torres Strait Flag License
15. 3:45pm – 4:00pm Business Arising from Information Report
16. 4:00pm – 4:05pm Next Meeting Date Scheduled:
 - 16 & 17 March 2021 – Division 4 - Mabuiag
17. 4:05pm – 4:55pm Strategic Matters
18. 4:55pm – 5:00pm Closing Remarks and Prayer

COUNCIL ORDINARY MEETING
Wednesday 24th February 2021
Agenda Items

- | | | |
|-----|--------------------------|---|
| 19. | <u>9:00am – 9:05am</u> | <u>Welcome and opening prayer.</u> |
| 20. | <u>9:05am – 09:10am</u> | <u>OCEO - Change to March 2021 Ordinary Meeting Dates</u> |
| 21. | <u>9:10am – 09:40am</u> | <u>OPERATIONS – Department of Housing and Public Works Funding</u> |
| 22. | <u>09:40am – 10:10am</u> | <u>COMMUNITY SERVICES – Options to support 150th Anniversary -
Of the Coming of the Light celebrations</u> |
| 23. | <u>10:10am – 10:30am</u> | <u>Standing Agenda Items:</u> <ul style="list-style-type: none">• Monthly Financial Report |

10:30am – 10:45am - MORNING TEA

- | | | |
|-----|--------------------------|---|
| 24. | <u>10:45am – 11:45am</u> | <u>PRESENTATION 1:</u> Dementia in the Torres Strait and NPA research Project – Mr Fintan Thompson, Australian Institute of Tropical Health And Medicine, James Cook University. |
| 25. | <u>11:45am – 11:45am</u> | <u>COUNCIL MOVE INTO CLOSED BUSINESS</u> |
| 26. | <u>11:45am – 1:00pm</u> | <u>MAYOR – CB – Legal Advice – Holding Redlich – Regional Governance</u> |
| 27. | <u>1:00pm – 1:00pm</u> | <u>COUNCIL MOVED OUT OF CLOSED BUSINESS</u> |
| 28. | <u>1:00pm – 1:05pm</u> | <u>Closing Remarks and Prayers</u> |



MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

JANUARY 2021

Wednesday 20th January 2021, 11:05am – 5:00pm

Thursday 21st January 2021, 9:00am – 5:00pm

Video Conference

COUNCIL ORDINARY MEETING

Wednesday 20th January 2021

Agenda Items

1. 11:05am – 11:10am Welcome and Opening Remarks
2. 11:10am – 11:15am Apologies
3. 11:15am – 11:30am Declaration of Office - Erub
4. 11:30am – 11:40am Declaration of Conflict of Interest (COI) (Prescribed and Declarable)
5. 11:40am – 12:00pm Confirmation of Meeting Minutes
 - December 2020 Ordinary Meeting
 - Cultural Art and Land and Heritage Committee
 - Governance and Leadership Committee
 - Housing and Safe and Healthy Communities Committee
 - Special Meeting – 18th December 2020

6. 12:00pm – 12:15pm Outstanding Ordinary Meeting Action Items
7. 12:15pm – 12:30pm Resolutions Register
8. 12:30pm – 12:35pm LEGAL - Councillor Register of Interest Update (Verbal)

12:35pm – 1:30pm – LUNCH

9. 1:30pm – 1:50pm BUILDING – Contract – Variation to TSIRC2020-300 – Construction of 4x1 Bedroom GEH Units
10. 1:50pm – 2:05pm ENGINEERING – Proposed Local Law and Fees and Charges amendments for Waste Management Measures
11. 2:05pm – 2:20pm ENGINEERING – Proposed Formation of a TSIRC Local Disaster Management Group
12. 2:20am – 2:35pm ENGINEERING – Tidal Gauge Project Update
13. 2:35pm – 2:50pm ENGINEERING – Torres Strait Seawalls Program Stage 2
14. 2:50pm – 3:05pm ENGINEERING – Ugar All Tides – Dredge Channel Design Works

3:05pm – 3:30pm – AFTERNOON TEA

15. 3:30pm – 3:45pm ENGINEERING – Dauan Wharf and Associated Infrastructure (Verbal)
16. 3:45pm – 4:15pm OCEO – Fraud and Corruption Prevention Policy Update
17. 4:15pm – 4:15pm COUNCIL MOVE INTO CLOSED BUSINESS
18. 4:15pm – 4:45pm ENGINEERING – Dauan Pontoon and Gangway Removal
19. 4:45pm – 4:45pm COUNCIL MOVE OUT OF CLOSED BUSINESS
20. 4:45pm – 5:00pm Closing Remarks and Prayer

COUNCIL ORDINARY MEETING
Thursday 21st January 2021
Agenda Items

- | | | |
|-----|--------------------------|--|
| 21. | <u>9:00am – 9:05am</u> | <u>Welcome and opening prayer.</u> |
| 22. | <u>9:05am – 09:05am</u> | <u>COUNCIL MOVE INTO CLOSED BUSINESS</u> |
| 23. | <u>9:05am – 10:00am</u> | <u>MAYOR – CB – Legal Advice – Holding Redlich – Regional Governance</u> |
| 24. | <u>10:00am – 10:00am</u> | <u>COUNCIL MOVED OUT OF CLOSED BUSINESS</u> |

10:00am – 10:30am - MORNING TEA

- | | | |
|-----|--------------------------|---|
| 25. | <u>10:30am – 12:00pm</u> | <u>LEGAL – Delegations Register update</u> |
| 26. | <u>12:00pm – 12:30pm</u> | <u>CORPORATE – Freight and fuel tender update</u> |

12:30pm – 1:30pm – LUNCH

- | | | |
|-----|------------------------|--|
| 27. | <u>1:30pm – 1:50pm</u> | <u>OPERATIONS – Housing Authority Report</u> |
| 28. | <u>1:50pm – 2:30pm</u> | <u>OCEO - Councillor Request Online Forms (Verbal)</u> |
| 29. | <u>2:30pm – 2:45pm</u> | <u>Business Arising from Information Report</u> |
| 30. | <u>2:45pm – 3:00pm</u> | <u>Next Meeting Date Scheduled:</u> <ul style="list-style-type: none">• 16th and 17th February 2021 via Video Conference |

3:00pm – 3:15pm - Afternoon Tea

- | | | |
|-----|------------------------|--|
| 31. | <u>3:15pm – 3:45pm</u> | <u>Strategic Matters</u> |
| 32. | <u>3:45pm – 3:45pm</u> | <u>COUNCIL MOVE INTO CLOSED BUSINESS</u> |
| 33. | <u>3:45pm – 3:55pm</u> | <u>CEO – CB – Industrial Matter (Verbal)</u> |
| 34. | <u>3:45pm – 4:45pm</u> | <u>MAYOR – CB – Industrial Matter (Verbal)</u> |
| 35. | <u>4:45pm – 4:45pm</u> | <u>COUNCIL MOVE OUT OF CLOSED BUSINESS</u> |
| 36. | <u>4:45pm – 5:00pm</u> | <u>Closing Remarks and Prayers</u> |

Wednesday 20th January 2021

Present

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag (Cairns)
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island
Cr John Levi, Division 7 – St Pauls, Mua Island
Cr Seriako Dorante, Division 8 – Kirriri
Cr Getano Lui Jnr, Division 9 – Iama (Cairns)
Cr Kabay Tamu, Division 10 – Warraber
Cr Francis Pearson, Division 11 – Poruma
Cr Hilda Mosby, Division 12 – Masig (Cairns)
Cr Rocky Stephen, Division 13 – Ugar (Cairns)
Cr Jimmy Gela, Division 14 – Erub (Cairns)
Cr Aven Noah, Division 15 – Mer (Cairns)

Ms Hollie Faithfull, Acting Chief Executive Officer (ACEO)
Mr David Baldwin, Chief Engineer (CE)
Mr Ilario Sabatino, Chief Operating Officer (COO) (Cairns)
Mr Peter Krebs, Senior Legal Counsel (SLC)
Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Nil

COUNCIL ORDINARY MEETING

Wednesday 20th January 2021

Agenda Items

1. **10:49am – 10:54am** **Welcome and Opening Remarks**

Mayor Mosby declared the Council Ordinary Meeting for January 2021 open and welcomed everyone.

Acting Chief Executive Officer conducted a roll call. All Councillors and staff present.

Mayor Mosby acknowledged the following;

 - Heavenly Father for his favour and blessings and
 - Traditional owners across Zenadth Kes and in Cairns

2. **10:54am – 10:56am** **Apologies**

No apology received.

3. **10:56am – 11:09am** **Declaration of Office – Erub – Cr Jimmy Gela**

Acting Chief Executive Officer welcomes Cr Jimmy Gela to take is declaration of office.

Cr Jimmy Gela took his declaration of office as Councillor – Division 14 – Erub

Acting Chief Executive Officer, Miss Hollie Faithfull officially congratulated and welcomed Cr Gela to the Torres Strait Island Regional Council.

Mayor Mosby invited Cr Getano Lui as an Elder and the Deputy Mayor to address the full Council. Cr Lui encouraged Councillors to be united in their approach and not to be afraid to ask questions and to put our people and community first. Cr Lui likened the year 2021 to the milestone 21st birthday whereby you are handed the key to the world.

Mayor Mosby officially congratulated and welcomed Cr Jimmy Gela to Council and looked forward to the 150th year celebration of the Coming of the Light at Erub in July.

4. **11:09am – 11:11am** **Declaration of Conflict of Interest (COI) (Prescribed and Declarable)**

No declaration made. Mayor Mosby encouraged Councillors and staff to make a declaration at any time.

5. **11:11am – 11:35am** **Confirmation of Meeting Minutes**
 - **December 2020 Ordinary Meeting – Day 1**

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Noah

That the Minutes of the Council Ordinary Meeting - day 1, held at Badu in December 2020, be adopted as a true and accurate record of that meeting.

MOTION CARRIED

- **December 2020 Ordinary Meeting – Day 2**

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Nona

That the Minutes of the Council Ordinary Meeting - day 2, held at Badu in December 2020, be adopted as a true and accurate record of that meeting.

MOTION CARRIED

- **Culture Art Land and Heritage Committee**

RESOLUTION:

Moved: Cr Noah; *Second:* Cr Elisala

That the minutes of the Cultural Art and Land and Heritage Committee meeting held in December 2020 via video conference, be adopted as a true and accurate record of the meeting.

MOTION CARRIED

- **Governance and Leadership Committee**

RESOLUTION:

Moved: Cr Lui; *Second:* Cr Trinkoon

That the minutes of the Governance and Leadership Committee meeting held in December 2020 via video conference, be adopted as a true and accurate record of the meeting.

MOTION CARRIED

- **Housing and Safe and Healthy Communities Committee**

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Person

That the minutes of the Housing and Safe and Healthy Communities Committee meeting held in December 2020 via video conference, be adopted as a true and accurate record of the meeting.

MOTION CARRIED

- **Special Meeting – 18th December 2020**

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Mosby

That the minutes of the Special meeting held in December 2020 via video conference, be adopted as a true and accurate record of the meeting.

MOTION CARRIED

6. **11:35am – 11:59am** **Outstanding Ordinary Meeting Action Items**

Acting Chief Executive Officer provided an update outstanding action items register.

Cr Lui asked about the \$4k community grant and the identified events.

Cr Toby asked about the in-kind support process. Acting Chief Executive informs Council it currently sits with the Chief Executive officer and a policy is currently being drafted to go to SARG.

Cr Lui stated when consultation with community is happening ensure they are being told the correct information. Native Title sits in each community not with GBK.

ACTION: Ask for Qantas to be at the meeting in February to work with Skytrans for connections to outer islands

ACTION: All committee reports are to be reviewed and signed by Acting Chief Executive Officer.

7. **11:59am – 12:02pm** **Resolutions Register**

Acting Chief Executive Officer informed Council, the Register will have to be distributed to the Chief officers to allow them the opportunity to update prior to being tabled at the February Ordinary Meeting.

Cr Noah asked about Dr Chris Sara (Thriving Communities) and how this lines up with the Regional Assembly and the Voice.

8. **12:02pm – 12:04pm** **LEGAL - Councillor Register of Interest Update (Verbal)**

Mr Peter Krebs, Senior Legal Counsel spoke to this item and encouraged Councillors if their position has changed (financially) they have an obligation to notify Council by completing the Form 3.

9. **12:04pm – 12:04pm** **BUILDING – Contract – Variation to TSIRC2020-300 – Construction of 4x1 Bedroom GEH Units**

Chief Operating Officer, Mr Ilario Sabatino spoke to the report.

RESOLUTION:

Moved: Cr Noah; *Second:* Cr Gela

Council resolves to delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to:

1. approve, finalise, and execute any and all matters in relation to the variation to the amount of \$289,190.53 inclusive of GST for the GEH Units project on Saibai Island;

and

2. power to make, amend or discharge contract TSIRC2020-300 – Construction of 4 x 1 Bedroom GEH Units;

and

3. power to negotiate, finalise and execute any and all matters associated with or in relation to this project and contract including without limitation any options and/or variations.

MOTION CARRIED

10. **12:04pm – 12:17pm** **ENGINEERING – Proposed Local Law and Fees and Charges amendments for Waste Management Measures**

Chief Engineer, Mr David Baldwin spoke to the report.

RESOLUTION:

Moved: Cr Fell; Second: Cr Stephen

Pursuant to Section 28(1) of the *Local Government Act 2009 (Qld)*, Council resolves to:

1. Amend *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*; and
2. Amend the *Register of Fees and Charges 2020-21*.

MOTION CARRIED

LUNCH – 12:40pm – 1:35pm

11. **1:35pm – 2:05pm** **ENGINEERING – Proposed Formation of a TSIRC Local Disaster Management Group**

Acting Chief Executive Officer did a roll call to establish quorum.

Chief Engineer, Mr David Baldwin spoke to the report.

It was noted that Council endorsed a decision in May 2020 to separate from the current joint LDMG which Council endorsed. Cr Fell asked about the UHF radios, as means of reliable communication.

Cr Noah asked for a flow chart to be developed so each Division can see how they fit into the picture.

ACTION: Project Plan is being developed to bring to Council for approval.

RESOLUTION:

Moved: Cr Gela; Second: Cr Nona

That Council notes the report.

MOTION CARRIED

12. **2:05pm – 2:13pm** **ENGINEERING – Tidal Gauge Project Update**

Chief Engineer, Mr David Baldwin spoke to the report.

RESOLUTION:

Moved: Cr Noah; Second: Cr Tamu

That Council notes the report.

MOTION CARRIED

13. **2:13pm – 2:32pm** **ENGINEERING – Torres Strait Seawalls Program Stage 2**
Chief Engineer, Mr David Baldwin spoke to the report.

RESOLUTION:

Moved: Cr Tamu; *Second:* Cr Pearson

That Council notes the report.

MOTION CARRIED

2:12pm – Cr Lui left meeting for medical appointment.

14. **2:32pm – 2:47pm** **ENGINEERING – Ugar All Tides – Dredge Channel Design Works**

Chief Engineer, Mr David Baldwin spoke to the report.

2:32pm - Mayor excused himself from the meeting and asked Cr Fell to Chair the meeting.

2:36pm – Mayor back in the room and resume Chair.

RESOLUTION:

Moved: Cr Stephen; *Second:* Cr Fell

That Council notes the report.

MOTION CARRIED

15. **2:47pm – 2:57pm** **ENGINEERING – Dauan Wharf and Associated Infrastructure**

Mayor Mosby informed Council he has another meeting at 3:00pm and will need to leave and delegate the Chair to Cr Fell in his absence.

Chief Engineer, Mr David Baldwin spoke to the report.

Cr Toby suggested when politicians travel to our Divisions, they should communicate it through the Mayor.

ACTION: Team to work out a deputation policy and plan for politicians entering our region.

2:56pm – Cr Levi joined the meeting.

16. **2:57pm – 3:04pm** **OCEO – Fraud and Corruption Prevention Policy Update**

Acting Chief Executive Officer spoke to the report. Community consultation;

- Presentation to community and staff
- Nerida Carr is the Council contact person
- Online training
- Divisional Manager

2:48pm – Mayor Mosby left the meeting.

Cr Noah asked that all staff be given training.

RESOLUTION:

Moved: Cr Noah; *Second:* Gela

That Council adopt the following revised Policy, and publish on its website:

- **Fraud and Corruption Prevention Policy**

MOTION CARRIED

17. **3:04pm – 3:16pm** **COUNCIL MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Elisala; Second: Cr Mosby

That in accordance with section 275(1) of the Local Government Regulation 2012 (Qld) it is resolved for the meeting to into closed session to discuss matters of the following nature:

- g) Negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

MOTION CARRIED

- **ENGINEERING – Dauan Pontoon and Gangway Removal**

18. **3:16pm – 3:16pm** **COUNCIL MOVE OUT OF CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Stephen; Second: Cr Mosby

That Council move out of closed business.

MOTION CARRIED

ENGINEERING – Dauan Pontoon and Gangway Removal

Chief Engineer, Mr David Baldwin spoke to the report.

3:18pm – Mayor Mosby re-joined the meeting and Cr Fell handed the Chair back to the Mayor.
Cr Levi left meeting to attend medical appointment.

RESOLUTION:

Moved: Elisala; Second: Cr Tabuai

That Council notes the report.

MOTION CARRIED

19. **3:20pm – 3:23pm** **Closing Remarks and Prayer**

Mayor Mosby thanked Acting Chief Executive Officer, Chief Engineer, Chief Operating Officer and the Secretariat for their work and invited Cr Pearson to close the meeting in prayer.

MEETING CLOSED – 3:23pm

COUNCIL ORDINARY MEETING
Thursday 21st January 2021
Agenda Items

20. **9:11am – 9:14am** **Welcome and opening prayer**
Mayor Mosby welcomed everyone back for the second day of the ordinary meeting and invited Cr Levi to open the meeting in prayer.

21. **9:14am – 9:14am** **COUNCIL MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Gela

That in accordance with section 254J of the Local Government Regulation 2012 (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:

(e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;

MOTION CARRIED

- **Holding Redlich – Regional Governance**

22. **10:00am – 10:00am** **COUNCIL MOVED OUT OF CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Tabuai

That Council move out of closed business.

MOTION CARRIED

10:35am – 11:00am - MORNING TEA

23. **10:30am – 12:00pm** **LEGAL – Delegations Register update**
Mayor Mosby welcomed Joanne Parisi from McDonald Law who spoke to the report together with Mr Peter Krebs, Senior Legal Counsel.

- 11:30pm – 12:00pm** **COUNCIL MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Noah; *Second:* Cr Stephen

That in accordance with section 254J of the *Local Government Regulation 2012 (Qld)* it is resolved for the meeting to go into closed session to discuss matters of the following nature:

(e) legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government;

MOTION CARRIED

11:30am – Secretariat leaves the room.

12:00pm – Secretariat back in the room.

12:00pm – 12:00pm

COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Gela; *Second:* Cr Elisala

That Council move out of closed business.

MOTION CARRIED

RESOLUTION:

Moved: Cr Gela; *Second:* Cr Mosby

That under section 257 of the Local Government Act 2009, Council delegate to the Chief Executive Officer, subject to consultation with the Mayor, the exercise of the following powers, and these powers must be exercised subject to Ailan Kustom, and any limitations contained in Schedule 2 of the corresponding attached Instruments of Delegation:

- **Biosecurity Regulation 2016:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 1**.
- **Disaster Management Act 2003:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 2**.
- **Environmental Protection Act 1994:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 3**.
- **Environmental Protection Regulation 2019:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 4**.
- **Heavy Vehicle National Law (Queensland) Act 2012:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 5**.
- **Heavy Vehicle (Mass, Dimension and Loading) National Regulation:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 6**.
- **Land Act 1994:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 7**.
- **Local Government Act 2009:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 11**.
- **Local Government Regulation 2012:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 12**.
- **Planning Act 2016:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 14**.
- **Planning Regulation 2017:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 15**.
- **Public Health Regulation 2018:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 16**.
- **Right to Information Act 2009:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 17**.
- **Tobacco and Other Smoking Products Act 1998:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 18**.
- **Transport Infrastructure Act 1994:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 19**.
- **Water Regulation 2016:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 20**.
- **Work Health and Safety Act 2011:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 21**.
- **Waste Reduction & Recycling Regulation 2011:** the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 22**.

Council resolves not to delegate any of its powers under the **Mineral Resources Act 1989**, as noted in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 13**.

MOTION CARRIED

24. **12:02pm – 12:40pm** **COUNCIL MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Mosby

That in accordance with section 254J of the *Local Government Regulation 2012 (Qld)* it is resolved for the meeting to go into closed session to discuss matters of the following nature:

(g) negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government;

- **CORPORATE – Freight and fuel tender update**

MOTION CARRIED

- Cr Fell reminded Cr Dorante to declare a conflict of interest as he is an employee of SeaSwift. Cr Dorante made a declaration of his conflict and left the room at 12:17pm.

Acting Chief Executive

25. **12:39pm – 12:39pm** **COUNCIL MOVE OUT OF CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Noah; *Second:* Cr Fell

That Council move out of closed business.

MOTION CARRIED

CORPORATE – Freight and fuel tender update

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Pearson

That Council resolves to:

- a) note the contents of this report; and**
- b) endorse the recommended courses of action detailed in the conclusion section of this report.**

MOTION CARRIED

12:39pm – 1:46pm – LUNCH

26. **1:46pm – 1:50pm** **OPERATIONS – Housing Authority Report**

Acting Chief Executive Officer did a roll call to establish quorum Chief Operating Officer spoke to the report.

Cr Noah asked if there is any legislative requirement or time frame for the PBC to take over the housing authority on Mer. Chief Operating Officer responded.

2:03pm – Cr Tabuai joins the meeting.

Cr Fell asked the Chief Operating Officer to keep the Housing and Safe and Healthy Committee in the loop.

RESOLUTION:

Moved: Cr Fell; Second: Cr Stephen

That Council resolves to note the Housing Authority report.

MOTION CARRIED

ACTION: Chief Operating Officer to have out of session discussion with Housing and Safe and Healthy Community Committee.

27. 1:50pm – 2:30pm OCEO - Councillor Request Online Forms (Verbal)

Acting Chief Executive Officer spoke to this report.

ACTION: Visitors Sheet online – need to include a section on the online form for Councillors to comment

Cr Noah asked about the five (5) priority for each Division. Information should be made available to Councillors at all times of the progress. Cr Noah also asked about the ramp at Mer as one of his priority.

Cr Elisala asked about the Stadium in his community.

28. 2:45pm – 2:46pm Business Arising from Information Report

No business arising.

29. 2:46pm – 2:49pm Next Meeting Date Scheduled

Cr Toby flagged the next meeting date clashed with the TSRA Board meeting. Council will consider and discuss date and location for resolution later in the agenda.

30. 2:49pm – 4:20pm COUNCIL MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Trinkoon; Second: Cr Elisala

That in accordance with section 254J of the *Local Government Regulation 2012 (Qld)* it is resolved for the meeting to go into closed session to discuss matters of the following nature:

(b) industrial matters affecting employees;

- CEO – Industrial Matter (verbal)
- MAYOR – Industrial Matter (verbal)

MOTION CARRIED

2:59pm – Mr Peter Krebs, Senior Legal Counsel left meeting.

31. 4:19pm 4:20pm COUNCIL MOVE OUT OF CLOSED BUSINESS

RESOLUTION:

Moved: Cr Stephen; *Second:* Cr Noah

That Council move out of Closed Business.

MOTION CARRIED

CEO – Industrial Matter (verbal)

RESOLUTION:

Moved: Cr Gela; *Second:* Cr Pearson

That Council

1. **note the content of this report and progress to date**
2. **approve in principle that the CEO develop a Strategic Organisational Sustainability Action Plan for presentation to the Strategic Advisory Reference Group (SARG) Committee before proceeding to next Ordinary Council Meeting.**

MOTION CARRIED

AFTERNOON TEA – 4:20pm – 4:28pm

32. 4:38pm –5:19pm Strategic Matters

Cr Nona –

- EHW issuing fines at the start of the football carnival. There needs to be a regional approach.
- Housing – caretaker mode needs a policy so there is an understanding on allocations. Council not supporting the tenant due to the policy.
- If you own a property you should not be eligible for social housing. Review the housing policy
- Roads – reiterate to community on who fix the roads. Regular maintenance should be done on cleaning gutters and drains.

ACTION: Chief Engineer will follow up and Amanda to inquire at her next visit to Badu

- Asbestos houses regionally – what’s happening, can Council be provided with an update in a report.
- The \$14.5m Housing funding – is Badu getting any housing.

ACTION: CEO to provide update on the Housing funding to the February OM.

Cr Stephen –

- Develop a policy on storing materials on local government areas – OM May

Cr Fell –

- Grant funding – should be held community by community and not one buck.

ACTION: Team to review the wording to make it work from Division to Division.

- Information taken from Councillors at Poruma by Rachel. Needed editing.

ACTION: CEO to follow up with Head of Corporate Affairs and Engagement.

- Staff needs someone in Council to talk to, to get help not EAP to talk to strangers.

Cr Noah –

- Revisit permission to enter trust land

ACTION: Application form should have comment section for Councillor and MSAO can confirm they have the prior approval from the Councillor on ground.

- EHW can intervene and fine under the sub local laws.

ACTION: Review the process and send to the Standing Committee.

Cr Tabuai –

- Connectivity when on video conference – difficult for staff to work as it slows the process.

Cr Lui –

- Rod Williams – Mirabou Energy – letter of support

Cr Dorante –

- Email from Nerida on 8/1/21. CEO responded.

Cr Elisala –

- Accommodation issues – contractor trailers – put into one area on the island.

Cr Pearson

- Catering for staff in Division when holding meeting vi VC like staff in Cairns office.

Cr Stephen –

- Business Case – better service for Dauan and Ugar.

Cr Tamu –

- Can we place the 5 priorities on the agenda for the February OM.

Cr Gela –

- Did the previous Councillor for Division 14 put in priorities for Erub.

ACTION: CEO will forward a copy of the priorities to Cr Jimmy Gela

33. 5:19pm – 5:21pm

Next Meeting Dates

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Tabuai

- 1. That Council endorse the amended February date as Council's Ordinary meeting for 2021;**

Month 2021	Date	Venue / Division
February	Tuesday 23 rd and Wednesday 21 st	Division 4 - Mabuiag

- 2. That Council endorse the amended February date as the ordinary meeting dates for the Council Standing Committees:**

Standing Committee	Meeting date	Time	Division/ Venue
Governance and Leadership Committee	Monday 8 th February 2021	1-4pm	Division 4 - Mabuiag
Housing and Safe and Healthy Communities Committee	Tuesday 9 th February 2021	1-4pm	Division 4 - Mabuiag

Climate Change Adaption and Environment Committee	Wednesday 10 th February 2021	1-4pm	Division 4 - Mabuiag
Economic Growth Committee	Thursday 11 th February 2021	1-4pm	Division 4 - Mabuiag
Culture, Arts, Land and Heritage Committee	Friday 12 th February 2021	1-4pm	Division 4 - Mabuiag

MOTION CARRIED

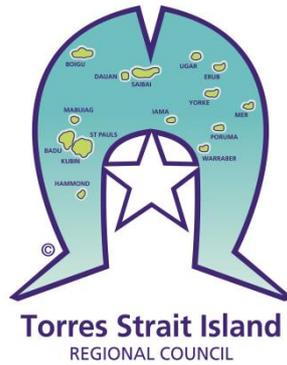
34. 5:21pm – 5:23pm Closing Remarks and Prayers

Mayor Mosby on behalf of the Councillors thanked Acting Chief Executive Officer, Hollie Faithfull for all the work she has done in relieving in the position. Deputy Mayor reiterated the Mayor's sentiments. Mayor invited Cr Fell to close the meeting in prayer.

MEETING CLOSED – 5:23pm

.....
Ilario Sabatino
Acting Chief Executive Officer
Torres Strait Island Regional Council
20th February 2021

.....
Phillemon Mosby
Mayor
Torres Strait Island Regional Council
20th February 2021



MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

FEBRUARY 2021

SPECIAL MEETING

Monday 1st February 2021

Video Conference

Monday 1st February 2021

Present

Cr Phillemon Mosby, Mayor
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island
Cr Seriako Dorante, Division 8 – Kirriiri
Cr Getano Lui Jnr, Division 9 – Iama
Cr Kabay Tamu, Division 10 – Warraber
Cr Francis Pearson, Division 11 – Poruma
Cr Hilda Mosby, Division 12 – Masig
Cr Rocky Stephen, Division 13 – Ugar
Cr Jimmy Gela, Division 14 – Erub
Cr Aven Noah, Division 15 – Mer

Ms Hollie Faithfull, Acting Chief Executive Officer (ACEO)
Mr Ilario Sabatino, Chief Operating Officer (COO)
Mr Peter Krebs, Senior Legal Counsel (SLC)
Mrs Ursula Nai, Senior Executive Assistant (SEA)
Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Cr John Levi, Division 7 – St Pauls, Mua Island

COUNCIL ORDINARY MEETING

Monday 1st February 2021

Agenda Items

1. **3:00am – 3:05am** **Welcome and Opening Prayer**
Mayor Mosby welcomed all Councillors and staff to the meeting and gave thanks to our Heavenly Father for his blessings. Mayor thanked the Acting Chief Executive Officer and the TSIRC staff and family. Mayor Mosby acknowledge and paid respects to families in sorry business and invited Cr Keith Fell to open the meeting in prayer.

2. **3:05am – 3:10am** **Apologies**
Mayor Mosby received an apology from;
 - Cr John Levi – Division 7, St Pauls Community, Moa Island
Cr Toby not in attendance and no apology received.

3. **3:10am – 3:15am** **Declaration of Conflict of Interest (COI) / Material Person Interest (MPI)**

No declaration made.

Mayor Mosby acknowledge today is Hollie's last day as acting Chief Executive Officer and thanked her on behalf of Council and invited Deputy Lui to speak. Deputy Lui extended his gratitude and thanked Hollie for rising to the challenge and the expectations of the Acting Chief Executive Officer's role and the determination shown. He encouraged Hollie; the experience gained will give her a broader understanding of Council when she returns to her substantive position as our Chief Financial Officer.

4. **3:15am – 3:40am** **COUNCIL MOVE INTO CLOSED BUSINESS**
Acting Chief Executive Officer explains to Council the process to follow when going into closed business.

RESOLUTION:
Moved: Cr Elisala; Second: Cr Tamu
That in accordance with section 254J of the *Local Government Regulation 2012* (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:
(a) the appointment, discipline, or dismissal of the chief executive officer;

MOTION CARRIED

- **5. Appointment of Acting Chief Executive Officer**

3:20pm - Ms Hollie Faithfull, Ms Ursula Nai and Ms Kathy Cochran leave meeting.

Mr Peter Krebs, Senior Legal Counsel presented report to Council and left the meeting room at 3:25pm.

4:10pm – Mr Peer Krebs, Senior Legal Counsel returns to meeting room and reads resolution as per the report.

4:14pm – Mr Ilario Sabatino, Chief Operating Officer attends the meeting.

5. **4:23pm – 4:23pm** **COUNCIL MOVE OUT OF CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Trinkoon: Second: Cr Tabuai
That Council moves out of closed business.

MOTION CARRIED

RESOLUTION MADE IN CLOSED BUSINESS

- Appointment of Acting Chief Executive Officer

RESOLUTION:

Moved: Cr Noah; Second: Cr Elisala

That under section 195 of the Local Government Act 2009, Council terminates Hollie Faithfull's appointment as Acting Chief Executive Officer and appoints Ilario Sabatino as Acting Chief Executive Officer for all periods when the Chief Executive Officer is absent from duty or cannot, for another reason, perform the Chief Executive Officer's responsibilities or until further resolution of Council ending Ilario Sabatino's appointment as Acting Chief Executive Officer.

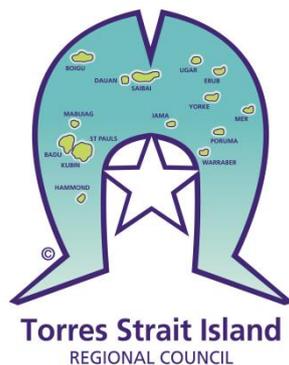
6. **4:23am – 4:25am** **Closing Remarks and Prayer**

Mayor Mosby thanked everyone for their attendance and invited Cr Lui to close the meeting in prayer.

MEETING CLOSED 4:25pm

.....
Ilario Sabatino
Acting Chief Executive Officer
Torres Strait Island Regional Council
23rd February 2021

.....
Phillemon Mosby
Mayor
Torres Strait Island Regional Council
23rd February 2021



MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

JULY 2020

SPECIAL MEETING

Tuesday 28th July 2020, 10:11am – 11:13am

Video Conference – VMR #8 – 02 9916 5402

Tuesday 28 July 2020

Agenda Items

1. 10:00am - 10:03am Opening Prayer and Welcome
2. 10:03am – 10:05am Apologies
3. 10:05am - 10:10am Declaration of Conflict of Interest (COI) / Material Personal Interest (MPI)
4. 10:10am – 10:25am Report presented by TSRA Regional Governance Committee
5. 10:25am – 10:40am Establishment of a Special Policy Zone
6. 10:40am – 10:55am Leadership Summit for Regional Assembly
7. 10:55am – 10:58am Next OM Meeting via Video Conference – Tuesday 18th and Wednesday 19th August 2020
8. 10:58am – 11:00am Closing Remarks and Prayer

Tuesday 28th July 2020

PRESENT

Mayor Phillemon Mosby

Cr Dimas Toby – Division 1 - Boigu

Cr Torenzo Elisala – Division 2 - Dauan

Cr Lama Trinkoon – Division 6 – Kubin Community

Cr Seriako Dorante – Division 8 - Kirriri

Cr Getano Lui – Division 9 - Iama

Cr Kabay Tamu – Division 10 - Warraber

Cr Francis Pearson – Division 11 - Poruma

Cr Hilda Mosby – Division 12 - Masig

Cr Rocky Stephen – Division 13 - Ugar

Cr Boggo Gela – Division 14 - Erub

Cr Aven Noah – Division 15 - Mer

Hollie Faithfull, Acting Chief Executive Officer

Ilario Sabatino, Chief Operating Officer

Peter Krebs, Senior Legal Counsel

Luke Ranga, Head Of Corporate Affair and Engagement

Kathy Cochran, Acting Senior Executive Assistant

Naila Nomoa, Acting Secretariat Officer

APOLOGY

Cr John Levi

Cr Conwell Tabuai

Cr Keith Fell

Cr Laurie Nona

Tuesday 28 July 2020
Agenda Items

9. 10:03am – 10:05am Opening Prayer and Welcome

Mayor Mosby welcomed everyone to the meeting and acknowledged Poruma office Elders, past, present, and future for carrying out work for TSIRC People.

Mayor Mosby invited Cr Boggo Gela to open with prayer.

Minute silence, Deepest sympathy to Cr Laurie Nona and community for the loss of Mr Horace Baira (Snr)

10. 10:03am – 10:05am Apologies

- Cr John Levi – Division 7 – St Pauls Community
- Cr Conwell Tabuai – Division 3 – Saibai
- Cr Keith Fell – Division 4 - Mabuiag
- Cr Laurie Nona – Division 5 - Badu

11. 10:05am - 10:10am Declaration of Conflict of Interest (COI) / Material Personal Interest (MPI)

No declaration made.

12. 10:14am – 10:25am Report presented by TSRA Regional Governance Committee

Cr Getano Lui gave brief overview to Council on the following;

- TSRA Governance Committee
- Establishment of a special policy zone and
- Leadership Summit for Regional Assembly

2014 nominated Mr Phillip Mills to report but did not go anywhere.

2016 Regional Governance Committee was set-up

- Need to be charge with the future direction
- All communities are different
- Putting everything back into your community
- 2 phases – Historical background where we are needing futuristic outlook.

- Had teleconference with Co- design group
- Representative for State & Territory in Australia and was on the Panel.
- Snapshot of the year
- Look at Transition plan TSIRC have.
- Move their proposal
- ATSI Act- there are still provisions in the legislation
- TSRA and Council was historical to sit together.

Encourage, we do not lose sight, we must take everybody on this journey.

Mayor Mosby sought legal advice from Manager of Legal Services to check for COI, due to some councillors having dual role.

Cr Lui – create a secretariat for the Governance

- Deputy Jackie Trad review implications, heritage, and Native title.
- Island Co-ordinating council was setup there was no Native Title
- Council of Elders.

10:40am- Cr Noah, secretariat will be 100% funded by TSRA.

Cr Lui- Bring young people

- Imbedding
- Need to move forward
- Commonwealth – provide houses
- State – ongoing costs
- Need to be inclusive Transition Plan

10:47am Cr Noah

- 2019 GBK made their own governance
- What resources can they bring? talk about the whole governance regime
- GBK has same perspective

10:50am Cr Lui

- We are governed by legislation. We are obligated and change to happen.
- Head in one direction

If anyone would like to discuss further, please give Cr Lui a call.

Mayor Mosby Thanked everyone.

10:55am Acting CEO advised that there are 3 resolutions. Manager of Legal Services to read.

Cr Lui- More Specific Regional assembly and Transition plan (June 2018)

RESOLUTION 1:

Moved: Cr Noah Second: Cr Elisala

That Council notes and endorses the report of the Torres Strait Regional Authority (TSRA) Regional Governance Committee as adopted by the TSRA Board Meeting No.108 in June 2018.

MOTION CARRIED

RESOLUTION 2: agree to support TSRA

Moved: Cr Trinkoon Second: Cr Tamu

That Council agrees to support the TSRA in its efforts in establishing a special policy zone for the Torres Straits under its powers in Section 142A of the Aboriginal and Torres Strait Islander Act 2005 (Cth).

MOTION CARRIED

RESOLUTION 3:

Moved: Cr Pearson Second: Cr Nona

That Council convene a summit with the cost to be shared equally with TSRA Northern Peninsula Area (NPA) and Torre Shire Council (TSC) in consultation with the Chairperson, Deputy Chairperson, Mayors and Deputy Mayors of those organisations to discuss the implementation of the Regional Assembly Transition Plan.

MOTION CARRIED

Cr Lui – suggested the Manager Legal Service draft a paper to support the expansion of the regional governance committee.

13. 11:10am – 11:13am Closing Remarks and Prayer

Mayor invited Cr Pearson to close with prayer.



TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL REPORT

ORDINARY MEETING: February 2021

DATE: 23/02/2021

ITEM: Agenda Item for Noting by Council

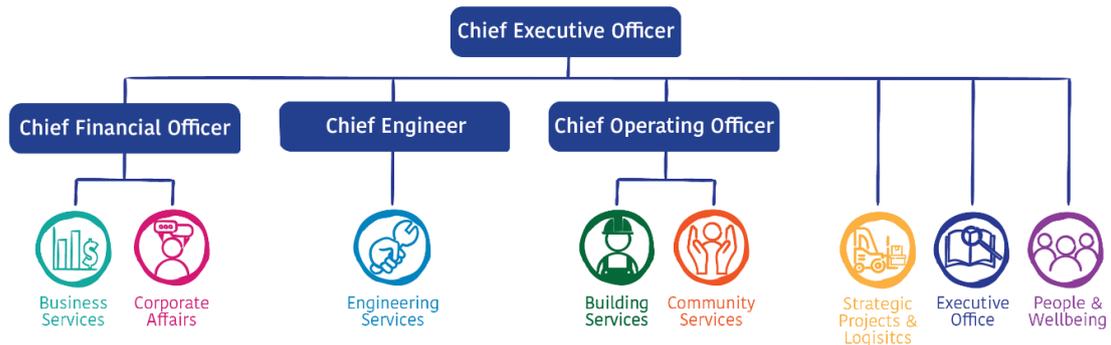
SUBJECT: Operational Plan 2020/21 Q2 Update

AUTHOR: Mette Nordling, Manager of Governance and Compliance

Resolution:
Council resolves to note the Operational Plan 2020-21 Quarter 2 Update.

Background:
Pursuant to Section 174 of the *Local Government Regulation 2012*, Council adopted its Operational Plan for the 2020/21 period, during its Ordinary Meeting on 21 July 2020.

The Operational Plan is structured around Council's corporate structure as at 21 July 2020, which was updated and endorsed to that shown below in the same meeting:

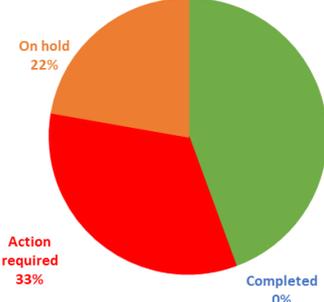
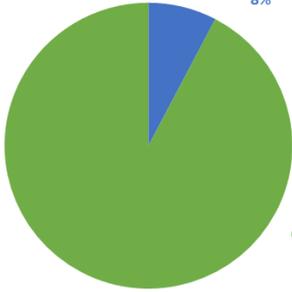
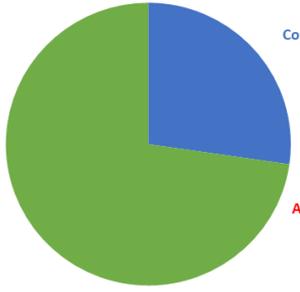
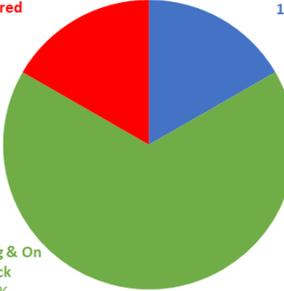
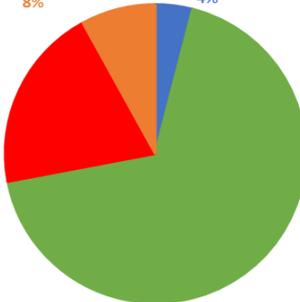


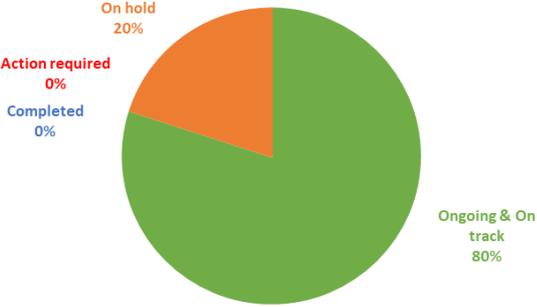
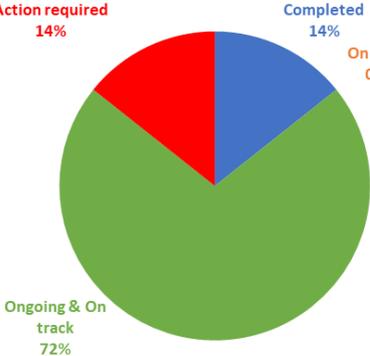
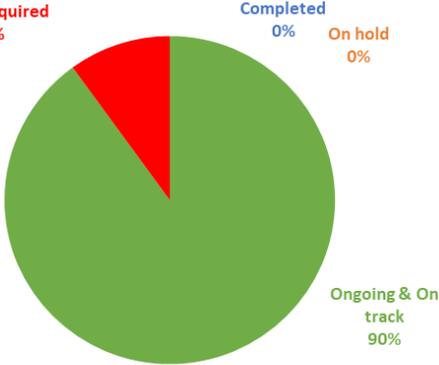
Each of the 86 objectives listed in the Operational Plan, link back to a relevant *Strategic Delivery Pillar* of Council's current Corporate Plan 2020-25; these pillars are as follows:

	People	<p>Outcome 1: We preserve cultural heritage, history and place.</p> <p>Outcome 2: Our communities are safe, healthy and active.</p> <p>Outcome 3: We ensure accessibility to community support services.</p> <p>Outcome 4: We are a transparent, open and engaging council.</p>
	Sustainability	<p>Outcome 5: We plan effectively for the future of our individual communities and region.</p> <p>Outcome 6: Our communities remain resilient to the effects of climate change and natural disasters.</p> <p>Outcome 7: Our communities are consulted around liveable places, aligned to lifestyle and environmental suitability.</p> <p>Outcome 8: We manage council affairs responsibly to the benefit of our communities.</p> <p>Outcome 9: We actively reduce our environmental footprint and manage our resources sustainably.</p>
	Prosperity	<p>Outcome 10: We advocate and foster regional prosperity through enterprise development.</p> <p>Outcome 11: We invest in the retention of key skills within our region.</p> <p>Outcome 12: We bring opportunity to our region and put our culture on the world stage.</p>

Operational Plan Progress:

Council's Operational Plan 2019-20 Q3 Dashboard is as follows:

Department:	Total Objectives:	Progress
 <p>Business Services</p>	9	 <p>Ongoing & On track, 45%</p> <p>Action required 33%</p> <p>On hold 22%</p> <p>Completed 0%</p>
 <p>Corporate Affairs</p>	13	 <p>Ongoing & On track 92%</p> <p>Completed 8%</p> <p>Action required 0%</p> <p>On hold 0%</p>
 <p>Engineering Services</p>	11	 <p>Ongoing & On track 73%</p> <p>Completed 27%</p> <p>Action required 0%</p> <p>On hold 0%</p>
 <p>Building Services</p>	6	 <p>Ongoing & On track 67%</p> <p>Completed 16%</p> <p>Action required 17%</p> <p>On hold 0%</p>
 <p>Community Services</p>	25	 <p>Ongoing & On track 68%</p> <p>Action required 20%</p> <p>On hold 8%</p> <p>Completed 4%</p>

 <p>Strategic Projects & Logistics</p>	5	
 <p>Executive Office</p>	7	
 <p>People & Wellbeing</p>	10	

Statutory Requirements:

Local Government Act 2009 (Qld)

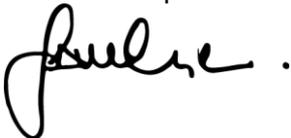
Local Government Regulation 2012 (Qld)

Conclusion:

That Council notes the Operational Plan 2020-21 Quarter 2 Update.

Endorsed:

Luke Ranga
Head of Corporate Affairs



Recommended:

Hollie Faithfull
Chief Financial Officer



Attachments:

- Table providing breakdown of objectives, process, and comments
- Operational Plan 2020

Operational Plan Reporting 20/21



Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Complete Quarter	Q2 update due	Q2 update	Q2 notes
TSIRC Operational Plan 20/21								
Business Services								
1	Continue to evolve Council's long-term financial planning and quantify regional program delivery, service levels and associated costs.	Successful delivery of framework & modelling.	Financial Accounting & Assets	1	4	22/01/21	Ongoing & on track	This is a continuous improvements project and includes such project as direct cost allocation, budget modifications for more accurate forecasting, improved reporting for decision making
2	Develop stronger link between Asset Management Plans and Council's budget development.	Framework delivered.	Financial Accounting & Assets	1	4	22/01/21	Ongoing & on track	Consultancy firm has been engaged to undertake a review of Council current Asset Management Plans (AMPs). Feedback is expected back by mid February for the Assets team to commence the updating of data. As part of Council's AMPs, community consultation will occur regarding service levels. This is being undertaken as part of the Community Survey that is being rolled out in Q3 of FY21.
3	Evolve & deliver Council's Asset Revaluation program.	100% program completion	Financial Accounting & Assets	4	4	22/01/21	Ongoing & on track	Scoping documentation has been provided to Council's Valuers to commence the 20/21 Desktop Valuation. Draft reports is expected to be received early March for an internal workshop between Asset Class Managers, Finance and Valuers prior to final report being issued in Q4 FY21
4	Collaborate with key Council operational functions to deliver effective debt management program(s).	Framework identified. >50% program delivery.	Financial Accounting & Assets	1	4	22/01/21	Action Required	As part of Council Internal Audit Plan, a review has been undertaken regarding Accounts Receivables including debt management. Internal Audit recommendations will be implemented per advised time frames and effective debt management framework created.
5	Deliver Corporate Overhead Analysis program, through effective cost allocation modelling.	Program modelling developed & delivered.	Management Accounting	1	4	22/01/21	On hold	Part of delivering a corporate overhead analysis program is ensuring that any direct costs are being allocated and all direct cost allocations are as accurate as can be to give a reliable baseline to work with. Currently Financial services has replaced some key roles however still have a number of key positions to fill. Prior to working on a comprehensive framework to allocate overheads there needs to be a robust and accurate monthly reporting process in place.
6	Implementation of statistical dash boards and metric reporting to enable real time data capability.	Successful implementation of agreed dashboard scope.	Financial Accounting & Assets	1	4	22/01/21	On hold	Currently the systems analyst position is vacant which is a key position in implementing this objective. The objective also needs to be reviewed and realigned the implementation to C1 Anywhere and the proposed system solution for the Assets Management System which could possibly include systems analytic modules.
7	Deliver IT Transformation Strategy & identified program deliverables.	Strategy complete & roadmap identified.	Financial Accounting & Assets	2	4	22/01/21	Ongoing & on track	Documentation of IT Transformation is ongoing due to evolving changes in technologies and availability of resources to carry out analysis, planning testing and implementing.
8	Evolve Community Services frontline IT capability.	Gap analysis conducted for all communities. Recommendation paper delivered.	Financial Accounting & Assets	1	4	22/01/21	Action Required	Discussion with Regional and Divisional Managers to be arranged to discuss what communities have currently and what could be implemented to benefit their needs
9	Further develop Council's disaster management & business continuity technology capabilities.	Pilot program completed across two sites. Roadmap identified.	Financial Accounting & Assets	1	4	22/01/21	Action Required	Warraber is currently trialing a Satellite NBN connection. Although internet access speeds have improved greatly, further configuration needs to be investigated and tested to improve visibility for Information Services and performance for the Warraber office. If a suitable solution cannot be obtained, Information Services will need to investigate other avenues
Corporate Affairs								
10	Continue Council's core brand refresh across all digital mediums & community channels.	Web & intranet sites implemented. Brand guidelines delivered.	Compliance & Governance	1	3	22/01/21	Ongoing & on track	•Intranet redevelopment project commenced (homepage and P&W and CA pages under way) •Baseline analytics to inform web redevelopment commenced •Brand guideline first draft
11	Grow the Youmpla Voice program & community specific engagement models.	1 campaign per community.	Compliance & Governance	1	4	22/01/21	Ongoing & on track	•Community Survey scheduled for Q3 •Questions drafted and being workshopped
12	Evolve employee engagement tools for Council's vision, mission, values & service delivery excellence.	Engagement program delivered to all sites.	Compliance & Governance	1	4	22/01/21	Ongoing & on track	•Employee survey scheduled for Q3
13	Further develop Council's strategic planning tools, embracing digitisation & automation.	Implementation of integrated planning automation & dashboards.	Compliance & Governance	1	4	22/01/21	Ongoing & on track	•Smartsheet business case for Creative services request developed •Smartsheet for Operational Plan updates developed •Smartsheet for 2021/22 Operational Plan underway •Smartsheet for 2021/22 Annual report underway

Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Complete Quarter	Q2 update due	Q2 update	Q2 notes
14	Evolve Council's ethical procurement standards & policies.	Policy published. Training delivered across all stakeholder groups.	Compliance & Governance	1	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •Policy endorsed •Procedures under review •Training conducted with BSU and Engineering •New contract templates developed and initial trial underway
15	Further develop a good governance culture and compliance framework across Council.	Framework implemented. Engagement tools developed.	Compliance & Governance	1	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •Governance framework under development
16	Delivery of group insurance evaluation and cost efficiency program.	Program delivered.	Compliance & Governance	4	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •External consultant engaged and program ongoing
17	Evolve Business Continuity Planning Processes (BCP) & exercises.	Gap analysis completed. Program framework identified.	Compliance & Governance	2	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •Review conducted December 2020 •Strategic roadmap in development
18	Implementation of customer contact centre & automation tools.	IVR technology implemented. Data capability delivered.	Enterprise development & Delivery	1	3	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •Smartsheet solution developed and now collating data to inform the automation tools.
19	Development of Council's Visitor Management Strategy, tools & implementation roadmap.	Strategy published. Implementation roadmap identified.	Enterprise development & Delivery	2	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •New visitor management tool developed, and use commenced
20	Delivery of Council's Enterprise Development Strategy, identifying key sector opportunities.	Strategy published.	Enterprise development & Delivery	1	3	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •Presentation given to the Economic Growth Committee •Community visit to gather information to inform the strategy to take place in Q1 2021
21	Refresh of Council's community grant program.	Successful program delivery to all communities.	Enterprise development & Delivery	1	2	22/01/21	Complete	<ul style="list-style-type: none"> •Program adopted •Continuous updates •New forms and criteria published
22	Grow strategic domestic & international knowledge alliances.	Framework developed & 2 agreements in place.	Enterprise development & Delivery	2	3	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •One partnership arrangement with Sydney Uni in place •Second partnership on hold due to COVID
Engineering Services								
23	Seawall program (stage 3) design works for Poruma, lama, Warraber & Masig Communities.	Design works complete. Tendering and Construction plan determined	Major Infrastructure	1	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •Design works for Poruma completed. •Surveying and Geotechnical investigations for Masig, Warraber and lama are currently underway to allow detailed design to be finalised.
24	Seawall program (stage two) construction.	Boigu & Poruma Construction works underway.	Major Infrastructure	1	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •Boigu seawalls forecast to be completed in August 2021. •Poruma onsite construction works forecasted to commence June 2021.
25	Deliver the Torres Strait Tide Gauge Project.	Funding arrangement formalised and works underway.	Major Infrastructure	1	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •New tidal gauge installation completed •Order raised for ladder replacement •Tidal gauge study to be completed in February 2021.
26	Complete water lagoon cover repairs/replacements for Saibai, Erub, Mer & Ugar Communities.	Works complete.	Water Management	1	2	22/01/21	Complete	<ul style="list-style-type: none"> •Works completed. Defects have been identified. Contractor currently undertaking defect rectification works.
27	Deliver Water & Wastewater project - Critical infrastructure/legislative compliance upgrades. (ICCIP – MULTIPLE PROJECTS).	Multiple projects completed, some into future years.	Wastewater Services Water Management	1	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •Multiple projects completed, some identified projects on hold and require scope changes and for completion over multiple FY's as scheduled for completion prior to July 2022.
28	Deliver regional Smart Water Meter project.	Project completed.	Water Management	1	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •On track to complete by EOFY
29	Construct Saibai sewerage treatment plant effluent outfall pipe.	Works complete.	Wastewater Services	1	4	22/01/21	Complete	<ul style="list-style-type: none"> •Onsite works completed. Project close out documents are being finalised and Practical Completion will be issued.
30	Metal Waste -Clean Up project.	Planning finalised, works commenced.	Waste Services	1	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •Expression of Interest have been received by Council in December 2020. Council is currently undertaking EOI review process. Following the review, Council will develop scoping and tender documentation for Tendering of the project..
31	Complete Erub Airport Road upgrade works.	Works completed	Transport Management	1	4	22/01/21	Complete	<ul style="list-style-type: none"> •2019/2020 ATSI TIDS and R2R funded Scope of Works completed. Project close-out works are being finalised.
32	Badu Aerodrome fence, Safety improvements Saibai Aerodrome - apron upgrade (Helipad), and Dauan access road to Helipad.	Works complete.	Transport Management	1	4	22/01/21	Ongoing & on track	<ul style="list-style-type: none"> •Badu Aerodrome fencing completed. •Saibai Aerodrome Apron upgrade and Dauan Helipad Access road currently at Tender Stage and timing within schedule.

Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Complete Quarter	Q2 update due	Q2 update	Q2 notes
33	Water & Wastewater Projects (W4Q – COVID). MULTIPLE PROJECTS	Works complete	Wastewater Services Water Management	1	4	22/01/21	Ongoing & on track	- 190kL desalination unit purchase - Completed - Leak detection equipment and monitoring program for Mer, Badu & St Pauls - Ongoing. - Boigu Lagoon Cover Replacement Project - project is currently at Tender Stage. - Mabuig Well, pump station, telemetry and riser upgrade Project - Procurement Stage. - Mer sewerage treatment ablation and shower block - Design completed. - Warraber sewerage treatment plant fencing replacement - Completed. - St Pauls wastewater lagoon fencing replacement - Completed. - Ugar bores - bag filter and pipework replacement - Procurement Stage. - lama and Mer Reservoir magflow and power supply installation - Completed. - Erub 80mm water main replacement project - The project is currently at tender stage.
Building Services								
34	Implementation of desired operating model in alignment and consultation with key stakeholder delivery groups	Operating Model implemented	All departmental functions	1	4	22/01/21	Action Required	Advertising is set to go out the week 22 Jan for back filling Advertising closes 5 February Interviews to take place starting 14th February, expanding on that strategic plan is to promote 3 carpenters into Assistant supervisors roles and backfill carpenters role with apprentices finishing their time New organisation chart started with HOBS on 9th November, HOBS currently reviewing BSU business mechanics to streamline business
35	Delivery of fuel bowser upgrade program	Implementation roadmap identified Program delivery of greater than 60%	Construction	2	4	22/01/21	Complete	Planning stages completed preferred model accepted Engineer preparing Brief for executive, final meeting 1/2/21
36	Evolve core project management capability and efficiencies through software implementations	Gap analysis completed Identified software implemented	Construction	1	4	22/01/21	Ongoing & on track	Software Implemented rollout in February with New build on Warrabar, all staff should be fully trained by April system ability to auto populate reports for business partners
37	Refresh council asset and capital works program	Program framework & roadmap published	Repairs & Maintenance	1	4	22/01/21	Ongoing & on track	new agreements with QBuild are awaiting approval. completed R & Ms averaging 42.2% R & m task over 60days have been reduced by40%
38	Develop and grow local engagement modelling	Development of framework with key stakeholders	All departmental functions	3	4	22/01/21	Ongoing & on track	Procure will have the ability to focus on data enabling BSU to plan future strategies supporting strategic direction for the new financial year
39	Work with key partners to develop sustainable and increased durability housing concepts	Host workshop with key partners Recommendation paper delivered	Construction	1	4	22/01/21	Ongoing & on track	carport post alternative materials sourced awaiting approval from Qbuild before being handed back to TSIRC for implementation as of 27/1/21 no decision has been made by QBUILD but BSU has implemented planning of resources so start up will not be affected Planning for strategic workshops with QBUILD still in concept stage until backlog is cleared and reporting structure is finalised Badu quarry still establish themselves, ROPS has been sent and are awaiting reply open communications have been established.
Community Services								
40	Delivery of Food Safety program: - Community education & awareness. - Licensing Program Stage 1 – Commercial premises. - Licensing Program Stage 2 – Community licences.	1 campaign per community. All applicable commercial/other premises compliant.	Environmental Health	1	4	22/01/21	Ongoing & on track	I'm alert online training ongoing, food surveillance undertaken on each division. No food licences issued.
41	Delivery of education & awareness programs on water sanitation, waste management & sewerage.	1 campaign community.	Environmental Health	1	4	22/01/21	Ongoing & on track	Biosecurity (bulk waste removal) on Badu, Hammond and Masig.
42	Deliver illegal dumping hotspot program.	Program fully implemented within two communities.	Environmental Health	2	4	22/01/21	Action Required	Extension of funding agreement end date until 30 June.
43	Delivery of Mosquito Management program: -Inspection, Albopictus survey. -Education, awareness, control activities. -Assist the Dengue Action Response Team (DART). -Implement Mosquito management plan.	Program & applicable plan(s) implemented.	Environmental Health	1	4	22/01/21	Ongoing & on track	Mosquito treatments undertaken in 15 communities.
44	Complete Environmental Health Worker development & certification program(s).	Annual Professional development workshop delivered.	Environmental Health	2	3	22/01/21	Ongoing & on track	On going mentoring and coaching of EHWs. Authorised Person Training for TSIRC Local Laws undertaken for six EHWs. Pest management technician training completed by six EHW. Planning for EHWs workshop, Certificate IV Government Investigations for four EHWs, Authorised Person for Biosecurity Act 2014

Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Complete Quarter	Q2 update due	Q2 update	Q2 notes
45	Delivery of Animal Management program: -Domestic animal compliance. -Veterinary services. -Compliance & enforcement program.	Bi-annual vet visits. Compliance education program delivered to each community.	Environmental Health	1	4	22/01/21	Action Required	Vet visit scheduled for 15-27 February 2021
46	Develop local law & disturbance awareness program in collaboration with regional compliance and enforcement partners.	Program & framework delivered.	Environmental Health	1	2	22/01/21	On hold	Draft Procedure and Policy completed.
47	Delivery of Biosecurity Act compliance program.	100% of EWH workforce compliant.	Environmental Health	1	4	22/01/21	Action Required	*delivery target requires review EHWs to be authorised, strategy and plan to be implemented
48	Delivery of healthy lifestyle tools & awareness program(s) in conjunction with community identified areas of need.	Community need/gap analysis completed. Program framework delivered	Community Health & Wellbeing	1	4	22/01/21	Ongoing & on track	Limited activities conducted with Covid19 plan in place.
49	Development & delivery of the Community Volunteer program.	Develop & implement framework.	Community Health & Wellbeing	3	4	22/01/21	On hold	Funding received from Torres Strait Sports, Youth and Recreation in November 2020 therefore unable to meet this criteria. Need to review criteria.
50	Complete Healthy Lifestyle Officer Development & Certification Program(s).	Annual Professional development workshop delivered.	Community Health & Wellbeing	2	3	22/01/21	Ongoing & on track	Delivery of professional development for Healthy Lifestyle Officers. Partnership with Health and Wellbeing QLD to deliver Living Strong.
51	Conduct IKC program gap analysis & in collaboration with State Library develop community driven KPIs for regional footprint.	Community need/gap analysis & full program completed. Program KPI framework delivered.	Indigenous Knowledge Centres	1	2	22/01/21	Ongoing & on track	In partnership with SLQ, review of IKCs was completed. Progressing recommendations.
52	Delivery of core IKC programs: -First 5 Forever Program. -Public/Community Library Program. -Roll out of Fresh Start to all IKC. -Finalise Masig footprint utilising Idea's Box components	100% program delivery to existing IKC footprint. Successful establishment of Masig IKC.	Indigenous Knowledge Centres	1	4	22/01/21	Ongoing & on track	Travel bursary applications submitted to SLQ for IKC Coordinator attendance at March statewide IKC workshop in Brisbane.
53	Review, evolve & deliver home care support services to aged care program participants in accordance with state and federal standards.	Delivery of review paper & associated recommendations	Aged Care	1	4	22/01/21	Action Required	Management investigating Aged Care software to improve CHSP reporting and ensure regulatory compliance.
54	Review, evolve & deliver Aragon Child Care Centre (Badu) & Hammond After School Care, embedding Torres Strait Islander and Aboriginal cultural perspectives.	Delivery of review paper & associated recommendations.	Child Care	1	4	22/01/21	Ongoing & on track	Working with BSU to seek quotes for upgrades to facility. Actively working with customers to reduce child care debts to ensure financial sustainability. Awaiting report from State Regulatory Authority
55	Research current & future models of child care service delivery and develop business case aligned to community specific requirements.	Delivery of regional childcare business case & recommendation paper.	Child Care	3	4	22/01/21	Action Required	Research on current future models of child care has not been initiated.
56	Increase rental collections rate(s).	Regional collection rate of >80%.	Housing Services	1	4	22/01/21	Ongoing & on track	14/15 communities have collection rates above average - Badu 90%, Boigu 89%, Dauan 82%, Erub 98%, Hammond 99%, Iama 91%, Mabuag 99%, Mer 88%, Poruma 100%, Saibai 95%, St Pauls 98%, Ugar 96%, Warraber 97% and Masig 80%.
57	Drive an active reduction in current debt levels.	Development of debt management strategy.	Housing Services	1	4	22/01/21	Ongoing & on track	Item to be discussed at the next debt recovery meeting with the finance team with the updated debt amount and action items
58	Undertake tenants survey & develop strategic recommendations report.	Annual survey completed. Recommendation report delivered.	Housing Services	1	2	22/01/21	Ongoing & on track	Renee Pearson to compile and complete for housing
59	Successfully complete full registration under QRSRCH	Full registration completed.	Housing Services	1	2	22/01/21	Complete	Registration is still current.
60	Provide advice on development and lead implementation of a standardised approach to visitor management, including visitor entry and exit, accommodation and travel.	Provide strategic advice & recommendations for Visitor Management Strategy. Deliver on strategy roadmap milestones.	Divisional Offices	1	4	22/01/21	Ongoing & on track	Strategy was finalised by University of Sydney and expected to be presented to management in Feb/March 2021 for consideration and further discussion before presentation in Council OM. Accommodation and Transport Health Management Plan implemented across all Council operated accommodation to manage covid19 in accordance with Chief Health Officer Directives and Rooming Accommodation Regulation 2009.
61	Strengthen financial governance through online training and professional development.	Annual Professional development workshop delivered.	Divisional Offices	1	4	22/01/21	Ongoing & on track	Ongoing work. Divisional Managers workshop in Feb/March will include financial governance element to increase knowledge base; standardise processes and explore opportunities to maximise use of funds for essential services and business continuity.
62	Evolve local disaster preparedness, response and recovery in accordance with state legislation and guidelines.	Develop template & procedure per community.	Divisional Offices	1	4	22/01/21	Ongoing & on track	Currently updating contact details of each Disaster Plan. Fortnightly Satellite phone testing for all Divisions to ensure phones are in working order in an event of emergency.
63	Establish standardised operating procedures of Divisional Offices, improving timeliness and quality of customer service.	Develop & implement standard operating procedure for divisional office management.	Divisional Offices	1	3	22/01/21	Ongoing & on track	Standard operating procedures still in progress to standardise administrative processes. Daily stock reconciliation, accommodation booking process and debt collection have been finalised. Focus group consisting of 3xRegional Managers, 3xDivisional Managers and 2xMSAOs to ensure all relevant processes are updated and uniform across the 15 Divisional offices. A Divisional Manager workshop proposed for February will see majority of the procedures completed and introduced.

Objective number	Annual Plan Item	Delivery target	Responsible function	Start Quarter	Complete Quarter	Q2 update due	Q2 update	Q2 notes
64	Drive and deliver effective community engagement events through local Divisional Offices.	4 events delivered per community.	Divisional Offices	1	4	22/01/21	Ongoing & on track	Divisional admin facilitated; supported NAIDOC; end of year staff Christmas break off and various adhoc events through the Divisional Engagement fund. Continued effort to exploring opportunities to increase engagement both internally and externally.
▣ Strategic projects & Logistics								
65	Implement project allocation and delivery framework.	Framework identified & implemented.	Logistics	1	3	22/01/21	Ongoing & on track	Proposed model submitted to SARG for endorsement
66	Mobilisation of Cairns operational footprint.	Cairns site 100% operational.	Strategic Projects	1	3	22/01/21	Ongoing & on track	Model submitted to SARG for endorsement
67	Implement community freight support service.	Model & roadmap identified for implementation.	Logistics	1	4	22/01/21	Ongoing & on track	
68	Finalise fuel & Gas best practise fulfilment model.	Gap analysis conducted. Model developed & successfully delivered to all communities.	Logistics	1	4	22/01/21	On hold	Department has not transferred over yet
69	Develop fleet service fulfilment model, incorporating community & regional partnerships.	Gap analysis conducted. Model developed & successfully delivered to all communities.	Logistics	2	4	22/01/21	Ongoing & on track	
▣ Executive Office								
70	Poruma Land, Saibai Land Transfer & Ugar Land Transfer: Facilitate the progression of transfer of Deeds of Grant in Trust from Council to community-based entity that has been fully endorsed by the community to be the trustee.	Process completed.	Legal Services	3	4	22/01/21	Action Required	Legal Services has discussed the project with Peter Lawrence at the Department of Resources. The Department is drafting a paper on the proposed step-by-step process for land transfers, for Council's feedback and to forward to the proposed new trustees (PBC for each island) to confirm each PBC is happy with the proposed process and is ready to proceed. It is expected that the paper will be ready for Council's consideration in February 2021.
71	Evolve Council's Enterprise Divestment Strategy (aligned to Enterprise Development Strategy).	Develop framework in alignment with Enterprise Development Strategy.	Legal Services	1	4	22/01/21	Ongoing & on track	Divestment Policy drafted and workshopped briefly with Council in November 2020. Council directed that the draft Policy be referred to the Economic Growth Standing Committee. It is anticipated that the report will be submitted to the Committee in February 2021.
72	Landing Holding Act (LHA) Katter Lease Resolution: To advocate for the grant of pending LHA entitlements in all Divisions.	Process completed.	Legal Services	1	4	22/01/21	Ongoing & on track	Information Report with status update provided to Council at January 2021 trustee meeting. The project is ongoing and progressing well in coordination with the Department of Resources and DATSIP. There are 73 entitlements outstanding.
73	Template execution for (Regional) Infrastructure & Housing ILUA: To develop an ILUA for each division of the electorate to cover all frequently used Future Acts under the Native Title Act 1993 (Cth) maximise expediency in Native Title validation.	Remaining communities completed.	Legal Services	1	2	22/01/21	Ongoing & on track	The ILUAs for Moa, Masig, Mabuig, Iama, Warraber and Erub were registered on 1 December 2020. Dauan and Poruma ILUAs are the only proposed ILUAs outstanding and are currently at consultation stage (TSIRC awaiting outcome).
74	Support the development of regional governance via One Boat and regional planning.	Assist regional leadership in consultation process. Support model identified.	Legal Services	1	4	22/01/21	Ongoing & on track	Holding Redlich has been briefed to assist with the regional governance project and work is underway. Legal Services has advised on the proposed regional name change and notified the State; the next step is to identify the TSIRC department responsible for preparing a formal name change proposal/submission.
75	Provide a regional legal framework which addresses both State and Traditional Lore requirements.	Framework developed for consultation.	Legal Services	3	4	22/01/21	Complete	The regional legal framework is made up of State and Federal law, local laws, TSRA ranger program, native title system and traditional lore. Legal Services is available to assist as required in navigating the intersection between State and Traditional Lore.
76	Effective management of DOGIT Land as a Trustee.	Trustee requirements delivered accordingly.	Legal Services	1	4	22/01/21	Ongoing & on track	Trustee delegations to CEO workshopped in November 2020 and updated by resolution in December 2020. Home Ownership project Information Report provided to January 2021 trustee meeting. Proposed updated Trustee Policy to be referred to Cultural Arts, Land and Heritage Standing Committee for review.
▣ People & Wellbeing								
77	Complete negotiations of new certified agreement with workforce.	Negotiations complete. Agreement developed.	Employee Relations	1	4	22/01/21	Ongoing & on track	Negotiations nearing completion. Final draft CA should be finalised and circulated for staff vote by mid-February.
78	Develop Council's Diversity & Inclusion policy.	Policy delivered.	Employee Relations	3	4	22/01/21	Action Required	Research being conducted to enable commencement of developing a draft document
79	Implementation of learning & development strategy.	Strategy developed & implemented.	Learning & Development	2	4	22/01/21	Ongoing & on track	L&D Officer continues to implement the L&D Strategy. Currently compiling information on file to enable a skills gap analysis to be conducted.
80	Grow Council's existing apprenticeship & traineeship program.	Fulfilment of traineeship placements.	Learning & Development	1	4	22/01/21	Ongoing & on track	7 apprentices continue to undertake apprenticeships



Torres Strait Island Regional Council Operational Plan 2020/21





Acknowledgement

The Torres Strait Island Regional Council (TSIRC) acknowledges our Native Title Holders, our Elders past and present, and all members of the Communities we serve within the 5 clusters of Zenadth Kes; the Gudaw Maluligal Nation of the Top Western Islands, Maluligal Nation of the Western Islands, Kemer Kemer Meriam Nation of the Eastern Islands, Kulkalgal Nation of the Central Islands, and the Kaiwalagal Kaurareg Aboriginal Nation of the Inner Islands.

We recognise their continuing connection to land and sea, and the strength of a cultural heritage and belief system that spans past, present and future generations.



Message from the CEO



Firstly, I would like to acknowledge the true custodians of the lands we serve across the length and breadth of Zenadth Kes. I acknowledge and pay my respects to Elders past, present and emerging.

As Queensland navigates its road to recovery from the global pandemic and enacts mitigation measures to prevent further outbreaks, the many downstream economic and social impacts will still be felt throughout the 2020-2021 period. So now, more than ever we remain steadfast on driving a corporate culture of operational efficiency and innovation, and a key focus for this period on the reignition of strategic programs of work and regional infrastructure delivery, as aligned to our Corporate Plan (2020-2025) aspirations.

Council's operating model (as shown on page 5) aligns to our strategic delivery areas and ensures our diverse and extraordinary team is well placed to face the unprecedented environment we operate in today, and ultimately continue on our mission of improving our communities' livability in all we do.

A handwritten signature in black ink, appearing to read 'Bruce Ranga', written in a cursive style.

Bruce Ranga
Chief Executive Officer
June 2020

Values



RESPECT

We have respect for each other and the communities we serve.



COURAGE

We are courageous leaders, who think innovatively.



ACCOUNTABILITY

We are accountable and responsive to our communities.



RESILIENCE

We are builders of a sustainable and resilient region.



ONE

We are one team who achieves together.

Vision

"For our communities and council to be Autonomous, Prosperous and Sustainable"

Autonomous:

We achieve autonomy when we empower our people and community through rigorous engagement, consultation and participation. An autonomous Council fuels both local and regional self-sufficiency.

Prosperous:

We are prosperous when we are flourishing, thriving, or have success; This can be in our faith, culture, traditions, happiness, fortune or health and wellbeing.

Sustainable:

We are sustainable when we deliver social, economic or environmental solutions that enhance current community needs and long term aspirations.

Mission

"To improve our communities' livability in all we do"

Liveability:

Liveability is the sum of the factors that add up to a community's quality of life - including the built and natural environments, economic prosperity, social stability and equity, educational opportunity, and cultural, entertainment and recreational possibilities.

Strategic Planning

Council develops strategic plans to set priorities for core business operations and guide our budgetary management.

Our Operational Plan (2020-2021) sets out Council's key annual objectives in alignment with the annual budget and the three strategic delivery pillars of our Corporate Plan (2020-2025):



People

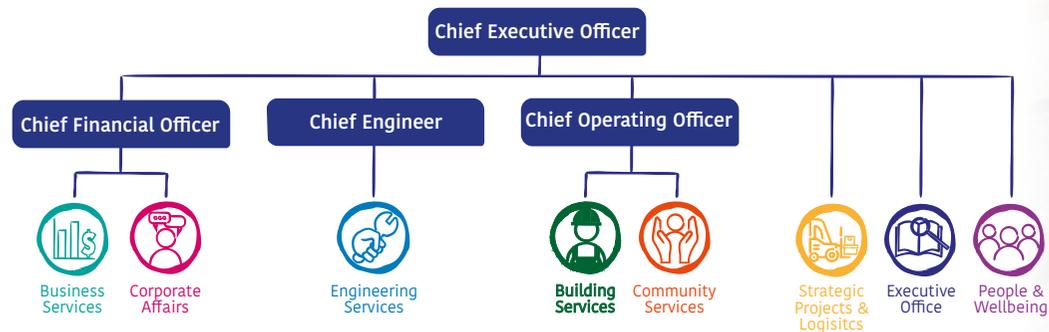


Sustainability



Prosperity

Delivery objectives and outcomes within this Plan are aligned to the following operating model:



For more information on Council's strategic planning process, please visit: <http://www.tsirc.qld.gov.au/your-council/publications/plans>





Business Services

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
1.	Continue to evolve Council's long-term financial planning and quantify regional program delivery, service levels and associated costs.		Financial Accounting & Assets	●	●	●	●	<ul style="list-style-type: none"> Successful delivery of framework & modelling.
2.	Develop stronger link between Asset Management Plans and Councils budget development.		Financial Accounting & Assets	●	●	●	●	<ul style="list-style-type: none"> Framework delivered.
3.	Evolve & deliver Council's Asset Revaluation program.		Financial Accounting & Assets				●	<ul style="list-style-type: none"> 100% program completion.
4.	Collaborate with key Council operational functions to deliver effective debt management program(s).		Financial Accounting & Assets	●	●	●	●	<ul style="list-style-type: none"> Framework identified. >50% program delivery.
5.	Deliver Corporate Overhead Analysis program, through effective cost allocation modelling.		Management Accounting	●	●	●	●	<ul style="list-style-type: none"> Program modelling developed & delivered.



Business Services

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
6.	Implementation of statistical dash boards and metric reporting to enable real time data capability.		Financial Accounting & Assets	●	●	●	●	<ul style="list-style-type: none"> Successful implementation of agreed dashboard scope.
7.	Deliver IT Transformation Strategy & identified program deliverables.		Financial Accounting & Assets		●	●	●	<ul style="list-style-type: none"> Strategy complete & roadmap identified.
8.	Evolve Community Services frontline IT capability.		Financial Accounting & Assets	●	●	●	●	<ul style="list-style-type: none"> Gap analysis conducted for all communities. Recommendation paper delivered.
9.	Further develop Council's disaster management & business continuity technology capabilities.		Financial Accounting & Assets	●	●	●	●	<ul style="list-style-type: none"> Pilot program completed across two sites. Roadmap identified.



Corporate Affairs

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
10.	Continue Council's core brand refresh across all digital mediums & community channels.		Governance & Compliance	●	●	●		<ul style="list-style-type: none"> Web & intranet sites implemented. Brand guidelines delivered.
11.	Grow the Youmpla Voice program & community specific engagement models.		Governance & Compliance	●	●	●	●	<ul style="list-style-type: none"> 1 campaign per community.
12.	Evolve employee engagement tools for Council's vision, mission, values & service delivery excellence.		Governance & Compliance	●	●	●	●	<ul style="list-style-type: none"> Engagement program delivered to all sites.
13.	Further develop Council's strategic planning tools, embracing digitisation & automation.		Governance & Compliance	●	●	●	●	<ul style="list-style-type: none"> Implementation of integrated planning automation & dashboards.
14.	Evolve Council's ethical procurement standards & policies.		Governance & Compliance	●	●	●	●	<ul style="list-style-type: none"> Policy published. Training delivered across all stakeholder groups.



Corporate Affairs

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
15.	Further develop a good governance culture and compliance framework across Council.		Governance & Compliance	●	●	●	●	<ul style="list-style-type: none"> Framework implemented. Engagement tools developed.
16.	Delivery of group insurance evaluation and cost efficiency program.		Governance & Compliance				●	<ul style="list-style-type: none"> Program delivered.
17.	Evolve Business Continuity Planning Processes (BCP) & exercises.		Governance & Compliance		●	●	●	<ul style="list-style-type: none"> Gap analysis completed. Program framework identified.
18.	Implementation of customer contact centre & automation tools.		Enterprise Development & Delivery	●	●	●		<ul style="list-style-type: none"> IVR technology implemented. Data capability delivered.
19.	Development of Council's Visitor Management Strategy, tools & implementation roadmap.		Enterprise Development & Delivery		●	●	●	<ul style="list-style-type: none"> Strategy published. Implementation roadmap identified.



Corporate Affairs

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
20.	Delivery of Council's Enterprise Development Strategy, identifying key sector opportunities.		Enterprise Development & Delivery	●	●	●		<ul style="list-style-type: none"> Strategy published.
21.	Refresh of Council's community grant program.		Enterprise Development & Delivery	●	●			<ul style="list-style-type: none"> Successful program delivery to all communities.
22.	Grow strategic domestic & international knowledge alliances.		Enterprise Development & Delivery		●	●	●	<ul style="list-style-type: none"> Framework developed & 2 agreements in place.



Engineering Services

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
23.	Seawall program design works for Boigu, Poruma, Iama, Warraber & Masig Communities.		Major Infrastructure	●	●	●	●	• Design works complete.
24.	Seawall program stage two construction.		Major Infrastructure	●	●	●	●	• Works complete.
25.	Deliver the Torres Strait Tide Gauge Project.		Major Infrastructure	●	●	●	●	• Project delivered.
26.	Complete water lagoon cover repairs/replacements for Saibai, Erub, Mer & Ugar Communities.		Water Management	●	●			• Works complete.
27.	Deliver Water & Wastewater project - Critical infrastructure/legislative compliance upgrades. (ICCIP – MULTIPLE PROJECTS).		Water Management/ Waste Water Services	●	●	●	●	• Multiple projects completed, some into future years.



Engineering Services

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
28.	Deliver regional Smart Water Meter project.		Water Management/ Waste Water Services	●	●	●	●	• Project completed.
29.	Construct Saibai sewerage treatment plant effluent outfall pipe.		Waste Water Services	●	●	●	●	• Works complete.
30.	Quantify & deliver Metal Waste & Clean Up project.		Waste Water Services	●	●	●	●	• Planning finalised, works underway.
31.	Complete Erub Airport Road upgrade works.		Transport Management	●	●	●	●	• Works completed
32.	Badu Aerodrome fence and safety improvements Saibai Aerodrome apron upgrade (Helipad) Dauan access road to Helipad.		Transport Management	●	●	●	●	• Works complete.
33.	Water & Wastewater Projects (W4Q – COVID).		Waste Water Services	●	●	●	●	• Works complete.



Building Services

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
34.	Implementation of desired operating model in alignment and consultation with key stakeholder delivery groups.		All Functions	●	●	●	●	<ul style="list-style-type: none"> Operating model implemented.
35.	Delivery of fuel bowser upgrade program.		Construction		●	●	●	<ul style="list-style-type: none"> Implementation roadmap identified. Program delivery of >60%.
36.	Evolve core project management capability and efficiencies through software implementations.		Construction	●	●	●	●	<ul style="list-style-type: none"> Gap analysis completed. Identified software implemented.
37.	Refresh council asset and capital works program.		Repairs & Maintenance	●	●	●	●	<ul style="list-style-type: none"> Program framework & roadmap published.
38.	Develop and grow local engagement modelling.		All Functions			●	●	<ul style="list-style-type: none"> Development of framework with key stakeholders.
39.	Work with key partners to develop sustainable and increased durability housing concepts.		Construction	●	●	●	●	<ul style="list-style-type: none"> Host workshop with key partners. Recommendation paper delivered.



community services

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
40.	Delivery of Food Safety program: - Community education & awareness. - Licensing Program Stage 1 - Commercial premises. - Licensing Program Stage 2 - Community licences.		Environmental Health	●	●	●	●	<ul style="list-style-type: none"> 1 campaign per community. All applicable commercial/other premises compliant.
41.	Delivery of education & awareness programs on water sanitation, waste management & sewerage.		Environmental Health	●	●	●	●	<ul style="list-style-type: none"> 1 campaign community.
42.	Deliver illegal dumping hotspot program.		Environmental Health		●	●	●	<ul style="list-style-type: none"> Program fully implemented within two communities.
43.	Delivery of Mosquito Management program: - Inspection, Albopictus survey. - Education, awareness, control activities. - Assist the Dengue Action Response Team (DART). - Implement Mosquito management plan.		Environmental Health	●	●	●	●	<ul style="list-style-type: none"> Program & applicable plan(s) implemented.
44.	Complete Environmental Health Worker development & certification program(s).		Environmental Health		●	●		<ul style="list-style-type: none"> Annual Professional development workshop delivered.



Community Services

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
45.	Delivery of Animal Management program: - Domestic animal compliance. - Veterinary services. - Compliance & enforcement program.		Environmental Health	●	●	●	●	<ul style="list-style-type: none"> • Bi-annual vet visits. • Compliance education program delivered to each community.
46.	Develop local law & disturbance awareness program in collaboration with regional compliance and enforcement partners.		Environmental Health	●	●			<ul style="list-style-type: none"> • Program & framework delivered.
47.	Delivery of Biosecurity Act compliance program.		Environmental Health	●	●	●	●	<ul style="list-style-type: none"> • 100% of EWH workforce compliant.
48.	Delivery of healthy lifestyle tools & awareness program(s) in conjunction with community identified areas of need.		Community Health & Wellbeing	●	●	●	●	<ul style="list-style-type: none"> • Community need/gap analysis completed. • Program framework delivered.
49.	Development & delivery of the Community Volunteer program.		Community Health & Wellbeing			●	●	<ul style="list-style-type: none"> • Develop & implement framework.



Community Services

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
50.	Complete Healthy Lifestyle Officer Development & Certification Program(s).		Community Health & Wellbeing		●	●		<ul style="list-style-type: none"> Annual Professional development workshop delivered.
51.	Conduct IKC program gap analysis & in collaboration with State Library develop community driven KPIs for regional footprint.		Indigenous Knowledge Centres	●	●			<ul style="list-style-type: none"> Community need/gap analysis & full program completed. Program KPI framework delivered.
52.	Delivery of core IKC programs: - First 5 Forever Program. - Public/Community Library Program. - Roll out of Fresh Start to all IKC. - Finalise Masig footprint utilising Idea's Box components.		Indigenous Knowledge Centres	●	●	●	●	<ul style="list-style-type: none"> 100% program delivery to existing IKC footprint. Successful establishment of Masig IKC.
53.	Review, evolve & deliver home care support services to aged care program participants in accordance with state and federal standards.		Aged Care	●	●	●	●	<ul style="list-style-type: none"> Delivery of review paper & associated recommendations.
54.	Review, evolve & deliver Aragon Child Care Centre (Badu) & Hammond After School Care, embedding Torres Strait Islander and Aboriginal cultural perspectives.		Child Care	●	●	●	●	<ul style="list-style-type: none"> Delivery of review paper & associated recommendations.



Community Services

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
55.	Research current & future models of child care service delivery and develop business case aligned to community specific requirements.		Child Care			●	●	<ul style="list-style-type: none"> Delivery of regional childcare business case & recommendation paper.
56.	Increase rental collections rate(s).		Housing Services	●	●	●	●	<ul style="list-style-type: none"> Regional collection rate of >80%.
57.	Drive an active reduction in current debt levels.		Housing Services	●	●	●	●	<ul style="list-style-type: none"> Development of debt management strategy.
58.	Undertake tenants survey & develop strategic recommendations report.		Housing Services	●	●			<ul style="list-style-type: none"> Annual survey completed. Recommendation report delivered.
59.	Successfully complete full registration under QRSCH.		Housing Services	●	●			<ul style="list-style-type: none"> Full registration completed.



Community Services

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
60.	Provide advice on development and lead implementation of a standardised approach to visitor management, including visitor entry and exit, accommodation and travel.		Divisional Offices	●	●	●	●	<ul style="list-style-type: none"> Provide strategic advice & recommendations for Visitor Management Strategy. Deliver on strategy roadmap milestones.
61.	Strengthen financial governance through online training and professional development.		Divisional Offices	●	●	●	●	<ul style="list-style-type: none"> Annual Professional development workshop delivered.
62.	Evolve local disaster preparedness, response and recovery in accordance with state legislation and guidelines.		Divisional Offices	●	●	●	●	<ul style="list-style-type: none"> Develop template & procedure per community.
63.	Establish standardised operating procedures of Divisional Offices, improving timeliness and quality of customer service.		Divisional Offices	●	●	●		<ul style="list-style-type: none"> Develop & implement standard operating procedure for divisional office management.
64.	Drive and deliver effective community engagement events through local Divisional Offices.		Divisional Offices	●	●	●	●	<ul style="list-style-type: none"> 4 events delivered per community.



Strategic Projects and Logistics

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
65.	Implement project allocation and delivery framework.		Logistics	●	●	●		<ul style="list-style-type: none"> Framework identified & implemented.
66.	Mobilisation of Cairns operational footprint.		Strategic Projects	●	●	●		<ul style="list-style-type: none"> Cairns site 100% operational.
67.	Implement community freight support service.		Logistics	●	●	●	●	<ul style="list-style-type: none"> Model & roadmap identified for implementation.
68.	Finalise fuel & Gas best practise fulfilment model.		Logistics	●	●	●	●	<ul style="list-style-type: none"> Gap analysis conducted. Model developed & successfully delivered to all communities.
69.	Develop fleet service fulfilment model, incorporating community & regional partnerships.		Logistics		●	●	●	<ul style="list-style-type: none"> Gap analysis conducted. Model developed & successfully delivered to all communities.



Executive Office

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
70.	Poruma Land, Saibai Land Transfer & Ugar Land Transfer: Facilitate the progression of transfer of Deeds of Grant in Trust from Council to community-based entity that has been fully endorsed by the community to be the trustee.		Legal Services			●	●	<ul style="list-style-type: none"> Process completed.
71.	Evolve Council's Enterprise Divestment Strategy (aligned to Enterprise Development Strategy).		Legal Services	●	●	●	●	<ul style="list-style-type: none"> Develop framework in alignment with Enterprise Development Strategy.
72.	Landing Holding Act (LHA) Katter Lease Resolution: To advocate for the grant of pending LHA entitlements in all Divisions.		Legal Services	●	●	●	●	<ul style="list-style-type: none"> Process completed.
73.	Template execution for (Regional) Infrastructure & Housing ILUA: To develop an ILUA for each division of the electorate to cover all frequently used Future Acts under the Native Title Act 1993 (Cth) maximise expediency in Native Title validation.		Legal Services	●	●			<ul style="list-style-type: none"> Remaining communities completed.
74.	Support the development of regional governance via One Boat and regional planning.		Legal Services	●	●	●	●	<ul style="list-style-type: none"> Assist regional leadership in consultation process. Support model identified.



Executive Office

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
75.	Provide a regional legal framework which addresses both State and Traditional Lore requirements.		Legal Services			●	●	<ul style="list-style-type: none"> Framework developed for consultation.
76.	Effective management of DOGIT Land as a Trustee.		Legal Services	●	●	●	●	<ul style="list-style-type: none"> Trustee requirements delivered accordingly.



People and Wellbeing

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
77.	Complete negotiations of new certified agreement with workforce.		Employee Relations	●	●	●	●	<ul style="list-style-type: none"> Negotiations complete. Agreement developed.
78.	Develop Council's Diversity & Inclusion policy.		Employee Relations			●	●	<ul style="list-style-type: none"> Policy delivered.
79.	Implementation of learning & development strategy.		Learning & Development		●	●	●	<ul style="list-style-type: none"> Strategy developed & implemented.
80.	Grow Council's existing apprenticeship & traineeship program.		Learning & Development	●	●	●	●	<ul style="list-style-type: none"> Fulfilment of traineeship placements.
81.	Refresh Council's Transitional Action Plan (TAP).		Recruitment Services		●	●	●	<ul style="list-style-type: none"> Plan delivered.



People and Wellbeing

No.	Objective	Corp. Plan	Function	Q1	Q2	Q3	Q4	Delivery/Target
82.	Evolve Council's recruitment process & systems, focusing on regional accessibility.		Recruitment Services		●	●		<ul style="list-style-type: none"> Software implemented. Local applicant feedback captured.
83.	Develop employee benefit & wellbeing programs.		Safety & Wellbeing		●	●		<ul style="list-style-type: none"> Program parameters identified.
84.	Evolve WHS policies & procedures.		Safety & Wellbeing	●	●	●		<ul style="list-style-type: none"> Applicable policies implemented.
85.	Implement WHS systems.		Safety & Wellbeing	●	●	●		<ul style="list-style-type: none"> System implementations complete.
86.	Increase WHS support & representative footprint within region.		Safety & Wellbeing	●	●	●	●	<ul style="list-style-type: none"> Candidates identified & appointed.

How we manage our Operational Risk

The Local Government Regulation 2012 requires the management of risk to be included in Council's Annual Operational Plan. Annual operational plan contents s 175 (1) - the annual operational plan for a local government must - (b) state how the local government will - (ii) manage operational risks.

The Council's risk management vision is 'creating excellence in risk, work health and safety and business continuity management'. The objectives are managing risk exposure, consistently and systematically to maximise community outcomes. This effectively leverages the benefit of opportunities, manages uncertainty, builds organisational resilience and minimises the impact of adverse events to ensure sustainability.

Risk management for Council's local government area is governed by the Enterprise Risk Management Framework which is integral to the overarching Corporate Governance Framework. This approach is aligned with AS/NZS ISO 31000: 2018 Risk Management and is tailored to the specific business and the organisational context of Council at an operational, tactical and strategic level.

The framework provides procedures, systems, policies and strategies that focus on effective risk management leadership through engagement and consultation.

In addition to ongoing risk reviews at corporate, operational and local level, the Executive Leadership Team participates in an annual workshops to review the corporate risk profiles and ensure risks are managed effectively to a level as low as is reasonably practicable taking into consideration emerging issues, global trends, threats and opportunities. Risks are also reviewed regularly through engagement of the Risk Managers, the Work Health and Safety Advisory Committee and the Audit Committee. These Committees support good governance through consultation and engagement with Council Executive Leadership, Managers and Officers.

By identifying and actively managing risks and with the implementation of numerous risk treatment strategies, business continuity plans, incident management protocols, inspections and audits, security plans and work health and safety initiatives, the Council is equipped to ensure that risks are managed to a level as low as is reasonably practicable whilst optimising restricted opportunities available.



Torres Strait Island
REGIONAL COUNCIL

www.tsirc.qld.gov.au





TORRES STRAIT ISLAND REGIONAL COUNCIL

REPORT/DISCUSSION PAPER

ORDINARY MEETING:	February 2021
DATE:	23/02/21
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Community Grants Program Allocation – February 2021
AUTHOR:	Kim Kelly, Team Leader – Enterprise Delivery

Recommendation:

Council resolves to allocate Community Grants Program funding to the following applicants in accordance with the Community Grants Policy:

Community Grant Applications:

- Church of the Living God for the eligible amount of \$ 1,979.96 exclusive of GST (plus in-kind assistance to the value of \$712.00 – approval pending), as per the submitted application.
- Badu Community Justice Group for the eligible amount of \$ 800.00 exclusive of GST (plus in-kind assistance to the value of \$1,190.00 – approval pending), as per the submitted application.

Regional Grant – Scholarship Applications:

- Thomasina Mene for the eligible amount of \$ 500.00 exclusive of GST, as per the submitted application.
- Kiali Wapau for the eligible amount of \$ 500.00 exclusive of GST, as per the submitted application.

Executive Summary:

As per Council's Community Grants Policy, which was endorsed by Council at the June 2020 Ordinary Meeting, all community grants applications must be decided monthly at the Ordinary Council meeting.

Background:

For the month of January two community grant applications and two regional grant – scholarship applications meeting the eligibility requirements were received.

An assessment based on eligibility criteria was conducted by Council officers in accordance with the Community Grant Policy.

An acknowledgement of each application being received and assessed as compliant has been issued to the applicants.

The four applications, which meet eligibility requirements, are:

Applicant	Project	Location
Community Grants		
Church of the Living God	Contribution towards catering for Autumn Church Conference, and hire of vehicle	Yorke
Badu Community Justice Group	Contribution towards Community Justice Group Court Sitting (5 sittings per year)	Badu
Regional Grants - Scholarship		
Thomasina Mene	Scholarship Grant	St Pauls
Kiali Wapau	Scholarship Grant	St Pauls

Links to Strategic Plans:

These projects strategically align to specific delivery objectives under the People and Prosperity pillars of Council's Corporate Plan.

Finance & Risk:

No financial risk identified as the allocation is within existing Community Grants budget.

Sustainability:

N/A

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

That Council resolves to provide Community Grant support to the eligible applicant in accordance with the Community Grants policy.



Endorsed:

Luke Ranga
Head of Corporate Affairs



Recommended:

Hollie Faithfull
Chief Financial Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	February 2021
DATE:	23 - 24/02/2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Deed of Variation – Tourism Officer and Events Coordinator Positions
AUTHOR:	Kylie Sturges, Manager, Enterprise Development and Delivery

Recommendation:

Council resolves to

- Accept the proposed amendment to the original Funding Agreement with the Torres Strait Regional Authority, to the sum of \$53,078.90 excluding GST on the terms and conditions contained in the Deed.

and
- Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to enter into contract, negotiate, finalise and execute any and all matters associated with or in relation to this agreement including any further variations to allow for extensions of time or increase in funding.

Executive Summary:

This report seeks Council's endorsement to amend the Funding Agreement with Torres Strait Regional Authority (TSRA). The amendment constitutes an increase of funds by \$53,078.90 to extend funding of two positions until 30 June 2021.

Background:

Council entered into a funding agreement with the Torres Strait Regional Authority, under the Economic Development Program, on the 22nd of July 2018 for the sum of \$500,000 to fund wages and travel expenses for two positions: Tourism Officer and Events Coordinator for a 24-month period.

In order to maintain and support these two positions to the 30th June 2021 an additional sum of \$53,078.90 is required to cover the shortfall in wages and travel expenses.

Considerations

N/A

Finance & Risk:

Torres Strait Regional Authority has no obligation to provide Project Funding to an applicant until the Deed of Variation has been executed by the applicant and Torres Strait Regional Authority. If the variation is not endorsed, Council will lose the extra funding and not be able to maintain the two grant funded positions.

Consultation:

- Council's Corporate Affairs Department
- Council's Community Services Department

Links to Strategic Plans:

This project strategically aligns to specific delivery objectives under all 3 pillars of Council's recently adopted Corporate Plan, being *People, Sustainability and Prosperity*.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

That Council endorses the variation and delegate power to the Chief Executive Officer under the *Local Government Act 2009*.



Endorsed:

Luke Ranga
Head of Corporate Affairs



Recommended:

Hollie Faithfull
Chief Financial Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL REPORT

ORDINARY MEETING:	February 2021
DATE:	23 - 24/02/2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Establishment of Economic Growth Committee
AUTHOR:	Mette Nordling, Manager Governance and Compliance

Recommendation:

That Council resolves to:

- appoint Cr Jimmy Gela as a member of the Council's Economic Growth Committee
- and
- adopt the Terms of Reference for the Economic Growth Committee

Executive Summary:

Following the resignation of the previous Councillor Bogo Gela, a position has become available on the Economic Growth Committee. This report gives Council the opportunity to fill that position and adopt the amended Terms of Reference for the Committee.

Background:

The Economic Growth Committee was established in July 2020 along with a number of other standing committees.

Cr Bogo Gela was appointed as a member of this committee, but has since resigned from Council.

Cr Jimmy Gela was elected in the Erub by-election in December 2020 and took his declaration of office at Council's Ordinary meeting in January 2021.

Draft Terms of Reference are included as **Attachment 1**.

Comment:

The terms of reference for the committee has been updated to include the appointment of Cr Jimmy Gela as a committee member.

A handwritten signature in blue ink, appearing to read "Luke Ranga".

Luke Ranga
Head of Corporate Affairs

A handwritten signature in blue ink, appearing to read "Hollie Faithfull".

Hollie Faithfull
Chief Financial Officer

Attachment:

Draft Terms of Reference for the Economic Growth Committee



Terms of Reference for the Economic Growth Committee

1. Objective

The Economic Growth Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Divestment of Enterprises
- Regional Stimulus Projects
- Industry Development
- Torres Strait Procurement Policy
- Connectivity & Tele-communication

3. Term

The Economic Growth Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

- The Mayor
- Three Councillors – as nominated by Council

The Council will determine who will be the chair.

Councillor members elected by Council at Council's June 2020 Ordinary Meeting:

- Cr Stephen - **Chair**
- Cr Tabuai
- Cr Gela – elected by Council at Council's February 2021 Ordinary Meeting

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. The Committee will meet monthly unless otherwise scheduled. These meetings will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Chief Financial Officer

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at February 2021 Ordinary Meeting.



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	February 2021
DATE:	23 & 24 February 2021
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Project Recommendations - Building Better Regions, Round 5 Application
AUTHOR:	Kylie Sturges, Manager, Enterprise Development and Delivery

Recommendation:

That Council resolves to:

- Support the project recommendations for the Building Better Regions, Round 5 funding program as outlined below;

And

- Delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to approve, finalise and execute any and all matters in relation to this funding application.

Executive Summary:

This report seeks Council's support and endorsement of funding applications being submitted to apply for Building Better Regions - Round 5, Infrastructure and Community Investment Stream, as per the below recommendations:

Background:

Council's Enterprise Development and Delivery team is continuously looking at opportunities for Council to obtain funding for projects that have been identified by Council as being a priority.

These priorities are determined based on Councillors top priorities for each division as well as through the Corporate and Operational Plan process.

An assessment based on eligibility criteria was conducted by Council officers in accordance with the Building Better Regions guidelines to qualify Council priority projects to be submitted for this funding. Projects that were considered also had to meet Councils 2020-2025 Corporate Plan Strategic Delivery Pillars.

Projects:

Two projects were considered under the Infrastructure Stream, one met the eligibility criteria and was consistent with the key program objectives as follows:

3 & 4 Elphinstone Close - Renovation and Extension project – Value - \$4.5M approximately

Included activities:

- a. Demolish the internals of No 3 Elphinstone.
- b. Reconstruct the internals and complete fit out of No 3 Elphinstone
- c. Extend No 4 Elphinstone as per the DA approval
- d. Fit out of No 4 Elphinstone.

- e. Civil works on site
- f. Landscaping and fencing
- g. No 4 will include: Art Gallery, IKC, Business Hub, Community multipurpose area, small kiosk in the entrance near the gallery.

In early 2020 Council was successful in securing \$3.518M funding from the Indigenous Land Sea Corporation (ILSC) to purchase the two Elphinstone Close properties at no cost to Council. The purchase was endorsed at Council's April 2020 Ordinary Meeting. At this meeting it was also endorsed for officers through the CEO to pursue funding opportunities with the State and Commonwealth Governments to renovate and refurbish these two properties.

Erub Airport to Community Road

The second project that was considered was the Erub Airport to Community Road. This project was not put forward for recommendation for the following reasons:

The primary reason for this project not proceeding was due to the preliminary cost estimates to deliver the full scope of works on the Erub Airport Road project exceed the BBR funding available to Council.

Council officers considered if there was other potential funding or budget available to Council to cover the likely budget shortfall. The only identified potential additional funding source is the ATSI TIDS (TMR) 2021/22 State funding round. For TSIRC this is typically to the amount of \$1.5M to \$1.8M per year and generally covers a range of smaller but critical projects across multiple divisions, such as relatively minor aerodrome and other transport upgrades and renewals. Targeting the TIDS funding for only one project (Erub) was deemed poor use of already limited transport related funding that would otherwise be used across multiple divisions.

The revised Opinion of Probable Construction Cost, preliminary construction costs associated with the project, are between \$9-12M. There are, however, some risk that this expenditure could run over and require Council to source funding from the constrained reserves.

In terms of the funding assessment, the BBR fund uses a Cost Benefit Analysis (CBA). Roads are difficult infrastructure items to accurately determine the benefits. Under the typical CBA criteria, they assign value to travel time savings and the like. Since this is a rehabilitation/upgrade project, there is unlikely to be any discernible time savings, and even if there were (halved the time) the usage of the road (AADT) is not all that high – and so the cumulative benefits are not likely to outweigh the costs (so the CBA<1).

Therefore, it is likely that the funders will be underwhelmed. There is a risk that the Erub Road project, is right on the end of the spectrum for eligibility, potentially more costly than the funding allows, and the CBA is difficult to prove up the benefits and it is considered very marginal.

Council would need a very strong reason to proceed with Erub Road over other projects which are considered to better fulfil the funding criteria and therefore have a higher chance of being successful.

Two projects were considered under the Community Investment Stream and considered to meet the eligibility criteria and are recommended as follows:

IT Transformation Strategy - Value - \$500,000 approximately

Included activities:

- a. Making Community Wifi available- investigation
- b. Upgrading TSIRC network bandwidth in all divisions
- c. Backup systems – Upgrade Capabilities for Disaster Recovery
- d. Visibility tool investigation for mobile services – to monitor data usage more effectively
- e. Review all current IT processes and systems

Asset Management Plan/Strategy for Building Corporate - Value - \$500.000 Approximately

Overall Asset Management Plan for Council assets that provides:

- a. Asset description
- b. Standard service definition
- c. Current asset status
- d. Planned actions – ie preventative maintenance, lifecycle management, replacement policy
- e. Costs
- f. Benefits
- g. Improvements
- h. Implementation plan
- i. Operational/business plan

Links to Strategic Plans:

These projects strategically align to specific delivery objectives under all 3 pillars of Council's recently adopted Corporate Plan, being *People, Sustainability* and *Prosperity*.

Consultation:

Executive Team
Corporate Affairs

Finance & Risk:

Both funding streams allow Council to apply for an exemption for exceptional circumstances.

Council will be applying for the exemption under category - limited *financial capacity of the local council* - which is taken from the list of exceptional circumstances in the funding guidelines.

The exemption will allow our projects if successful to receive up to 100% of the project costs. If Council is not approved for an exemption a 25% co-contribution will be required.

This means that if all three projects are successful Council would potentially obtain \$5.5M funding and be able to deliver all three projects at no cost to Council.

If Council is successful in obtaining funding but not successful in obtaining an exception, Council would obtain approximately \$4.125M funding and would be responsible for a \$1.375M co-contribution.

As part of the funding agreement Council entered with ILSC for purchase of the two Elphinstone Close properties, Council made a commitment to actively seek funding for the renovation and extension of the Elphinstone Close properties. If Council do not apply for this funding, and another opportunity is not made available for funding in the future, this could be viewed as a breach of the Indigenous Land Sea Corporation for our land acquisition project.

Sustainability:

N/A

Statutory Requirements:

Local Government Act 2009

Conclusion:

That Council resolves to approve to submit funding applications for the recommended projects under Building Better Regions - Round 5, Infrastructure and Community Investment Stream.



Endorsed:

Luke Ranga
Head of Corporate Affairs



Recommended:

Hollie Faithfull
Chief Financial Officer

**TORRES STRAIT ISLAND REGIONAL COUNCIL
AGENDA REPORT**

ORDINARY MEETING

DATE: 23 February 2021
ITEM: Agenda Report
SUBJECT: Correction of Minutes of Ordinary Meeting – June 2019 (Insurance renewal)
AUTHOR: Senior Legal Counsel

RECOMMENDATION

1. *That Council resolves to:*
- a. *adopt Option 2 of AON's insurance strategy for 2019/20; and*
 - b. *appoint the following insurance underwriters as insurers on the following Council insurance policies for 2019/20; and*
 - c. *authorise the Chief Executive Officer to enter into all contracts of insurance with those underwriters and do all things necessary to effect those policies of insurance, including making payment for all premiums:*

Policy	Insurer	Premium (GST Incl)
Industrial Special Risks	QBE Insurance	\$2,729,501.18
Local Government Liability	AXA Corporate Solutions	\$85,608.60
Excess Liability	AXA Corporate Solutions	\$32,868.11
Motor Vehicle	QBE Insurance	\$90,062.88 plus premiums adjustment of \$1,990.34
Casual Hirers (Entertainment Liability)	XL Catlin Australia P/L	\$2,087.58
Architects Professional Indemnity	Specialist Underwriting Agency Pty Ltd	\$16,821.20
Aviation	Tokio Marine Kiln Limited	\$14,715.00

Contract Works	ATC	\$73,258.88
Management Liability	CGU Insurance	\$36,221.79
Personal Accident – Mayor & Councillors	Chubb Insurance Australia Limited	\$12,980.18
Personal Accident – Voluntary Workers	Chubb Insurance Australia Limited	\$659.45
Business Travel	Chubb Insurance Australia Limited	\$5,650.59
Brokers Fee		\$66,000.00
	TOTAL (GST incl)	\$3,166,435.44

2. That Council resolve to authorise the Chief Executive Officer to enter into all contracts with Local Government Workcare regarding workers compensation insurance for 2019/20 up to the 19/20 budgeted value of \$280,000 and do all things necessary to effect this policy of insurance, including making payment for the premium.

That Council resolves to ratify any decisions made or actions taken after 25 June 2019 which are in accordance with the above resolution.

PURPOSE

The purpose of the report is to correct the error in the minutes of the Council Ordinary meeting on 25 June 2019 which was picked up by the auditors.

BACKGROUND

The auditors picked up an error in the Council minutes for June 2019 (Attachment 1) regarding the renewal of insurance. The council minutes on page 15 only reported part of the resolution which was passed. Independent legal advice from MacDonnells law confirmed that the best way to correct the error was for a Council resolution endorsing a correction to the minutes or for a new resolution seeking to ratify the actions taken subsequent to that resolution. (Attachment 2)

OFFICER COMMENT

The CEO prepared a report to Council (Attachment 3) for its Ordinary meeting on 25 June 2019 regarding insurance renewal for the financial year. The resolution was in two parts, the first one dealt with council assets and

operations, and the second one dealt with workers compensation. The resolution was moved by Cr. Sabatino and Seconded by Cr. Nona and the motion was carried. The minutes were confirmed as correct at the Council Ordinary Meeting held in July 2019. However, an audit check revealed that only the second part of the resolution was recorded in the minutes and not the first part. The auditors recommended that the error be corrected.

CONSULTATION

Acting Chief Executive Officer
Manager Legal Services

LINKS WITH STRATEGIC PLANS

Governance

STATUTORY REQUIREMENTS

Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)

FINANCE AND RISK

Nil

CONCLUSION

As presented.



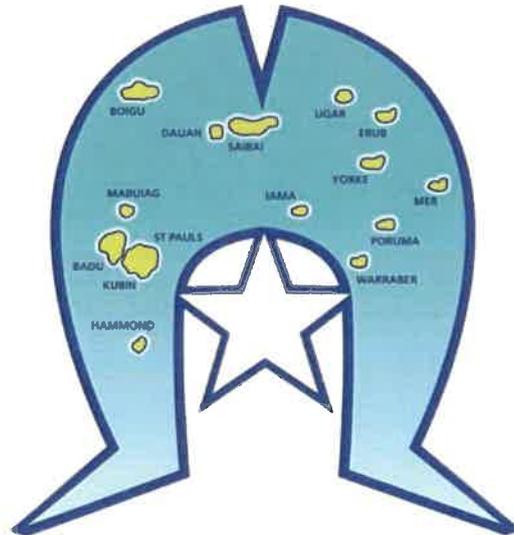
Peter Krebs
Senior Legal Counsel



Ilario Sabatino
A/CEO

Attachments:

- 1. Minutes of Ordinary meeting of 25 June 2019.**
- 2. Legal advice from MacDonnells Law of 14 January 2021.**
- 3. CEO report to Council Ordinary Meeting 25 June 2019 on Insurance renewal.**



Torres Strait Island
REGIONAL COUNCIL

MINUTES

ORDINARY MEETING

Tuesday 25 June 2019: 9:09am to 6:05pm
Wednesday 26 June 2019: 9:00am –

Videoconference - VMR #8 - 0299 165 402

Tuesday 25 June 2019

Present

Cr Fred Gela, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keri Akiba, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag (Mabuyag office - VC)
Cr Laurie Nona, Division 5 – Badu
Cr David Bosun, Division 6 – Kubin Community, Mua Island
Cr Mario Sabatino, Division 8 – Kirriri
Cr Francis Pearson, Division 11 – Poruma
Cr Ted Nai, Division 12 – Masig
Cr Patrick Thaiday, Division 14 – Erub
Cr Bob Kaigey, Division 15 – Mer
Mr Bruce Ranga, Chief Executive Officer (CEO)
Ms Jan Pool, Chief Operating Officer (COO)
Ms Hollie Faithfull, Acting Chief Financial Officer (CFO)
Mr Peter Krebs, Manager Legal Services (MLS)
Mr Luke Ranga, Manager Engagement (ME)
Mr David Lennie, Strategic Sourcing Manager
Ms Ursula Nai, Senior Executive Assistant (SEA)
Mrs Kathy Cochran – Secretariat Officer (SO)

Apologies

Cr John Levi, Division 7 – St Pauls Community, Mua Island
Cr Getano Lui Jnr, Division 9 – Iama
Cr Clara Tamu, Division 10 – Warraber
Cr Rocky Stephen, Division 13 – Ugar

1. **9:09am – 9:15am** **Opening Prayer by Cr Thaiday and Welcome by Deputy Mayor Lui**

Mayor Gela welcomed everyone and thanked them for their attendance and invited Cr Thaiday to open the meeting in prayer.

Mayor Gela acknowledged the traditional owners and elders past and present for Kirriri and the whole of Zenadth Kes. Mayor also acknowledges Cr Sabatino and fellow Councillors and staff.

2. **9:15am – 9:21am** **Apologies**

- Cr Clara Tamu, Division 10 – Warraber
Cr Sabatino applied for leave of absence in advance at the May 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Nai; Second: Cr Nona

That Council accepts the apology from Cr Tamu for her absence at this meeting.

MOTION CARRIED

- Cr Rocky Stephen, Division13 – Ugar
Cr Stephen applied for leave of absence in advance at the May 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Elisala; Second: Cr Kaigey

That Council accepts the apology from Cr Stephen for his absence at this meeting.

MOTION CARRIED

- Cr Getano Lui Jnr, Division 9 - Iama
Cr Lui applied for leave of absence in advance at the May 2019 Ordinary Meeting.

RESOLUTION

Moved: Cr Elisala; Second: Cr Nona

That Council accepts the apology from Cr Lui for his absence at this meeting.

MOTION CARRIED

- Cr John Levi, Division 7 – St Pauls Community, Mua Island
Mayor Gela informed Council, Cr Levi had advised he had been admitted to hospital due ill health and expressed his apology. Cr Levi did not apply for leave of absence in advance at the May 2019 Ordinary Meeting. Council considered Cr Levi apology and accepted it.

RESOLUTION

Moved: Cr Sabatino; Second: Cr Pearson

That Council accepts “reasonable excuse” absence of Cr Levi subject to written advice.

MOTION CARRIED

ACTION: SEA to follow up with Cr Levi for his apology to be submitted in writing.

3. **9:21am – 9:22am** **Declaration of Conflict of Interest (COI) or Material Personal Interest (MPI)**

- Cr Elisala declared a conflict of interest (COI) for Agenda item 18. Regional Grants applicant – 4Ballun Dance Team
 - COI details: Cr Elisala has family in the dance team.

Mayor encouraged Councillors to make their disclosure at any time during the meeting.

4. 9:22am – 9:27am Confirmation of May 2019 Ordinary Meeting Minutes

Page 3 – Remove Cr Pearson COI due to TSRA Board Member
Page 17 – Delete Cr Sabatino on 2nd day – leave of absence
Add Cr Kaigey and Cr Bosun on Monday 20th May attendance

RESOLUTION

Moved: Cr Pearson: *Second:* Cr Nai

That the minutes of the Ordinary Meeting held in May 2019 be adopted as a true and accurate record of that meeting taking into account the above amendments.

MOTION CARRIED

Mayor Gela welcomed David Lennie as the new Procurement officer and invited David to give a brief introduction of himself and overview of his previous work history to Council.

5. 9:27am – 9:54am Outstanding Strategic Ordinary Meeting Action Items

1. IKC - State Library update – merge the two action items. In progress, new due date Sept 19 OM
2. Business Continuity – SEA to place on agenda for November workshop
3. Complaint (Public Official) Policy – Source an independent assessor for the Mayor to go to and should be reflected in the Policy
4. Communication Guidelines – to be tabled today.
5. Framework to deal with unannounced visitors to islands – Policy being developed, involve Legal and SEA to place on November workshop agenda
6. 8 Point Plan emailed to Councillors – complete – closed
7. In kind contributions by Councillors – workshop in November 2019
8. Communicate and distribute TSIRC branding – due to complete July 2019
9. Travel Allowance for private stay in TSIRC region – Team to develop a Policy and framework for TA – private stay in Cairns and Torres Strait region.
10. Vending machine – Mabuyag – COO, Procurement, Legal and Cr Fell to have offline discussions
11. Grass cutting – Mabuyag – Close
12. Boigu Focus Group – Cr Toby asked for an update on an email sent to Council from Mr Matthew on behalf of Elder Donald Banu. Team to send update information to Cr Toby

6. 10:20am – 10:29am SARG Update – Verbal

Mayor Gela gave Council a verbal update on the following discussion points at the last SARG meeting held Monday 24th March 2019 via video conference.

- Visual on Beautification Report – close
- Climate Adaptation
- Deputation by Mirabou Energy Renewable Micro – Grid Regional Energy Opportunities
- TCICA membership
- Pre feasibility projects
- BSU committed outputs and projected
- Update of Memorandum of Understandings
- Maritime Fees and
- SARG Attendance

7. 10:29am – 10:33am Standing Agenda Items

- Undocumented commercial land occupation project (verbal) – New data base now in place and nothing new to update.

ACTION: MLS to furnish each Councillor with the information report on the leases in each community

- IKC update – item parked

ACTION: HCAE - a written report will be submitted to July OM

8. 10:33am – 10:55am CORPORATE AFFAIRS – Verbal Update

HoCAE gave verbal update to Council on the following items;

- Community Consultation
- Regional Grants Program and
- Rita Pryce Deputation – Cultural Protocol in performing arts

10:55 – 11:20am – MORNING TEA Break

9. 11:20am – 11:22am BUSINESS SERVICES – Authorised Individuals for ATO

CFO spoke to this report. The purpose of this report is for Council to endorse the following Council employees:

- Bruce Ranga
- Jan Pool
- Hollie Faithfull
- Nicola Daniels

To speak on behalf of Council for various financial and non financial matters to the Australian Government.

RESOLUTION:

Moved: Cr Sabatino; *Second:* Cr Elisala

That Council endorse the following individuals to be authorised contact persons for the purposes of dealing with the Australian Government

- **Bruce Ranga**
- **Jan Pool**
- **Hollie Faithfull**
- **Nicola Daniels**

and remove Melissa Barmettler as an authorised contact person. Noting that Jaydip Sengupta was listed in NAT 2943 however due to cessation of employment will no longer be added as an authorised contact.

MOTION CARRIED

10. 11:22am – 11:23am BUSINESS SERVICES – Asset Management Policy

CFO spoke to this report; the purpose of the report is to present for adoption the Asset Management Policy (PO 10) for Council. The Policy was previously endorsed in June 2017 with a review date of June 2019.

Significant changes to the existing policy are noted below for Council's consideration:

- Updated Responsible Manager from Executive Manager Corporate Services to Chief Financial Officer
- Included reference to New Capital Project Procedure PO10-PR08 in regards to capital threshold.

The Policy has been prepared in line with the aforementioned legislation and is recommended for adoption.

RESOLUTION:

Moved: Cr Pearson; Second: Cr Sabatino

That Council adopt the Asset Management Policy (PO 10) for a period of two years.

MOTION CARRIED

11. 11:23am – 11:24am BUSINESS SERVICES – Information Technology Policy

CFO spoke to this report; the purpose of this report is to present for adoption the Information Technology Policy (PO 13) for Council.

The Policy was previously endorsed in May 2017 with a review date of June 2019. Significant changes to the existing policy are noted below for Council's consideration:

- Updated Responsible Manager from Executive Manager Corporate Services to Chief Financial Officer

The Policy has been prepared in line with the aforementioned legislation and is recommended for adoption.

RESOLUTION:

Moved: Cr Sabatino; Second: Cr Nona

That Council adopt the Information Technology Policy (PO 13) for a period of two years.

MOTION CARRIED

12. 11:24am – 11:27am BUSINESS SERVICES – Financial Policies

CFO spoke to this report. The purpose of this report is to present for adoption the annual financial policies for Council. The Policies were previously endorsed in June 2018 with an annual review date of June 2019. Statutory Policies (SPO) is mandated under the Local Government Regulation 2012 (Qld).

Significant changes to existing policies are noted below for Council's consideration:

Investment (SPO 1)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Financial Officer

Community Grants (SPO 3)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Operating Officer

Debt (SPO 4)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Financial Officer
- Existing borrowings balance updated as at 31 May 2019.

Councillor Expense Reimbursement and Facilities Provision (SPO 6)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Financial Officer
- Amened references of Executive Manager Financial Services to Chief Financial Officer within the policy

Fiscal Governance (PO 4)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Financial Officer
- Amened references of Executive Manager Financial Services to Chief Financial Officer within the policy

Entertainment and Hospitality Policy (PO 11)

- Updated Responsible Manager from Executive Manager Financial Services to Chief Financial Officer

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Thaiday

That Council adopts the following Policies:

- **Investment Policy (SPO 1)**
- **Community Grants Policy (SPO 3)**
- **Debt Policy (SPO 4)**
- **Councillors Expense Reimbursement and Facilities Provision Policy (SPO 6)**
- **Fiscal Governance Policy (PO 4)**
- **Entertainment and Hospitality Policy (PO 11)**

MOTION CARRIED

13. 11:27am – 11:31am LEGAL – Complaint Management and Enforcement Policy

MLS spoke to this report. The purpose of this report is to present to Council, for endorsement, policies in the Legal Services area of responsibility that are due for review.

Complaint Management Policy

“Belcarra 2” law reforms have not yet come into effect, so there are no substantive changes proposed to this Policy.

Legal recommends setting a review date of 30 June 2020 to ensure that the Policy is updated to reflect any further law reform introduced over the next year.

The Complaint Management Procedure (SPO9 PR1) is being separately reviewed and updated under CEO delegation, in particular to reflect the changes to Council’s operating model that were introduced in April 2019.

Enforcement Policy

The only proposed change to this Policy is to update the “Responsible Manager” from Executive Manager Corporate Services to Chief Operating Officer.

Legal recommends setting a review date of 30 June 2021 for this Policy.

The following procedures fall under the Enforcement Policy:

- PO5-PR1 Enforcement Procedure: this was last reviewed in December 2018 and is due for review in June 2020.
- PO5-PR7 Debt Recovery Procedure: due for review in June 2019. This procedure is being separately reviewed and updated under CEO delegation, in particular to reflect the changes to Council's operating model that were introduced in April 2019.
- PO5-PR2 Prescribed Activity Procedure: due for review in June 2019. This procedure is being separately reviewed and updated under CEO delegation, in particular to reflect the changes to Council's operating model that were introduced in April 2019.
- PO5-PR3 Risk Management and Litigation Procedure: due for review in June 2019. This procedure is being separately reviewed and updated under CEO delegation, in particular to reflect the changes to Council's operating model that were introduced in April 2019.

RESOLUTION:

Move: Cr Akiba; *Second:* Cr Pearson

That Council endorses the updated SP09 Complaint Management Policy and PO5 Enforcement Policy, as presented.

MOTION CARRIED

14. 11:31pm – 11:35pm LEGAL – Delegation Register

MLS spoke to this report. The purpose of the report is to present new and amended statutory powers to Council for endorsement of delegation to the CEO.

MacDonnells Law has advised that, since the May 2019 update, the following legislative changes have occurred which requires a Council resolution to delegate new or amended powers to the CEO and update the Delegations Register:

Each new instrument of Delegation is proposed for each relevant statutory instrument, for Council's consideration. MLS updates Council on each new and amended instrument as present in the report.

RESOLUTION:

Move: Cr Thaiday; *Second:* Cr Pearson

That under section 257 of the Local Government Act 2009, Council delegate to the Chief Executive Officer the exercise of the following powers, and these powers must be exercised subject to any limitations contained in Schedule 2 of the corresponding attached Instruments of Delegation:

- **Mineral Resources Act 1989: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 2.**
- **Plumbing and Drainage Act 2018: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 3.**
- **Plumbing and Drainage Regulation 2019: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 4.**
- **Waste Reduction and Recycling Act 2011: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 5.**
- **Waste Reduction and Recycling Regulation 2011: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 6.**
- **Water Act 2000: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 7.**
- **Public Health Act 2005: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as Attachment 8.**

MOTION CARRIED

15. 11:35pm – 11:49pm LEGAL – House Price Endorsement

MLS spoke to this report. The purpose of the report provides an opportunity for Council to set a house price for one-bedroom detached houses, seven-bedroom detached houses and duplexes.

The house price methodology agreed between TSIRC and DHPW does not include one-bedroom detached houses; seven-bedroom detached houses or duplexes, although these types of houses exist in Council's social housing portfolio.

To ensure the house sale prices cover all social housing assets, Legal proposes a comprehensive methodology as presented in the report.

The figures were calculated by the Management Accountant, proportionately to the price ranges for the dwellings in the existing methodology, and with reference to the market rent per fortnight set by the State Government for social housing, which Council is bound to apply as a housing provider.

The house price for duplexes is calculated as 75% of the value of a detached house with the same number of bedrooms.

The highlighted figures have been rounded to the nearest \$5,000 to keep it simple.

The Management Accountant's supporting calculations are included as Attachment 1 to the report.

There is no proposed change to the house prices already agreed between TSIRC and DHPW.

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Pearson

That Council, as Trustee for those communities for which Council holds a Deed of Grant in Trust, endorse the sale price for social housing on ordinary freehold land and home ownership (99-year) lease land for the purpose of sections 28R and 91–93 of the Torres Strait Islander Land Act 1991 (Qld) and sections 32R and 126–128 of the Aboriginal Land Act 1991 (Qld), as follows:

House type	New condition	Good condition	Fair condition
1-bedroom detached	\$55,000	\$40,000	\$30,000
2-bedroom detached	\$65,000	\$50,000	\$35,000
3-bedroom detached	\$75,000	\$60,000	\$45,000
4-bedroom detached	\$90,000	\$75,000	\$60,000
5-bedroom detached	\$100,000	\$85,000	\$67,000
6-bedroom detached	\$110,000	\$95,000	\$75,000
7-bedroom detached	\$120,000	\$100,000	\$80,000
2-bedroom duplex	\$50,000	\$40,000	\$25,000
3-bedroom duplex	\$55,000	\$45,000	\$35,000

Pricing is subject to review every three years based on the consumer price index.

MOTION CARRIED

CEO made mention of 5 times 8 bedroom houses in our Divisions.

ACTION: MLS to submit a report to the July OM to capture the 8 bedroom assets in the methodology.

Cr Nona asked about pricing for Mer and Badu. Mayor Gela suggests they could consult with Council and BAS.

16. 11:49pm – 11:55pm CORPORATE – Community Recovery “Plan on a Page”

HoCAE spoke to the report. The Community Recovery Plan on a Page primarily focuses on the recovery activities applicable to the North & Far North Queensland Monsoon Trough, which occurred on 25 January - 14 February 2019.

Council's Corporate Affairs & Engagement and Engineering Departments have worked with officers from the Queensland State Government Reconstruction Authority to compile this plan, which will be included in the State Recovery Plan.

RESOLUTION:

Moved: Cr Nai; *Second:* Cr Fell

That Council resolve to endorse the Community Recovery Plan on a Page as presented.

MOTION CARRIED

17. 11:55pm – 12:14pm COMMUNITY SERVICE - 2020 Nominated Special Holidays

Mayor spoke to this report. Each year Council submits Special Nominated Holiday for the TSIRC Electorate to the Minister for Employment & Industrial Relations, Racing and Multicultural Affairs for approval. This year we are seeking Council endorsement for 2020 Nominated Special Holidays as per Attachment A.

Regional Managers consulted with the respective Divisional Managers and Senior MSAO's to collate information required for this report. Divisional Managers and Senior MSAO's worked in collaboration with their respective Divisional Councillors to confirm the Special Nominated Holiday Dates for 2020

The Nominated Special Holidays for 2020 needs to be submitted by mid August to the Department of Industrial Relations, Racing and Multicultural Affairs

RESOLUTION:

Moved: Cr Bosun; *Second:* Cr Pearson

That Council endorse the list of 2020 special holidays at Attachment A to this report.

MOTION CARRIED

ACTION: HoCAE to prepare a report to Council at the July OM for the Torres Strait flag day and Mabo day to be recognised as a National holidays.

ACTION: SEA to place Mabo day date as an Agenda item at the Mer Community Consultation visit by Mayor and CEO. (Cr Kaigey advised there is some dispute within the community regarding the true date)

ACTION: EMCoS to confirm with Cr Elisala the Dauan Native Title Determination date

ACTION: EMCoS to confirm with Cr Toby the date for Coming of the Light at Boigu. (Cr Toby wanted to confirm with the local priest)

ACTION: EMCoS to submit a report to Council on the financial implication for the whole region and then for each individual Community/ Division.

COO spoke to this report. The purpose of the report is to present to Council for decision, the Regional Grants Applications for Round Five 2018/19. The additional Regional Grants round was endorsed by Council at the May 2019 meeting. The objective of the additional round was to raise the awareness of the funding options and utilise the then underspent budget of 2018/19. The outcome is an increase of applications received.

Eligibility assessments were completed by TSIRC grants staff for each application in accordance with the Policy. Acknowledgement of each application being received and assessed as compliant was issued to each applicant, by staff. The supporting documentation and applications have been held as per Privacy Legislation and Local Government Records Management procedures.

Providing skills and information to TSIRC staff and community residents about how to apply for funds will continue to diversify and increase the range of projects and activities supported in the community.

Consultation with stakeholders will continue over the next few months, so as to continue to enhance the opportunity that the existing grants represent.

- Cr Elisala declared a conflict of interest (COI) Applicant # 5 – 4Bullan Dance Team
 - COI details: Cr Elisala has family in the dance team.
 - How the Councillor proposed to deal with the COI: Cr Elisala remained in the room but did not vote.
- Cr Akiba declared a conflict of interest (COI) – Applicant # 13 – Saibai Stags RLFC
 - COI details: Cr Akiba son plays in the football team
 - How the Councillor proposed to deal with the COI: Cr Akiba remains in the room but did not vote.

APPLICANT 1: Warthai Kuzi Women’s Touch Tema

RESOLUTION:

Moved: Cr Toby; *Second:* Cr Elisala

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

1. **Warthai Kuzi Women’s Touch Team for the eligible amount of \$2500 exclusive of GST**
MOTION CARRIED

APPLICANT 2: Tudi Balaz Touch Team

RESOLUTION:

Moved: Cr Toby; *Second:* Cr Elisala

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

2. **Tudi Balaz Touch Team for the eligible amount of \$2500 exclusive of GST**
MOTION CARRIED

APPLICANT: 3 Western United Junior Rugby League

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Nona

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

3. **Western United Junior Rugby League for the eligible amount of \$2500 exclusive of GST**

MOTION CARRIED

APPLICANT 4: Boigu Touch

RESOLUTION:

Moved: Cr Toby; *Second:* Cr Elisala

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

4. **Boigu Touch for the eligible amount of \$2500 exclusive of GST**

MOTION CARRIED

APPLICANT 5: 4Ballun Dance Team

RESOLUTION:

Moved: Cr Kaigey; *Second:* Cr Toby

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

5. **4Ballun Dance Team for the eligible amount of \$2500 exclusive of GST**

MOTION CARRIED

APPLICANT 6: St Saviour Church

- Cr Toby declared a conflict of interest (COI) – Applicant # 6 – St Saviour Church
 - COI details: Cr Toby is the member of the Church
 - How the Councillor proposed to deal with the COI: Cr Toby remains in the room but did not vote.

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Bosun

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

6. **St Saviour Church for the eligible amount of \$2469 exclusive of GST**

MOTION CARRIED

APPLICANT 7: Shekinah Fellowship Ministry

RESOLUTION:

Moved: Cr Pearson; *Second:* Cr Akiba

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

7. **Shekinah Fellowship Ministry for the eligible amount of \$2500 exclusive of GST**

MOTION CARRIED

APPLICANT 8: Church of the Rock

RESOLUTION:

Moved: Cr Toby; Second: Cr Nai

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

8. Church of the Rock for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 9: Muyngn Koekaper Dance

RESOLUTION:

Moved: Cr Toby; Second: Cr Elisala

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

9. Muyngn Koekaper Dance for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 10: Gabriel Mooka

RESOLUTION:

Moved: Cr Elisala; Second: Cr Toby

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

10. Gabriel Mooka for the eligible amount of \$500 exclusive of GST

MOTION CARRIED

APPLICANT 11: Zenadth Kes Rugby League

RESOLUTION:

Moved: Cr Bosun; Second: Cr Sabatino

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

11. Zenadth Kes Rugby League for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 12: Mui Kuzi Football

RESOLUTION:

Moved: Cr Toby; Second: Cr Kaigey

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

12. Mui Kuzi Football for the eligible amount of \$2500 exclusive of GST

MOTION CARRIED

APPLICANT 13: Saibai Stags RLFC

RESOLUTION:

Moved: Cr Kaigey; Second: Cr Toby

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

13. **Muyngn Koekaper Dance for the eligible amount of \$2500 exclusive of GST**

MOTION CARRIED

APPLICANT 14: Saibai Stags RLFC Under 18s

RESOLUTION:

Moved: Cr Bosun; Second: Cr Toby

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

14. **Saibai Stags RLFC Under 18s for the eligible amount of \$2500 exclusive of GST**

MOTION CARRIED

APPLICANT 15: Kulkalgal Choir

- Cr Nai declared a conflict of interest (COI) – Application # 15 – Kulkalgal Choir
 - COI details: Cr Nai has family member in the Choir
 - How the Councillor proposed to deal with the COI: Cr Nai remains in the room but did not vote.
- Cr Pearson declared a material personal interest (MPI) – Application # 15 – Kulkalgal Choir
 - MPI details: Cr Pearson is a member of the Choir
 - How the Councillor proposed to deal with the MPI: Cr Pearson left the room

RESOLUTION:

Moved: Cr Elisala; Second: Cr Bosun

That Council resolves to provide Regional Grants support to the following applicant in accordance with the Community Grants policy:

15. **Kulkalgal Choir for the eligible amount of \$2500 exclusive of GST**

MOTION CARRIED

19. **12:39pm – 1:11pm**

COUNCIL MOVE INTO CLOSED BUSINESS

RESOLUTION:

Moved: Cr Nai; Second: Cr Kaigey

That in accordance with section 275 of the Local Government Regulation 2012 (Qld) it is resolved for the meeting to go into closed session to discuss matters of the following nature:

- a) **other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.**

Further the public in attendance are asked to leave.

MOTION CARRIED

20. **COMMUNITY SERVICE – Vet Tender**

21. **BUSINESS SERVICE – Prequalified Suppliers**

1:11pm – 2:20pm – LUNCH BREAK

22. **OCEO – Cr Fell**

23. **BUSINESS SERVICE – Insurance Renewal**

24. CEO Update
- Feasibility

3:55pm – 4:05pm – AFTERNOON TEA

24. CEO Update
- Maritime Fees
 - TCICA Membership
 - CFO

25. **4:45pm – 4:50pm** **COUNCIL MOVE OUT OF CLOSED BUSINESS**

RESOLUTION:

Moved: Cr ; Second: Cr

That Council move out of closed business.

MOTION CARRIED

20. COMMUNITY SERVICE – Vet Tender

RESOLUTION:

Moved: Cr Thaiday; Second: Cr Nai

That Council resolve to engage Katherine Vet Care Centre Pty Ltd to provide veterinary services in accordance with tender TSIRC2019-141.

MOTION CARRIED

21. BUSINESS SERVICE – Prequalified Suppliers

RESOLUTION:

Moved: Cr Pearson; Second: Cr Akiba

That pursuant to the *Local Government Act 2009 (Qld)* and *Local Government Regulation 2012 (Qld)*, Council resolve to extend TSIRC 2017-100 Preferred Supplier Contracts for a further period of 3 months from 1 July 2019 to 30 September 2019 and delegate all power, financial and otherwise, to the Chief Executive Officer to execute agreements and approve purchase orders in accordance with the adopted budget.

MOTION CARRIED

23. BUSINESS SERVICE – Insurance Renewal

RESOLUTION:

Moved: Cr Sabatino; Second: Cr Nona

That Council resolves to authorise the Chief Executive Officer to enter into all contracts with Local Government Work care regarding workers compensation insurance for 2019/20 up to the 19/20 budgeted value of \$280,000 and do all things necessary to effect this policy of insurance, including making payment for the premium.

MOTION CARRIED

24. OCEO – TCICA Membership

RESOLUTION:

Moved: Cr Fell; Second: Cr Bosun

That Council resolves to authorise the Chief Executive Officer to approve payment for Council's annual membership to the Torres Cape Indigenous Council Alliance (TCICA), on the basis that Council is satisfied that there is only one supplier who is reasonably available in the circumstances.

MOTION CARRIED

26. 4:50pm – 4:50pm COUNCIL MOVE INTO TRUSTEE

RESOLUTION:

Moved: Cr Nai; Second: Cr Kaigey

That in accordance with Section 83 of the Local Government Act 2009 (QLD) management of Community Deeds of Grant in Trust, the meeting of the Trustee of Community DOGIT be convened and conducted as separate meetings from the Indigenous Regional Council.

MOTION CARRIED

27. 4:47pm – 5:00pm TRUSTEE – LEGAL – Kirriri RCTC Lease

Councillors are reminded to declare any personal interests relating to:

- **Roman Catholic Trust Corporation (RCTC)**
- **Traditional owner interests at Hammond Island**

- Cr Sabatino declared a conflict of interest (COI)
 - COI details: Cr Sabatino is a board member of the Catholic School Board
 - How the Councillor proposed to deal with the COI: Cr Sabatino left the room.

RESOLUTION:

Moved: Cr Fell; Second: Cr Pearson

1. That pursuant to the Aboriginal Land Act 1991 (Qld), the Trustee grant a standard lease to the Roman Catholic Trust Corporation for the Diocese of Cairns (RCTC), over lot 11 (8,572m²), lot 116 (1,688m²) and lot 115 (72m²) on SP248418, a total of 10,332m² at Hammond Island, for the operation of a Church and Presbytery (lot 11), School (lot 116) and a statue (lot 115), subject to native title future act validation (if required).

2. That the Trustee delegate to the Mayor the power to conclude the terms of the above lease.

3. That under section 257 of the Local Government Act 2009 (Qld) the Trustee delegate to the Mayor the power to decide the matter of whether native title future act validation is required for this lease.

MOTION CARRIED

5:13pm – Cr Sabatino comes back into the room

28. 5:14pm – 5:35pm TRUSTEE – LEGAL – Rent Methodology – Supermarkets and schools

Councillors are reminded to declare any personal interests relating to:

- **Supermarket businesses in the local government area**
- **Community Enterprise Queensland/CEQ (IBIS)**
- **Traditional owner interests in IBIS sites at lama, Masig, Poruma, St Pauls, Kubin and Boigu**
- **Roman Catholic Trust Corporation (RCTC)**
- **Traditional owner interests in school site on Hammond Island**
- **Tagai State College (Department of Education)**
- **Traditional owner interests in school sites on Masig**

- Cr Pearson declared a material personal interest (MPI)
 - MPI details: Cr Pearson has a current contract with IBIS
 - How the Councillor proposed to deal with the MPI: Cr Pearson left the room.

- Cr Sabatino declared a material personal interest (MPI)
 - MPI details: Cr Sabatino is a board member of the Catholic School Board and a Shop owner on Kirriri
 - How the Councillor proposed to deal with the MPI: Cr Sabatino left the room.

MLS spoke to this report. Following on from the May workshop, this report provides an opportunity for the Trustee to confirm which rent methodology will be applied to supermarket sites and school sites on Deed of Grant in Trust land.

Urgency: The Roman Catholic Trust Corporation (RCTC) has been told they may lose funding for the school and, as such, they are seeking a peppercorn lease as soon as possible.

From the above methodology, it is unclear what rent applies for a supermarket and what rent applies for a school site. Legal Services is seeking clarification from the Trustee in order to progress leases for various sites.

RESOLUTION:

Moved: Cr Toby; Second: Cr Thaiday

That the Trustee, for those communities where Council holds land under Deed of Grant in Trust, confirms that the following rent methodology applies to the following types of land use:

State school (Department of Education) campus:

- Residential/Community (\$4 per square metre per annum subject to annual CPI increase)

State school (Department of Education) accommodation:

- Commercial/Government (\$10.80* per square metre per annum subject to annual CPI increase. *Minimum starting rent of \$6,000p/a per lease shall apply.)

Private school campus and accommodation:

- Residential/Community (\$4 per square metre per annum subject to annual CPI increase)

MOTION CARRIED

RESOLUTION:

Moved: Cr Toby; Second: Cr Nona

That the Trustee, for those communities where Council holds land under Deed of Grant in Trust, confirms that the following rent methodology applies to the following types of land use:

Supermarket:

- Commercial/Government (\$10.80* per square metre per annum subject to annual CPI increase. *Minimum starting rent of \$6,000p/a per lease shall apply.)

MOTION CARRIED

5:35pm – Cr Sabatino and Cr Pearson comes back into the room.

29. 5:35pm – 5:49pm TRUSTEE – LEGAL – Sub Lease - Erub Multipurpose facility

- Cr Toby declared a potential conflict of interest (COI)
 - COI details: Cr Toby is a TSRA Ranger
 - How the Councillor proposed to deal with the COI: Council determines Cr Toby does not have a COI and allows the Councillor to remain in the room. Cr Toby asked that his potential COI be recorded.

MLS spoke to this report. This report provides information to Council on the application by the TSRA for permission to grant two sub-leases of its Multi-Purpose facility on Erub. One lease is for the QPS and the other for the Erub PBC. The Council as Trustee granted the TSRA a head lease for the construction and use of the facility for a period of 30 years (1 May 2017 to 30 April 2047). Clause 16

allows the TSRA to grant sub leases with the approval of Council as Trustee, and the Trustee's consent cannot be unreasonably withheld.

RESOLUTION:

Moved: Cr Thaiday; Second: Cr Pearson

That pursuant to the Torres Strait Islander Land Act 1991 (Qld) and the terms of the head lease between Council as Trustee and the TSRA executed on 8 December 2017, that the Trustee gives its written consent to the issue of sub-leases by the TSRA to the QPS and Erubam Le RNTBC for office space in the Erub Multi-Purpose facility.

MOTION CARRIED

ACTION: MLS - Mayor asked for the Original Lease Agreement to be reviewed.

30. 5:49pm – 5:54pm TRUSTEE – LEGAL – Surrender LHA Lease – Cessa Asai

- Cr Pearson declared a conflict of interest (COI)
 - COI details: Cr Pearson is an in law to the Lessee
 - How the Councillor proposed to deal with the COI: Cr Pearson chose to leave the room.

Mayor Gela raised some concerns and asked Legal to explain the full consequences of the transfer to Ms Asai and what other options are available to her.

MATTER LEFT LYING ON THE TABLE

ACTION: MLS to further work with Ms Asai and explain the full consequences of the transfer and what other options are available to hers.

5:54pm – Cr Pearson comes back into the room.

31. 5:54pm – 5:55pm TRUSTEE – LEGAL - St Pauls Lot 123 - EOI

Due to Cr Levi's absent, the matter is adjourned to July OM.

32. 5:55pm – 5:58pm TRUSTEE – LEGAL – Trustee Policy Update

MLS spoke to the report; the purpose of the report is to present to Council, for endorsement, policies in the Legal Services area of responsibility that are due for review.

The following changes are recommended to bring this Policy up-to-date:

1. Paragraph 4(e): Amend to reflect the fact that where a template Infrastructure and Housing ILUA has been registered for the relevant community and applies to the relevant future act, Council must comply with that ILUA process. Council does not have the discretion, under the ILUA, to use an alternative future act validation process (such as section 24KA), unless Council first follows the ILUA process and the PBC does not provide its consent under the ILUA process.

2. Paragraph 9(c):

- a. Update to reflect the November 2018 delegation to the CEO to sign off on documents necessary to give effect to Katter leases.
- b. Update to include the decision-making process for the surrender of a Katter lease (which is proposed to be the same as for the transfer of a Katter lease).

Legal recommends setting a review date of 30 June 2021 for this Policy. However, if significant trustee policy decisions are made in the meantime, the Policy can be reviewed and updated earlier than that.

RESOLUTION:

Moved: Cr Nona; *Second:* Cr Akiba

That Council endorse the updated PO19 Trustee Policy, as presented, except for Hammond Island which is exempt.

MOTION CARRIED

33. 5:58pm – 5:58pm COUNCIL MOVE OUT OF TRUSTEE

RESOLUTION:

Moved: Cr Elisala; *Second:* Cr Kaigey

That Council move out of Trustee and resume Local Government meeting.

MOTION CARRIED

34. 5:58pm – 6:00pm Leave in Advance

The following Councillors applied for leave in advance;

- Cr Nai
- Cr Toby
- Cr Kaigey and
- Cr Bosun

35. 6:00pm – 6:02pm Next Ordinary Meeting Date

Cr Lui emailed to advise he will be at an international conference over the July OM dates.

Mayor Gela asked Councillors to express their interest in holding the July OM in their Division.

Cr Nona, Cr Thaiday and Cr Pearson expressed their interest. Council agree to hold the July OM in Division 5 - Badu pending availability of accommodation.

Date: 23 & 24 July 2019 Division 5 – Badu Island

The following Councillors gave apology for tomorrow's meeting.

- Cr Toby and
- Cr Nai

Mayor Gela in closing thanked everyone for their attendance and participation and invited Cr Pearson to close the meeting in prayer.

Meeting Closed at 6:05pm - Prayer by Cr Pearson

Wednesday 26 June 2019

Present

Cr Fred Gela, Mayor
Cr Torenzo Elisala, Division 2 – Dauan
Cr Keri Akiba, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr David Bosun, Division 6 – Kubin Community at Mua Island
Cr Mario Sabatino, Division 8 – Kirriri
Cr Getano Lui Jnr, Division 9 – Iama
Cr Francis Pearson, Division 11 – Poruma
Cr Patrick Thaiday, Division 14 – Erub
Cr Bob Kaigey, Division 15 – Mer
Mr Bruce Ranga, Chief Executive Officer
Ms Jan Pool, Chief Operating Officer
Ms Hollie Faithfull, Chief Financial Officer
Mr Peter Krebs, Manager Legal Services
Ms Ursula Nai, Senior Executive Assistant

Apologies

Cr Dimas Toby, Division 1 – Boigu
Cr Clara Tamu, Division 10 – Warraber
Cr Rocky Stephen, Division 13 – Ugar
Cr John Levi, Division 7 – St Pauls Community at Mua Island
Cr Ted Nai, Division 12 – Masig
Mrs Kathy Cochran – Secretariat Officer

36. 9:00am – 9:05am Opening prayer and welcome by Deputy Mayor

Mayor welcomed everyone to the meeting. Mayor Gela welcomed Mr James Williams and introduced him to the Council and in response each Councillor introduced themselves individually..

37. 9:05am – 10:05am PRESENTATION 1: Mirabou ENERGY Renewable Micro – Grid Regional Energy Opportunities – Mr James Williams

Morning Tea – 10:05am – 10:30am

38. 10:30am – 1:00pm Mirabou Energy Renewable Micro continued their presentation.

Meeting Closed – 1:00pm

Peter Krebs

From: Joanne Parisi <JParisi@macdonnells.com.au>
Sent: Thursday, 14 January 2021 8:35 AM
To: Peter Krebs
Cc: Julia Maurus
Subject: FW: Correction of council minutes - Insurance policy - audit requirements
Attachments: 13. BUSINESS SERVICES - Insurance Renewal.pdf

**** CAUTION - THIS EMAIL IS FROM AN EXTERNAL SOURCE ****

DO NOT reply, click on links or open attachments unless you have verified the sender and know the content is safe.

IF IN ANY DOUBT - call IT Services.

Hi Peter,

Thanks for sending through the Report re insurance.

Firstly, we note:

1. there is nothing in the Local Government Act or Regulation which specifically covers the correction of minutes; and
2. we do not think that the delegation under Section 107 of the Local Government Act (which relates only to public liability insurance and professional insurance) would be broad enough to be able to be relied on in the circumstances.

Given the meeting occurred prior to the election of the current council and now sometime ago, I would suggest that Council consider passing a resolution at an upcoming Council meeting which, depending on the facts (and any comments made by the auditor) either:

1. is a new resolution noting the correction to the minutes – we note this accords with the Department's recommendation in relation to correcting meeting minutes; or
2. is a new resolution seeking to revisit and ratify the report and action taken by the then CEO.

Please let us know if you require any further assistance.

Regards,

Joanne Parisi Director
MACDONNELLS LAW
Tel: +61 7 4030 0502 Mobile: 0407 633 845



Individual Liability Limited by a scheme approved under professional standards legislation

Important Message – Due to the increase in scams involving transferring of money between bank accounts and credit cards, we strongly advise that you **ALWAYS** contact us via phone to verify our bank account details, prior to you making a deposit. If we change our bank account details we will contact you by phone so please **DO NOT** act on any correspondence which suggests we have changed our account details without first phoning us.

From: Kathy Cochran <Kathy.Cochran@tsirc.qld.gov.au>
Sent: Tuesday, 22 December 2020 10:43 PM
To: Joanne Parisi <JParisi@macdonnells.com.au>

TORRES STRAIT ISLAND REGIONAL COUNCIL

LATE REPORT CLOSED BUSINESS REPORT

ORDINARY MEETING June 2019
DATE: 25/26 June 2019
ITEM:
SUBJECT: Insurance Renewal
AUTHOR: Chief Executive Officer

RECOMMENDATION

1. *That Council resolves to:*
 - a. *adopt Option 2 of AON's insurance strategy for 2019/20; and*
 - b. *appoint the following insurance underwriters as insurers on the following Council insurance policies for 2019/20; and*
 - c. *authorise the Chief Executive Officer to enter into all contracts of insurance with those underwriters and do all things necessary to effect those policies of insurance, including making payment for all premiums:*

Policy	Insurer	Premium (GST Incl)
Industrial Special Risks	QBE Insurance	\$2,729,501.18
Local Government Liability	AXA Corporate Solutions	\$85,608.60
Excess Liability	AXA Corporate Solutions	\$32,868.11
Motor Vehicle	QBE Insurance	\$90,062.88 plus premiums adjustment of \$1,990.34
Casual Hirers (Entertainment Liability)	XL Catlin Australia P/L	\$2,087.58
Architects Professional Indemnity	Specialist Underwriting Agency Pty Ltd	\$16,821.20

Aviation	Tokio Marine Kiln Limited	\$14,715.00
Contract Works	ATC	\$73,258.88
Management Liability	CGU Insurance	\$36,221.79
Personal Accident – Mayor & Councillors	Chubb Insurance Australia Limited	\$12,980.18
Personal Accident – Voluntary Workers	Chubb Insurance Australia Limited	\$659.45
Business Travel	Chubb Insurance Australia Limited	\$5,650.59
Brokers Fee		\$66,000.00
	TOTAL (GST incl)	\$3,166,435.44

2. *That Council resolve to authorise the Chief Executive Officer to enter into all contracts with Local Government Workcare regarding workers compensation insurance for 2019/20 up to the 19/20 budgeted value of \$280,000 and do all things necessary to effect this policy of insurance, including making payment for the premium.*

PURPOSE

The purpose of this report is for Council to select its insurer(s) for the 2019/20 financial year.

BACKGROUND

Council requires the following core insurance coverage: -

- a) Industrial Special Risks
- b) Local Government Liability
- c) Excess Liability
- d) Motor Vehicle
- e) Casual Hirers (Entertainment Liability)
- f) Architects Professional Indemnity
- g) Aviation
- h) Contract Works
- i) Management Liability
- j) Personal Accident – Mayor & Councillors
- k) Personal Accident – Voluntary Workers

I) Business Travel

Each Insurance Policy is facilitated and managed by an appointed Insurance Broker (AON) who acts as Council's agent with the Insurance underwriter/ funds listed above. Council does not have direct access to the volume of insurance underwriters as available via brokerage.

Council's nominated Insurance Broker facilitates annually coverage in accordance with Council's requirements. Insurance Brokerage and Risk Management services are engaged under the Chief Executive Officer's financial delegation.

Over the last few years Council has seen a significant increase in insurance premiums. In May 2019, Council Officers requested AON to investigate options available to Council to reduce premiums as current increases are unsustainable.

As part of the review, AON explored changes to the following aspects of Council's insurance policies:

- Scope of Cover
- Insured Assets
- Retention Level
- Policy Limits

The outcomes of AON's analysis into these 4 areas are detailed below in red.

1. **Scope of Cover:** No material benefit identified.
2. **Insured Assets:** Refresh of prior process to remove assets from schedule that are excluded from insurance cover, plus to identify those less vulnerable to damage and not efficient to insure.
3. **Retention Level:** Potential savings identified when considering higher deductibles (e.g. \$500K / \$1M).
4. **Policy Limits:** Analysis indicated very low probability of exceeding \$100M.

Based on these outcomes, AON identified that savings could be found with changes to Council's Industrial Special Risk policy. AON presented these options to Management (Appendix 1) on Thursday 20th June 2019.

Option	Deductible	Limit	Premium
Option 1	\$5K ¹	\$200M	\$3.85M ²
Option 2	\$500K	\$100M	\$2.50M
Option 3	\$1M	\$100M	\$2.11M

Notes:

1. Some specific deductibles applied greater than \$5K, including named cyclone \$250K, earthquake / volcano (\$20K or 1% of values), action of water from the sea, tidal wave or high water - \$100K. Refer existing policy schedule for exact details.
2. Premiums for a renewal of the current structure **have not been fully supported by insurers**. Quotes for the partially provided capacity have not aligned with the strategy of reducing premium, so marketing efforts have focussed on the other options.



Note: figures are GST exclusive

AON will be presenting to Council the above Options at June's Ordinary Council Meeting.

No significant changes have been proposed to Council other insurance policies.

Local Government Workcare (LGW) is a similar fund which all Queensland Councils have membership to pursuant to the LGW group self-insurance licence, with LGAQ as trustee (except several as their size allows them to hold a self insurance licence in their own right individually) rather than have workers compensation insurance cover with Workcover.

Insurance policies operate from 1 July one year to 30 June the next. It is therefore necessary that Council appoint insurance underwriters for 19/20 to maintain its protection.

In June 2018, Council passed the below resolution to abide by Local Government procurement legislation:

1. *That Council resolve to appoint Local Government Workcare as a sole supplier under s235(a) of the Local Government Regulation 2012 (Qld), for the provision of Workers Compensation services for a period of two (2) years.*

OFFICER COMMENT

At the request of Management, AON has undertaken further financial analysis (Appendix 2) based on Council's historical insurance claims for the 3 options:

Claims Statistics of Past Eleven Policy Years

- 2015/16 – most claims reported in one year (five) Total revalued cost - \$1.284M
- Only three claims above \$1M (revalued) although all have happened since 2015/16. Consist of two fires and one storm / flood
- Only two further claims greater than \$100K
- Three years with no claims recorded (2008/09, 2013/14 and 2014/15)

Total Cost of 2019/20 ISR Options versus Historical Loss Analysis

Policy Year	Revalued Scaled Ultimate Losses	OPTION 1			OPTION 2			OPTION 2		
		Deductible: \$5,000		Total Cost	Deductible: \$500,000		Total Cost	Deductible: \$1,000,000		Total Cost
		Aggregate: None	Business Retention		Aggregate: None	Business Retention		Aggregate: None	Business Retention	
2008/09	\$0	\$3,852,172	\$0	\$3,852,172	\$2,501,853	\$0	\$2,501,853	\$2,108,686	\$0	\$2,108,686
2009/10	\$101,574	\$3,852,172	\$10,000	\$3,862,172	\$2,501,853	\$101,574	\$2,603,427	\$2,108,686	\$101,574	\$2,210,260
2010/11	\$9,651	\$3,852,172	\$5,000	\$3,857,172	\$2,501,853	\$9,651	\$2,511,504	\$2,108,686	\$9,651	\$2,118,337
2011/12	\$496,359	\$3,852,172	\$5,000	\$3,857,172	\$2,501,853	\$496,359	\$2,998,212	\$2,108,686	\$496,359	\$2,605,045
2012/13	\$7,284	\$3,852,172	\$5,000	\$3,857,172	\$2,501,853	\$7,284	\$2,509,138	\$2,108,686	\$7,284	\$2,115,971
2013/14	\$0	\$3,852,172	\$0	\$3,852,172	\$2,501,853	\$0	\$2,501,853	\$2,108,686	\$0	\$2,108,686
2014/15	\$0	\$3,852,172	\$0	\$3,852,172	\$2,501,853	\$0	\$2,501,853	\$2,108,686	\$0	\$2,108,686
2015/16	\$1,284,005	\$3,852,172	\$25,000	\$3,877,172	\$2,501,853	\$738,698	\$3,240,551	\$2,108,686	\$1,238,698	\$3,347,384
2016/17	\$68,188	\$3,852,172	\$10,000	\$3,862,172	\$2,501,853	\$68,188	\$2,570,041	\$2,108,686	\$68,188	\$2,176,874
2017/18	\$1,033,662	\$3,852,172	\$105,000	\$3,957,172	\$2,501,853	\$117,586	\$2,619,439	\$2,108,686	\$1,017,586	\$3,126,273
2018/19	\$1,135,441	\$3,852,172	\$5,000	\$3,857,172	\$2,501,853	\$500,000	\$3,001,853	\$2,108,686	\$1,000,000	\$3,108,686
2019/20										
TOTAL:		\$42,373,888	\$170,000	\$42,543,888	\$27,520,383	\$2,039,340	\$29,559,723	\$23,195,549	\$3,939,340	\$27,134,889
(2008/09 - 2018/19)										
AVERAGE:		\$3,852,172	\$15,455	\$3,867,626	\$2,501,853	\$185,395	\$2,687,248	\$2,108,686	\$358,122	\$2,466,808
(2008/09 - 2018/19)										

Most expensive option for year

Cheapest option for year

Based on historical insurance claims (detailed listing provided in Appendix 2), Option 2 or 3 would have been the more cost effective options for Council.

The table below highlights the premium savings to Council based on theoretical loss scenarios:

Net Result	No Losses	Losses of \$500K			Losses of Greater than \$1M		
Versus Option 1	Premium Saving	One Loss Scenario	Two Loss Scenario	Three Loss Scenario	One Loss Scenario	Two Loss Scenario	Three Loss Scenario
Option 2	\$1,350,319	\$850,319	\$350,319	-\$149,681	\$850,319	\$350,319	-\$149,681
Option 3	\$1,743,485	\$1,243,485	\$743,485	\$243,485	\$743,485	-\$256,515	-\$1,256,515

Taking into account various factors including but not limited to:

- budget allocation;
- past insurance claims;
- value and condition of Council's assets;
- geographical location; and
- risk assessment

Management is recommending Council endorse Option 2 of AON's insurance review.

Attached is AON's 2019/20 Insurance Renew Report following rigorous market Expression of Interest conducted in accordance with the *sound contracting principles* set out in the *Local Government Act 2009 (Qld)*.

Council has budgeted an amount of **\$3,696,061.60 (GST incl)** for Insurance premiums (excluding workers compensation) for 2019/20.

AON's insurance proposal for Option 2 totals **\$3,166,435.44 (GST incl)** for 2019/20 Insurance premiums (excluding workers compensation) which is within allocated budget.

WORKERS COMPENSATION

It is recommended that Council renew its LGW membership, managed by JLT. There is no viable alternative for Local Government. Renewal terms have not been released by LGW as at 20 June 2019. People and Wellbeing Department have estimated that insurance premiums will be \$280,000 and has been budgeted for in 19/20 Original Budget.

LINKS WITH STRATEGIC PLANS

Risk management is specifically mentioned in the Corporate Plan.

- Managing risk in a structured and robust manner;
- Structured transactions delivering value for money;
- Enterprise wide risk assessment associated with natural disasters, terrorism, and health risks and associated mitigating strategies;
- Whole of life understandings for all new and existing asset profiles.

STATUTORY REQUIREMENTS

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

FINANCE AND RISK

Operating Cost

\$3,166,435.44 (GST Incl)

Risk Assessment

AON has provided an insurance proposal which meets all of Council's risk-needs, as assessed independently by AON via access to Council's strategic plans, Risk Register, Asset Register and Asset Management Plans.

Bruce Ranga
Chief Executive Officer

ATTACHMENTS

1. AON Insurance presentation to Management – 20 June 2019
2. AON Financial Analysis
3. AON Renewal Report for 2019-20
4. AON Insurance Premiums 2019-20

TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING

DATE: February 2021
SUBJECT ITEM: Delegations Update – including proposed amendment of January 2021 resolution
AUTHOR: Julia Maurus, Manager Legal Services
PRESENTER: Peter Krebs, Senior Legal Counsel

RECOMMENDATION

1. That under section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer [~~subject to consultation with the Mayor,~~] the exercise of the following powers, and these powers must be exercised subject to Ailan Kastom and any limitations contained in Schedule 2 of the corresponding attached Instruments of Delegation:

Statutory instrument:	The powers delegated are contained in Schedule 1 of the Instrument of Delegation attached to this report as:
Aboriginal Cultural Heritage Act 2003 (ACHA)	Attachment 1
Acquisition of Land Act 1967 (ACLA)	Attachment 2
Animal Care & Protection Act 2001 (ACPA)	Attachment 3
Animal Management (Cats and Dogs) Act 2008 (AMCD)	Attachment 4
Biosecurity Act 2014 (BIOA)	Attachment 5
Building Act 1975 (BUIA)	Attachment 6
Coastal Protection and Management Act 1995 (CPMA)	Attachment 7
Disaster Management Regulation 2014 (DIMR)	Attachment 8
Environment Protection (Water) Policy 2019 (EPWP)	Attachment 9

Fire and Emergency Services Act 1990 (FESA)	Attachment 10
Food Act 2006 (FOOA)	Attachment 11
Housing Act 2003 (HOUA)	Attachment 12
Housing Regulation 2003 (HOUR)	Attachment 13
Information Privacy Act 2009 (INPA)	Attachment 14
Industrial Relations Act 2016 (INRA)	Attachment 15
Public Interest Disclosure Act 2010 (PIDA)	Attachment 16
Plumbing and Drainage Act 2002 (PLDA)	Attachment 17
Public Records Act 2002 (PURA)	Attachment 18
Queensland Heritage Act 1992 (QUHA)	Attachment 19
Residential Tenancies and Rooming Accommodation Act 2008 (RTRA)	Attachment 20
Residential Tenancies and Rooming Accommodation Regulation 2009 (RTRR)	Attachment 21
Standard Plumbing and Drainage Regulation 2003 (SPDR)	Attachment 22
State Penalties Enforcement Act 1999 (SPEA)	Attachment 23
Transport Operations (Road Use Management) 1995 (TORA)	Attachment 24
Water Supply (Safety and Reliability) Act 2008 (WSSR)	Attachment 25

2. Council resolves not to delegate any of its powers under the following statutory instruments:

- (a) *Building Units and Group Titles Act 1980 (BUGT)*
- (b) *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (NDDF)*
- (c) *Stock Route Management Act 2002 (SRMA)*
- (d) *Stock Act 1915 (STOA)*

3. That under section 262 of the *Local Government Regulation 2012*, Council amend its January 2021 Delegations Update resolution to remove the words “subject to consultation with the Mayor”, to read as follows:

- a. “That under Section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer, ~~subject to consultation with the Mayor,~~ the exercise of the following powers, and these powers must be exercised, subject to Ailan Kastom and any limitations contained in Schedule 2 of the corresponding attached Instrument of Delegation: [...]”

PURPOSE

This report presents statutory powers to Council for endorsement of updated delegations to the CEO.

BACKGROUND

Delegations from Council to CEO

1. The powers of Local Government are exercised through its officers, with the principal officer being the Chief Executive Officer. Instruments of Delegation allow certain Local Government powers to be exercised by appropriately qualified local government employees to ensure operational efficiency.
2. Council may only exercise those powers delegated to it by State legislation. The Chief Executive Officer may only exercise those powers delegated to him by Council. Local Government employees may only exercise those powers delegated to them by the Chief Executive Officer.
3. An update of Instruments of Delegations must occur regularly (at least annually) to ensure exercise of powers according to law.
4. As part of its retainer arrangement with MacDonnells Law, TSIRC subscribes to a monthly delegations update service provided by MacDonnells Law. This service allows new and amended statutory powers to be presented to Council on a monthly basis for adoption, to ensure that TSIRC's delegations instruments are always up-to-date.
5. A comprehensive Instrument of Delegations of Local Government 2019 was adopted by Council resolution on 19 March 2019 (685 pages). After Council started subscribing to the MacDonnells Law monthly delegations update service, further Instruments of Delegation were adopted by Council resolution in 2019. The delegations register requires further updating and review.

Status of sub-delegations (CEO to employee or contractor) and appointment of authorised persons

6. An Instrument of Delegations from CEO to COO was approved by CEO on 21 November 2018 because a review was required following Council's corporate restructure.
7. The current Instrument of Delegations of CEO 2018 was approved by the CEO on 22 August 2019 and includes powers sub-delegated to appropriately qualified local government employees.
8. The sub-delegations register requires updating, both to reflect legislative changes and to reflect changes to Council's corporate structure. Council adoption is not required for sub-delegations.

OFFICER COMMENT

9. In January 2021, Council resolved to delegate statutory powers under 21 statutory instruments to the CEO, subject to consultation with the Mayor and other conditions, including that the delegate must take into account Ailan Kastom.
10. Council's statutory delegations are now up-to-date with the current state of the law. However, Council's delegations are in different forms, as follows:
 - (a) Various powers were delegated to the CEO under a single document adopted on 19 March 2019 (see **Attachment 26**). Some of these delegations have been replaced by the December 2020 Trustee delegations and January 2021 Council delegations. The remaining delegations are overdue for review by Council because all delegations are supposed to be reviewed annually.
 - (b) The December 2020 Trustee delegations and January 2021 Council delegations are now contained in separate documents, with one document per statutory instrument.
11. The statutory instruments attached as **Attachments 1 – 25** are statutory delegations requiring Council review, and have been drafted from the MacDonnells Law documents so that each statutory instrument is a separate document. This covers 25 different statutory instruments. This is proposed Resolution 1.

12. Proposed Resolution 2 notes that Council does not delegate any powers under another four statutory instruments, because these powers are not considered relevant or appropriate to delegate.
13. There are no proposed delegations by the Trustee for this month.
14. Each new Instrument of Delegation is proposed for each relevant statutory instrument, for Council's consideration.
15. Powers that Council previously declined to delegate have not been recommended for delegation.
16. Powers that MacDonnells Law recommends not be delegated have not been recommended for delegation.
17. Powers not recommended for delegation are marked "N/A" in the delegations document.
18. The delegations proposed under the *Residential Tenancies and Rooming Accommodation Regulation 2009* were not included in the March 2019 Council delegations document (they were not included in the LGAQ delegations document but are included in the MacDonnells Law delegations service). They are recommended for delegation by Council for operational efficiency in Council's housing provider services.
19. All conditions included in previous delegations have been carried over.
20. Conditions imposed on all delegations have been updated to state that whilst exercising a power, the delegate must (not may) take into account Ailan Kastom. Ailan Kastom is defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld). Section 9(3) of the *Local Government Act 2009* states "may take into account" and therefore makes this discretionary; however, Council instructed that the delegate must take Ailan Kastom into account.

21. It is **not recommended** that Council impose a condition that delegated power only be exercised subject to consultation with the Mayor, as this requires the Mayor to be involved in day-to-day operational local government decisions. Requiring consultation with the Mayor on day-to-day local government decision-making is inefficient. In practice, it also prevents the CEO from sub-delegating, which places an onerous administrative burden on the CEO. Resolution 3 proposes to remove that condition from all delegations made by Council at the January 2021 Ordinary Meeting.
22. For continued operational efficiency in all Departments, the delegations are submitted to Council for adoption.
23. If Council confirms the requirement for the CEO to consult with the Mayor in the exercise of statutory powers, then sub-delegations cannot be exercised unless there is consultation with the Mayor. In that case, it is recommended that Council issue a direction to sub-delegates, as follows:

<Subject:> Conditions imposed on Council's statutory delegations

At the Ordinary Meeting on 21 January 2021, Council endorsed updated delegations to the Chief Executive Officer under the following statutory instruments:

1. *Biosecurity Regulation 2016 (BIOR)*
2. *Disaster Management Act 2003 (DIMA)*
3. *Environmental Protection Act 1994 (ENPA)*
4. *Environmental Protection Regulation 2019 (ENPR)*
5. *Heavy Vehicle National Law (Queensland) Act 2012 (HVNL)*
6. *Heavy Vehicle (Mass, Dimension and Loading) National Regulation (HVNR)*
7. *Land Act 1994 (LANA)*
8. *Land Regulation 2020 (LANR)*

9. *Land Title Act 1994 (LATA)*
10. *Liquor Act 1992 (LIQA)*
11. *Local Government Act 2009 (LOGA)*
12. *Local Government Regulation 2012 (LOGR)*
13. *Mineral Resources Act 1989 (MIRA)*
14. *Planning Act 2016 (PLAA)*
15. *Planning Regulation 2017 (PLAR)*
16. *Public Health Regulation 2018 (PUHR)*
17. *Right to Information Act 2009 (RTIA)*
18. *Tobacco and Other Smoking Products Act 1998 (TOSP)*
19. *Transport Infrastructure Act 1994 (TRIA)*
20. *Water Regulation 2016 (WATR)*
21. *Work Health and Safety Act 2011 (WHS Act)*
22. *Waste Reduction & Recycling Regulation 2011 (WRRR)*

[List all additional statutory instrument with delegations updated at February 2021 OM]

Various conditions apply to the exercise of delegated statutory power. Importantly, Council has delegated these statutory powers to the CEO subject to consultation with the Mayor, and Council has emphasised that these delegated powers must be exercised subject to Ailan Kastom.

Therefore, all current sub-delegations under these statutory instruments are now subject to consultation with the Mayor, to be exercised subject to Ailan Kastom.

For example, this includes:

- *the power to sign a document on behalf of the local government*

- *the power to accept quotes/tenders and enter into contracts worth over \$15,000 (even if the supplier is pre-qualified)*
- *the power to take disciplinary action against an employee*
- *general local government powers*

In practice, this means that if you propose to exercise power that has been sub-delegated to your position under any of the above-listed statutory instruments, you must contact the Acting CEO (who will consult with the Mayor) to confirm approval to do so. A failure to comply with the conditions imposed by Council may render your actions invalid and create legal uncertainty in Council's dealings.

Registers of statutory delegations and sub-delegations are available on the intranet for reference (http://sp001/_layouts/15/start.aspx#/SitePages/Policies%20and%20Procedures.aspx). The register of Council statutory delegations to CEO is currently being updated to reflect Council's decision in January 2021 [and February 2021].

If you have specific queries or require guidance on exercising sub-delegated power, please contact Council's legal services team.

24. All sub-delegations instruments would also need to be updated to reflect the requirement for consultation with the Mayor.

CONSULTATION

MacDonnells Law
Chief Executive Officer
Manager Legal Services

LINKS WITH STRATEGIC PLANS

TSIRC Corporate Plan 2020–2025

Delivery Pillar: People

Outcome 4: We are a transparent, open and engaging council.

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

STATUTORY REQUIREMENTS

Local Government Act 2009 (Qld)
Local Government Regulation 2012 (Qld)
Local Government Acts

FINANCE AND RISK

Capital Cost

NIL

Operating Cost

NIL

Risk Assessment

MacDonnells Law has identified a significant risk of non-compliance if Council's delegations are not updated. This is because without up-to-date delegations, the CEO and Council staff are more likely to make decisions without the necessary delegated authority; those decisions are invalid and could be challenged.

SUSTAINABILITY

Operational efficiency.

CONCLUSION

As presented.



Ilario Sabatino
A/CEO



Julia Maurus
Manager Legal Services

ATTACHMENTS:

1. Proposed Instrument of Delegations: ACHA - *Aboriginal Cultural Heritage Act 2003*
2. Proposed Instrument of Delegations: ACLA - *Acquisition of Land Act 1967*
3. Proposed Instrument of Delegations: ACPA - *Animal Care & Protection Act*
4. Proposed Instrument of Delegations: AMCD - *Animal Management (Cats & Dogs) Act 2008*
5. Proposed Instrument of Delegations: BIOA - *Biosecurity Act 2014*
6. Proposed Instrument of Delegations: BUIA - *Building Act 1975*
7. Proposed Instrument of Delegations: CPMA - *Coastal Protection & Management Act 1995*
8. Proposed Instrument of Delegations: DIMR - *Disaster Management Regulation 2014*
9. Proposed Instrument of Delegations: EPWP - *Environment Protection (Water) Policy 2019*
10. Proposed Instrument of Delegations: FESA - *Fire & Emergency Services Act 1990*
11. Proposed Instrument of Delegations: FOOA - *Food Act 2006*
12. Proposed Instrument of Delegations: HOUA - *Housing Act 2003*
13. Proposed Instrument of Delegations: HOUR - *Housing Regulation 2003*
14. Proposed Instrument of Delegations: INPA - *Information Privacy Act 2009*
15. Proposed Instrument of Delegations: INRA - *Industrial Relations Act 2016*
16. Proposed Instrument of Delegations: PIDA - *Public Interest Disclosure Act 2010*
17. Proposed Instrument of Delegations: PLDA - *Plumbing & Drainage Act 2002*
18. Proposed Instrument of Delegations: PURA - *Public Records Act 2002*
19. Proposed Instrument of Delegations: QUHA - *Queensland Heritage Act 1992*
20. Proposed Instrument of Delegations: RTRA - *Residential Tenancies & Rooming Accommodation Act 2008*
21. Proposed Instrument of Delegations: RTRR - *Residential Tenancies & Rooming Accommodation Regulation 2009*

22. Proposed Instrument of Delegations: SPDR - *Standard Plumbing & Drainage Regulation 2003*

23. Proposed Instrument of Delegations: SPEA - *State Penalties Enforcement Act 1999*

24. Proposed Instrument of Delegations: TORA - *Transport Operations (Road Use Management) 1995*

25. Proposed Instrument of Delegations: WSSR - *Water Supply (Safety & Reliability) Act 2008*

26. Instrument of Delegations Council to CEO and Trustee to CEO (19 March 2019)

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council *Aboriginal Cultural Heritage Act 2003 ("ACHA")*

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Aboriginal Cultural Heritage Act 2003 ("ACHA")**Part 6 – Cultural heritage studies****Division 2 – Preparing to carry out cultural heritage study**

Entity power given to	Section of ACHA	Description
Sponsor	56(1)	Power to give a written notice of a proposed cultural heritage study to the entities listed in subsection (a) – (f).
Sponsor	58(2)(b)	Power to decide a later time.
Sponsor	59(2)(b)	Power to decide a later time.
Sponsor	61(6)(b)	Power to decide a later time.
Sponsor	65(2)	Power to endorse an Aboriginal party for the study area to take part in the cultural heritage study even though the sponsor is not required to endorse the party.

Division 3 – Carrying out cultural heritage study

Entity power given to	Section of ACHA	Description
Sponsor	68(1)	Subject to subsection (4), power to engage persons as cultural heritage assessors for a cultural heritage study.
Sponsor	68(4)	Power to be satisfied that a person is: <ul style="list-style-type: none"> (a) an Aboriginal person for the study area; or (b) an appropriately qualified person in a discipline directly relevant to the study; or (c) another person who has particular knowledge or experience making the person suitable for engagement as a cultural heritage assessor.
Sponsor	69(2)	Power to agree to the extent to which a cultural heritage assessor may give help and advice
Sponsor	70(2)	Power to ask for consultation with an endorsed party on any of the matters listed.

Division 5 – Objections, hearing and recommendation

Entity power given to	Section of ACHA	Description
Objector	76(1)	Power to object to the Land Court to: <ul style="list-style-type: none"> (a) the chief executive's recording in the register of the findings of the cultural heritage study; or (b) the chief executive's refusal to record in the register the findings of the cultural heritage study.

Part 7 –

Cultural heritage management plans

Division 2 – Protection of cultural heritage under cultural heritage management plans

Entity power given to	Section of ACHA	Description
Entity	87(3)	Subject to subsection (1) and (2), power to impose conditions mentioned in subsection (2)(b)
Entity	88(3)	Subject to subsection (1) and (2), power to impose conditions mentioned in subsection (2)(b)

Division 3 – Preparing to develop cultural heritage management plan

Entity power given to	Section of ACHA	Description
Sponsor	91(1)	Power to give a written notice of a proposed cultural heritage management plan to the entities listed in subsection (a) – (e).
Sponsor	93(2)(b)	Power to decide a later time.
Sponsor	94(2)(b)	Power to decide a later time.
Sponsor	96(6)(b)	Power to decide a later time.
Sponsor	100(2)	Subject to section 100(1), power to give the Aboriginal party a written notice that: (a) includes a copy of the written notice (proposed plan) it would have been given if it had been an Aboriginal party when the written notice (proposed plan) was first given under this division; and (b) advises the time by which, despite anything in the written notice (proposed plan), the sponsor must be given the written notice that the party wishes to take part in developing the plan.
Sponsor	100(3)(b)	Power to decide a later time.
Sponsor	101(2)	Subject to section 101(1), power to endorse an Aboriginal party for the plan area to take part in developing the cultural heritage management plan even though the sponsor is not required to endorse the party.

Division 4 – Development of cultural heritage management plan

Entity power given to	Section of ACHA	Description
Sponsor	103	Power to: (a) seek agreement with the endorsed parties for the cultural heritage management plan about how the project is to be managed: (i) to avoid harm to Aboriginal cultural heritage; and (ii) to the extent that harm can not reasonably be avoided, to minimise harm to Aboriginal cultural heritage; and (b) develop the plan: (i) in consultation and negotiation with the endorsed parties for the plan; and

		(ii) in a way directed at maximising the suitability of the plan for the effective protection and conservation of Aboriginal cultural heritage.
Sponsor	105(1)	Power to negotiate and make every effort to reach agreement with each endorsed party for the cultural heritage management plan about the provisions of the plan.
Consultation Party	106(2)	Subject to section 106(1), power to ask the Land Court to provide mediation of a dispute.
Consultation Party	106(4)	Power to agree in writing to extend the consultation period.

Division 5 – Approval by chief executive

Entity power given to	Section of ACHA	Description
Sponsor	107(1)	Whether or not the consultation period for the cultural heritage management plan has ended, power to agree that the chief executive may approve the plan.

Division 6 – Objection or referral, hearing and recommendation

Entity power given to	Section of ACHA	Description
Sponsor	111(1)	In the way described in 111(2), if there is no endorsed party for the cultural heritage management plan, power to object, to the Land Court, to the chief executive's refusal to approve the plan.
Sponsor	112(2)	Subject to section 112(1) and following authorisation from the mediator, power to refer the cultural heritage management plan to the Land Court and ask the Land Court to approve the cultural heritage management plan, even though the consultation period has not ended.
Sponsor	113(2)	Subject to section 113(1), power to refer a cultural heritage management plan to the Land Court and ask the Land Court to approve the plan.
Consultation Party	117(5)	Before the Land Court makes a recommendation to the Minister, power to agree that the cultural heritage management plan should be approved.
Sponsor	117(5)	Before the Land Court makes a recommendation to the Minister and subject to all consultation parties' agreement, power to give the cultural heritage management plan, as agreed, to the chief executive.

Part 9 – Miscellaneous provisions

Entity power given to	Section of ACHA	Description
Any person	153(1)	Power to consult with the owner or occupier of the land about obtaining the necessary access in order to perform an activity (the cultural heritage activity) under this Act.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 11 09 - ACHA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE ABORIGINAL CULTURAL HERITAGE ACT 2003 ("ACHA")

Part 6 – Cultural heritage studies

Division 2 – Preparing to carry out cultural heritage study

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	56(1)	Power to give a written notice of a proposed cultural heritage study to the entities listed in subsection (a) – (f).				
Sponsor	58(2)(b)	Power to decide a later time.				
Sponsor	59(2)(b)	Power to decide a later time.				
Sponsor	61(6)(b)	Power to decide a later time.				
Sponsor	65(2)	Power to endorse an Aboriginal party for the study area to take part in the cultural heritage study even though the sponsor is not required to endorse the party.				

Division 3 – Carrying out cultural heritage study

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	68(1)	Subject to subsection (4), power to engage persons as cultural heritage assessors for a cultural heritage study.				
Sponsor	68(4)	Power to be satisfied that a person is:				

		<p>(a) an Aboriginal person for the study area; or</p> <p>(b) an appropriately qualified person in a discipline directly relevant to the study; or</p> <p>(c) another person who has particular knowledge or experience making the person suitable for engagement as a cultural heritage assessor.</p>				
Sponsor	69(2)	Power to agree to the extent to which a cultural heritage assessor may give help and advice				
Sponsor	70(2)	Power to ask for consultation with an endorsed party on any of the matters listed.				

Division 5 – Objections, hearing and recommendation

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Objector	76(1)	<p>Power to object to the Land Court to:</p> <p>(a) the chief executive's recording in the register of the findings of the cultural heritage study; or</p> <p>(b) the chief executive's refusal to record in the register the findings of the cultural heritage study.</p>				

Part 7 – Cultural heritage management plans

Division 2 – Protection of cultural heritage under cultural heritage management plans

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	87(3)	Subject to subsection (1) and (2), power to impose conditions mentioned in subsection (2)(b)				
Entity	88(3)	Subject to subsection (1) and (2), power to impose conditions mentioned in subsection (2)(b)				

Division 3 – Preparing to develop cultural heritage management plan

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	91(1)	Power to give a written notice of a proposed cultural heritage management plan to the entities listed in subsection (a) – (e).				
Sponsor	93(2)(b)	Power to decide a later time.				
Sponsor	94(2)(b)	Power to decide a later time.				
Sponsor	96(6)(b)	Power to decide a later time.				
Sponsor	100(2)	Subject to section 100(1), power to give the Aboriginal party a written notice that: (a) includes a copy of the written notice (proposed plan) it would have been given if it had been an				

		<p>Aboriginal party when the written notice (proposed plan) was first given under this division; and</p> <p>(b) advises the time by which, despite anything in the written notice (proposed plan), the sponsor must be given the written notice that the party wishes to take part in developing the plan.</p>				
Sponsor	100(3)(b)	Power to decide a later time.				
Sponsor	101(2)	Subject to section 101(1), power to endorse an Aboriginal party for the plan area to take part in developing the cultural heritage management plan even though the sponsor is not required to endorse the party.				

Division 4 – Development of cultural heritage management plan

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	103	<p>Power to:</p> <p>(a) seek agreement with the endorsed parties for the cultural heritage management plan about how the project is to be managed:</p> <p>(i) to avoid harm to Aboriginal cultural heritage; and</p>				

		<ul style="list-style-type: none"> (ii) to the extent that harm can not reasonably be avoided, to minimise harm to Aboriginal cultural heritage; and (b) develop the plan: <ul style="list-style-type: none"> (i) in consultation and negotiation with the endorsed parties for the plan; and (ii) in a way directed at maximising the suitability of the plan for the effective protection and conservation of Aboriginal cultural heritage. 				
Sponsor	105(1)	Power to negotiate and make every effort to reach agreement with each endorsed party for the cultural heritage management plan about the provisions of the plan.				
Consultation Party	106(2)	Subject to section 106(1), power to ask the Land Court to provide mediation of a dispute.				
Consultation Party	106(4)	Power to agree in writing to extend the consultation period.				

Division 5 – Approval by chief executive

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	107(1)	Whether or not the consultation period for the cultural heritage management plan has ended, power to agree that the chief executive may approve the plan.				

Division 6 – Objection or referral, hearing and recommendation

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sponsor	111(1)	In the way described in 111(2), if there is no endorsed party for the cultural heritage management plan, power to object, to the Land Court, to the chief executive's refusal to approve the plan.				
Sponsor	112(2)	Subject to section 112(1) and following authorisation from the mediator, power to refer the cultural heritage management plan to the Land Court and ask the Land Court to approve the cultural heritage management plan, even though the consultation period has not ended.				
Sponsor	113(2)	Subject to section 113(1), power to refer a cultural heritage management plan to the Land Court and ask the Land Court to approve the plan.				

Consultation Party	117(5)	Before the Land Court makes a recommendation to the Minister, power to agree that the cultural heritage management plan should be approved.				
Sponsor	117(5)	Before the Land Court makes a recommendation to the Minister and subject to all consultation parties' agreement, power to give the cultural heritage management plan, as agreed, to the chief executive.				

Part 9 – Miscellaneous provisions

Entity power given to	Section of ACHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Any person	153(1)	Power to consult with the owner or occupier of the land about obtaining the necessary access in order to perform an activity (the cultural heritage activity) under this Act.				

[2018 11 09 - ACHA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Aboriginal Cultural Heritage Act 2003 ("ACHA")

Part 6 – Cultural heritage studies

Division 2 – Preparing to carry out cultural heritage study

Entity power given to	Section of ACHA	Description
Sponsor	56(1)	Power to give a written notice of a proposed cultural heritage study to the entities listed in subsection (a) – (f).
Sponsor	58(2)(b)	Power to decide a later time.
Sponsor	59(2)(b)	Power to decide a later time.
Sponsor	61(6)(b)	Power to decide a later time.
Sponsor	65(2)	Power to endorse an Aboriginal party for the study area to take part in the cultural heritage study even though the sponsor is not required to endorse the party.

Division 3 – Carrying out cultural heritage study

Entity power given to	Section of ACHA	Description
Sponsor	68(1)	Subject to subsection (4), power to engage persons as cultural heritage assessors for a cultural heritage study.
Sponsor	68(4)	Power to be satisfied that a person is: <ul style="list-style-type: none"> (a) an Aboriginal person for the study area; or (b) an appropriately qualified person in a discipline directly relevant to the study; or (c) another person who has particular knowledge or experience making the person suitable for engagement as a cultural heritage assessor.
Sponsor	69(2)	Power to agree to the extent to which a cultural heritage assessor may give help and advice
Sponsor	70(2)	Power to ask for consultation with an endorsed party on any of the matters listed.

Division 5 – Objections, hearing and recommendation

Entity power given to	Section of ACHA	Description
Objector	76(1)	Power to object to the Land Court to: <ul style="list-style-type: none"> (a) the chief executive's recording in the register of the findings of the cultural heritage study; or (b) the chief executive's refusal to record in the register the findings of the cultural heritage study.

Part 7 –

Cultural heritage management plans

Division 2 – Protection of cultural heritage under cultural heritage management plans

Entity power given to	Section of ACHA	Description
Entity	87(3)	Subject to subsection (1) and (2), power to impose conditions mentioned in subsection (2)(b)
Entity	88(3)	Subject to subsection (1) and (2), power to impose conditions mentioned in subsection (2)(b)

Division 3 – Preparing to develop cultural heritage management plan

Entity power given to	Section of ACHA	Description
Sponsor	91(1)	Power to give a written notice of a proposed cultural heritage management plan to the entities listed in subsection (a) – (e).
Sponsor	93(2)(b)	Power to decide a later time.
Sponsor	94(2)(b)	Power to decide a later time.
Sponsor	96(6)(b)	Power to decide a later time.
Sponsor	100(2)	Subject to section 100(1), power to give the Aboriginal party a written notice that: (a) includes a copy of the written notice (proposed plan) it would have been given if it had been an Aboriginal party when the written notice (proposed plan) was first given under this division; and (b) advises the time by which, despite anything in the written notice (proposed plan), the sponsor must be given the written notice that the party wishes to take part in developing the plan.
Sponsor	100(3)(b)	Power to decide a later time.
Sponsor	101(2)	Subject to section 101(1), power to endorse an Aboriginal party for the plan area to take part in developing the cultural heritage management plan even though the sponsor is not required to endorse the party.

Division 4 – Development of cultural heritage management plan

Entity power given to	Section of ACHA	Description
Sponsor	103	Power to: (a) seek agreement with the endorsed parties for the cultural heritage management plan about how the project is to be managed: (i) to avoid harm to Aboriginal cultural heritage; and (ii) to the extent that harm can not reasonably be avoided, to minimise harm to Aboriginal cultural heritage; and (b) develop the plan: (i) in consultation and negotiation with the endorsed parties for the plan; and

		(ii) in a way directed at maximising the suitability of the plan for the effective protection and conservation of Aboriginal cultural heritage.
Sponsor	105(1)	Power to negotiate and make every effort to reach agreement with each endorsed party for the cultural heritage management plan about the provisions of the plan.
Consultation Party	106(2)	Subject to section 106(1), power to ask the Land Court to provide mediation of a dispute.
Consultation Party	106(4)	Power to agree in writing to extend the consultation period.

Division 5 – Approval by chief executive

Entity power given to	Section of ACHA	Description
Sponsor	107(1)	Whether or not the consultation period for the cultural heritage management plan has ended, power to agree that the chief executive may approve the plan.

Division 6 – Objection or referral, hearing and recommendation

Entity power given to	Section of ACHA	Description
Sponsor	111(1)	In the way described in 111(2), if there is no endorsed party for the cultural heritage management plan, power to object, to the Land Court, to the chief executive's refusal to approve the plan.
Sponsor	112(2)	Subject to section 112(1) and following authorisation from the mediator, power to refer the cultural heritage management plan to the Land Court and ask the Land Court to approve the cultural heritage management plan, even though the consultation period has not ended.
Sponsor	113(2)	Subject to section 113(1), power to refer a cultural heritage management plan to the Land Court and ask the Land Court to approve the plan.
Consultation Party	117(5)	Before the Land Court makes a recommendation to the Minister, power to agree that the cultural heritage management plan should be approved.
Sponsor	117(5)	Before the Land Court makes a recommendation to the Minister and subject to all consultation parties' agreement, power to give the cultural heritage management plan, as agreed, to the chief executive.

Part 9 – Miscellaneous provisions

Entity power given to	Section of ACHA	Description
Any person	153(1)	Power to consult with the owner or occupier of the land about obtaining the necessary access in order to perform an activity (the cultural heritage activity) under this Act.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 11 09 - ACHA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;

8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Acquisition of Land Act 1967 ("ACLA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Acquisition of Land Act 1967 ("ACLA")**Part 1 – Preliminary**

Entity power given to	Section of ACLA	Description
Entity	4B(2)	Power to give the relevant Chief Executive for the resource interest a written notice.

Part 2 – Taking of land**Division 2 – Taking other than by agreement**

Entity power given to	Section of ACLA	Description
Constructing Authority	7(1)	Power to: (a) propose to take any land; (b) serve (as prescribed by section 7 of the <i>Acquisition of Land Act 1967</i>) a notice (a notice of intention to resume).
Constructing Authority	8(2)	Power to consider the grounds of objection to the taking of any land and the other specified matters.
Constructing Authority	8(2)(b)	Power to hear the objector.
Constructing Authority	8(2A)	In the specified circumstances, the power to discontinue a resumption or amend a notice of intention to resume if of the opinion that the resumption should be discontinued or that the notice of intention to resume should be amended.
Constructing Authority	9(1)	In the specified circumstances, the power to apply to the Minister that land be taken as prescribed by section 9 of the <i>Acquisition of Land Act 1967</i> if of the opinion that the land in question is required for the purpose for which it is proposed to be taken.
Constructing Authority	12(5A)	In the specified circumstances, the power to agree with a claimant on the amount of compensation.
Constructing Authority	12(7)	In the specified circumstances, the power to serve a copy of the gazette resumption notice upon every person who to your knowledge is entitled, pursuant to section 18 of the <i>Acquisition of Land Act 1967</i> , to claim compensation or is a mortgagee of the land.
Constructing Authority	13(1)(b)	In the specified circumstances, the power to agree in writing with an owner of land that the taking of part of the land will leave, or has left, a parcel of land that is of no practical use or value to the owner of such land and accordingly that parcel of land will be taken.

Division 3 – Taking by agreement

Subdivision 1 – Resumption agreements

Entity power given to	Section of ACLA	Description
Constructing Authority	15(1)	Power to enter into a resumption agreement.

Subdivision 2 – Process for taking

Entity power given to	Section of ACLA	Description
Constructing Authority	15C(1)	Power to apply to the relevant Minister for the land to be taken under this section.
Constructing Authority	15D(1)	Power to, by gazette notice, declare that the land is taken for the purpose stated in the notice, without making any application under section 15C.
Constructing Authority	15D(3)	Power to be satisfied the land: <ul style="list-style-type: none"> (a) may be taken; and (b) should be taken for the purpose for which it is proposed to be taken.

Part 3 – Discontinuance of taking of land

Entity power given to	Section of ACLA	Description
Constructing Authority	16(1)	Power to at any time before the publication of a gazette resumption notice, serve upon every person who has been served with a notice of intention to resume a further notice stating that the resumption of the land concerned is being discontinued.
Constructing Authority	16(1B)	Power to agree with a claimant upon the amount of compensation to be paid under section 16(1A) of the <i>Acquisition of Land Act 1967</i> .
Gazetting Authority	17(1)	In certain circumstances, power to, by gazette notice (the revoking gazette notice), revoke the gazette resumption notice, in whole or in part.
Constructing Authority	17(5)	Power to agree with a claimant: <ul style="list-style-type: none"> (a) upon the amount of compensation to be paid under section 17(4) of the <i>Acquisition of Land Act 1967</i>; or (b) that the amount of compensation should be determined by the Land Court.

Part 4 – Compensation

Entity power given to	Section of ACLA	Description
Constructing Authority	19(4) ¹	Subject to section 46 of the <i>Acquisition of Land Act 1967</i> , power to: <ul style="list-style-type: none"> (a) satisfy yourself that it is reasonable in all the circumstances to accept, and deal, with a claim for compensation served by the claimant more than 3 years after the day the land was taken; and

¹ Subject to the limitations contained in section 46 of the *Acquisition of Land Act 1967*.

		(b) accept, and deal, with the claim.
Constructing Authority	21(1)	Power to agree with a claimant that the claimant will be granted, in satisfaction wholly or partly of the claimant's claim for compensation, any easement, right of way, lease or other right of occupation, or any other right, privilege or concession in, upon, over or under the land taken or any other land the property of Council.
Constructing Authority	21(1A)	Power to agree with the claimant that the claimant will be transferred land held in fee simple by Council in satisfaction wholly or partly of the Claimants claim for compensation.
Constructing Authority	21(2)	Power to agree with a claimant that the extent to which a grant (referred to in section 21(1) of the <i>Acquisition of Land Act 1967</i>) shall satisfy the claim for compensation should be determined by the Land Court.
Constructing Authority	29(1)	In the specified circumstances, the power to agree with a claimant upon the amount of compensation to be paid.

Part 5 – General

Entity power given to	Section of ACLA	Description
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(1)	Power to: <ul style="list-style-type: none"> (a) enter upon any land, for the purpose of making any inspection, valuation, survey or taking levels; (b) affix or set up thereon trigonometrical stations, survey pegs, marks, or poles, and from time to time alter, remove, inspect, reinstate and repair the same; (c) dig and bore into the land so as to ascertain the nature of the soil, and set out the lines of any works thereon; and (d) do all things necessary for the purposes aforesaid.
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(2)	Power to: <ul style="list-style-type: none"> (a) re-enter from time to time; (b) remain upon that land for such time as is necessary to achieve the purpose of the entry; and (c) take such assistants, vehicles, materials, equipment or things as are necessary to achieve the purpose of the entry.
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(3)	Power to give to an occupier or an owner at least 7 days notice in writing.
Constructing Authority	37(2)	In the specified circumstances, the power to give an occupier or an owner at least 7 days notice in writing.
Constructing Authority	37(5)	In the specified circumstances, the power to agree with a claimant: <ul style="list-style-type: none"> (a) upon the amount of compensation to be paid under section 37 of the <i>Acquisition of Land Act 1967</i>; or

		(b) that the amount of compensation is to be determined by the Land Court.
Constructing Authority	38(1)	In the specified circumstances, the power to issue a warrant to the sheriff to deliver possession of any land to the person appointed in the warrant.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 11 09 - ACLA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE ACQUISITION OF LAND ACT 1967 ("ACLA")

Part 1 – Preliminary

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	4B(2)	Power to give the relevant Chief Executive for the resource interest a written notice.				

Part 2 – Taking of land

Division 2 – Taking other than by agreement

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authority	7(1)	Power to: (a) propose to take any land; (b) serve (as prescribed by section 7 of the <i>Acquisition of Land Act 1967</i>) a notice (a <i>notice of intention to resume</i>).				
Constructing Authority	8(2)	Power to consider the grounds of objection to the taking of any land and the other specified matters.				
Constructing Authority	8(2)(b)	Power to hear the objector.				
Constructing Authority	8(2A)	In the specified circumstances, the power to discontinue a resumption or amend a notice of intention to resume if				

		of the opinion that the resumption should be discontinued or that the notice of intention to resume should be amended.				
Constructing Authority	9(1)	In the specified circumstances, the power to apply to the Minister that land be taken as prescribed by section 9 of the <i>Acquisition of Land Act 1967</i> if of the opinion that the land in question is required for the purpose for which it is proposed to be taken.				
Constructing Authority	12(5A)	In the specified circumstances, the power to agree with a claimant on the amount of compensation.				
Constructing Authority	12(7)	In the specified circumstances, the power to serve a copy of the gazette resumption notice upon every person who to your knowledge is entitled, pursuant to section 18 of the <i>Acquisition of Land Act 1967</i> , to claim compensation or is a mortgagee of the land.				
Constructing Authority	13(1)(b)	In the specified circumstances, the power to agree in writing with an owner of land that the taking of part of the land will leave, or has left, a parcel of land that is of no practical use or value to the owner of such land and accordingly that parcel of land will be taken.				

Division 3 – Taking by agreement

Subdivision 1 – Resumption agreements

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authority	15(1)	Power to enter into a resumption agreement.				

Subdivision 2 – Process for taking

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authority	15C(1)	Power to apply to the relevant Minister for the land to be taken under this section.				
Constructing Authority	15D(1)	Power to, by gazette notice, declare that the land is taken for the purpose stated in the notice, without making any application under section 15C.				
Constructing Authority	15D(3)	Power to be satisfied the land: (a) may be taken; and (b) should be taken for the purpose for which it is proposed to be taken.				

Part 3 – Discontinuance of taking of land

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authority	16(1)	Power to at any time before the publication of a gazette resumption				

		notice, serve upon every person who has been served with a notice of intention to resume a further notice stating that the resumption of the land concerned is being discontinued.				
Constructing Authority	16(1B)	Power to agree with a claimant upon the amount of compensation to be paid under section 16(1A) of the <i>Acquisition of Land Act 1967</i> .				
Gazetting Authority	17(1)	In certain circumstances, power to, by gazette notice (the revoking gazette notice), revoke the gazette resumption notice, in whole or in part.				
Constructing Authority	17(5)	Power to agree with a claimant: (a) upon the amount of compensation to be paid under section 17(4) of the <i>Acquisition of Land Act 1967</i> ; or (b) that the amount of compensation should be determined by the Land Court.				

Part 4 – Compensation

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authority	19(4) ²	Subject to section 46 of the <i>Acquisition of Land Act 1967</i> , power to: (a) satisfy yourself that it is reasonable in all the circumstances to accept, and deal, with a claim for				

² Subject to the limitations contained in section 46 of the *Acquisition of Land Act 1967*.

		<p>compensation served by the claimant more than 3 years after the day the land was taken; and</p> <p>(b) accept, and deal, with the claim.</p>				
Constructing Authority	21(1)	Power to agree with a claimant that the claimant will be granted, in satisfaction wholly or partly of the claimant's claim for compensation, any easement, right of way, lease or other right of occupation, or any other right, privilege or concession in, upon, over or under the land taken or any other land the property of Council.				
Constructing Authority	21(1A)	Power to agree with the claimant that the claimant will be transferred land held in fee simple by Council in satisfaction wholly or partly of the Claimants claim for compensation.				
Constructing Authority	21(2)	Power to agree with a claimant that the extent to which a grant (referred to in section 21(1) of the <i>Acquisition of Land Act 1967</i>) shall satisfy the claim for compensation should be determined by the Land Court.				
Constructing Authority	29(1)	In the specified circumstances, the power to agree with a claimant upon the amount of compensation to be paid.				

Part 5 – General

Entity power given to	Section of ACLA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(1)	Power to: <ul style="list-style-type: none"> (a) enter upon any land, for the purpose of making any inspection, valuation, survey or taking levels; (b) affix or set up thereon trigonometrical stations, survey pegs, marks, or poles, and from time to time alter, remove, inspect, reinstate and repair the same; (c) dig and bore into the land so as to ascertain the nature of the soil, and set out the lines of any works thereon; and (d) do all things necessary for the purposes aforesaid. 	No delegation required		No delegation required	
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(2)	Power to: <ul style="list-style-type: none"> (a) re-enter from time to time; (b) remain upon that land for such time as is necessary to achieve the purpose of the entry; and (c) take such assistants, vehicles, materials, equipment or things as are necessary to achieve the purpose of the entry. 	No delegation required		No delegation required	

Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(3)	Power to give to an occupier or an owner at least 7 days notice in writing.	No delegation required		No delegation required	
Constructing Authority	37(2)	In the specified circumstances, the power to give an occupier or an owner at least 7 days notice in writing.				
Constructing Authority	37(5)	In the specified circumstances, the power to agree with a claimant: (a) upon the amount of compensation to be paid under section 37 of the <i>Acquisition of Land Act 1967</i> ; or (b) that the amount of compensation is to be determined by the Land Court.				
Constructing Authority	38(1)	In the specified circumstances, the power to issue a warrant to the sheriff to deliver possession of any land to the person appointed in the warrant.				

[2018 11 09 - ACLA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Acquisition of Land Act 1967 ("ACLA")

Part 1 – Preliminary

Entity power given to	Section of ACLA	Description
Entity	4B(2)	Power to give the relevant Chief Executive for the resource interest a written notice.

Part 2 – Taking of land

Division 2 – Taking other than by agreement

Entity power given to	Section of ACLA	Description
Constructing Authority	7(1)	Power to: (a) propose to take any land; (b) serve (as prescribed by section 7 of the <i>Acquisition of Land Act 1967</i>) a notice (a notice of intention to resume).
Constructing Authority	8(2)	Power to consider the grounds of objection to the taking of any land and the other specified matters.
Constructing Authority	8(2)(b)	Power to hear the objector.
Constructing Authority	8(2A)	In the specified circumstances, the power to discontinue a resumption or amend a notice of intention to resume if of the opinion that the resumption should be discontinued or that the notice of intention to resume should be amended.
Constructing Authority	9(1)	In the specified circumstances, the power to apply to the Minister that land be taken as prescribed by section 9 of the <i>Acquisition of Land Act 1967</i> if of the opinion that the land in question is required for the purpose for which it is proposed to be taken.
Constructing Authority	12(5A)	In the specified circumstances, the power to agree with a claimant on the amount of compensation.
Constructing Authority	12(7)	In the specified circumstances, the power to serve a copy of the gazette resumption notice upon every person who to your knowledge is entitled, pursuant to section 18 of the <i>Acquisition of Land Act 1967</i> , to claim compensation or is a mortgagee of the land.
Constructing Authority	13(1)(b)	In the specified circumstances, the power to agree in writing with an owner of land that the taking of part of the land will leave, or has left, a parcel of land that is of no practical use or value to the owner of such land and accordingly that parcel of land will be taken.

Division 3 – Taking by agreement

Subdivision 1 – Resumption agreements

Entity power given to	Section of ACLA	Description
Constructing Authority	15(1)	Power to enter into a resumption agreement.

Subdivision 2 – Process for taking

Entity power given to	Section of ACLA	Description
Constructing Authority	15C(1)	Power to apply to the relevant Minister for the land to be taken under this section.
Constructing Authority	15D(1)	Power to, by gazette notice, declare that the land is taken for the purpose stated in the notice, without making any application under section 15C.
Constructing Authority	15D(3)	Power to be satisfied the land: <ul style="list-style-type: none"> (a) may be taken; and (b) should be taken for the purpose for which it is proposed to be taken.

Part 3 – Discontinuance of taking of land

Entity power given to	Section of ACLA	Description
Constructing Authority	16(1)	Power to at any time before the publication of a gazette resumption notice, serve upon every person who has been served with a notice of intention to resume a further notice stating that the resumption of the land concerned is being discontinued.
Constructing Authority	16(1B)	Power to agree with a claimant upon the amount of compensation to be paid under section 16(1A) of the <i>Acquisition of Land Act 1967</i> .
Gazetting Authority	17(1)	In certain circumstances, power to, by gazette notice (the revoking gazette notice), revoke the gazette resumption notice, in whole or in part.
Constructing Authority	17(5)	Power to agree with a claimant: <ul style="list-style-type: none"> (a) upon the amount of compensation to be paid under section 17(4) of the <i>Acquisition of Land Act 1967</i>; or (b) that the amount of compensation should be determined by the Land Court.

Part 4 – Compensation

Entity power given to	Section of ACLA	Description
Constructing Authority	19(4) ³	Subject to section 46 of the <i>Acquisition of Land Act 1967</i> , power to: <ul style="list-style-type: none"> (a) satisfy yourself that it is reasonable in all the circumstances to accept, and deal, with a claim for compensation served by the claimant more than 3 years after the day the land was taken; and

		(b) accept, and deal, with the claim.
Constructing Authority	21(1)	Power to agree with a claimant that the claimant will be granted, in satisfaction wholly or partly of the claimant's claim for compensation, any easement, right of way, lease or other right of occupation, or any other right, privilege or concession in, upon, over or under the land taken or any other land the property of Council.
Constructing Authority	21(1A)	Power to agree with the claimant that the claimant will be transferred land held in fee simple by Council in satisfaction wholly or partly of the Claimants claim for compensation.
Constructing Authority	21(2)	Power to agree with a claimant that the extent to which a grant (referred to in section 21(1) of the <i>Acquisition of Land Act 1967</i>) shall satisfy the claim for compensation should be determined by the Land Court.
Constructing Authority	29(1)	In the specified circumstances, the power to agree with a claimant upon the amount of compensation to be paid.

Part 5 – General

Entity power given to	Section of ACLA	Description
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(1)	Power to: <ul style="list-style-type: none"> (a) enter upon any land, for the purpose of making any inspection, valuation, survey or taking levels; (b) affix or set up thereon trigonometrical stations, survey pegs, marks, or poles, and from time to time alter, remove, inspect, reinstate and repair the same; (c) dig and bore into the land so as to ascertain the nature of the soil, and set out the lines of any works thereon; and (d) do all things necessary for the purposes aforesaid.
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(2)	Power to: <ul style="list-style-type: none"> (a) re-enter from time to time; (b) remain upon that land for such time as is necessary to achieve the purpose of the entry; and (c) take such assistants, vehicles, materials, equipment or things as are necessary to achieve the purpose of the entry.
Members, officers, employees, contractors and agents of the Constructing Authority and any person authorised by the Constructing Authority	36(3)	Power to give to an occupier or an owner at least 7 days notice in writing.
Constructing Authority	37(2)	In the specified circumstances, the power to give an occupier or an owner at least 7 days notice in writing.
Constructing Authority	37(5)	In the specified circumstances, the power to agree with a claimant: <ul style="list-style-type: none"> (a) upon the amount of compensation to be paid under section 37 of the <i>Acquisition of Land Act 1967</i>; or

		(b) that the amount of compensation is to be determined by the Land Court.
Constructing Authority	38(1)	In the specified circumstances, the power to issue a warrant to the sheriff to deliver possession of any land to the person appointed in the warrant.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 11 09 - ACLA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Animal Care and Protection Act 2001 ("ACPA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Animal Care and Protection Act 2001 ("ACPA")**CHAPTER 3 – GENERAL ANIMAL OFFENCES****Part 5 – Other prohibited and regulated conduct****Division 3 – Baits or harmful substances**

Entity power given to	Section of ACPA	Description
Prescribed Entity ¹	36(1)	The power to administer or feed an animal a substance that Council knows is harmful or poisonous to the animal, with the intention of injuring or killing the animal.

CHAPTER 6 – INVESTIGATION AND ENFORCEMENT**Part 2 – Power of Inspectors****Division 4 – Seizure and forfeiture*****Subdivision 5 – Dealing with property forfeited or transferred to State or prescribed entity***

Entity power given to	Section of ACPA	Description
Prescribed Entity	156(2)	In the specified circumstances, the power to agree in writing to the transfer of ownership of animal or other thing.
Prescribed Entity	157(2)	In the specified circumstances, the power to deal with an animal or other thing that has become the property of Council as considered appropriate.

CHAPTER 7 – EVIDENCE AND LEGAL PROCEEDINGS**Part 3 – Remedies**

Entity power given to	Section of ACPA	Description
Prescribed Entity	189(2)	In the specified circumstances, the power to recover costs from an animal's owner or former owner for costs necessarily and reasonably incurred in relation to the interests of the animal's welfare or its destruction.

CHAPTER 8 – GENERAL PROVISIONS**Part 2 – Miscellaneous provisions**

Entity power given to	Section of ACPA	Description
Prescribed Entity	214A(2)	In the specified circumstances, the power to agree in writing to the transfer of ownership of animal.

¹ A local government is a prescribed entity for the purpose of the ACPA. See also, section 10 of the *Animal Care and Protection Regulation 2012*.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2016 07 01 - ACPA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE ANIMAL CARE AND PROTECTION ACT 2001 ("ACPA")

CHAPTER 3 – GENERAL ANIMAL OFFENCES

Part 5 – Other prohibited and regulated conduct

Division 3 – Baits or harmful substances

Entity power given to	Section of ACPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed Entity ²	36(1)	The power to administer or feed an animal a substance that Council knows is harmful or poisonous to the animal, with the intention of injuring or killing the animal.				

² A local government is a prescribed entity for the purpose of the ACPA. See also, section 10 of the *Animal Care and Protection Regulation 2012*.

CHAPTER 6 – INVESTIGATION AND ENFORCEMENT

Part 2 – Power of Inspectors

Division 4 – Seizure and forfeiture

Subdivision 5 – Dealing with property forfeited or transferred to State or prescribed entity

Entity power given to	Section of ACPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed Entity	156(2)	In the specified circumstances, the power to agree in writing to the transfer of ownership of animal or other thing.				
Prescribed Entity	157(2)	In the specified circumstances, the power to deal with an animal or other thing that has become the property of Council as considered appropriate.				

CHAPTER 7 – EVIDENCE AND LEGAL PROCEEDINGS

Part 3 – Remedies

Entity power given to	Section of ACPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed Entity	189(2)	In the specified circumstances, the power to recover costs from an animal's owner or former owner for costs necessarily and reasonably incurred in relation to the interests of the animal's welfare or its destruction.				

CHAPTER 8 – GENERAL PROVISIONS

Part 2 – Miscellaneous provisions

Entity power given to	Section of ACPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed Entity	214A(2)	In the specified circumstances, the power to agree in writing to the transfer of ownership of animal.				

[2016 07 01 - ACPA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Animal Care and Protection Act 2001 ("ACPA")

CHAPTER 3 – GENERAL ANIMAL OFFENCES

Part 5 – Other prohibited and regulated conduct

Division 3 – Baits or harmful substances

Entity power given to	Section of ACPA	Description
Prescribed Entity ³	36(1)	The power to administer or feed an animal a substance that Council knows is harmful or poisonous to the animal, with the intention of injuring or killing the animal.

CHAPTER 6 – INVESTIGATION AND ENFORCEMENT

Part 2 – Power of Inspectors

Division 4 – Seizure and forfeiture

Subdivision 5 – Dealing with property forfeited or transferred to State or prescribed entity

Entity power given to	Section of ACPA	Description
Prescribed Entity	156(2)	In the specified circumstances, the power to agree in writing to the transfer of ownership of animal or other thing.
Prescribed Entity	157(2)	In the specified circumstances, the power to deal with an animal or other thing that has become the property of Council as considered appropriate.

CHAPTER 7 – EVIDENCE AND LEGAL PROCEEDINGS

Part 3 – Remedies

Entity power given to	Section of ACPA	Description
Prescribed Entity	189(2)	In the specified circumstances, the power to recover costs from an animal's owner or former owner for costs necessarily and reasonably incurred in relation to the interests of the animal's welfare or its destruction.

³ A local government is a prescribed entity for the purpose of the ACPA. See also, section 10 of the *Animal Care and Protection Regulation 2012*.

CHAPTER 8 – GENERAL PROVISIONS

Part 2 – Miscellaneous provisions

Entity power given to	Section of ACPA	Description
Prescribed Entity	214A(2)	In the specified circumstances, the power to agree in writing to the transfer of ownership of animal.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2016 07 01 - ACPA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Animal Management (Cats and Dogs) Act 2008 ("AMCD")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Animal Management (Cats and Dogs) Act 2008 ("AMCD")**CHAPTER 2 – IDENTIFICATION OF CATS AND DOGS****Part 1 – Prescribed permanent identification devices****Division 6 – Giving identifying information**

Entity power given to	Section of AMCD	Description
Local Government	39	In the specified circumstances, power to give a person identifying information for the cat or dog.

Part 2 – Desexing tattoos

Entity power given to	Section of AMCD	Description
Local Government	42(4)	Power to recognise an exhibition in which a cat or dog is participating.

CHAPTER 3 – DOG REGISTRATION**Part 2 – How dog is registered**

Entity power given to	Section of AMCD	Description
Chief Executive Officer	48(2)	In the specified circumstances, power to, by notice, require an owner to give other information or documents reasonably required to register the cat or dog.
Local Government	49(2)	In the specified circumstances, power to give an owner of a dog notice that the dog has been registered.
Local Government	51(a)	Power to keep the registration form and other information about a cat or dog given to the local government by the owner.

Part 3 - Amendment of registration

Entity power given to	Section of AMCD	Description
Chief Executive Officer	55(2)	In the specified circumstances, power to ask the owner of the cat or dog for other information or documents in the way mentioned in section 48(2).
Chief Executive Officer	55(4)	In the specified circumstances, power to: <ul style="list-style-type: none"> (a) ensure that the information is updated in the appropriate register in a way that reflects the change; and (b) to ensure the owner is given a notice for the cat or dog that includes the changed information.

Part 4 - Renewal of registration

Entity power given to	Section of AMCD	Description
Chief Executive Officer	56(1)	Power to give the owner of a cat or dog a notice to renew the registration for the cat or dog (a renewal notice).
Chief Executive Officer	58(2)	In the specified circumstances, power to ask the owner for more information or documents required to be given in the notice mentioned in section 48.
Chief Executive Officer	58(4)	In specified circumstances, power to: <ul style="list-style-type: none"> (a) Ensure that the information is updated in the appropriate register in a way that reflects the change; and (b) to give the owner of a cat or dog any registration device for the cat or dog.

CHAPTER 4 – REGULATED DOGS

Part 1 – Preliminary

Division 2 – Interpretation

Entity power given to	Section of AMCD	Description
Local Government	64(1)(b)	Power to recognise, for the purposes of this section, a body which supervises an exhibition or an obedience trial in which a dog is participating.

Part 3 – Restricted dog permits

Division 1 – Obtaining permit for restricted dog

Subdivision 1 – Permit applications

Entity power given to	Section of AMCD	Description
Local Government	74(1)	After a permit application has been made, power to, by notice, require the applicant to: <ul style="list-style-type: none"> (a) give a stated document or information that is relevant to the application; (b) or verify the correctness of the document.
Local Government	75(1)	In the specified circumstances, power to either grant or refuse a permit application.
Local Government	75(3)	Power to be satisfied that desexing is likely to be a serious risk to the health of the dog.
Local Government	75(5)	In the specified circumstances, power to impose a condition provided for under a regulation.

Subdivision 2 – Action after decision on application

Entity power given to	Section of AMCD	Description
Local Government	77(1)	Power to, as soon as practicable after deciding to grant a permit application, issue the applicant with a restricted dog permit for the restricted dog the subject of the application.

Local Government	79	Power to, as soon as practicable after deciding to refuse a permit application, give the applicant an information notice about the decision.
------------------	----	--

Division 3 – Renewal of permit

Entity power given to	Section of AMCD	Description
Local Government	84(1)	In the specified circumstances, power to either grant or refuse a renewal application.
Local Government	84(4)(b)	Power to seek further documents or information in the way mentioned in section 74.
Local Government	84(5)(a)	In the specified circumstances, power to issue the applicant with a renewed restricted dog permit (a renewal permit).
Local Government	84(5)(b)	In the specified circumstances, power to give the applicant an information notice about the decision.

Division 4 – Amendment of permits

Entity power given to	Section of AMCD	Description
Local Government	87(1)	In the specified circumstances, power to amend a restricted dog permit at any time, by giving the permit holder notice of the amendment and recording particulars of the amendment in the restricted dog register.

Part 4 – Regulated dog declarations

Entity power given to	Section of AMCD	Description
Local Government	89	Power to: (a) declare a particular dog to be a declared dangerous dog; (b) declare a particular dog to be a declared menacing dog; or (c) declare a particular dog to be a restricted dog.
Local Government	89(4)	Power to be satisfied a dog is of a breed mentioned in section 63(1).
Local Government	90(1)	In the specified circumstances, the power to give any owner of a dog a proposed declaration notice.
Local Government	92	Power to withdraw a proposed declaration notice by giving a notice of the withdrawal to any owner of the dog.
Local Government	94(1)	Power to consider any written representations and evidence accompanying them within the period stated in the proposed declaration notice.
Local Government	94(2)	Power to: (a) be satisfied that the relevant ground under section 89 still exists; and (b) make the regulated dog declaration for the dog.
Local Government	95(1)	Power to give the owner of a dog the subject of the declaration notice a notice under subsection (3) or (4).
Local Government	95(4)	Power to give an information notice about the decision.

Part 6 – Miscellaneous provisions

Entity power given to	Section of AMCD	Description
Local Government	100(3)	Power to destroy a surrendered regulated dog.
Local Government	102	In the specified circumstances, power to recover costs from the dogs owner or former owner if the incurring of the cost was necessary and reasonable.

CHAPTER 5 – INVESTIGATION, MONITORING AND ENFORCEMENT

Part 2 – Entry to places

Division 1 – Powers of entry

Entity power given to	Section of AMCD	Description
Local Government	114(1)	In the specified circumstances, the power to give notice of an approved inspection program.

CHAPTER 7 - REGISTERS

Part 1 – Registers kept by Chief Executive

Entity power given to	Section of AMCD	Description
Chief Executive Officer	173(1)(b)	Power to inspect information kept in the regulated dog register.
Chief Executive Officer	173B(1)(b)	Power to inspect information contained in the breeder register.
Chief Executive Officer	174(1)	Power to give the chief executive notice if: (a) a restricted dog is registered in the local government's area; or (b) the local government makes a regulated dog declaration for a dog in the local government's area.
Chief Executive Officer	175(2)	In the specified circumstances, the power to give the chief executive notice of the changed information or the holder's new residential address.
Chief Executive Officer	176(3)	In the specified circumstances, the power to give the chief executive a response within 28 days after receiving the request.

Part 2 – Registers kept by local government places

Entity power given to	Section of AMCD	Description
Chief Executive Officer	177(1)	Power to keep the following registers about dogs usually kept or proposed to be kept in the local government's area (collectively the cat and dog registry of the local government): (a) a general register; (b) another register prescribed under a regulation.

CHAPTER 8 – REVIEWS

Part 1 – Internal review of decisions

Entity power given to	Section of AMCD	Description
Chief Executive Officer	183(2)	Power to, at any time, extend the time for making a general review application.
Chief Executive Officer	185A(2)	In the specified circumstances, power to conduct an internal review of the decisions at the same time under section 186.
Chief Executive Officer	186(1)	In the specified circumstances, power to: <ul style="list-style-type: none"> (a) conduct an internal review of the original decision the subject of the application; and (b) make a decision (the internal review decision) to: <ul style="list-style-type: none"> (i) confirm the original decision; (ii) amend the original decision; or (iii) substitute another decision for the original decision.
Chief Executive Officer	187(2)	In the specified circumstances, power to give the applicant notice of the internal review decision.

CHAPTER 9 – MISCELLANEOUS PROVISIONS

Part 5 – Miscellaneous

Entity power given to	Section of AMCD	Description
Chief Executive Officer	207C(2)(a)	Power to use information obtained under section 173B(1) or 207B to perform a function under this Act.
Chief Executive Officer	209(2)	Power to approve forms for use under this Act.

CHAPTER 10 – TRANSITIONAL PROVISIONS

Part 1 – Transitional provisions for Act No. 74 of 2008

Entity power given to	Section of AMCD	Description
Local Government	212(3)	In the specified circumstances, the power to include other information in the restricted dog register which the local government considers appropriate.

Part 4 – Transitional provisions for Agriculture and Forestry Legislation Amendment Act 2013

Division 3 – Continuation of cat registration for local governments

Entity power given to	Section of AMCD	Description
Local Government	228(3)	Power to consider appropriate a portion of the fee the local government may refund, having regard to the period of the registration stated on the registration notice that remains after the commencement.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 05 26 - AMCD - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE ANIMAL MANAGEMENT (CATS AND DOGS) ACT 2008 ("AMCD")

CHAPTER 2 – IDENTIFICATION OF CATS AND DOGS

Part 1 – Prescribed permanent identification devices

Division 6 – Giving identifying information

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	39	In the specified circumstances, power to give a person identifying information for the cat or dog.				

Part 2 – Desexing tattoos

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	42(4)	Power to recognise an exhibition in which a cat or dog is participating.				

CHAPTER 3 – DOG REGISTRATION

Part 2 – How dog is registered

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	48(2)	In the specified circumstances, power to, by notice, require an owner to give other information or documents reasonably required to register the cat or dog.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Local Government	49(2)	In the specified circumstances, power to give an owner of a dog notice that the dog has been registered.				
Local Government	51(a)	Power to keep the registration form and other information about a cat or dog given to the local government by the owner.				

Part 3 - Amendment of registration

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	55(2)	In the specified circumstances, power to ask the owner of the cat or dog for other information or documents in the way mentioned in section 48(2).	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Chief Executive Officer	55(4)	In the specified circumstances, power to: (a) ensure that the information is updated in the appropriate register in a way that reflects the change; and (b) to ensure the owner is given a notice for the cat or dog that includes the changed information.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
-------------------------	-------	---	--	--	--	--

Part 4 - Renewal of registration

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	56(1)	Power to give the owner of a cat or dog a notice to renew the registration for the cat or dog (a renewal notice).	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	58(2)	In the specified circumstances, power to ask the owner for more information or documents required to be given in the notice mentioned in section 48.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	58(4)	In specified circumstances, power to: (a) Ensure that the information is updated in the appropriate register in a way that reflects the change; and	This power does not need to be delegated as it is given directly to the CEO under the Act.			

		(b) to give the owner of a cat or dog any registration device for the cat or dog.				
--	--	---	--	--	--	--

CHAPTER 4 – REGULATED DOGS

Part 1 – Preliminary

Division 2 – Interpretation

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	64(1)(b)	Power to recognise, for the purposes of this section, a body which supervises an exhibition or an obedience trial in which a dog is participating.				

Part 3 – Restricted dog permits

Division 1 – Obtaining permit for restricted dog

Subdivision 1 – Permit applications

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	74(1)	After a permit application has been made, power to, by notice, require the applicant to: (a) give a stated document or information that is relevant to the application; (b) or verify the correctness of the document.				

Local Government	75(1)	In the specified circumstances, power to either grant or refuse a permit application.				
Local Government	75(3)	Power to be satisfied that desexing is likely to be a serious risk to the health of the dog.				
Local Government	75(5)	In the specified circumstances, power to impose a condition provided for under a regulation.				

Subdivision 2 – Action after decision on application

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	77(1)	Power to, as soon as practicable after deciding to grant a permit application, issue the applicant with a restricted dog permit for the restricted dog the subject of the application.				
Local Government	79	Power to, as soon as practicable after deciding to refuse a permit application, give the applicant an information notice about the decision.				

Division 3 – Renewal of permit

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	84(1)	In the specified circumstances, power to either grant or refuse a renewal application.				
Local Government	84(4)(b)	Power to seek further documents or information in the way mentioned in section 74.				
Local Government	84(5)(a)	In the specified circumstances, power to issue the applicant with a renewed restricted dog permit (a renewal permit).				
Local Government	84(5)(b)	In the specified circumstances, power to give the applicant an information notice about the decision.				

Division 4 – Amendment of permits

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	87(1)	In the specified circumstances, power to amend a restricted dog permit at any time, by giving the permit holder notice of the amendment and recording particulars of the amendment in the restricted dog register.				

Part 4 – Regulated dog declarations

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	89	Power to: (a) declare a particular dog to be a declared dangerous dog; (b) declare a particular dog to be a declared menacing dog; or (c) declare a particular dog to be a restricted dog.				
Local Government	89(4)	Power to be satisfied a dog is of a breed mentioned in section 63(1).				
Local Government	90(1)	In the specified circumstances, the power to give any owner of a dog a proposed declaration notice.				
Local Government	92	Power to withdraw a proposed declaration notice by giving a notice of the withdrawal to any owner of the dog.				
Local Government	94(1)	Power to consider any written representations and evidence accompanying them within the period stated in the proposed declaration notice.				
Local Government	94(2)	Power to: (a) be satisfied that the relevant ground under section 89 still exists; and (b) make the regulated dog declaration for the dog.				

Local Government	95(1)	Power to give the owner of a dog the subject of the declaration notice a notice under subsection (3) or (4).				
Local Government	95(4)	Power to give an information notice about the decision.				

Part 6 – Miscellaneous provisions

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	100(3)	Power to destroy a surrendered regulated dog.				
Local Government	102	In the specified circumstances, power to recover costs from the dogs owner or former owner if the incurring of the cost was necessary and reasonable.				

CHAPTER 5 – INVESTIGATION, MONITORING AND ENFORCEMENT

Part 2 – Entry to places

Division 1 – Powers of entry

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	114(1)	In the specified circumstances, the power to give notice of an approved inspection program.				

CHAPTER 7 - REGISTERS

Part 1 – Registers kept by Chief Executive

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	173(1)(b)	Power to inspect information kept in the regulated dog register.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	173B(1)(b)	Power to inspect information contained in the breeder register.	This power does not need to be delegated as it is given directly to the CEO under the Act.	This power does not need to be sub-delegated as it is given directly to the CEO or a person engaged, employed or appointed by the local government to perform functions under this Act or the Animal Care and Protection Act 2001.		
Chief Executive Officer	174(1)	Power to give the chief executive notice if: (a) a restricted dog is registered in the local government's area; or (b) the local government makes a regulated dog declaration for a	This power does not need to be delegated as it is given directly to the CEO under the Act.			

		dog in the local government's area.				
Chief Executive Officer	175(2)	In the specified circumstances, the power to give the chief executive notice of the changed information or the holder's new residential address.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	176(3)	In the specified circumstances, the power to give the chief executive a response within 28 days after receiving the request.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Part 2 – Registers kept by local government places

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	177(1)	Power to keep the following registers about dogs usually kept or proposed to be kept in the local government's area (collectively the cat and dog registry of the local government): (a) a general register; (b) another register prescribed under a regulation.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

CHAPTER 8 – REVIEWS

Part 1 – Internal review of decisions

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	183(2)	Power to, at any time, extend the time for making a general review application.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	185A(2)	In the specified circumstances, power to conduct an internal review of the decisions at the same time under section 186.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	186(1)	In the specified circumstances, power to: <ul style="list-style-type: none"> (a) conduct an internal review of the original decision the subject of the application; and (b) make a decision (the internal review decision) to: <ul style="list-style-type: none"> (i) confirm the original decision; (ii) amend the original decision; or (iii) substitute another decision for the original decision. 	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Chief Executive Officer	187(2)	In the specified circumstances, power to give the applicant notice of the internal review decision.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
-------------------------	--------	---	--	--	--	--

CHAPTER 9 – MISCELLANEOUS PROVISIONS

Part 5 – Miscellaneous

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	207C(2)(a)	Power to use information obtained under section 173B(1) or 207B to perform a function under this Act.	This power does not need to be delegated as it is given directly to the CEO under the Act.	This power does not need to be sub-delegated as it is given directly to the CEO or a person engaged, employed or appointed by the local government to perform functions under this Act or the Animal Care and Protection Act 2001.		
Chief Executive Officer	209(2)	Power to approve forms for use under this Act.	This power does not need to be delegated as it is given directly to			

			the CEO under the Act.			
--	--	--	------------------------	--	--	--

CHAPTER 10 – TRANSITIONAL PROVISIONS

Part 1 – Transitional provisions for Act No. 74 of 2008

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	212(3)	In the specified circumstances, the power to include other information in the restricted dog register which the local government considers appropriate.				

Part 4 – Transitional provisions for Agriculture and Forestry Legislation Amendment Act 2013

Division 3 – Continuation of cat registration for local governments

Entity power given to	Section of AMCD	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	228(3)	Power to consider appropriate a portion of the fee the local government may refund, having regard to the period of the registration stated on the registration notice that remains after the commencement.				

[2017 05 26 - AMCD - Delegation Table]

POWERS SUB-DELEGATED

Animal Management (Cats and Dogs) Act 2008 ("AMCD")

CHAPTER 2 – IDENTIFICATION OF CATS AND DOGS

Part 1 – Prescribed permanent identification devices

Division 6 – Giving identifying information

Entity power given to	Section of AMCD	Description
Local Government	39	In the specified circumstances, power to give a person identifying information for the cat or dog.

Part 2 – Desexing tattoos

Entity power given to	Section of AMCD	Description
Local Government	42(4)	Power to recognise an exhibition in which a cat or dog is participating.

CHAPTER 3 – DOG REGISTRATION

Part 2 – How dog is registered

Entity power given to	Section of AMCD	Description
Chief Executive Officer	48(2)	In the specified circumstances, power to, by notice, require an owner to give other information or documents reasonably required to register the cat or dog.
Local Government	49(2)	In the specified circumstances, power to give an owner of a dog notice that the dog has been registered.
Local Government	51(a)	Power to keep the registration form and other information about a cat or dog given to the local government by the owner.

Part 3 - Amendment of registration

Entity power given to	Section of AMCD	Description
Chief Executive Officer	55(2)	In the specified circumstances, power to ask the owner of the cat or dog for other information or documents in the way mentioned in section 48(2).
Chief Executive Officer	55(4)	In the specified circumstances, power to: <ul style="list-style-type: none"> (a) ensure that the information is updated in the appropriate register in a way that reflects the change; and (b) to ensure the owner is given a notice for the cat or dog that includes the changed information.

Part 4 - Renewal of registration

Entity power given to	Section of AMCD	Description
Chief Executive Officer	56(1)	Power to give the owner of a cat or dog a notice to renew the registration for the cat or dog (a renewal notice).
Chief Executive Officer	58(2)	In the specified circumstances, power to ask the owner for more information or documents required to be given in the notice mentioned in section 48.
Chief Executive Officer	58(4)	In specified circumstances, power to: <ul style="list-style-type: none"> (a) Ensure that the information is updated in the appropriate register in a way that reflects the change; and (b) to give the owner of a cat or dog any registration device for the cat or dog.

CHAPTER 4 – REGULATED DOGS

Part 1 – Preliminary

Division 2 – Interpretation

Entity power given to	Section of AMCD	Description
Local Government	64(1)(b)	Power to recognise, for the purposes of this section, a body which supervises an exhibition or an obedience trial in which a dog is participating.

Part 3 – Restricted dog permits

Division 1 – Obtaining permit for restricted dog

Subdivision 1 – Permit applications

Entity power given to	Section of AMCD	Description
Local Government	74(1)	After a permit application has been made, power to, by notice, require the applicant to: <ul style="list-style-type: none"> (a) give a stated document or information that is relevant to the application; (b) or verify the correctness of the document.
Local Government	75(1)	In the specified circumstances, power to either grant or refuse a permit application.
Local Government	75(3)	Power to be satisfied that desexing is likely to be a serious risk to the health of the dog.
Local Government	75(5)	In the specified circumstances, power to impose a condition provided for under a regulation.

Subdivision 2 – Action after decision on application

Entity power given to	Section of AMCD	Description
Local Government	77(1)	Power to, as soon as practicable after deciding to grant a permit application, issue the applicant with a restricted dog permit for the restricted dog the subject of the application.

Local Government	79	Power to, as soon as practicable after deciding to refuse a permit application, give the applicant an information notice about the decision.
------------------	----	--

Division 3 – Renewal of permit

Entity power given to	Section of AMCD	Description
Local Government	84(1)	In the specified circumstances, power to either grant or refuse a renewal application.
Local Government	84(4)(b)	Power to seek further documents or information in the way mentioned in section 74.
Local Government	84(5)(a)	In the specified circumstances, power to issue the applicant with a renewed restricted dog permit (a renewal permit).
Local Government	84(5)(b)	In the specified circumstances, power to give the applicant an information notice about the decision.

Division 4 – Amendment of permits

Entity power given to	Section of AMCD	Description
Local Government	87(1)	In the specified circumstances, power to amend a restricted dog permit at any time, by giving the permit holder notice of the amendment and recording particulars of the amendment in the restricted dog register.

Part 4 – Regulated dog declarations

Entity power given to	Section of AMCD	Description
Local Government	89	Power to: (a) declare a particular dog to be a declared dangerous dog; (b) declare a particular dog to be a declared menacing dog; or (c) declare a particular dog to be a restricted dog.
Local Government	89(4)	Power to be satisfied a dog is of a breed mentioned in section 63(1).
Local Government	90(1)	In the specified circumstances, the power to give any owner of a dog a proposed declaration notice.
Local Government	92	Power to withdraw a proposed declaration notice by giving a notice of the withdrawal to any owner of the dog.
Local Government	94(1)	Power to consider any written representations and evidence accompanying them within the period stated in the proposed declaration notice.
Local Government	94(2)	Power to: (a) be satisfied that the relevant ground under section 89 still exists; and (b) make the regulated dog declaration for the dog.
Local Government	95(1)	Power to give the owner of a dog the subject of the declaration notice a notice under subsection (3) or (4).
Local Government	95(4)	Power to give an information notice about the decision.

Part 6 – Miscellaneous provisions

Entity power given to	Section of AMCD	Description
Local Government	100(3)	Power to destroy a surrendered regulated dog.
Local Government	102	In the specified circumstances, power to recover costs from the dogs owner or former owner if the incurring of the cost was necessary and reasonable.

CHAPTER 5 – INVESTIGATION, MONITORING AND ENFORCEMENT

Part 2 – Entry to places

Division 1 – Powers of entry

Entity power given to	Section of AMCD	Description
Local Government	114(1)	In the specified circumstances, the power to give notice of an approved inspection program.

CHAPTER 7 - REGISTERS

Part 1 – Registers kept by Chief Executive

Entity power given to	Section of AMCD	Description
Chief Executive Officer	173(1)(b)	Power to inspect information kept in the regulated dog register.
Chief Executive Officer	173B(1)(b)	Power to inspect information contained in the breeder register.
Chief Executive Officer	174(1)	Power to give the chief executive notice if: (a) a restricted dog is registered in the local government's area; or (b) the local government makes a regulated dog declaration for a dog in the local government's area.
Chief Executive Officer	175(2)	In the specified circumstances, the power to give the chief executive notice of the changed information or the holder's new residential address.
Chief Executive Officer	176(3)	In the specified circumstances, the power to give the chief executive a response within 28 days after receiving the request.

Part 2 – Registers kept by local government places

Entity power given to	Section of AMCD	Description
Chief Executive Officer	177(1)	Power to keep the following registers about dogs usually kept or proposed to be kept in the local government's area (collectively the cat and dog registry of the local government): (a) a general register; (b) another register prescribed under a regulation.

CHAPTER 8 – REVIEWS

Part 1 – Internal review of decisions

Entity power given to	Section of AMCD	Description
Chief Executive Officer	183(2)	Power to, at any time, extend the time for making a general review application.
Chief Executive Officer	185A(2)	In the specified circumstances, power to conduct an internal review of the decisions at the same time under section 186.
Chief Executive Officer	186(1)	In the specified circumstances, power to: <ul style="list-style-type: none"> (a) conduct an internal review of the original decision the subject of the application; and (b) make a decision (the internal review decision) to: <ul style="list-style-type: none"> (i) confirm the original decision; (ii) amend the original decision; or (iii) substitute another decision for the original decision.
Chief Executive Officer	187(2)	In the specified circumstances, power to give the applicant notice of the internal review decision.

CHAPTER 9 – MISCELLANEOUS PROVISIONS

Part 5 – Miscellaneous

Entity power given to	Section of AMCD	Description
Chief Executive Officer	207C(2)(a)	Power to use information obtained under section 173B(1) or 207B to perform a function under this Act.
Chief Executive Officer	209(2)	Power to approve forms for use under this Act.

CHAPTER 10 – TRANSITIONAL PROVISIONS

Part 1 – Transitional provisions for Act No. 74 of 2008

Entity power given to	Section of AMCD	Description
Local Government	212(3)	In the specified circumstances, the power to include other information in the restricted dog register which the local government considers appropriate.

Part 4 – Transitional provisions for Agriculture and Forestry Legislation Amendment Act 2013

Division 3 – Continuation of cat registration for local governments

Entity power given to	Section of AMCD	Description
Local Government	228(3)	Power to consider appropriate a portion of the fee the local government may refund, having regard to the period of the registration stated on the registration notice that remains after the commencement.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 05 26 - AMCD - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Biosecurity Act 2014 ("BIOA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Biosecurity Act 2014 ("BIOA")**CHAPTER 3 – MATTERS RELATING TO LOCAL GOVERNMENTS****Part 2 – Biosecurity plans for local government areas**

Entity power given to	Section of BIOA	Description
Local Government	53(1)	Power to prepare a biosecurity plan.

Part 3 – Land protection fund

Entity power given to	Section of BIOA	Description
Local Government	59	In the specified circumstances, the power to consult with the Chief Executive about suitability and priority of the activities.

CHAPTER 4 – INVASIVE ANIMAL BARRIER FENCING**Part 2 – Barrier fences****Division 1 – Identification of the barrier fence**

Entity power given to	Section of BIOA	Description
Building Authority	91(3)(a)	Power to consult with chief executive about proposed amendments to the barrier fence map.

Division 2 – Maintaining barrier fences

Entity power given to	Section of BIOA	Description
Building Authority	94(2)	Power to: (a) obtain the occupier's consent to the entry; or (b) to give the occupier notice of: (i) the intended entry; and (ii) the purpose of the entry; and (iii) the proposed dates and time of entry.
Building Authority	94(3)	Power to be satisfied it is impracticable to give the notice under subsection (2)(b) to instead: (a) publish the notice in a newspaper circulating in the area in which the place is situated; or (b) place the notice conspicuously on the place.
Building Authority	94(5)	Power to consider it necessary to enter the land because of urgent circumstances and power to give the occupier only the notice that is reasonably practicable in the circumstances.
Building Authority	95(1)	Power to enter into agreement with another person about making an opening in the fence for a particular purpose and period.
Building Authority	96(1)	Power to form a reasonable belief that a person has unlawfully damaged, or made an opening in the fence.

Building Authority	96(2)	Power to give notice to the person, requiring the person to restore the fence to its condition before the damage or opened.
--------------------	-------	---

Part 3 – Barrier fence employees

Entity power given to	Section of BIOA	Description
Building Authority	100(1)	Power to by instrument in writing, appoint a person employed or engaged by the authority to exercise powers under this Act in relation to the barrier fence (a barrier fence employee).
Building Authority	101(2)	Power to give directions to a barrier fence employee .

CHAPTER 5 – CODES OF PRACTICE AND GUIDELINES

Part 1 – Codes of practice

Entity power given to	Section of BIOA	Description
Relevant entity	105(1)	Power to consult with the chief executive before a code of practice is recommended to the Governor in Council.

Part 3 – Consultation and notification

Entity power given to	Section of BIOA	Description
Chief Executive Officer	235(1)(b)	Power to authorise and carry out a biosecurity program (a program authorisation).
Chief Executive Officer	235(1)(c)	Power to form agreement about a program authorisation.
Chief Executive Officer	235(1)(d)	Power to agree with the Chief Executive Officer of other local governments to authorise and carry out a biosecurity program.
Local Government	239(2)	Power, before authorising a biosecurity plan, to consult with: <ul style="list-style-type: none"> (a) the chief executive; and (b) an invasive animal board: <ul style="list-style-type: none"> (i) with an operational area in or adjoining the local government's area; and (ii) responsible for the management of an invasive animal that is biosecurity matter to which the program applies.
Local Government	239(3)(b)	Power to consult with an invasive animal board.

CHAPTER 10 – APPOINTMENT AND POWERS OF OFFICERS

Part 1 – General matters about inspectors and authorised persons

Division 2 – Appointment of Authorised Person

Entity power given to	Section of BIOA	Description
Chief Executive Officer	246(2)	Power to appoint the following persons as authorised persons: <ul style="list-style-type: none"> (a) an employee of the local government; (b) if another local government consents—an employee of the other local government;

		(c) another person who has entered into a contract, or is employed by an entity that has entered into a contract, with the local government to perform a function under this Act.
Local Government	246(2)(b)	Power to consent to an employee of the local government to be appointed as an authorised person for another local government.
Chief Executive Officer	246(3)	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	246(5)	Power to be satisfied a person is appropriately qualified.

Part 2 – Entry to places by Authorised Officers

Entity power given to	Section of BIOA	Description
Issuing Authority by its employees or agents	263(2)	Power to enter a place at reasonable times to take steps as stated in an order.
Issuing Authority by its employees or agents	264(2)	Power to enter a place at reasonable times and to take the action at the place that is required under the direction.
Issuing Authority by its employees or agents	271(2)	Power to make a reasonable attempt to locate and obtain the occupier's consent to the entry.
Issuing Authority by its employees or agents	271(3)	Power to enter a place if: <ul style="list-style-type: none"> (a) the person is unable to locate an occupier after making a reasonable attempt to do so; or (b) the occupier refuses to consent to the entry.
Issuing Authority	271(4)	In the specified circumstances, the power to make reasonable attempts to: <ul style="list-style-type: none"> (a) either: <ul style="list-style-type: none"> (i) if the person is an employee or agent of the issuing authority—produce the issuing authority's written authority to enter the place, and sufficient evidence to identify the person as a person who may enter under the authority, for the occupier's inspection; or (ii) if the person is an authorised officer—produce the authorised officer's identity card for the occupier's inspection; and (b) inform the occupier: <ul style="list-style-type: none"> (i) of the reason for entering the place; and (ii) that the person is authorised under this Act to enter the place without the permission of the occupier.
Issuing Authority	271(5)	In the specified circumstances, the power to leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.

Part 4 – Other Authorised Officers' powers and related matters

Entity power given to	Section of BIOA	Description
Administrator for a relevant entity	310(1)	In the specified circumstances, the power to decide a seized thing is forfeited.

(Chief Executive Officer)		
Administrator for a relevant entity (Chief Executive Officer)	310(1)(a)	Power to make reasonable enquires to find the owner of a thing seized.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(b)	Power to make reasonable efforts to return a thing seized to the owner.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(c)	Power to: <ul style="list-style-type: none"> (i) reasonably consider that, because of the thing's inherent nature or condition, the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized; or (ii) at the end of 6 months, reasonably believes that the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(d)	Power to form a reasonable belief that it is necessary to keep a thing to prevent it from being used to commit the offence for which it was seized.
Administrator for a relevant entity (Chief Executive Officer)	312(2)	Power to give an information notice.

Subdivision 5 – Dealing with property forfeited or transferred to the relevant entity or the state

Entity power given to	Section of BIOA	Description
Relevant Administrator (Chief Executive Officer)	317(2)	Power to deal with a thing as considered appropriate.
Relevant Administrator (Chief Executive Officer)	317(4)	Power to return proceeds of the sale of a thing forfeited to the owner of the thing, after deducting the costs of the sale.

Part 5 – Provisions relating to designated officers

Division 1 – Identity cards

Entity power given to	Section of BIOA	Description
Administering Executive – Local Government	329(1)	Power to issue an identity card to each designated officer.

CHAPTER 12 – EVIDENCE, LEGAL PROCEEDINGS AND REVIEWS

Part 3 – Reviews

Division 1 – Internal reviews

Entity power given to	Section of BIOA	Description
Issuing Authority – Local Government	365(1)	Power to conduct an internal review and make a decision.
Issuing Authority – Local Government	366(1)	Power to give a notice of the decision to the applicant.

CHAPTER 13 – BIOSECURITY ORDERS AND INJUNCTIONS

Part 1 – Biosecurity orders

Division 1 – General matters about biosecurity orders

Entity power given to	Section of BIOA	Description
Chief Executive Officer	378(2)	Power to approve a biosecurity order.
Administering Executive – Local Government	379(1)	Power to keep a register of all biosecurity orders of an authorised officer.
Administering Executive – Local Government	379(3)	Power to be satisfied that no further action is required in relation to a biosecurity order and the power to remove an order from the register.

Division 2 – Recovery of costs and expenses

Entity power given to	Section of BIOA	Description
Issuing Authority – Local Government	380(1)	Power to recover the amount that the issuing authority properly and reasonably incurs in taking the steps under section 263 as a debt payable by the person who failed to take the action to the issuing authority.
Issuing Authority – Local Government	380(2)	Power to give the person notice of the amount of the debt.
Local Government	381(3)	Power to register a charge over the land for an unpaid amount.
Local Government	381(5)(a)	In the specified circumstances, the power to lodge a request to release the charge over the land.
Local Government	381(5)(b)	In the specified circumstances, the power to lodge a certificate signed by the Chief Executive Officer stating the unpaid amount has been paid.

Part 2 – Injunctions

Chief Executive Officer	386(1)	In the specified circumstances, the power to apply for an injunction.
-------------------------	--------	---

CHAPTER 18 – MISCELLANEOUS

Entity power given to	Section of BIOA	Description
Administrator (Chief Executive Officer)	494(2)	Power to ensure the information is not included in: (a) a part of the register that is available to the public; or (b) a copy of information from the register whether or not the information is from a part of the register that is available to the public

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - BIOA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE BIOSECURITY ACT 2014 ("BIOA")

CHAPTER 3 – MATTERS RELATING TO LOCAL GOVERNMENTS

Part 2 – Biosecurity plans for local government areas

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	53(1)	Power to prepare a biosecurity plan.				

Part 3 – Land protection fund

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	59	In the specified circumstances, the power to consult with the Chief Executive about suitability and priority of the activities.				

CHAPTER 4 – INVASIVE ANIMAL BARRIER FENCING

Part 2 – Barrier fences

Division 1 – Identification of the barrier fence

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Building Authority	91(3)(a)	Power to consult with chief executive about proposed amendments to the barrier fence map.				

Division 2 – Maintaining barrier fences

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Building Authority	94(2)	Power to: (a) obtain the occupier's consent to the entry; or (b) to give the occupier notice of: (i) the intended entry; and (ii) the purpose of the entry; and (iii) the proposed dates and time of entry.				
Building Authority	94(3)	Power to be satisfied it is impracticable to give the notice under subsection (2)(b) to instead: (a) publish the notice in a newspaper circulating in the area in which the place is situated; or (b) place the notice conspicuously on the place.				

Building Authority	94(5)	Power to consider it necessary to enter the land because of urgent circumstances and power to give the occupier only the notice that is reasonably practicable in the circumstances.				
Building Authority	95(1)	Power to enter into agreement with another person about making an opening in the fence for a particular purpose and period.				
Building Authority	96(1)	Power to form a reasonable belief that a person has unlawfully damaged, or made an opening in the fence.				
Building Authority	96(2)	Power to give notice to the person, requiring the person to restore the fence to its condition before the damage or opened.				

Part 3 – Barrier fence employees

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Building Authority	100(1)	Power to by instrument in writing, appoint a person employed or engaged by the authority to exercise powers under this Act in relation to the barrier fence (a barrier fence employee).				
Building Authority	101(2)	Power to give directions to a barrier fence employee .				

CHAPTER 5 – CODES OF PRACTICE AND GUIDELINES

Part 1 – Codes of practice

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant entity	105(1)	Power to consult with the chief executive before a code of practice is recommended to the Governor in Council.				

Part 3 – Consultation and notification

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	235(1)(b)	Power to authorise and carry out a biosecurity program (a <i>program authorisation</i>).	The power is given directly to the CEO under the legislation and therefore, does not need to be delegated by Council.			
Chief Executive Officer	235(1)(c)	Power to form agreement about a program authorisation.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			

Chief Executive Officer	235(1)(d)	Power to agree with the Chief Executive Officer of other local governments to authorise and carry out a biosecurity program.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Local Government	239(2)	Power, before authorising a biosecurity plan, to consult with: (a) the chief executive; and (b) an invasive animal board: (i) with an operational area in or adjoining the local government's area; and (ii) responsible for the management of an invasive animal that is biosecurity matter to which the program applies.				
Local Government	239(3)(b)	Power to consult with an invasive animal board.				

CHAPTER 10 – APPOINTMENT AND POWERS OF OFFICERS

Part 1 – General matters about inspectors and authorised persons

Division 2 – Appointment of Authorised Person

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	246(2)	Power to appoint the following persons as authorised persons: (a) an employee of the local government; (b) if another local government consents—an employee of the other local government; (c) another person who has entered into a contract, or is employed by an entity that has entered into a contract, with the local government to perform a function under this Act.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Local Government	246(2)(b)	Power to consent to an employee of the local government to be appointed as an authorised person for another local government.				
Chief Executive Officer	246(3)	In the specified circumstances, the power to appoint an authorised person.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			

Chief Executive Officer	246(5)	Power to be satisfied a person is appropriately qualified.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
-------------------------	--------	--	--	--	--	--

Part 2 – Entry to places by Authorised Officers

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Issuing Authority by its employees or agents	263(2)	Power to enter a place at reasonable times to take steps as stated in an order.	Delegation not required as power is exercisable through employees/agents	N/A	N/A	
Issuing Authority by its employees or agents	264(2)	Power to enter a place at reasonable times and to take the action at the place that is required under the direction.	Delegation not required as power is exercisable through employees/agents	N/A	N/A	
Issuing Authority by its employees or agents	271(2)	Power to make a reasonable attempt to locate and obtain the occupier's consent to the entry.	Delegation not required as power is exercisable through employees/agents	N/A	N/A	

Issuing Authority by its employees or agents	271(3)	<p>Power to enter a place if:</p> <p>(a) the person is unable to locate an occupier after making a reasonable attempt to do so; or</p> <p>(b) the occupier refuses to consent to the entry.</p>	Delegation not required as power is exercisable through employees/agents	N/A	N/A	
Issuing Authority	271(4)	<p>In the specified circumstances, the power to make reasonable attempts to:</p> <p>(c) either:</p> <p>(iii) if the person is an employee or agent of the issuing authority—produce the issuing authority’s written authority to enter the place, and sufficient evidence to identify the person as a person who may enter under the authority, for the occupier’s inspection; or</p> <p>(iv) if the person is an authorised officer—produce the authorised officer’s identity card for the occupier’s inspection; and</p> <p>(d) inform the occupier:</p> <p>(iii) of the reason for entering the place; and</p> <p>(iv) that the person is authorised under this Act to enter the place without the permission of the occupier.</p>	Delegation not required as power is exercisable through employees/agents	N/A	N/A	
Issuing Authority	271(5)	In the specified circumstances, the power to leave a notice in a conspicuous position and in a reasonably secure way	Delegation not required as power is	N/A	N/A	

		stating the date, time and purpose of the entry.	exercisable through employees/agents			
--	--	--	--------------------------------------	--	--	--

Part 4 – Other Authorised Officers' powers and related matters

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administrator for a relevant entity (Chief Executive Officer)	310(1)	In the specified circumstances, the power to decide a seized thing is forfeited.	The Power is given directly to the CEO as the administrator under the legislation and, therefore, does not need to be delegated by Council.			
Administrator for a relevant entity (Chief Executive Officer)	310(1)(a)	Power to make reasonable enquires to find the owner of a thing seized.	The Power is given directly to the CEO as the administrator under the legislation and, therefore, does not need to be delegated by Council.			
Administrator for a relevant entity (Chief	310(1)(b)	Power to make reasonable efforts to return a thing seized to the owner.	The Power is given directly to the CEO as the administrator under the			

Executive Officer)			legislation and, therefore, does not need to be delegated by Council.			
Administrator for a relevant entity (Chief Executive Officer)	310(1)(c)	<p>Power to:</p> <ul style="list-style-type: none"> (i) reasonably consider that, because of the thing's inherent nature or condition, the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized; or (ii) at the end of 6 months, reasonably believes that the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized. 	The Power is given directly to the CEO as the administrator under the legislation and, therefore, does not need to be delegated by Council.			
Administrator for a relevant entity (Chief Executive Officer)	310(1)(d)	Power to form a reasonable belief that it is necessary to keep a thing to prevent it from being used to commit the offence for which it was seized.	The Power is given directly to the CEO as the administrator under the legislation and, therefore, does not need to be delegated by Council.			
Administrator for a relevant entity (Chief Executive Officer)	312(2)	Power to give an information notice.	The Power is given directly to the CEO as administrator under the legislation and, therefore, does not need to be			

			delegated by Council.			
--	--	--	-----------------------	--	--	--

Subdivision 5 – Dealing with property forfeited or transferred to the relevant entity or the state

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Administrator (Chief Executive Officer)	317(2)	Power to deal with a thing as considered appropriate.	The Power is given directly to the CEO as the relevant administrator under the legislation and, therefore, does not need to be delegated by Council.			
Relevant Administrator (Chief Executive Officer)	317(4)	Power to return proceeds of the sale of a thing forfeited to the owner of the thing, after deducting the costs of the sale.	The Power is given directly to the CEO as the relevant administrator under the legislation and, therefore, does not need to be delegated by Council.			

Part 5 – Provisions relating to designated officers

Division 1 – Identity cards

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Executive – Local Government	329(1)	Power to issue an identity card to each designated officer.				

CHAPTER 12 – EVIDENCE, LEGAL PROCEEDINGS AND REVIEWS

Part 3 – Reviews

Division 1 – Internal reviews

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Issuing Authority – Local Government	365(1)	Power to conduct an internal review and make a decision.				
Issuing Authority – Local Government	366(1)	Power to give a notice of the decision to the applicant.				

CHAPTER 13 – BIOSECURITY ORDERS AND INJUNCTIONS

Part 1 – Biosecurity orders

Division 1 – General matters about biosecurity orders

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	378(2)	Power to approve a biosecurity order.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Administering Executive – Local Government	379(1)	Power to keep a register of all biosecurity orders of an authorised officer.				
Administering Executive – Local Government	379(3)	Power to be satisfied that no further action is required in relation to a biosecurity order and the power to remove an order from the register.				

Division 2 – Recovery of costs and expenses

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Issuing Authority –	380(1)	Power to recover the amount that the issuing authority properly and reasonably incurs in taking the steps under section 263 as a debt payable by				

Local Government		the person who failed to take the action to the issuing authority.				
Issuing Authority – Local Government	380(2)	Power to give the person notice of the amount of the debt.				
Local Government	381(3)	Power to register a charge over the land for an unpaid amount.				
Local Government	381(5)(a)	In the specified circumstances, the power to lodge a request to release the charge over the land.				
Local Government	381(5)(b)	In the specified circumstances, the power to lodge a certificate signed by the Chief Executive Officer stating the unpaid amount has been paid.				

Part 2 – Injunctions

Chief Executive Officer	386(1)	In the specified circumstances, the power to apply for an injunction.	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
-------------------------	--------	---	--	--	--	--

CHAPTER 18 – MISCELLANEOUS

Entity power given to	Section of BIOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administrator (Chief Executive Officer)	494(2)	Power to ensure the information is not included in: <ul style="list-style-type: none"> (a) a part of the register that is available to the public; or (b) a copy of information from the register whether or not the information is from a part of the register that is available to the public 	The Power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			

[2017 07 03 - BIOA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Biosecurity Act 2014 ("BIOA")

CHAPTER 3 – MATTERS RELATING TO LOCAL GOVERNMENTS

Part 2 – Biosecurity plans for local government areas

Entity power given to	Section of BIOA	Description
Local Government	53(1)	Power to prepare a biosecurity plan.

Part 3 – Land protection fund

Entity power given to	Section of BIOA	Description
Local Government	59	In the specified circumstances, the power to consult with the Chief Executive about suitability and priority of the activities.

CHAPTER 4 – INVASIVE ANIMAL BARRIER FENCING

Part 2 – Barrier fences

Division 1 – Identification of the barrier fence

Entity power given to	Section of BIOA	Description
Building Authority	91(3)(a)	Power to consult with chief executive about proposed amendments to the barrier fence map.

Division 2 – Maintaining barrier fences

Entity power given to	Section of BIOA	Description
Building Authority	94(2)	Power to: <ul style="list-style-type: none"> (a) obtain the occupier's consent to the entry; or (b) to give the occupier notice of: <ul style="list-style-type: none"> (i) the intended entry; and (ii) the purpose of the entry; and (iii) the proposed dates and time of entry.
Building Authority	94(3)	Power to be satisfied it is impracticable to give the notice under subsection (2)(b) to instead: <ul style="list-style-type: none"> (a) publish the notice in a newspaper circulating in the area in which the place is situated; or (b) place the notice conspicuously on the place.
Building Authority	94(5)	Power to consider it necessary to enter the land because of urgent circumstances and power to give the occupier only the notice that is reasonably practicable in the circumstances.
Building Authority	95(1)	Power to enter into agreement with another person about making an opening in the fence for a particular purpose and period.

Building Authority	96(1)	Power to form a reasonable belief that a person has unlawfully damaged, or made an opening in the fence.
Building Authority	96(2)	Power to give notice to the person, requiring the person to restore the fence to its condition before the damage or opened.

Part 3 – Barrier fence employees

Entity power given to	Section of BIOA	Description
Building Authority	100(1)	Power to by instrument in writing, appoint a person employed or engaged by the authority to exercise powers under this Act in relation to the barrier fence (a barrier fence employee).
Building Authority	101(2)	Power to give directions to a barrier fence employee .

CHAPTER 5 – CODES OF PRACTICE AND GUIDELINES

Part 1 – Codes of practice

Entity power given to	Section of BIOA	Description
Relevant entity	105(1)	Power to consult with the chief executive before a code of practice is recommended to the Governor in Council.

Part 3 – Consultation and notification

Entity power given to	Section of BIOA	Description
Chief Executive Officer	235(1)(b)	Power to authorise and carry out a biosecurity program (a program authorisation).
Chief Executive Officer	235(1)(c)	Power to form agreement about a program authorisation.
Chief Executive Officer	235(1)(d)	Power to agree with the Chief Executive Officer of other local governments to authorise and carry out a biosecurity program.
Local Government	239(2)	Power, before authorising a biosecurity plan, to consult with: <ul style="list-style-type: none"> (a) the chief executive; and (b) an invasive animal board: <ul style="list-style-type: none"> (i) with an operational area in or adjoining the local government's area; and (ii) responsible for the management of an invasive animal that is biosecurity matter to which the program applies.
Local Government	239(3)(b)	Power to consult with an invasive animal board.

CHAPTER 10 – APPOINTMENT AND POWERS OF OFFICERS

Part 1 – General matters about inspectors and authorised persons

Division 2 – Appointment of Authorised Person

Entity power given to	Section of BIOA	Description
Chief Executive Officer	246(2)	Power to appoint the following persons as authorised persons: <ul style="list-style-type: none"> (a) an employee of the local government;

		(b) if another local government consents—an employee of the other local government; (c) another person who has entered into a contract, or is employed by an entity that has entered into a contract, with the local government to perform a function under this Act.
Local Government	246(2)(b)	Power to consent to an employee of the local government to be appointed as an authorised person for another local government.
Chief Executive Officer	246(3)	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	246(5)	Power to be satisfied a person is appropriately qualified.

Part 2 – Entry to places by Authorised Officers

Entity power given to	Section of BIOA	Description
Issuing Authority by its employees or agents	263(2)	Power to enter a place at reasonable times to take steps as stated in an order.
Issuing Authority by its employees or agents	264(2)	Power to enter a place at reasonable times and to take the action at the place that is required under the direction.
Issuing Authority by its employees or agents	271(2)	Power to make a reasonable attempt to locate and obtain the occupier's consent to the entry.
Issuing Authority by its employees or agents	271(3)	Power to enter a place if: (a) the person is unable to locate an occupier after making a reasonable attempt to do so; or (b) the occupier refuses to consent to the entry.
Issuing Authority	271(4)	In the specified circumstances, the power to make reasonable attempts to: (e) either: (v) if the person is an employee or agent of the issuing authority—produce the issuing authority's written authority to enter the place, and sufficient evidence to identify the person as a person who may enter under the authority, for the occupier's inspection; or (vi) if the person is an authorised officer—produce the authorised officer's identity card for the occupier's inspection; and (f) inform the occupier: (v) of the reason for entering the place; and (vi) that the person is authorised under this Act to enter the place without the permission of the occupier.
Issuing Authority	271(5)	In the specified circumstances, the power to leave a notice in a conspicuous position and in a reasonably secure way stating the date, time and purpose of the entry.

Part 4 – Other Authorised Officers' powers and related matters

Entity power given to	Section of BIOA	Description
Administrator for a relevant entity (Chief Executive Officer)	310(1)	In the specified circumstances, the power to decide a seized thing is forfeited.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(a)	Power to make reasonable enquires to find the owner of a thing seized.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(b)	Power to make reasonable efforts to return a thing seized to the owner.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(c)	Power to: <ul style="list-style-type: none"> (i) reasonably consider that, because of the thing's inherent nature or condition, the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized; or (ii) at the end of 6 months, reasonably believes that the return of the thing is likely to result in a recurrence of the biosecurity risk in relation to which the thing was seized.
Administrator for a relevant entity (Chief Executive Officer)	310(1)(d)	Power to form a reasonable belief that it is necessary to keep a thing to prevent it from being used to commit the offence for which it was seized.
Administrator for a relevant entity (Chief Executive Officer)	312(2)	Power to give an information notice.

Subdivision 5 – Dealing with property forfeited or transferred to the relevant entity or the state

Entity power given to	Section of BIOA	Description
Relevant Administrator (Chief Executive Officer)	317(2)	Power to deal with a thing as considered appropriate.
Relevant Administrator (Chief Executive Officer)	317(4)	Power to return proceeds of the sale of a thing forfeited to the owner of the thing, after deducting the costs of the sale.

Part 5 – Provisions relating to designated officers

Division 1 – Identity cards

Entity power given to	Section of BIOA	Description
Administering Executive – Local Government	329(1)	Power to issue an identity card to each designated officer.

CHAPTER 12 – EVIDENCE, LEGAL PROCEEDINGS AND REVIEWS

Part 3 – Reviews

Division 1 – Internal reviews

Entity power given to	Section of BIOA	Description
Issuing Authority – Local Government	365(1)	Power to conduct an internal review and make a decision.
Issuing Authority – Local Government	366(1)	Power to give a notice of the decision to the applicant.

CHAPTER 13 – BIOSECURITY ORDERS AND INJUNCTIONS

Part 1 – Biosecurity orders

Division 1 – General matters about biosecurity orders

Entity power given to	Section of BIOA	Description
Chief Executive Officer	378(2)	Power to approve a biosecurity order.
Administering Executive – Local Government	379(1)	Power to keep a register of all biosecurity orders of an authorised officer.
Administering Executive – Local Government	379(3)	Power to be satisfied that no further action is required in relation to a biosecurity order and the power to remove an order from the register.

Division 2 – Recovery of costs and expenses

Entity power given to	Section of BIOA	Description
Issuing Authority – Local Government	380(1)	Power to recover the amount that the issuing authority properly and reasonably incurs in taking the steps under section 263 as a debt payable by the person who failed to take the action to the issuing authority.
Issuing Authority – Local Government	380(2)	Power to give the person notice of the amount of the debt.
Local Government	381(3)	Power to register a charge over the land for an unpaid amount.
Local Government	381(5)(a)	In the specified circumstances, the power to lodge a request to release the charge over the land.
Local Government	381(5)(b)	In the specified circumstances, the power to lodge a certificate signed by the Chief Executive Officer stating the unpaid amount has been paid.

Part 2 – Injunctions

Chief Executive Officer	386(1)	In the specified circumstances, the power to apply for an injunction.
-------------------------	--------	---

CHAPTER 18 – MISCELLANEOUS

Entity power given to	Section of BIOA	Description
Administrator (Chief Executive Officer)	494(2)	Power to ensure the information is not included in: (a) a part of the register that is available to the public; or (b) a copy of information from the register whether or not the information is from a part of the register that is available to the public

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - BIOA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council *Building Act 1975 ("BUIA")*

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Building Act 1975 ("BUIA")**CHAPTER 4 – BUILDING ASSESSMENT PROVISIONS AND ASSESSING BUILDING DEVELOPMENT APPLICATIONS****Part 1 – Laws and other documents applying to building work****Division 1 – General provisions about the laws and documents applying to building work**

Entity power given to	Section of BUIA	Description
Local Government	37(2)	Power to give a building development approval for the work if the approval is given under the building assessment provisions in force immediately before the amendment.

Part 2 – Persons responsible for assessing building development applications

Entity power given to	Section of BUIA	Description
Local Government	51(2)	In the specified circumstances power to: <ul style="list-style-type: none"> (a) receive, assess and decide the application; (b) appoint or employ a private certifier or another building certifier to perform building certifying functions for: <ul style="list-style-type: none"> (i) the application; and (ii) if the building development approval applied for is granted—the building work.
Local Government	52	In the specified circumstances power to issue the building development approval applied for only if: <ul style="list-style-type: none"> (a) a local government building certifier has carried out the building assessment work for the application; and (b) the building certifier is appropriately licensed to carry out the building assessment work.
Local Government	53(2)	In the specified circumstances power to accept and, without further checking, rely and act on the certificate or other document: <ul style="list-style-type: none"> (a) the original application; (b) another building development application for all or part of the building work under the original application.
Local Government	54(2)	In the specified circumstances, power to, without further checking, rely and act on the document for the purpose of making the document publicly available.

Division 4 – Power of particular replacement assessment managers to decide status of development assessment process under planning act

Entity power given to	Section of BUIA	Description
Assessment Manager	55(3)	In specified circumstances power to resume or start the application process at any stage of the development assessment process under the Planning Act the assessment manager considers appropriate.

Part 4 –

Requirements for and restrictions on assessing or approving building development applications

Entity power given to	Section of BUIA	Description
Assessment Manager	63	Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows: <ul style="list-style-type: none"> (a) the fire safety management plan accompanying the application complies with the <i>Fire and Rescue Service Act 1990</i>, section 104FC, or (b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and use of the building and the fire safety management plan adequately reflects the procedure.
Assessment Manager	65(2)	Power for the assessment manager to approve the building application (subject to conditions) if each registered holder of the easement or covenant has consented to the building work.
Assessment Manager	66(2)	Power for the assessment manager to approve the building application if the special structure: <ul style="list-style-type: none"> (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following: <ul style="list-style-type: none"> (i) the safety of persons using the structure if there is a fire (including, for example, means of egress); (ii) the prevention and suppression of fire; (iii) the prevention of the spread of fire; (iv) the health and amenity of persons using the structure.
Assessment Manager	67(3)	In specified circumstances power for the assessment manager to approve the building application if subsections (3)(a) and (3)(b) have been complied with.
Assessment Manager	68(3)	Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following: <ul style="list-style-type: none"> (a) the existing level of fire protection for persons accommodated in, or using, the building or structure; (b) the existing level of resistance to fire of the building or structure; (c) the existing safeguards against spread of fire to adjoining buildings or structures; (d) the existing level of emergency egress from the building or structure.

Part 5 –

Conditions of building development approvals

Division 1 – Conditions taken to be imposed

Entity power given to	Section of BUIA	Description
Local Government	71(8)	Power to consult with any other entity the local government considers appropriate in deciding the application.
Local Government	71(9)	Power to decide the application.

Local Government	71(11)	Power to give the applicant and the assessment manager for the building work notice of the decision.
Assessment Manager	74(2)(b)	Power to require the person installing the service to give a copy of the notices to the assessment manager when they are given to QFRS.

Division 2 – Conditions that may be imposed

Entity power given to	Section of BUIA	Description
Assessment Manager	80(2)	Power to include a condition that all, or a stated part, of the building or structure must comply with the building assessment provisions in force when the approval was granted.

Part 7 – Provisions about lapsing of building development approvals and related matters

Division 1 – Building work for demolition or removal

Entity power given to	Section of BUIA	Description
Local Government	92(2)	Power to in the specified circumstances take action considered necessary to complete the building work.
Local Government	92(5)	In the specified circumstances power to authorise the use of all or part of any security given to the local government for the carrying out of the building work.
Local Government	93(1)	Power to, at any time, having regard to the progress of the building work, refund or release part of any security.

Division 2 – Other building work

Entity power given to	Section of BUIA	Description
Assessment Manager	95(1)(a) and (b)	Power for assessment manager to give a reminder notice.

CHAPTER 5 – INSPECTIONS, BUILDING CLASSIFICATION, AND THE USE OF BUILDINGS

Part 4 – Restrictions on the use of buildings

Entity power given to	Section of BUIA	Description
Assessment Manager	117(2)	Power to be satisfied that only building work of a minor nature is needed before a certificate of classification can be given for the building.

CHAPTER 6 – PROVISIONS ABOUT CERTIFIERS AND OTHER BUILDING CERTIFIERS

Part 4 – Complaint, Investigations and disciplinary proceedings relating to building certifiers

Division 3 – Show cause notice for disciplinary proceedings

Entity power given to	Section of BUIA	Description
Local Government	206(1)	Power to: (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against a building certifier; (b) before making the application give the building certifier a notice (a show cause notice).
Local Government	207(2)	Power to: (a) consider any representations made about a show cause notice; (b) decide to: (i) take no further action; or (ii) apply to the tribunal to start a disciplinary proceeding against the building certifier.
Local Government	207(3)	Power to give a building certifier written notice of the decision and the reasons for the decision.

CHAPTER 7 – FIRE SAFETY FOR BUDGET ACCOMMODATION BUILDINGS

Part 3 – Budget accommodation buildings built, approved or applied for, before 1 January 1992

Entity power given to	Section of BUIA	Description
Local Government	221(2)(a)	Power to consult with any other entity considered appropriate in deciding an application for a longer period for conformity with a fire safety standard.
Local Government	221(2)(b)	Power to grant an application for a longer period for conformity with a fire safety standard if satisfied undue hardship would be caused to the budget accommodation building's occupants if the application were refused.
Local Government	221(3)	Power to grant an application for a longer period for conformity with a fire safety standard with or without the reasonable conditions considered appropriate.
Local Government	221(4)	Within 20 business days after receiving an application for a longer period for conformity with a fire safety standard, the power to: (a) decide the application; and (b) give the budget accommodation building's owner written notice of the decision.
Local Government	222(2)	Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the power to: (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision.

Part 4 – All budget accommodation buildings

Entity power given to	Section of BUIA	Description
Local Government	228(2)	Subject to subsection (1), the power to, at least once every 3 years, inspect the building to ensure the owner of the building is complying with Chapter 7, Part 4 in relation to the building.

CHAPTER 7A – FIRE SAFETY FOR RESIDENTIAL CARE BUILDINGS BUILT, APPROVED OR APPLIED FOR, BEFORE 1 JUNE 2007**Part 4 – Assessment of residential care buildings**

Entity power given to	Section of BUIA	Description
Local Government	231AL(1) ¹	Where a written application is made by the owner of an RCB to obtain a fire safety (RCB) compliance certificate or certificate of classification, power to approve a later day for obtaining the certificate
Local Government	231AL(3)	When approving a later day under section 231AL(1), power to: (a) consult with QFRS; and (b) any entity considered appropriate in deciding the application; and (c) grant the application if it is satisfied undue hardship would be cause to the occupants of the RCB if the application were refused.
Local Government	231AL(4)	Power to grant the application and impose reasonable conditions considered appropriate.

CHAPTER 8 – SWIMMING POOL SAFETY**Part 2 – Compliance with pool safety standard and other matters about pool safety****Division 3 – Exemptions from compliance with pool safety standard - disability*****Subdivision 1 – Applying for exemption and deciding application***

Entity power given to	Section of BUIA	Description
Local Government	236	Power to require an applicant to give the local government medical evidence to support an application.
Local Government	237(1)	Power to consider the application and within 5 business days after the application is made: (a) grant the exemption; or (b) refuse to grant the exemption.
Local Government	237(3)	Power to grant an exemption on the reasonable conditions it considers necessary or desirable to prevent a child from accessing the pool.

¹ Section 231AK(a)(iii) provides that the date must be later than 1 September 2014 but not later than 1 September 2015 and section 231AK(b)(iii) provides that the date must be later than 1 September 2016 but not later than 1 September 2017.

Local Government	238(1)	Power to give applicant written notice that an exemption has been granted
Local Government	238(2)	Power to give applicant an information notice about refusal of exemption or conditions imposed on exemption.

Subdivision 2 – Ending and revocation of exemptions

Entity power given to	Section of BUIA	Description
Local Government	242(1)(b) ²	In specified circumstances power to be satisfied 1 or more of the following applies: (i) the decision on the application for the exemption was based on a false or misleading particular given by an applicant; (ii) the exemption has ended under section 241 of the Building Act 1975; (iii) the exemption was subject to conditions and there has been a contravention of a condition.
Local Government	242(2)	In specified circumstances, the power to give an applicant a show cause notice inviting the applicant to show cause why a decision should not be revoked.
Local Government	242(3)	Power to: (a) consider any representations made under a show cause notice; and (b) give a further notice (a revocation notice) to the applicant, revoke a decision previously given.

Division 4 – Exemption from compliance with pool safety standard – Impracticality

Subdivision 1 – Applying for exemptions and deciding applications

Entity power given to	Section of BUIA	Description
Local Government	245A	Power to require the owner of a regulated pool to give further information to establish that compliance with the part of the pool safety standard is not practicable.
Local Government	245B(1)	Power to consider the application and decide to: (a) grant the exemption; or (b) refuse to grant the exemption.
Local Government	245B(2)	In deciding the application, power to consider: (a) whether compliance with the part of the pool safety standard may require the owner to: (i) move or demolish a building or part of a building; or (ii) change the location of size of the regulated pool; or (iii) remove vegetation protected from removal under an Act or a local law; (b) the cost of the barrier or work required to ensure the pool complies with the part of the pool safety standard, having regard to the nature of any existing barriers for the pool;

		(c) other matters considered relevant.
Local Government	245B(3)	Subject to section 245B(5), power to grant an exemption on reasonable conditions considered necessary or desirable to prevent a young child from accessing the pool.
Local Government	245C(1)	If exemption is granted, power to give the applicant a written notice of the exemption.
Local Government	245C(2)	If the exemption is refused, or conditions imposed, power to give the applicant an information notice about the decision.

Subdivision 2 – Revocation of exemptions

Entity power given to	Section of BUIA	Description
Local Government	245E(2)	Power to give the owner of regulated pool a show cause notice as to why the decision should not be revoked.
Local Government	245E(3)	After considering any representations made under the show cause notice, power to issue a revocation notice to the owner, to revoke the decision previously given.

Part 3 – Inspections of regulated pools and the giving of pool safety certificates

Division 2 – Functions of local government for inspections of regulated pools

Entity power given to	Section of BUIA	Description
Local Government	246AE(2)	Power for an employee or agent of the local government to enter land on which a regulated pool is situated to inspect the pool.
Local Government	246AF(2)	After complying with section 246AG, power to cancel a pool safety certificate.
Local Government	246AG(1)	Power to give the owner of a regulated pool a show cause notice before cancelling a pool safety certificate under s246AF(2).
Local Government	246AG(5)	Subject to 246AG(4), power to: (a) consider submissions; and (b) (decide whether to cancel the pool safety certificate.
Local Government	246AG(6)	If the Local Government decides not to cancel the safety certificate, power to give notice to the owner of that decision.
Local Government	246AG(7)	If the Local Government decides to cancel the pool safety certificate, power to give the owner an information notice about that decision.

CHAPTER 8B – TRANSPORT NOISE CORRIDORS

Part 2 – Designation by local governments

Entity power given to	Section of BUIA	Description
Local Government	246X(1)	A local government may by gazette notice designate land as a transport noise corridor.
Local Government	246X(2)	A local government may designate land under (1) only if:

		<p>(a) the land is within:</p> <p>(i) 100m if a road under its control: or</p> <p>(ii) A distance of more than 100m but not more than 200m of a road under its control, if the noise level caused by traffic on the road at the distance has been measured and approved by the CEO.</p>
--	--	---

CHAPTER 9 – SHOW CAUSE AND ENFORCEMENT NOTICES

Entity power given to	Section of BUIA	Description
Local Government	248(1) ³	<p>Power to give a notice (an enforcement notice) to the owner of a building, structure or building work if the local government reasonably believes the building, structure or building work:</p> <p>(a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or</p> <p>(b) is dangerous; or</p> <p>(c) is in a dilapidated condition; or</p> <p>(d) is unfit for use of occupation; or</p> <p>(e) is filthy, infected with disease or infested with vermin.</p>
Local Government	248(2)	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.
Local Government	248(3)	Subject to section 248(4), the power to give a person a show cause notice.
Local Government	249(1)	<p>In the specified circumstances power to require a person to do any of the following:</p> <p>(a) to apply for a development permit;</p> <p>(b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this section;</p> <p>(c) to repair or rectify the building or structure;</p> <p>(d) to secure the building or structure (whether by a system of support or in any other way);</p> <p>(e) to fence off the building or structure to protect persons;</p> <p>(f) to cleanse, purify and disinfect the building or structure;</p> <p>(h) to comply with this Act for a particular matter.</p>
Local Government	249(2)	Power to require a person to demolish or remove the building or structure only if the local government reasonably believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).

CHAPTER 10 – GENERAL PROVISIONS

Entity power given to	Section of BUIA	Description
Local Government	256(2)(d)	Power to make a complaint against the Building Act for an offence under section 245G(1).

³ S.169(4) of the *Planning Act 2016* prohibits a Local Government from delegating its power to give an enforcement notice ordering the demolition of a building if it is also the private certifier.

Local Government	256(2)(e)	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.
Local Government	256(2)(f)	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.
Local Government	256(2)(g)	Power to make a complaint for an offence against section 246AP(2) of the Building Act.
Local Government	256(2)(h)	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local Government	256(2)(h)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local Government	256(2)(i)	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local Government	256(2)(i)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local Government	256(2)(k)	Power to make a complaint for another offence against the Building Act.
Local Government	256(2)(k)	Power to authorise a person to make a complaint for another offence against the Building Act.

CHAPTER 11 – SAVINGS AND TRANSITIONAL PROVISIONS

Part 1 – Transitional provisions for Local Government Act 1993

Entity power given to	Section of BUIA	Description
Local Government	262(3)	In the specified circumstances power to at any time, and subject to such reasonable conditions as considered appropriate, extend the time for an owner to comply with section 235 if: <ul style="list-style-type: none"> (a) the owner files a written application for an extension with the local government while a previously given extension is still in force; and (b) the local government is satisfied that compliance within the time provided for in the previously given extension would cause the owner financial hardship.

Part 2 – Transitional provisions for Building and Integrated Planning Amendment Act 1998

Entity power given to	Section of BUIA	Description
Local Government	266	Power to decide that a building or structure is: <ul style="list-style-type: none"> (a) dangerous; or (b) in a dilapidated condition and unfit for use of or occupation; or (c) filthy; or (d) is infected with disease; or (e) is infested with vermin. to allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 01 01 - BUIA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE BUILDING ACT 1975 ("BUIA")

CHAPTER 4 – BUILDING ASSESSMENT PROVISIONS AND ASSESSING BUILDING DEVELOPMENT APPLICATIONS

Part 1 – Laws and other documents applying to building work

Division 1 – General provisions about the laws and documents applying to building work

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	37(2)	Power to give a building development approval for the work if the approval is given under the building assessment provisions in force immediately before the amendment.				

Part 2 – Persons responsible for assessing building development applications

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	51(2)	In the specified circumstances power to: (a) receive, assess and decide the application; (b) appoint or employ a private certifier or another building				

		<p>certifier to perform building certifying functions for:</p> <ul style="list-style-type: none"> (i) the application; and (ii) if the building development approval applied for is granted—the building work. 				
Local Government	52	<p>In the specified circumstances power to issue the building development approval applied for only if:</p> <ul style="list-style-type: none"> (a) a local government building certifier has carried out the building assessment work for the application; and (b) the building certifier is appropriately licensed to carry out the building assessment work. 				
Local Government	53(2)	<p>In the specified circumstances power to accept and, without further checking, rely and act on the certificate or other document:</p> <ul style="list-style-type: none"> (a) the original application; (b) another building development application for all or part of the building work under the original application. 				
Local Government	54(2)	<p>In the specified circumstances, power to, without further checking, rely and act on the document for the purpose of making the document publicly available.</p>				

Division 4 – Power of particular replacement assessment managers to decide status of development assessment process under planning act

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	55(3)	In specified circumstances power to resume or start the application process at any stage of the development assessment process under the Planning Act the assessment manager considers appropriate.				

Part 4 – Requirements for and restrictions on assessing or approving building development applications

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	63	Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows: (a) the fire safety management plan accompanying the application complies with the <i>Fire and Rescue Service Act 1990</i> , section 104FC, or (b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and				

		use of the building and the fire safety management plan adequately reflects the procedure.				
Assessment Manager	65(2)	Power for the assessment manager to approve the building application (subject to conditions) if each registered holder of the easement or covenant has consented to the building work.				
Assessment Manager	66(2)	Power for the assessment manager to approve the building application if the special structure: <ul style="list-style-type: none"> (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following: <ul style="list-style-type: none"> (i) the safety of persons using the structure if there is a fire (including, for example, means of egress); (ii) the prevention and suppression of fire; (iii) the prevention of the spread of fire; (iv) the health and amenity of persons using the structure. 				
Assessment Manager	67(3)	In specified circumstances power for the assessment manager to approve the building application if subsections (3)(a) and (3)(b) have been complied with.				

Assessment Manager	68(3)	<p>Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following:</p> <p>(a) the existing level of fire protection for persons accommodated in, or using, the building or structure;</p> <p>(b) the existing level of resistance to fire of the building or structure;</p> <p>(c) the existing safeguards against spread of fire to adjoining buildings or structures;</p> <p>(d) the existing level of emergency egress from the building or structure.</p>				
--------------------	-------	--	--	--	--	--

Part 5 – Conditions of building development approvals
Division 1 – Conditions taken to be imposed

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	71(8)	Power to consult with any other entity the local government considers appropriate in deciding the application.				
Local Government	71(9)	Power to decide the application.				
Local Government	71(11)	Power to give the applicant and the assessment manager for the building work notice of the decision.				

Assessment Manager	74(2)(b)	Power to require the person installing the service to give a copy of the notices to the assessment manager when they are given to QFRS.				
--------------------	----------	---	--	--	--	--

Division 2 – Conditions that may be imposed

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	80(2)	Power to include a condition that all, or a stated part, of the building or structure must comply with the building assessment provisions in force when the approval was granted.				

Part 7 – Provisions about lapsing of building development approvals and related matters

Division 1 – Building work for demolition or removal

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	92(2)	Power to in the specified circumstances take action considered necessary to complete the building work.				
Local Government	92(5)	In the specified circumstances power to authorise the use of all or part of any security given to the local government for the carrying out of the building work.				

Local Government	93(1)	Power to, at any time, having regard to the progress of the building work, refund or release part of any security.				
------------------	-------	--	--	--	--	--

Division 2 – Other building work

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	95(1)(a) and (b)	Power for assessment manager to give a reminder notice.				

CHAPTER 5 – INSPECTIONS, BUILDING CLASSIFICATION, AND THE USE OF BUILDINGS

Part 4 – Restrictions on the use of buildings

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	117(2)	Power to be satisfied that only building work of a minor nature is needed before a certificate of classification can be given for the building.				

CHAPTER 6 – PROVISIONS ABOUT CERTIFIERS AND OTHER BUILDING CERTIFIERS

Part 4 – Complaint, Investigations and disciplinary proceedings relating to building certifiers

Division 3 – Show cause notice for disciplinary proceedings

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	206(1)	Power to: (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against a building certifier; (b) before making the application give the building certifier a notice (a show cause notice).				
Local Government	207(2)	Power to: (a) consider any representations made about a show cause notice; (b) decide to: (i) take no further action; or (ii) apply to the tribunal to start a disciplinary proceeding against the building certifier.				
Local Government	207(3)	Power to give a building certifier written notice of the decision and the reasons for the decision.				

CHAPTER 7 – FIRE SAFETY FOR BUDGET ACCOMMODATION BUILDINGS

Part 3 – Budget accommodation buildings built, approved or applied for, before 1 January 1992

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	221(2)(a)	Power to consult with any other entity considered appropriate in deciding an application for a longer period for conformity with a fire safety standard.				
Local Government	221(2)(b)	Power to grant an application for a longer period for conformity with a fire safety standard if satisfied undue hardship would be caused to the budget accommodation building's occupants if the application were refused.				
Local Government	221(3)	Power to grant an application for a longer period for conformity with a fire safety standard with or without the reasonable conditions considered appropriate.				
Local Government	221(4)	Within 20 business days after receiving an application for a longer period for conformity with a fire safety standard, the power to: (a) decide the application; and (b) give the budget accommodation building's owner written notice of the decision.				

Local Government	222(2)	Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the power to: (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision.				
------------------	--------	--	--	--	--	--

Part 4 – All budget accommodation buildings

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	228(2)	Subject to subsection (1), the power to, at least once every 3 years, inspect the building to ensure the owner of the building is complying with Chapter 7, Part 4 in relation to the building.				

CHAPTER 7A – FIRE SAFETY FOR RESIDENTIAL CARE BUILDINGS BUILT, APPROVED OR APPLIED FOR, BEFORE 1 JUNE 2007

Part 4 – Assessment of residential care buildings

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	231AL(1) ⁴	Where a written application is made by the owner of an RCB to obtain a fire safety (RCB) compliance certificate or				

⁴ Section 231AK(a)(iii) provides that the date must be later than 1 September 2014 but not later than 1 September 2015 and section 231AK(b)(iii) provides that the date must be later than 1 September 2016 but not later than 1 September 2017.

		certificate of classification, power to approve a later day for obtaining the certificate				
Local Government	231AL(3)	When approving a later day under section 231AL(1), power to: (a) consult with QFRS; and (b) any entity considered appropriate in deciding the application; and (c) grant the application if it is satisfied undue hardship would be cause to the occupants of the RCB if the application were refused.				
Local Government	231AL(4)	Power to grant the application and impose reasonable conditions considered appropriate.				

CHAPTER 8 – SWIMMING POOL SAFETY

Part 2 – Compliance with pool safety standard and other matters about pool safety

Division 3 – Exemptions from compliance with pool safety standard - disability

Subdivision 1 – Applying for exemption and deciding application

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	236	Power to require an applicant to give the local government medical evidence to support an application.				

Local Government	237(1)	Power to consider the application and within 5 business days after the application is made: (a) grant the exemption; or (b) refuse to grant the exemption.				
Local Government	237(3)	Power to grant an exemption on the reasonable conditions it considers necessary or desirable to prevent a child from accessing the pool.				
Local Government	238(1)	Power to give applicant written notice that an exemption has been granted				
Local Government	238(2)	Power to give applicant an information notice about refusal of exemption or conditions imposed on exemption.				

Subdivision 2 – Ending and revocation of exemptions

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	242(1)(b) ⁵	In specified circumstances power to be satisfied 1 or more of the following applies: (i) the decision on the application for the exemption was based on a false or misleading particular given by an applicant;				

⁵ Section 242(1)(b) only applies where the Local Government has, under section 237, granted an exemption.

		(ii) the exemption has ended under section 241 of the Building Act 1975; (iii) the exemption was subject to conditions and there has been a contravention of a condition.				
Local Government	242(2)	In specified circumstances, the power to give an applicant a show cause notice inviting the applicant to show cause why a decision should not be revoked.				
Local Government	242(3)	Power to: (a) consider any representations made under a show cause notice; and (b) give a further notice (a revocation notice) to the applicant, revoke a decision previously given.				

Division 4 – Exemption from compliance with pool safety standard – Impracticality

Subdivision 1 – Applying for exemptions and deciding applications

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	245A	Power to require the owner of a regulated pool to give further information to establish that compliance with the part of the pool safety standard is not practicable.				

Local Government	245B(1)	Power to consider the application and decide to: (a) grant the exemption; or (b) refuse to grant the exemption.				
Local Government	245B(2)	In deciding the application, power to consider: (a) whether compliance with the part of the pool safety standard may require the owner to: (i) move or demolish a building or part of a building; or (ii) change the location or size of the regulated pool; or (iii) remove vegetation protected from removal under an Act or a local law; (b) the cost of the barrier or work required to ensure the pool complies with the part of the pool safety standard, having regard to the nature of any existing barriers for the pool; (c) other matters considered relevant.				
Local Government	245B(3)	Subject to section 245B(5), power to grant an exemption on reasonable conditions considered necessary or desirable to prevent a young child from accessing the pool.				
Local Government	245C(1)	If exemption is granted, power to give the applicant a written notice of the exemption.				

Local Government	245C(2)	If the exemption is refused, or conditions imposed, power to give the applicant an information notice about the decision.				
------------------	---------	---	--	--	--	--

Subdivision 2 – Revocation of exemptions

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	245E(2)	Power to give the owner of regulated pool a show cause notice as to why the decision should not be revoked.				
Local Government	245E(3)	After considering any representations made under the show cause notice, power to issue a revocation notice to the owner, to revoke the decision previously given.				

Part 3 – Inspections of regulated pools and the giving of pool safety certificates

Division 2 – Functions of local government for inspections of regulated pools

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	246AE(2)	Power for an employee or agent of the local government to enter land on which a regulated pool is situated to inspect the pool.				
Local Government	246AF(2)	After complying with section 246AG, power to cancel a pool safety certificate.				

Local Government	246AG(1)	Power to give the owner of a regulated pool a show cause notice before cancelling a pool safety certificate under s246AF(2).				
Local Government	246AG(5)	Subject to 246AG(4), power to: (a) consider submissions; and (b) (decide whether to cancel the pool safety certificate.				
Local Government	246AG(6)	If the Local Government decides not to cancel the safety certificate, power to give notice to the owner of that decision.				
Local Government	246AG(7)	If the Local Government decides to cancel the pool safety certificate, power to give the owner an information notice about that decision.				

CHAPTER 8B – TRANSPORT NOISE CORRIDORS

Part 2 – Designation by local governments

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	246X(1)	A local government may by gazette notice designate land as a transport noise corridor.				
Local Government	246X(2)	A local government may designate land under (1) only if: (a) the land is within: (i) 100m if a road under its control: or				

		(ii) A distance of more than 100m but not more than 200m of a road under its control, if the noise level caused by traffic on the road at the distance has been measured and approved by the CEO.				
--	--	---	--	--	--	--

CHAPTER 9 – SHOW CAUSE AND ENFORCEMENT NOTICES

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	248(1) ⁶	<p>Power to give a notice (an enforcement notice) to the owner of a building, structure or building work if the local government reasonably believes the building, structure or building work:</p> <p>(a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or</p> <p>(b) is dangerous; or</p> <p>(c) is in a dilapidated condition; or</p> <p>(d) is unfit for use of occupation; or</p> <p>(e) is filthy, infected with disease or infested with vermin.</p>				

⁶ S.169(4) of the *Planning Act 2016* prohibits a Local Government from delegating its power to give an enforcement notice ordering the demolition of a building if it is also the private certifier.

Local Government	248(2)	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.				
Local Government	248(3)	Subject to section 248(4), the power to give a person a show cause notice.				
Local Government	249(1)	In the specified circumstances power to require a person to do any of the following: (a) to apply for a development permit; (b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this section; (c) to repair or rectify the building or structure; (d) to secure the building or structure (whether by a system of support or in any other way); (e) to fence off the building or structure to protect persons; (f) to cleanse, purify and disinfect the building or structure; (h) to comply with this Act for a particular matter.				
Local Government	249(2)	Power to require a person to demolish or remove the building or structure only if the local government reasonably believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).				

CHAPTER 10 – GENERAL PROVISIONS

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	256(2)(d)	Power to make a complaint against the Building Act for an offence under section 245G(1).				
Local Government	256(2)(e)	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.				
Local Government	256(2)(f)	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.				
Local Government	256(2)(g)	Power to make a complaint for an offence against section 246AP(2) of the Building Act.				
Local Government	256(2)(h)	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.				
Local Government	256(2)(h)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.		In order to remain consistent with other authorisations, we do not recommend this power be sub-delegated		

Local Government	256(2)(i)	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.				
Local Government	256(2)(i)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the Building Act.		In order to remain consistent with other authorisations, we do not recommend this power be sub-delegated		
Local Government	256(2)(k)	Power to make a complaint for another offence against the Building Act.				
Local Government	256(2)(k)	Power to authorise a person to make a complaint for another offence against the Building Act.		In order to remain consistent with other authorisations, we do not recommend this power be sub-delegated		

CHAPTER 11 – SAVINGS AND TRANSITIONAL PROVISIONS

Part 1 – Transitional provisions for Local Government Act 1993

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	262(3)	In the specified circumstances power to at any time, and subject to such reasonable conditions as considered				

		<p>appropriate, extend the time for an owner to comply with section 235 if:</p> <p>(a) the owner files a written application for an extension with the local government while a previously given extension is still in force; and</p> <p>(b) the local government is satisfied that compliance within the time provided for in the previously given extension would cause the owner financial hardship.</p>				
--	--	---	--	--	--	--

Part 2 – Transitional provisions for Building and Integrated Planning Amendment Act 1998

Entity power given to	Section of BUIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	266	<p>Power to decide that a building or structure is:</p> <p>(a) dangerous; or</p> <p>(b) in a dilapidated condition and unfit for use of or occupation; or</p> <p>(c) filthy; or</p> <p>(d) is infected with disease; or</p> <p>(e) is infested with vermin.</p> <p>to allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.</p>				

[2018 01 01 - BUIA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Building Act 1975 ("BUIA")

CHAPTER 4 – BUILDING ASSESSMENT PROVISIONS AND ASSESSING BUILDING DEVELOPMENT APPLICATIONS

Part 1 – Laws and other documents applying to building work

Division 1 – General provisions about the laws and documents applying to building work

Entity power given to	Section of BUIA	Description
Local Government	37(2)	Power to give a building development approval for the work if the approval is given under the building assessment provisions in force immediately before the amendment.

Part 2 – Persons responsible for assessing building development applications

Entity power given to	Section of BUIA	Description
Local Government	51(2)	In the specified circumstances power to: <ul style="list-style-type: none"> (a) receive, assess and decide the application; (b) appoint or employ a private certifier or another building certifier to perform building certifying functions for: <ul style="list-style-type: none"> (i) the application; and (ii) if the building development approval applied for is granted—the building work.
Local Government	52	In the specified circumstances power to issue the building development approval applied for only if: <ul style="list-style-type: none"> (a) a local government building certifier has carried out the building assessment work for the application; and (b) the building certifier is appropriately licensed to carry out the building assessment work.
Local Government	53(2)	In the specified circumstances power to accept and, without further checking, rely and act on the certificate or other document: <ul style="list-style-type: none"> (a) the original application; (b) another building development application for all or part of the building work under the original application.
Local Government	54(2)	In the specified circumstances, power to, without further checking, rely and act on the document for the purpose of making the document publicly available.

Division 4 – Power of particular replacement assessment managers to decide status of development assessment process under planning act

Entity power given to	Section of BUIA	Description
Assessment Manager	55(3)	In specified circumstances power to resume or start the application process at any stage of the development

		assessment process under the Planning Act the assessment manager considers appropriate.
--	--	---

Part 4 – Requirements for and restrictions on assessing or approving building development applications

Entity power given to	Section of BUIA	Description
Assessment Manager	63	Power for the assessment manager to approve a building application subject to the requirement in Part 4 as follows: (a) the fire safety management plan accompanying the application complies with the <i>Fire and Rescue Service Act 1990</i> , section 104FC, or (b) the building work involves an alternative solution, for performance requirements under the BCA, that includes a fire safety management procedure as a condition of the occupation and use of the building and the fire safety management plan adequately reflects the procedure.
Assessment Manager	65(2)	Power for the assessment manager to approve the building application (subject to conditions) if each registered holder of the easement or covenant has consented to the building work.
Assessment Manager	66(2)	Power for the assessment manager to approve the building application if the special structure: (a) complies with the building assessment provisions; and (b) reasonably provides for all of the following: (i) the safety of persons using the structure if there is a fire (including, for example, means of egress); (ii) the prevention and suppression of fire; (iii) the prevention of the spread of fire; (iv) the health and amenity of persons using the structure.
Assessment Manager	67(3)	In specified circumstances power for the assessment manager to approve the building application if subsections (3)(a) and (3)(b) have been complied with.
Assessment Manager	68(3)	Power for the assessment manager to approve a building application if the building certifier has decided the alterations do not unduly reduce the following: (a) the existing level of fire protection for persons accommodated in, or using, the building or structure; (b) the existing level of resistance to fire of the building or structure; (c) the existing safeguards against spread of fire to adjoining buildings or structures; (d) the existing level of emergency egress from the building or structure.

Part 5 – Conditions of building development approvals

Division 1 – Conditions taken to be imposed

Entity power given to	Section of BUIA	Description
Local Government	71(8)	Power to consult with any other entity the local government considers appropriate in deciding the application.

Local Government	71(9)	Power to decide the application.
Local Government	71(11)	Power to give the applicant and the assessment manager for the building work notice of the decision.
Assessment Manager	74(2)(b)	Power to require the person installing the service to give a copy of the notices to the assessment manager when they are given to QFRS.

Division 2 – Conditions that may be imposed

Entity power given to	Section of BUIA	Description
Assessment Manager	80(2)	Power to include a condition that all, or a stated part, of the building or structure must comply with the building assessment provisions in force when the approval was granted.

Part 7 – Provisions about lapsing of building development approvals and related matters

Division 1 – Building work for demolition or removal

Entity power given to	Section of BUIA	Description
Local Government	92(2)	Power to in the specified circumstances take action considered necessary to complete the building work.
Local Government	92(5)	In the specified circumstances power to authorise the use of all or part of any security given to the local government for the carrying out of the building work.
Local Government	93(1)	Power to, at any time, having regard to the progress of the building work, refund or release part of any security.

Division 2 – Other building work

Entity power given to	Section of BUIA	Description
Assessment Manager	95(1)(a) and (b)	Power for assessment manager to give a reminder notice.

CHAPTER 5 – INSPECTIONS, BUILDING CLASSIFICATION, AND THE USE OF BUILDINGS

Part 4 – Restrictions on the use of buildings

Entity power given to	Section of BUIA	Description
Assessment Manager	117(2)	Power to be satisfied that only building work of a minor nature is needed before a certificate of classification can be given for the building.

CHAPTER 6 – PROVISIONS ABOUT CERTIFIERS AND OTHER BUILDING CERTIFIERS

Part 4 – Complaint, Investigations and disciplinary proceedings relating to building certifiers

Division 3 – Show cause notice for disciplinary proceedings

Entity power given to	Section of BUIA	Description
Local Government	206(1)	Power to: (a) form the reasonable belief proper grounds exist for applying to the tribunal to start a disciplinary proceeding against a building certifier; (b) before making the application give the building certifier a notice (a show cause notice).
Local Government	207(2)	Power to: (a) consider any representations made about a show cause notice; (b) decide to: (i) take no further action; or (ii) apply to the tribunal to start a disciplinary proceeding against the building certifier.
Local Government	207(3)	Power to give a building certifier written notice of the decision and the reasons for the decision.

CHAPTER 7 – FIRE SAFETY FOR BUDGET ACCOMMODATION BUILDINGS

Part 3 – Budget accommodation buildings built, approved or applied for, before 1 January 1992

Entity power given to	Section of BUIA	Description
Local Government	221(2)(a)	Power to consult with any other entity considered appropriate in deciding an application for a longer period for conformity with a fire safety standard.
Local Government	221(2)(b)	Power to grant an application for a longer period for conformity with a fire safety standard if satisfied undue hardship would be caused to the budget accommodation building's occupants if the application were refused.
Local Government	221(3)	Power to grant an application for a longer period for conformity with a fire safety standard with or without the reasonable conditions considered appropriate.
Local Government	221(4)	Within 20 business days after receiving an application for a longer period for conformity with a fire safety standard, the power to: (a) decide the application; and (b) give the budget accommodation building's owner written notice of the decision.
Local Government	222(2)	Within 20 business days after receiving an application for advice as to conformity with a fire safety standard, the power to: (a) decide if the building conforms with the fire safety standard; and (b) give the building owner written notice of the decision.

Part 4 – All budget accommodation buildings

Entity power given to	Section of BUIA	Description
Local Government	228(2)	Subject to subsection (1), the power to, at least once every 3 years, inspect the building to ensure the owner of the building is complying with Chapter 7, Part 4 in relation to the building.

CHAPTER 7A – FIRE SAFETY FOR RESIDENTIAL CARE BUILDINGS BUILT, APPROVED OR APPLIED FOR, BEFORE 1 JUNE 2007**Part 4 – Assessment of residential care buildings**

Entity power given to	Section of BUIA	Description
Local Government	231AL(1) ⁷	Where a written application is made by the owner of an RCB to obtain a fire safety (RCB) compliance certificate or certificate of classification, power to approve a later day for obtaining the certificate
Local Government	231AL(3)	When approving a later day under section 231AL(1), power to: <ul style="list-style-type: none"> (a) consult with QFRS; and (b) any entity considered appropriate in deciding the application; and (c) grant the application if it is satisfied undue hardship would be cause to the occupants of the RCB if the application were refused.
Local Government	231AL(4)	Power to grant the application and impose reasonable conditions considered appropriate.

CHAPTER 8 – SWIMMING POOL SAFETY**Part 2 – Compliance with pool safety standard and other matters about pool safety****Division 3 – Exemptions from compliance with pool safety standard - disability*****Subdivision 1 – Applying for exemption and deciding application***

Entity power given to	Section of BUIA	Description
Local Government	236	Power to require an applicant to give the local government medical evidence to support an application.
Local Government	237(1)	Power to consider the application and within 5 business days after the application is made: <ul style="list-style-type: none"> (a) grant the exemption; or (b) refuse to grant the exemption.
Local Government	237(3)	Power to grant an exemption on the reasonable conditions it considers necessary or desirable to prevent a child from accessing the pool.

⁷ Section 231AK(a)(iii) provides that the date must be later than 1 September 2014 but not later than 1 September 2015 and section 231AK(b)(iii) provides that the date must be later than 1 September 2016 but not later than 1 September 2017.

Local Government	238(1)	Power to give applicant written notice that an exemption has been granted
Local Government	238(2)	Power to give applicant an information notice about refusal of exemption or conditions imposed on exemption.

Subdivision 2 – Ending and revocation of exemptions

Entity power given to	Section of BUIA	Description
Local Government	242(1)(b) ⁸	In specified circumstances power to be satisfied 1 or more of the following applies: (i) the decision on the application for the exemption was based on a false or misleading particular given by an applicant; (ii) the exemption has ended under section 241 of the Building Act 1975; (iii) the exemption was subject to conditions and there has been a contravention of a condition.
Local Government	242(2)	In specified circumstances, the power to give an applicant a show cause notice inviting the applicant to show cause why a decision should not be revoked.
Local Government	242(3)	Power to: (a) consider any representations made under a show cause notice; and (b) give a further notice (a revocation notice) to the applicant, revoke a decision previously given.

Division 4 – Exemption from compliance with pool safety standard – Impracticality

Subdivision 1 – Applying for exemptions and deciding applications

Entity power given to	Section of BUIA	Description
Local Government	245A	Power to require the owner of a regulated pool to give further information to establish that compliance with the part of the pool safety standard is not practicable.
Local Government	245B(1)	Power to consider the application and decide to: (a) grant the exemption; or (b) refuse to grant the exemption.
Local Government	245B(2)	In deciding the application, power to consider: (a) whether compliance with the part of the pool safety standard may require the owner to: (i) move or demolish a building or part of a building; or (ii) change the location of size of the regulated pool; or (iii) remove vegetation protected from removal under an Act or a local law; (b) the cost of the barrier or work required to ensure the pool complies with the part of the pool safety standard, having regard to the nature of any existing barriers for the pool;

⁸ Section 242(1)(b) only applies where the Local Government has, under section 237, granted an exemption.

		(c) other matters considered relevant.
Local Government	245B(3)	Subject to section 245B(5), power to grant an exemption on reasonable conditions considered necessary or desirable to prevent a young child from accessing the pool.
Local Government	245C(1)	If exemption is granted, power to give the applicant a written notice of the exemption.
Local Government	245C(2)	If the exemption is refused, or conditions imposed, power to give the applicant an information notice about the decision.

Subdivision 2 – Revocation of exemptions

Entity power given to	Section of BUIA	Description
Local Government	245E(2)	Power to give the owner of regulated pool a show cause notice as to why the decision should not be revoked.
Local Government	245E(3)	After considering any representations made under the show cause notice, power to issue a revocation notice to the owner, to revoke the decision previously given.

Part 3 – Inspections of regulated pools and the giving of pool safety certificates

Division 2 – Functions of local government for inspections of regulated pools

Entity power given to	Section of BUIA	Description
Local Government	246AE(2)	Power for an employee or agent of the local government to enter land on which a regulated pool is situated to inspect the pool.
Local Government	246AF(2)	After complying with section 246AG, power to cancel a pool safety certificate.
Local Government	246AG(1)	Power to give the owner of a regulated pool a show cause notice before cancelling a pool safety certificate under s246AF(2).
Local Government	246AG(5)	Subject to 246AG(4), power to: (a) consider submissions; and (b) (decide whether to cancel the pool safety certificate.
Local Government	246AG(6)	If the Local Government decides not to cancel the safety certificate, power to give notice to the owner of that decision.
Local Government	246AG(7)	If the Local Government decides to cancel the pool safety certificate, power to give the owner an information notice about that decision.

CHAPTER 8B – TRANSPORT NOISE CORRIDORS

Part 2 – Designation by local governments

Entity power given to	Section of BUIA	Description
Local Government	246X(1)	A local government may by gazette notice designate land as a transport noise corridor.
Local Government	246X(2)	A local government may designate land under (1) only if:

		<p>(a) the land is within:</p> <p>(i) 100m if a road under its control: or</p> <p>(ii) A distance of more than 100m but not more than 200m of a road under its control, if the noise level caused by traffic on the road at the distance has been measured and approved by the CEO.</p>
--	--	---

CHAPTER 9 – SHOW CAUSE AND ENFORCEMENT NOTICES

Entity power given to	Section of BUIA	Description
Local Government	248(1) ⁹	<p>Power to give a notice (an enforcement notice) to the owner of a building, structure or building work if the local government reasonably believes the building, structure or building work:</p> <p>(a) was built before the commencement of this section without, or not in accordance with, the approval of the local government; or</p> <p>(b) is dangerous; or</p> <p>(c) is in a dilapidated condition; or</p> <p>(d) is unfit for use of occupation; or</p> <p>(e) is filthy, infected with disease or infested with vermin.</p>
Local Government	248(2)	Power to give an enforcement notice to a person who does not comply with a particular matter in this Act.
Local Government	248(3)	Subject to section 248(4), the power to give a person a show cause notice.
Local Government	249(1)	<p>In the specified circumstances power to require a person to do any of the following:</p> <p>(a) to apply for a development permit;</p> <p>(b) to do, or not to do, another act to ensure building work complies with the approval of the local government given before the commencement of this section;</p> <p>(c) to repair or rectify the building or structure;</p> <p>(d) to secure the building or structure (whether by a system of support or in any other way);</p> <p>(e) to fence off the building or structure to protect persons;</p> <p>(f) to cleanse, purify and disinfect the building or structure;</p> <p>(h) to comply with this Act for a particular matter.</p>
Local Government	249(2)	Power to require a person to demolish or remove the building or structure only if the local government reasonably believes that it is not possible and practical to take steps to comply with subsection (1)(c) to (f).

CHAPTER 10 – GENERAL PROVISIONS

Entity power given to	Section of BUIA	Description
Local Government	256(2)(d)	Power to make a complaint against the Building Act for an offence under section 245G(1).

⁹ S.169(4) of the *Planning Act 2016* prohibits a Local Government from delegating its power to give an enforcement notice ordering the demolition of a building if it is also the private certifier.

Local Government	256(2)(e)	Power to make a complaint for an offence against section 245K, 245L or 246AR(2) of the Building Act.
Local Government	256(2)(f)	Power to make a complaint for an offence against section 246AD(2) or 246AJ(4) of the Building Act.
Local Government	256(2)(g)	Power to make a complaint for an offence against section 246AP(2) of the Building Act.
Local Government	256(2)(h)	Power to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local Government	256(2)(h)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 4, division 5, subdivision 2 (excluding section 246ATH(2)) of the Building Act.
Local Government	256(2)(i)	Power to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local Government	256(2)(i)	Power to authorise a person to make a complaint for an offence against Chapter 8, part 5 of the Building Act.
Local Government	256(2)(k)	Power to make a complaint for another offence against the Building Act.
Local Government	256(2)(k)	Power to authorise a person to make a complaint for another offence against the Building Act.

CHAPTER 11 – SAVINGS AND TRANSITIONAL PROVISIONS

Part 1 – Transitional provisions for Local Government Act 1993

Entity power given to	Section of BUIA	Description
Local Government	262(3)	In the specified circumstances power to at any time, and subject to such reasonable conditions as considered appropriate, extend the time for an owner to comply with section 235 if: <ul style="list-style-type: none"> (a) the owner files a written application for an extension with the local government while a previously given extension is still in force; and (b) the local government is satisfied that compliance within the time provided for in the previously given extension would cause the owner financial hardship.

Part 2 – Transitional provisions for Building and Integrated Planning Amendment Act 1998

Entity power given to	Section of BUIA	Description
Local Government	266	Power to decide that a building or structure is: <ul style="list-style-type: none"> (a) dangerous; or (b) in a dilapidated condition and unfit for use of or occupation; or (c) filthy; or (d) is infected with disease; or (e) is infested with vermin. to allow for the alteration or removal of a building otherwise lawfully constructed before the commencement of the section.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 01 01 - BUIA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Coastal Protection and Management Act 1995 ("CPMA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Coastal Protection and Management Act 1995 ("CPMA")**CHAPTER 2 – COASTAL MANAGEMENT****Part 6 – Land surrender and artificial waterways****Division 3 – Land surrender****Subdivision 4 – Giving effect to surrender**

Entity power given to	Section of CPMA	Description
Local Government	115B(5)(a)	Power to endorse the plan of subdivision with the local government's acceptance of the trusteeship of the reserve.

Division 4 – Matters about artificial waterways**Subdivision 3 – Plans of subdivision**

Entity power given to	Section of CPMA	Description
Local Government	119(2)	In the specified circumstances, the power to certify on a plan of subdivision that shows an artificial waterway that: <ul style="list-style-type: none"> (a) the waterway, and any access channel associated with the waterway, is constructed in accordance with the development approval for the waterway; and (b) if the waterway is not a canal - you are satisfied arrangements have been made, or will be made, for the maintenance and management of the waterway.

CHAPTER 5 – ADMINISTRATION**Part 2A – Planning and Environment Court declarations**

Entity power given to	Section of CPMA	Description
Person	164A(1)	Power to bring a proceeding in the Planning and Environment Court for a declaration about a matter done, to be done or that should have been done, for chapter 2, part 3, division 2.

CHAPTER 6 – TRANSITIONAL PROVISIONS**Part 4 – Transitional provisions for Environmental Protection and Other Legislation Amendment Act 2004**

Entity power given to	Section of CPMA	Description
Local Government	190(5)	In the specified circumstances, the power to elect not to be the assessment manager for an application to amend.

Part 5 – Transitional provisions for Sustainable Planning Act 2009

Entity power given to	Section of CPMA	Description
Local Government	193(5)	In the specified circumstances, power to elect not to be the responsible entity for making the permissible change.

Part 8 – Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2016

Entity power given to	Section of CPMA	Description
Local Government	206(5)	In the specified circumstances, power to elect not to be the responsible entity for the change application.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - CPMA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE COASTAL PROTECTION AND MANAGEMENT ACT 1995 ("CPMA")

CHAPTER 2 – COASTAL MANAGEMENT

Part 6 – Land surrender and artificial waterways

Division 3 – Land surrender

Subdivision 4 – Giving effect to surrender

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	115B(5)(a)	Power to endorse the plan of subdivision with the local government's acceptance of the trusteeship of the reserve.				

Division 4 – Matters about artificial waterways

Subdivision 3 – Plans of subdivision

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	119(2)	In the specified circumstances, the power to certify on a plan of subdivision that shows an artificial waterway that: (a) the waterway, and any access channel associated with the waterway, is constructed in accordance with the development approval for the waterway; and (b) if the waterway is not a canal - you are satisfied arrangements have been made, or will be made, for the				

		maintenance and management of the waterway.				
--	--	---	--	--	--	--

CHAPTER 5 – ADMINISTRATION

Part 2A – Planning and Environment Court declarations

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	164A(1)	Power to bring a proceeding in the Planning and Environment Court for a declaration about a matter done, to be done or that should have been done, for chapter 2, part 3, division 2.				

CHAPTER 6 – TRANSITIONAL PROVISIONS

Part 4 – Transitional provisions for Environmental Protection and Other Legislation Amendment Act 2004

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	190(5)	In the specified circumstances, the power to elect not to be the assessment manager for an application to amend.				

Part 5 – Transitional provisions for Sustainable Planning Act 2009

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	193(5)	In the specified circumstances, power to elect not to be the responsible entity for making the permissible change.				

Part 8 – Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2016

Entity power given to	Section of CPMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	206(5)	In the specified circumstances, power to elect not to be the responsible entity for the change application.				

[2017 07 03 - CPMA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Coastal Protection and Management Act 1995 ("CPMA")

CHAPTER 2 – COASTAL MANAGEMENT

Part 6 – Land surrender and artificial waterways

Division 3 – Land surrender

Subdivision 4 – Giving effect to surrender

Entity power given to	Section of CPMA	Description
Local Government	115B(5)(a)	Power to endorse the plan of subdivision with the local government's acceptance of the trusteeship of the reserve.

Division 4 – Matters about artificial waterways

Subdivision 3 – Plans of subdivision

Entity power given to	Section of CPMA	Description
Local Government	119(2)	In the specified circumstances, the power to certify on a plan of subdivision that shows an artificial waterway that: <ul style="list-style-type: none"> (a) the waterway, and any access channel associated with the waterway, is constructed in accordance with the development approval for the waterway; and (b) if the waterway is not a canal - you are satisfied arrangements have been made, or will be made, for the maintenance and management of the waterway.

CHAPTER 5 – ADMINISTRATION

Part 2A – Planning and Environment Court declarations

Entity power given to	Section of CPMA	Description
Person	164A(1)	Power to bring a proceeding in the Planning and Environment Court for a declaration about a matter done, to be done or that should have been done, for chapter 2, part 3, division 2.

CHAPTER 6 – TRANSITIONAL PROVISIONS

Part 4 – Transitional provisions for Environmental Protection and Other Legislation Amendment Act 2004

Entity power given to	Section of CPMA	Description
Local Government	190(5)	In the specified circumstances, the power to elect not to be the assessment manager for an application to amend.

Part 5 – Transitional provisions for Sustainable Planning Act 2009

Entity power given to	Section of CPMA	Description
Local Government	193(5)	In the specified circumstances, power to elect not to be the responsible entity for making the permissible change.

Part 8 – Transitional provisions for Planning (Consequential) and Other Legislation Amendment Act 2016

Entity power given to	Section of CPMA	Description
Local Government	206(5)	In the specified circumstances, power to elect not to be the responsible entity for the change application.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - CPMA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Disaster Management Regulation 2014 ("DIMR")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Disaster Management Regulation 2014 ("DIMR")**Part 2 – Disaster management groups – Membership and other matters**

Entity power given to	Section of DIMR	Description
Local Government	5(1)(c)(i)	Power to appoint a person, if there is 1 local government only in the disaster district for the district group, as a member of a district group.
Each Local Government	5(1)(c)(ii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and none of the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	5(1)(c)(iii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	5(1)(c)(iv)	Power to appoint a person, if there are 3 or more local governments in the disaster district and not all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	7(1)(b)	Power to nominate a person as a member of a temporary district group.
Local Government	9(1)	Power to appoint a person as a member of a local group.
Local Government	9(4)	Power to be satisfied that a person has the necessary expertise or experience to be appointed as a member of a local group.
Local Government	10(1)	Power to appoint the chairperson and deputy chairperson of a local group.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 06 15 - DIMR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE DISASTER MANAGEMENT REGULATION 2014 ("DIMR")

Part 2 – Disaster management groups – Membership and other matters

Entity power given to	Section of DIMR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	5(1)(c)(i)	Power to appoint a person, if there is 1 local government only in the disaster district for the district group, as a member of a district group.				
Each Local Government	5(1)(c)(ii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and none of the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.				
Local Government	5(1)(c)(iii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.				
Local Government	5(1)(c)(iv)	Power to appoint a person, if there are 3 or more local governments in the disaster district and not all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.				

Local Government	7(1)(b)	Power to nominate a person as a member of a temporary district group.				
Local Government	9(1)	Power to appoint a person as a member of a local group.				
Local Government	9(4)	Power to be satisfied that a person has the necessary expertise or experience to be appointed as a member of a local group.				
Local Government	10(1)	Power to appoint the chairperson and deputy chairperson of a local group.				

[2018 06 15 - DIMR - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Disaster Management Regulation 2014 ("DIMR")

Part 2 – Disaster management groups – Membership and other matters

Entity power given to	Section of DIMR	Description
Local Government	5(1)(c)(i)	Power to appoint a person, if there is 1 local government only in the disaster district for the district group, as a member of a district group.
Each Local Government	5(1)(c)(ii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and none of the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	5(1)(c)(iii)	Power to appoint a person, if there are 2 or more local governments in the disaster district and all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	5(1)(c)(iv)	Power to appoint a person, if there are 3 or more local governments in the disaster district and not all the local governments unite under section 31 of the <i>Disaster Management Act 2003</i> , as a member of a district group.
Local Government	7(1)(b)	Power to nominate a person as a member of a temporary district group.
Local Government	9(1)	Power to appoint a person as a member of a local group.
Local Government	9(4)	Power to be satisfied that a person has the necessary expertise or experience to be appointed as a member of a local group.
Local Government	10(1)	Power to appoint the chairperson and deputy chairperson of a local group.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 06 15 - DIMR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Environmental Protection (Water) Policy 2009 ("EPWP")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Environmental Protection (Water) Policy 2009 ("EPWP")**Part 6 – Healthy waters management plans**

Entity power given to	Section of EPWP	Description
Recognised Entity (Local Government)	24(2)	Power to cooperate with the Chief Executive in developing and implementing a healthy waters management plan.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2016 12 06 - EPWP - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE ENVIRONMENTAL PROTECTION (WATER) POLICY 2009 ("EPWP")

Part 6 – Healthy waters management plans

Entity power given to	Section of EPWP	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recognised Entity (Local Government)	24(2)	Power to cooperate with the Chief Executive in developing and implementing a healthy waters management plan.				

[2016 12 06 - EPWP - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED***Environmental Protection (Water) Policy 2009 ("EPWP")*****Part 6 – Healthy waters management plans**

Entity power given to	Section of EPWP	Description
Recognised Entity (Local Government)	24(2)	Power to cooperate with the Chief Executive in developing and implementing a healthy waters management plan.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2016 12 06 - EPWP - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Fire and Emergency Services Act 1990 ("FESA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Fire and Emergency Services Act 1990 ("FESA")**CHAPTER 3 – QUEENSLAND FIRE AND EMERGENCY SERVICES****Part 9B – Review of notices**

Entity power given to	Section of FESA	Description
Local Government	104SG(2)	Power to nominate persons as assessors.
Local Government	104SI(2)(b)(ii)	Power to nominate persons as assessors to assist QCAT in proceedings mentioned in s104SG(1).

Part 10 – Funding**Division 1 – Interpretation**

Entity power given to	Section of FESA	Description
Local Government	105(1) 'Prescribed property' paragraph (b)	In the specified circumstances, power to determine that a portion of a parcel of land separately held by an owner should be classed as a separate parcel for the purposes of Part 10 of the <i>Fire and Rescue Service 1990</i> .

Division 2 – Matters relating to funding contributions

Entity power given to	Section of FESA	Description
Local Government	112(2)	In the specified circumstances, power to give the owner of each prescribed property within its area a levy notice.
Local Government	113(6)	In certain circumstances, the power to amend the levy notice, to revoke the levy notice and give a new levy notice.
Local Government	117(3)	The power to decide the way in which Council keeps the administration fee.
Local Government	121(2)	Power to refuse an application to pay an outstanding amount in instalments or grant an application to pay an outstanding amount in instalments subject to any conditions thought fit.
Local Government	126(1)	Power to, by notice in writing, require an owner of prescribed property to pay an amount not exceeding an amount representing the prescribed per centum of the amount of arrears, by way of collection fee.

CHAPTER 4 – STATE EMERGENCY SERVICE, EMERGENCY SERVICE UNITS AND AUTHORISED RESCUE OFFICERS**Part 1 – State emergency service****Division 3 – Membership and SES units**

Entity power given to	Section of FESA	Description
Local Government	134(2)	Power to nominate a local controller of an SES unit.

Division 5 – Agreements

Entity power given to	Section of FESA	Description
Local Government	140	Power to enter an agreement with the Commissioner that sets out responsibilities of each party in relation to the SES in the local government's area.

Part 2 – Emergency service units

Division 3 – Membership

Entity power given to	Section of FESA	Description
Local Government	146(2)	Power to nominate an ES unit co-ordinator of the ES unit.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 11 09 - FESA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE FIRE AND EMERGENCY SERVICES ACT 1990 ("FESA")

CHAPTER 3 – QUEENSLAND FIRE AND EMERGENCY SERVICES

Part 9B – Review of notices

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	104SG(2)	Power to nominate persons as assessors.				
Local Government	104SI(2)(b)(ii)	Power to nominate persons as assessors to assist QCAT in proceedings mentioned in s104SG(1).		Not Recommended		

Part 10 – Funding

Division 1 – Interpretation

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105(1) 'Prescribed property' paragraph (b)	In the specified circumstances, power to determine that a portion of a parcel of land separately held by an owner should be classed as a separate parcel for the purposes of Part 10 of the <i>Fire and Rescue Service 1990</i> .				

Division 2 – Matters relating to funding contributions

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	112(2)	In the specified circumstances, power to give the owner of each prescribed property within its area a levy notice.				
Local Government	113(6)	In certain circumstances, the power to amend the levy notice, to revoke the levy notice and give a new levy notice.				
Local Government	117(3)	The power to decide the way in which Council keeps the administration fee.				
Local Government	121(2)	Power to refuse an application to pay an outstanding amount in instalments or grant an application to pay an outstanding amount in instalments subject to any conditions thought fit.				
Local Government	126(1)	Power to, by notice in writing, require an owner of prescribed property to pay an amount not exceeding an amount representing the prescribed per centum of the amount of arrears, by way of collection fee.				

CHAPTER 4 – STATE EMERGENCY SERVICE, EMERGENCY SERVICE UNITS AND AUTHORISED RESCUE OFFICERS

Part 1 – State emergency service

Division 3 – Membership and SES units

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	134(2)	Power to nominate a local controller of an SES unit.				

Division 5 – Agreements

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	140	Power to enter an agreement with the Commissioner that sets out responsibilities of each party in relation to the SES in the local government's area.				

Part 2 – Emergency service units

Division 3 – Membership

Entity power given to	Section of FESA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	146(2)	Power to nominate an ES unit co-ordinator of the ES unit.				

[2018 11 09 - FESA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Fire and Emergency Services Act 1990 ("FESA")

CHAPTER 3 – QUEENSLAND FIRE AND EMERGENCY SERVICES

Part 9B – Review of notices

Entity power given to	Section of FESA	Description
Local Government	104SG(2)	Power to nominate persons as assessors.
Local Government	104SI(2)(b)(ii)	Power to nominate persons as assessors to assist QCAT in proceedings mentioned in s104SG(1).

Part 10 – Funding

Division 1 – Interpretation

Entity power given to	Section of FESA	Description
Local Government	105(1) 'Prescribed property' paragraph (b)	In the specified circumstances, power to determine that a portion of a parcel of land separately held by an owner should be classed as a separate parcel for the purposes of Part 10 of the <i>Fire and Rescue Service 1990</i> .

Division 2 – Matters relating to funding contributions

Entity power given to	Section of FESA	Description
Local Government	112(2)	In the specified circumstances, power to give the owner of each prescribed property within its area a levy notice.
Local Government	113(6)	In certain circumstances, the power to amend the levy notice, to revoke the levy notice and give a new levy notice.
Local Government	117(3)	The power to decide the way in which Council keeps the administration fee.
Local Government	121(2)	Power to refuse an application to pay an outstanding amount in instalments or grant an application to pay an outstanding amount in instalments subject to any conditions thought fit.
Local Government	126(1)	Power to, by notice in writing, require an owner of prescribed property to pay an amount not exceeding an amount representing the prescribed per centum of the amount of arrears, by way of collection fee.

CHAPTER 4 – STATE EMERGENCY SERVICE, EMERGENCY SERVICE UNITS AND AUTHORISED RESCUE OFFICERS

Part 1 – State emergency service

Division 3 – Membership and SES units

Entity power given to	Section of FESA	Description
Local Government	134(2)	Power to nominate a local controller of an SES unit.

Division 5 – Agreements

Entity power given to	Section of FESA	Description
Local Government	140	Power to enter an agreement with the Commissioner that sets out responsibilities of each party in relation to the SES in the local government's area.

Part 2 – Emergency service units

Division 3 – Membership

Entity power given to	Section of FESA	Description
Local Government	146(2)	Power to nominate an ES unit co-ordinator of the ES unit.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 11 09 - FESA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council *Food Act 2006 ("FOOA")*

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Food Act 2006 ("FOOA")**CHAPTER 3 – LICENCES FOR PARTICULAR BUSINESSES****Part 3 – Applications for, and issue of, licences****Division 1 – Applications for licence**

Entity power given to	Section of FOOA	Description
Local Government	55	Power to consider the application and decide to grant, or refuse to grant, the application.
Local Government	56(1)	Power to be satisfied that the specified criteria are fulfilled.
Local Government	56(2)	In the specified circumstances, the power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with section 98 and the implementation of the program is reasonably likely to effectively control the food safety hazards of the business.
Local Government	57	In deciding whether the applicant is a suitable person, the power to have regard to the specified matters.
Local Government	58(a)	In deciding whether premises are suitable for carrying on a licensable food business, the power to have regard to whether the premises comply with the food standards code, standard 3.2.3.
Local Government	58(b)	In deciding whether premises are suitable for carrying on a licensable food business, the power to obtain and consider the written advice of an authorised person about whether or not the authorised person considers the premises are suitable for carrying on the business.
Local Government	59(1)(a)	In the specified circumstances, the power to make inquiries to decide the suitability of: (i) the applicant to hold a licence; and (ii) the premises for carrying on a licensable food business.
Local Government	59(1)(b)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to provide the local government within the reasonable period of at least 30 days with further information or a document the local government reasonably requires to decide the application.

Division 2 – Decisions on applications for licence

Entity power given to	Section of FOOA	Description
Local Government	60(2)	The power to give an applicant an information notice for the decision.
Local Government	62(1)	Power to consider more time is needed to make a decision about an application because of the complexity of matters that need to be considered in deciding the application.
Local Government	62(2)	In the specified circumstances, the power to give notice to the applicant that due to the complexity of the matters that need to be considered in deciding the application, the local government

		needs more time to decide the application and the period within which the local government must decide the application is extended to a day that is 30 days after the final consideration day.
Local Government	62(3)	In the specified circumstances, the power to agree with the applicant on the day by which the application must be decided.

Division 3 – Provisional licences

Entity power given to	Section of FOOA	Description
Local Government	64	In the specified circumstances, the power to issue a provisional licence to the applicant.

Part 4 – Term and Condition of Licences

Entity power given to	Section of FOOA	Description
Local Government	67	Power to decide a term of a licence other than a provisional licence of not more than 3 years.
Local Government	68(1)	Power to decide a term of provisional licence of not more than 3 months.
Local Government	68(2)	Power to issue a notice to extend the term of a provisional licence.
Local Government	69(1)(e)	In the specified circumstances, the power to impose other reasonable conditions to a licence considered appropriate for the food business under the licence and that are stated in the licence or of which the licensee is notified under subsection (3).
Local Government	69(2)(b)	Power to consider it necessary to impose a condition on a licence to ensure food for sale is safe and suitable for human consumption.
Local Government	69(3)	In the specified circumstances, the power to give an information notice for the decision to impose conditions on a licence.

Part 5 – Renewal, restoration or amendment of licences

Division 2 – Renewal, restoration and amendment

Subdivision 1 – Applications

Entity power given to	Section of FOOA	Description
Local Government	71	Power to give the licensee notice of the imminent expiry of a licence.
Local Government	72(3)	Power to consider the application and decide to renew, or refuse to renew, the licence.
Local Government	72(4)	In deciding an application, the power to have regard to the specified matters.
Local Government	72(5)	In the specified circumstances, the power to give an information notice to the licensee if the local government decides to refuse to renew the licence or impose conditions on the licence.
Local Government	73(3)	Power to consider the application and decide to restore, or refuse to restore, the licence.

Local Government	73(4)	In the specified circumstances, the power to have regard to the specified matters.
Local Government	73(5)	In the specified circumstances, the power to give a person an information notice for the decision if the local government decides to refuse to restore the licence, or impose conditions on the licence.
Local Government	74(3)	Power to consider the application and decide to amend, or refuse to amend, the licence.
Local Government	74(4)	In the specified circumstances, the power to amend a licence by changing the location of the premises from which the licensee proposes to carry on a licensable food business.
Local Government	74(5)	In the specified circumstances, the power to be satisfied on reasonable grounds that the premises are suitable for carrying on a licensable food business.
Local Government	74(6)	In the specified circumstances, the power to give a licensee a licence and an information notice for a decision if the local government decides to refuse to amend the licence.
Local Government	74(7)	In the specified circumstances, the power to give the licensee an information notice for the decision if the local government decides to impose conditions on the licence.

Subdivision 2 – Enquiries about applications and continuation of licences

Entity power given to	Section of FOOA	Description
Local Government	75(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document the local government reasonably requires to decide the application, within the reasonable period of at least 30 days stated in the notice.

Part 6 – Suspension or cancellation of licences

Entity power given to	Section of FOOA	Description
Local Government	78(2)	In the specified circumstances, the power to have regard to the specified matters regarding the suitability of a person to hold a licence.
Local Government	79(1)(a)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence.
Local Government	79(2)	In the specified circumstances, the power to give the licensee a show cause notice.
Local Government	80(2)	In the specified circumstances, the power to consider all representations.
Local Government	81	In the specified circumstances, the power to form a belief that a ground no longer exists to suspend or cancel a licence.
Local Government	82(1)(b)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence and power to believe a suspension or cancellation of the licence is warranted.
Local Government	82(2)(a)	In the specified circumstances, the power to suspend the licence for not longer than the proposed suspension period.

Local Government	82(2)(b)	In the specified circumstances, the power to cancel the licence or suspend it for a period.
Local Government	82(3)	In the specified circumstances, the power to give an information notice to the licensee for the decision if the local government decides to take action under s82(2).
Local Government	83(1)	In the specified circumstances, the power to suspend a licence immediately.
Local Government	83(2)(a)	Power to give an information notice to the licensee together with a show cause notice about the decision to suspend a licence.
Local Government	83(4)	Power to give the licensee a licence.

Part 7 – Other provisions about licences and licensees

Division 3 – Carrying on licensable food business from mobile premises

Entity power given to	Section of FOOA	Description
Second Local Government	91(1)(b)	In the specified circumstances, the power to consider that a licensee has done or omitted to do something, if done or omitted to be done in the first local government's area, would be a contravention of the conditions of the licence.
Second Local Government	91(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.
Local Government	92(2)	In the specified circumstances, the power to take action in relation to the thing done or omitted to be done by the licensee.

Division 4 – General provisions

Entity power given to	Section of FOOA	Description
Local Government	97(1)	Power to consider the application and decide to grant, or refuse to grant, the application.
Local Government	97(2)	Power to be satisfied the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.
Local Government	97(3)	Power to issue another licence to the applicant to replace the damage, destroyed, lost or stolen licence.
Local Government	97(5)	In the specified circumstances, the power to give an information notice to the applicant for the decision if the local government decides to refuse to grant the application.

CHAPTER 4 – FOOD SAFETY PROGRAMS

Part 2 – Applications for accreditation of food safety programs

Entity power given to	Section of FOOA	Description
Local Government	103(1)	Power to consider the application and decide to accredit, or refuse to accredit, the food safety program.
Local Government	103(2)	Power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with the criteria in section 104.

Local Government	104	Power to be satisfied that the food safety program meets the specified criteria.
Local Government	105(1)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to give further information or a document to a local government reasonably required to decide the application, within the reasonable period of at least 30 days.
Local Government	106(2)	Power to give an applicant an information notice for a decision if the local government decides to refuse to accredit a food safety program.
Local Government	107(4)	Power to give an information notice to the applicant if the application is refused under section 107.
Local Government	108(1)	In the specified circumstances, the power to consider more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application.
Local Government	108(2)	In the specified circumstances, the power to give notice to the applicant more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application and the period within which the local government must decide the application is extended to a day that is 30 days after the final consideration day.
Local Government	108(3)	In the specified circumstances, the power to agree with the applicant on a day by which the application must be decided.

Part 3 – Matters about compliance audits for accredited food safety programs

Entity power given to	Section of FOOA	Description
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under the Act.
Local Government	109(2)(b)	The power to give the holder of a food safety program an information notice for the decision.
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under this Act.
Local Government	109(3)	In deciding the frequency of audits for subsection (2)(a), the power to have regard to the stated matters.
Local Government	110(1)	In the specified circumstances, the power to change the frequency of compliance audits for a food safety program if considered necessary to make the change in the interest of public health or safety.
Local Government	110(2)	In the specified circumstances, the power to have regard to the results of a compliance or non-conformance audit of the program.
Local Government	110(3)	In the specified circumstances, the power to give an information notice for the decision to the holder of a food safety program if the local government decides to change the frequency of compliance audits for the food safety program.
Local Government	110(4)	In the specified circumstances, the power to give the holder of a food safety program a notice of change if the local government decides to change the frequency of compliance audits for the food safety program.

Part 4 –**Amendment of accredited food safety programs****Division 1 – Amendment by holder of accredited food safety program**

Entity power given to	Section of FOOA	Description
Local Government	112(4)	Power to consider the application and decide to approve, or refuse to approve, the amendment.
Local Government	112(5)	Power to be satisfied that the stated criteria are fulfilled.
Local Government	112(6)	Power to give an information notice to an applicant for a decision if the local government decides to refuse to approve an amendment.
Local Government	113(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document reasonably required to decide the application, within the reasonable period of at least 30 days.

Division 2 – Amendment of accredited food safety program – Local government's initiative

Entity power given to	Section of FOOA	Description
Local Government	114(1)	In the specified circumstances, the power to direct the holder of a food safety program to amend the program if considered necessary or desirable to make the amendment, having regard to the matters about which it must be satisfied under section 104.
Local Government	114(2)	Power to give a notice to the holder of a food safety program for a direction under section 114(1).
Local Government	114(3)(c)	Power to give an information notice with a notice of direction made under section 114(2).
Local Government	115(2)	Power to be satisfied that the amendment complies with the direction under section 114 and take that specified action.

Part 5 –**Cancellation of Accreditation, and Surrender, of Particular Food Safety Programs**

Entity power given to	Section of FOOA	Description
Local Government	118(1)	In the specified circumstances, the power to form a belief that a ground exists to cancel the accreditation of a food safety program and to give the holder of the program a show cause notice.
Local Government	119(2)	In the specified circumstances, the power to consider all representations.
Local Government	120	In the specified circumstances, the power to form a belief that a ground no longer exists to cancel the accreditation.
Local Government	121(1)(b)	In the specified circumstances, the power to form a belief that: (i) a ground still exists to cancel the accreditation; and (ii) cancellation of the accreditation is warranted.
Local Government	121(2)	Power to cancel the accreditation.
Local Government	121(3)	In the specified circumstances, the power to give the holder of a food safety program an information notice for the decision if the local government decides to take action under section 121(2).

CHAPTER 7 – MONITORING AND ENFORCEMENT

Part 1 – Authorised persons

Division 1 – Preliminary

Entity power given to	Section of FOOA	Description
Chief Executive Officer	168(2)	Power to appoint an employee of the local government as an authorised person.
Chief Executive Officer	168(3)	Power to appoint an employee of the local government as an authorised person.

Part 2 – Powers of authorised persons

Division 7 – Power to obtain information

Entity power given to	Section of FOOA	Description
Chief Executive Officer	193(6)	In the specified circumstances, the power to consider appropriate how a thing forfeited to the local government may be dealt with.

Part 5 – Injunctions

Entity power given to	Section of FOOA	Description
Chief Executive Officer	222(b)	Power to form a belief on reasonable grounds that an injunction under the part is necessary to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.
Chief Executive Officer	223	Power to apply to the District Court for an injunction in relation to the conduct.

CHAPTER 9 – REVIEWS

Part 1 – Internal review of decisions

Entity power given to	Section of FOOA	Description
Reviewer	238(2)	Power to extend the time for applying for the review.
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.
Reviewer	239(2)	Power to give an applicant a notice of the review decision.
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.

CHAPTER 10 – LEGAL PROCEEDINGS

Part 3 – Proceedings

Entity power given to	Section of FOOA	Description
Local Government	255(1)(b)	Power to apply to the Court for an order against a person for the payment of the costs, that the state or local government has incurred in taking a thing or doing something during the investigation of an offence.
Chief Executive Officer	258(1)	In the specified circumstances, the power to consider appropriate the way in which the local government may deal with a thing that becomes local government's property.
Chief Executive Officer	258(2)	Power to destroy or dispose of a thing.

CHAPTER 11 – MISCELLANEOUS

Part 4 – Other Matters

Entity power given to	Section of FOOA	Description
Chief Executive Officer	277(2)	Power to approve forms for the use by the local government under this Act.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2016 03 24 - FOOA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE FOOD ACT 2006 ("FOOA")

CHAPTER 3 – LICENCES FOR PARTICULAR BUSINESSES

Part 3 – Applications for, and issue of, licences

Division 1 – Applications for licence

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	55	Power to consider the application and decide to grant, or refuse to grant, the application.				Subject to consultation with Divisional Councillor.
Local Government	56(1)	Power to be satisfied that the specified criteria are fulfilled.				
Local Government	56(2)	In the specified circumstances, the power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with section 98 and the implementation of the program is reasonably likely to effectively control the food safety hazards of the business.				
Local Government	57	In deciding whether the applicant is a suitable person, the power to have regard to the specified matters.				
Local Government	58(a)	In deciding whether premises are suitable for carrying on a licensable food business, the power to have regard to				

		whether the premises comply with the food standards code, standard 3.2.3.				
Local Government	58(b)	In deciding whether premises are suitable for carrying on a licensable food business, the power to obtain and consider the written advice of an authorised person about whether or not the authorised person considers the premises are suitable for carrying on the business.				
Local Government	59(1)(a)	In the specified circumstances, the power to make inquiries to decide the suitability of: (i) the applicant to hold a licence; and (ii) the premises for carrying on a licensable food business.				
Local Government	59(1)(b)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to provide the local government within the reasonable period of at least 30 days with further information or a document the local government reasonably requires to decide the application.				

Division 2 – Decisions on applications for licence

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	60(2)	The power to give an applicant an information notice for the decision.				This notice must be given as soon as practicable.
Local Government	62(1)	Power to consider more time is needed to make a decision about an application because of the complexity of matters that need to be considered in deciding the application.				
Local Government	62(2)	In the specified circumstances, the power to give notice to the applicant that due to the complexity of the matters that need to be considered in deciding the application, the local government needs more time to decide the application and the period within which the local government must decide the application is extended to a day that is 30 days after the final consideration day.				
Local Government	62(3)	In the specified circumstances, the power to agree with the applicant on the day by which the application must be decided.				

Division 3 – Provisional licences

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	64	In the specified circumstances, the power to issue a provisional licence to the applicant.				

Part 4 – Term and Condition of Licences

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	67	Power to decide a term of a licence other than a provisional licence of not more than 3 years.				
Local Government	68(1)	Power to decide a term of provisional licence of not more than 3 months.				
Local Government	68(2)	Power to issue a notice to extend the term of a provisional licence.				
Local Government	69(1)(e)	In the specified circumstances, the power to impose other reasonable conditions to a licence considered appropriate for the food business under the licence and that are stated in the licence or of which the licensee is notified under subsection (3).				
Local Government	69(2)(b)	Power to consider it necessary to impose a condition on a licence to ensure food for sale is safe and suitable for human consumption.				

Local Government	69(3)	In the specified circumstances, the power to give an information notice for the decision to impose conditions on a licence.				This power does not apply to a provisional licence and the notice must be given as soon as practicable after the decision is made.
------------------	-------	---	--	--	--	--

Part 5 – Renewal, restoration or amendment of licences
Division 2 – Renewal, restoration and amendment
Subdivision 1 – Applications

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	71	Power to give the licensee notice of the imminent expiry of a licence.				This notice must be given at least 60 days before the expiry of the licence.
Local Government	72(3)	Power to consider the application and decide to renew, or refuse to renew, the licence.				Subject to consultation with Divisional Councillor.
Local Government	72(4)	In deciding an application, the power to have regard to the specified matters.				Subject to consultation with Divisional Councillor.
Local Government	72(5)	In the specified circumstances, the power to give an information notice to the licensee if the local government				This notice must be given as soon

		decides to refuse to renew the licence or impose conditions on the licence.				as reasonably practicable.
Local Government	73(3)	Power to consider the application and decide to restore, or refuse to restore, the licence.				
Local Government	73(4)	In the specified circumstances, the power to have regard to the specified matters.				
Local Government	73(5)	In the specified circumstances, the power to give a person an information notice for the decision if the local government decides to refuse to restore the licence, or impose conditions on the licence.				This notice must be given as soon as reasonably practicable.
Local Government	74(3)	Power to consider the application and decide to amend, or refuse to amend, the licence.				
Local Government	74(4)	In the specified circumstances, the power to amend a licence by changing the location of the premises from which the licensee proposes to carry on a licensable food business.				
Local Government	74(5)	In the specified circumstances, the power to be satisfied on reasonable grounds that the premises are suitable for carrying on a licensable food business.				
Local Government	74(6)	In the specified circumstances, the power to give a licensee a licence and an information notice for a decision if the local government decides to refuse to amend the licence.				This licence and information notice must be given as soon as

						reasonably practicable.
Local Government	74(7)	In the specified circumstances, the power to give the licensee an information notice for the decision if the local government decides to impose conditions on the licence.				This licence and information notice must be given as soon as reasonably practicable.

Subdivision 2 – Enquiries about applications and continuation of licences

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	75(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document the local government reasonably requires to decide the application, within the reasonable period of at least 30 days stated in the notice.				

Part 6 – Suspension or cancellation of licences

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	78(2)	In the specified circumstances, the power to have regard to the specified matters regarding the suitability of a person to hold a licence.				

Local Government	79(1)(a)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence.				
Local Government	79(2)	In the specified circumstances, the power to give the licensee a show cause notice.				
Local Government	80(2)	In the specified circumstances, the power to consider all representations.				
Local Government	81	In the specified circumstances, the power to form a belief that a ground no longer exists to suspend or cancel a licence.				
Local Government	82(1)(b)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence and power to believe a suspension or cancellation of the licence is warranted.				
Local Government	82(2)(a)	In the specified circumstances, the power to suspend the licence for not longer than the proposed suspension period.				
Local Government	82(2)(b)	In the specified circumstances, the power to cancel the licence or suspend it for a period.				
Local Government	82(3)	In the specified circumstances, the power to give an information notice to the licensee for the decision if the local government decides to take action under s82(2).				This notice must be given as soon as reasonably practicable.
Local Government	83(1)	In the specified circumstances, the power to suspend a licence immediately.				

Local Government	83(2)(a)	Power to give an information notice to the licensee together with a show cause notice about the decision to suspend a licence.				
Local Government	83(4)	Power to give the licensee a licence.				This licence must be given as soon as reasonably practicable.

Part 7 – Other provisions about licences and licensees
Division 3 – Carrying on licensable food business from mobile premises

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Second Local Government	91(1)(b)	In the specified circumstances, the power to consider that a licensee has done or omitted to do something, if done or omitted to be done in the first local government's area, would be a contravention of the conditions of the licence.				
Second Local Government	91(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.				
Local Government	92(2)	In the specified circumstances, the power to take action in relation to the thing done or omitted to be done by the licensee.				

Division 4 – General provisions

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97(1)	Power to consider the application and decide to grant, or refuse to grant, the application.				
Local Government	97(2)	Power to be satisfied the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.				
Local Government	97(3)	Power to issue another licence to the applicant to replace the damage, destroyed, lost or stolen licence.				This licence must be given as soon as reasonably practicable.
Local Government	97(5)	In the specified circumstances, the power to give an information notice to the applicant for the decision if the local government decides to refuse to grant the application.				

CHAPTER 4 – FOOD SAFETY PROGRAMS

Part 2 – Applications for accreditation of food safety programs

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	103(1)	Power to consider the application and decide to accredit, or refuse to accredit, the food safety program.				

Local Government	103(2)	Power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with the criteria in section 104.				
Local Government	104	Power to be satisfied that the food safety program meets the specified criteria.				
Local Government	105(1)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to give further information or a document to a local government reasonably required to decide the application, within the reasonable period of at least 30 days.				
Local Government	106(2)	Power to give an applicant an information notice for a decision if the local government decides to refuse to accredit a food safety program.				This notice must be given as soon as reasonably practicable.
Local Government	107(4)	Power to give an information notice to the applicant if the application is refused under section 107.				
Local Government	108(1)	In the specified circumstances, the power to consider more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application.				
Local Government	108(2)	In the specified circumstances, the power to give notice to the applicant more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application and the period within				

		which the local government must decide the application is extended to a day that is 30 days after the final consideration day.				
Local Government	108(3)	In the specified circumstances, the power to agree with the applicant on a day by which the application must be decided.				

Part 3 – Matters about compliance audits for accredited food safety programs

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under the Act.				
Local Government	109(2)(b)	The power to give the holder of a food safety program an information notice for the decision.				This notice must be given as soon as reasonably practicable.
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under this Act.				
Local Government	109(3)	In deciding the frequency of audits for subsection (2)(a), the power to have regard to the stated matters.				

Local Government	110(1)	In the specified circumstances, the power to change the frequency of compliance audits for a food safety program if considered necessary to make the change in the interest of public health or safety.				
Local Government	110(2)	In the specified circumstances, the power to have regard to the results of a compliance or non-conformance audit of the program.				
Local Government	110(3)	In the specified circumstances, the power to give an information notice for the decision to the holder of a food safety program if the local government decides to change the frequency of compliance audits for the food safety program.				
Local Government	110(4)	In the specified circumstances, the power to give the holder of a food safety program a notice of change if the local government decides to change the frequency of compliance audits for the food safety program.				

Part 4 – Amendment of accredited food safety programs

Division 1 – Amendment by holder of accredited food safety program

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	112(4)	Power to consider the application and decide to approve, or refuse to approve, the amendment.				
Local Government	112(5)	Power to be satisfied that the stated criteria are fulfilled.				
Local Government	112(6)	Power to give an information notice to an applicant for a decision if the local government decides to refuse to approve an amendment.				This notice must be given as soon as reasonably practicable.
Local Government	113(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document reasonably required to decide the application, within the reasonable period of at least 30 days.				

Division 2 – Amendment of accredited food safety program – Local government's initiative

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	114(1)	In the specified circumstances, the power to direct the holder of a food safety program to amend the program if considered necessary or desirable to				

		make the amendment, having regard to the matters about which it must be satisfied under section 104.				
Local Government	114(2)	Power to give a notice to the holder of a food safety program for a direction under section 114(1).				
Local Government	114(3)(c)	Power to give an information notice with a notice of direction made under section 114(2).				
Local Government	115(2)	Power to be satisfied that the amendment complies with the direction under section 114 and take that specified action.				

Part 5 – Cancellation of Accreditation, and Surrender, of Particular Food Safety Programs

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	118(1)	In the specified circumstances, the power to form a belief that a ground exists to cancel the accreditation of a food safety program and to give the holder of the program a show cause notice.				
Local Government	119(2)	In the specified circumstances, the power to consider all representations.				
Local Government	120	In the specified circumstances, the power to form a belief that a ground no longer exists to cancel the accreditation.				

Local Government	121(1)(b)	In the specified circumstances, the power to form a belief that: (i) a ground still exists to cancel the accreditation; and (ii) cancellation of the accreditation is warranted.				
Local Government	121(2)	Power to cancel the accreditation.				
Local Government	121(3)	In the specified circumstances, the power to give the holder of a food safety program an information notice for the decision if the local government decides to take action under section 121(2).				This notice must be given as soon as reasonably practicable

CHAPTER 7 – MONITORING AND ENFORCEMENT

Part 1 – Authorised persons

Division 1 – Preliminary

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	168(2)	Power to appoint an employee of the local government as an authorised person.	Delegation not required.	We recommend that this power be delegated on a case by case basis		
Chief Executive Officer	168(3)	Power to appoint an employee of the local government as an authorised person.	Delegation not required.	We recommend that this power be delegated on a case by case basis		

Part 2 – Powers of authorised persons
Division 7 – Power to obtain information

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	193(6)	In the specified circumstances, the power to consider appropriate how a thing forfeited to the local government may be dealt with.	Delegation not required.	We recommend that this power be delegated on a case by case basis.		

Part 5 – Injunctions

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	222(b)	Power to form a belief on reasonable grounds that an injunction under the part is necessary to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.	Delegation not required.	We recommend that this power be delegated on a case by case basis.		
Chief Executive Officer	223	Power to apply to the District Court for an injunction in relation to the conduct.	Delegation not required.	We recommend that this power be delegated on a case by case basis.		

CHAPTER 9 – REVIEWS

Part 1 – Internal review of decisions

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Reviewer	238(2)	Power to extend the time for applying for the review.				
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.				
Reviewer	239(2)	Power to give an applicant a notice of the review decision.				
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.				

CHAPTER 10 – LEGAL PROCEEDINGS

Part 3 – Proceedings

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	255(1)(b)	Power to apply to the Court for an order against a person for the payment of the costs, that the state or local government has incurred in taking a thing or doing something during the investigation of an offence.				

Chief Executive Officer	258(1)	In the specified circumstances, the power to consider appropriate the way in which the local government may deal with a thing that becomes local government's property.	Delegation not required.	We recommend that this power be delegated on a case by case basis.		
Chief Executive Officer	258(2)	Power to destroy or dispose of a thing.	Delegation not required.	We recommend that this power be delegated on a case by case basis.		

CHAPTER 11 – MISCELLANEOUS

Part 4 – Other Matters

Entity power given to	Section of FOOA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	277(2)	Power to approve forms for the use by the local government under this Act.	Delegation not required.	We do not recommend this power be sub-delegated.		

[2016 03 24 - FOOA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Food Act 2006 ("FOOA")

CHAPTER 3 – LICENCES FOR PARTICULAR BUSINESSES

Part 3 – Applications for, and issue of, licences

Division 1 – Applications for licence

Entity power given to	Section of FOOA	Description
Local Government	55	Power to consider the application and decide to grant, or refuse to grant, the application.
Local Government	56(1)	Power to be satisfied that the specified criteria are fulfilled.
Local Government	56(2)	In the specified circumstances, the power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with section 98 and the implementation of the program is reasonably likely to effectively control the food safety hazards of the business.
Local Government	57	In deciding whether the applicant is a suitable person, the power to have regard to the specified matters.
Local Government	58(a)	In deciding whether premises are suitable for carrying on a licensable food business, the power to have regard to whether the premises comply with the food standards code, standard 3.2.3.
Local Government	58(b)	In deciding whether premises are suitable for carrying on a licensable food business, the power to obtain and consider the written advice of an authorised person about whether or not the authorised person considers the premises are suitable for carrying on the business.
Local Government	59(1)(a)	In the specified circumstances, the power to make inquiries to decide the suitability of: (i) the applicant to hold a licence; and (ii) the premises for carrying on a licensable food business.
Local Government	59(1)(b)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to provide the local government within the reasonable period of at least 30 days with further information or a document the local government reasonably requires to decide the application.

Division 2 – Decisions on applications for licence

Entity power given to	Section of FOOA	Description
Local Government	60(2)	The power to give an applicant an information notice for the decision.
Local Government	62(1)	Power to consider more time is needed to make a decision about an application because of the complexity of matters that need to be considered in deciding the application.

Local Government	62(2)	In the specified circumstances, the power to give notice to the applicant that due to the complexity of the matters that need to be considered in deciding the application, the local government needs more time to decide the application and the period within which the local government must decide the application is extended to a day that is 30 days after the final consideration day.
Local Government	62(3)	In the specified circumstances, the power to agree with the applicant on the day by which the application must be decided.

Division 3 – Provisional licences

Entity power given to	Section of FOOA	Description
Local Government	64	In the specified circumstances, the power to issue a provisional licence to the applicant.

Part 4 – Term and Condition of Licences

Entity power given to	Section of FOOA	Description
Local Government	67	Power to decide a term of a licence other than a provisional licence of not more than 3 years.
Local Government	68(1)	Power to decide a term of provisional licence of not more than 3 months.
Local Government	68(2)	Power to issue a notice to extend the term of a provisional licence.
Local Government	69(1)(e)	In the specified circumstances, the power to impose other reasonable conditions to a licence considered appropriate for the food business under the licence and that are stated in the licence or of which the licensee is notified under subsection (3).
Local Government	69(2)(b)	Power to consider it necessary to impose a condition on a licence to ensure food for sale is safe and suitable for human consumption.
Local Government	69(3)	In the specified circumstances, the power to give an information notice for the decision to impose conditions on a licence.

Part 5 – Renewal, restoration or amendment of licences

Division 2 – Renewal, restoration and amendment

Subdivision 1 – Applications

Entity power given to	Section of FOOA	Description
Local Government	71	Power to give the licensee notice of the imminent expiry of a licence.
Local Government	72(3)	Power to consider the application and decide to renew, or refuse to renew, the licence.
Local Government	72(4)	In deciding an application, the power to have regard to the specified matters.
Local Government	72(5)	In the specified circumstances, the power to give an information notice to the licensee if the local government decides to refuse to renew the licence or impose conditions on the licence.

Local Government	73(3)	Power to consider the application and decide to restore, or refuse to restore, the licence.
Local Government	73(4)	In the specified circumstances, the power to have regard to the specified matters.
Local Government	73(5)	In the specified circumstances, the power to give a person an information notice for the decision if the local government decides to refuse to restore the licence, or impose conditions on the licence.
Local Government	74(3)	Power to consider the application and decide to amend, or refuse to amend, the licence.
Local Government	74(4)	In the specified circumstances, the power to amend a licence by changing the location of the premises from which the licensee proposes to carry on a licensable food business.
Local Government	74(5)	In the specified circumstances, the power to be satisfied on reasonable grounds that the premises are suitable for carrying on a licensable food business.
Local Government	74(6)	In the specified circumstances, the power to give a licensee a licence and an information notice for a decision if the local government decides to refuse to amend the licence.
Local Government	74(7)	In the specified circumstances, the power to give the licensee an information notice for the decision if the local government decides to impose conditions on the licence.

Subdivision 2 – Enquiries about applications and continuation of licences

Entity power given to	Section of FOOA	Description
Local Government	75(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document the local government reasonably requires to decide the application, within the reasonable period of at least 30 days stated in the notice.

Part 6 – Suspension or cancellation of licences

Entity power given to	Section of FOOA	Description
Local Government	78(2)	In the specified circumstances, the power to have regard to the specified matters regarding the suitability of a person to hold a licence.
Local Government	79(1)(a)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence.
Local Government	79(2)	In the specified circumstances, the power to give the licensee a show cause notice.
Local Government	80(2)	In the specified circumstances, the power to consider all representations.
Local Government	81	In the specified circumstances, the power to form a belief that a ground no longer exists to suspend or cancel a licence.
Local Government	82(1)(b)	In the specified circumstances, the power to form a belief that a ground exists to suspend or cancel a licence and power to believe a suspension or cancellation of the licence is warranted.

Local Government	82(2)(a)	In the specified circumstances, the power to suspend the licence for not longer than the proposed suspension period.
Local Government	82(2)(b)	In the specified circumstances, the power to cancel the licence or suspend it for a period.
Local Government	82(3)	In the specified circumstances, the power to give an information notice to the licensee for the decision if the local government decides to take action under s82(2).
Local Government	83(1)	In the specified circumstances, the power to suspend a licence immediately.
Local Government	83(2)(a)	Power to give an information notice to the licensee together with a show cause notice about the decision to suspend a licence.
Local Government	83(4)	Power to give the licensee a licence.

Part 7 –

Other provisions about licences and licensees

Division 3 – Carrying on licensable food business from mobile premises

Entity power given to	Section of FOOA	Description
Second Local Government	91(1)(b)	In the specified circumstances, the power to consider that a licensee has done or omitted to do something, if done or omitted to be done in the first local government's area, would be a contravention of the conditions of the licence.
Second Local Government	91(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.
Local Government	92(2)	In the specified circumstances, the power to take action in relation to the thing done or omitted to be done by the licensee.

Division 4 – General provisions

Entity power given to	Section of FOOA	Description
Local Government	97(1)	Power to consider the application and decide to grant, or refuse to grant, the application.
Local Government	97(2)	Power to be satisfied the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.
Local Government	97(3)	Power to issue another licence to the applicant to replace the damage, destroyed, lost or stolen licence.
Local Government	97(5)	In the specified circumstances, the power to give an information notice to the applicant for the decision if the local government decides to refuse to grant the application.

CHAPTER 4 – FOOD SAFETY PROGRAMS

Part 2 –

Applications for accreditation of food safety programs

Entity power given to	Section of FOOA	Description
Local Government	103(1)	Power to consider the application and decide to accredit, or refuse to accredit, the food safety program.

Local Government	103(2)	Power to obtain and consider the written advice of an auditor about whether or not the auditor considers the food safety program complies with the criteria in section 104.
Local Government	104	Power to be satisfied that the food safety program meets the specified criteria.
Local Government	105(1)	In the specified circumstances, the power to give notice to the applicant requiring the applicant to give further information or a document to a local government reasonably required to decide the application, within the reasonable period of at least 30 days.
Local Government	106(2)	Power to give an applicant an information notice for a decision if the local government decides to refuse to accredit a food safety program.
Local Government	107(4)	Power to give an information notice to the applicant if the application is refused under section 107.
Local Government	108(1)	In the specified circumstances, the power to consider more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application.
Local Government	108(2)	In the specified circumstances, the power to give notice to the applicant more time is needed to make a decision because of the complexity of the matters that need to be considered in deciding the application and the period within which the local government must decide the application is extended to a day that is 30 days after the final consideration day.
Local Government	108(3)	In the specified circumstances, the power to agree with the applicant on a day by which the application must be decided.

Part 3 – Matters about compliance audits for accredited food safety programs

Entity power given to	Section of FOOA	Description
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under the Act.
Local Government	109(2)(b)	The power to give the holder of a food safety program an information notice for the decision.
Local Government	109(2)(a)	In the specified circumstances, the power to decide how often the holder of the program must have compliance audits of the program conducted under this Act.
Local Government	109(3)	In deciding the frequency of audits for subsection (2)(a), the power to have regard to the stated matters.
Local Government	110(1)	In the specified circumstances, the power to change the frequency of compliance audits for a food safety program if considered necessary to make the change in the interest of public health or safety.
Local Government	110(2)	In the specified circumstances, the power to have regard to the results of a compliance or non-conformance audit of the program.
Local Government	110(3)	In the specified circumstances, the power to give an information notice for the decision to the holder of a food safety program if the local government decides to change the frequency of compliance audits for the food safety program.
Local Government	110(4)	In the specified circumstances, the power to give the holder of a food safety program a notice of change if the local government

		decides to change the frequency of compliance audits for the food safety program.
--	--	---

Part 4 – Amendment of accredited food safety programs

Division 1 – Amendment by holder of accredited food safety program

Entity power given to	Section of FOOA	Description
Local Government	112(4)	Power to consider the application and decide to approve, or refuse to approve, the amendment.
Local Government	112(5)	Power to be satisfied that the stated criteria are fulfilled.
Local Government	112(6)	Power to give an information notice to an applicant for a decision if the local government decides to refuse to approve an amendment.
Local Government	113(1)	In the specified circumstances, the power to require the applicant to give the local government further information or a document reasonably required to decide the application, within the reasonable period of at least 30 days.

Division 2 – Amendment of accredited food safety program – Local government's initiative

Entity power given to	Section of FOOA	Description
Local Government	114(1)	In the specified circumstances, the power to direct the holder of a food safety program to amend the program if considered necessary or desirable to make the amendment, having regard to the matters about which it must be satisfied under section 104.
Local Government	114(2)	Power to give a notice to the holder of a food safety program for a direction under section 114(1).
Local Government	114(3)(c)	Power to give an information notice with a notice of direction made under section 114(2).
Local Government	115(2)	Power to be satisfied that the amendment complies with the direction under section 114 and take that specified action.

Part 5 – Cancellation of Accreditation, and Surrender, of Particular Food Safety Programs

Entity power given to	Section of FOOA	Description
Local Government	118(1)	In the specified circumstances, the power to form a belief that a ground exists to cancel the accreditation of a food safety program and to give the holder of the program a show cause notice.
Local Government	119(2)	In the specified circumstances, the power to consider all representations.
Local Government	120	In the specified circumstances, the power to form a belief that a ground no longer exists to cancel the accreditation.
Local Government	121(1)(b)	In the specified circumstances, the power to form a belief that: <ul style="list-style-type: none"> (i) a ground still exists to cancel the accreditation; and (ii) cancellation of the accreditation is warranted.
Local Government	121(2)	Power to cancel the accreditation.

Local Government	121(3)	In the specified circumstances, the power to give the holder of a food safety program an information notice for the decision if the local government decides to take action under section 121(2).
------------------	--------	---

CHAPTER 7 – MONITORING AND ENFORCEMENT

Part 1 – Authorised persons

Division 1 – Preliminary

Entity power given to	Section of FOOA	Description
Chief Executive Officer	168(2)	Power to appoint an employee of the local government as an authorised person.
Chief Executive Officer	168(3)	Power to appoint an employee of the local government as an authorised person.

Part 2 – Powers of authorised persons

Division 7 – Power to obtain information

Entity power given to	Section of FOOA	Description
Chief Executive Officer	193(6)	In the specified circumstances, the power to consider appropriate how a thing forfeited to the local government may be dealt with.

Part 5 – Injunctions

Entity power given to	Section of FOOA	Description
Chief Executive Officer	222(b)	Power to form a belief on reasonable grounds that an injunction under the part is necessary to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.
Chief Executive Officer	223	Power to apply to the District Court for an injunction in relation to the conduct.

CHAPTER 9 – REVIEWS

Part 1 – Internal review of decisions

Entity power given to	Section of FOOA	Description
Reviewer	238(2)	Power to extend the time for applying for the review.
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.
Reviewer	239(2)	Power to give an applicant a notice of the review decision.
Reviewer	239(1)	In the specified circumstances, the power to make a further decision after reviewing the original decision.

CHAPTER 10 – LEGAL PROCEEDINGS

Part 3 – Proceedings

Entity power given to	Section of FOOA	Description
Local Government	255(1)(b)	Power to apply to the Court for an order against a person for the payment of the costs, that the state or local government has incurred in taking a thing or doing something during the investigation of an offence.
Chief Executive Officer	258(1)	In the specified circumstances, the power to consider appropriate the way in which the local government may deal with a thing that becomes local government's property.
Chief Executive Officer	258(2)	Power to destroy or dispose of a thing.

CHAPTER 11 – MISCELLANEOUS

Part 4 – Other Matters

Entity power given to	Section of FOOA	Description
Chief Executive Officer	277(2)	Power to approve forms for the use by the local government under this Act.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2016 03 24 - FOOA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Housing Act 2003 ("HOUA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Housing Act 2003 ("HOUA")**Part 4 – Funding****Division 2 – Providing funding**

Entity power given to	Section of HOUA	Description
Funded Provider/ Registered Provider	25(1)	Power to enter into an agreement with the chief executive for funding.
Funded Provider/ Registered Provider	26(2)(b)	Power to provide a written response to the chief executive.

Part 4A – Community housing providers**Division 3 – Registration**

Entity power given to	Section of HOUA	Description
Local Government/ Applicant	37B(1)(c)	Power to apply to the registrar for registration on the state register.
State Provider	37G(1)(a)	Power to apply to the registrar for the cancellation of the provider's registration.
Registered Provider	37H(6)(a) (ii)	Power to agree in writing with the registrar the relevant day.
Provider	37H(6)(b) (ii)	Power to agree with the registrar in writing the relevant day.

Division 4 – Enforcement powers of registrar

Entity power given to	Section of HOUA	Description
Provider	38C(4)(b)	Power to request an extension of time in a notice of intent from the Registrar.

Division 5 – Miscellaneous

Entity power given to	Section of HOUA	Description
Person	38H(b)(i)	Power to consent to the disclosure of information by the registrar as the person from whom the information was obtained.

Part 6 – Review of decisions

Entity power given to	Section of HOUA	Description
Entity entitled to be given a notice under section 64	65	Power to apply to the chief executive for a review of a decision.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 11 10 - HOUA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE HOUSING ACT 2003 ("HOUA")

Part 4 – Funding

Division 2 – Providing funding

Entity power given to	Section of HOUA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Funded Provider/ Registered Provider	25(1)	Power to enter into an agreement with the chief executive for funding.				
Funded Provider/ Registered Provider	26(2)(b)	Power to provide a written response to the chief executive.				

Part 4A – Community housing providers

Division 3 – Registration

Entity power given to	Section of HOUA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government / Applicant	37B(1)(c)	Power to apply to the registrar for registration on the state register.				
State Provider	37G(1)(a)	Power to apply to the registrar for the cancellation of the provider's registration.	N/A			Not delegated

Registered Provider	37H(6)(a)(ii)	Power to agree in writing with the registrar the relevant day.				
Provider	37H(6)(b)(ii)	Power to agree with the registrar in writing the relevant day.				

Division 4 – Enforcement powers of registrar

Entity power given to	Section of HOUA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	38C(4)(b)	Power to request an extension of time in a notice of intent from the Registrar.				

Division 5 – Miscellaneous

Entity power given to	Section of HOUA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	38H(b)(i)	Power to consent to the disclosure of information by the registrar as the person from whom the information was obtained.				

Part 6 – Review of decisions

Entity power given to	Section of HOUA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity entitled to be given a notice under section 64	65	Power to apply to the chief executive for a review of a decision.				

[2017 11 10 - HOUA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Housing Act 2003 ("HOUA")

Part 4 – Funding

Division 2 – Providing funding

Entity power given to	Section of HOUA	Description
Funded Provider/ Registered Provider	25(1)	Power to enter into an agreement with the chief executive for funding.
Funded Provider/ Registered Provider	26(2)(b)	Power to provide a written response to the chief executive.

Part 4A – Community housing providers

Division 3 – Registration

Entity power given to	Section of HOUA	Description
Local Government/ Applicant	37B(1)(c)	Power to apply to the registrar for registration on the state register.
State Provider	37G(1)(a)	Power to apply to the registrar for the cancellation of the provider's registration.
Registered Provider	37H(6)(a) (ii)	Power to agree in writing with the registrar the relevant day.
Provider	37H(6)(b) (ii)	Power to agree with the registrar in writing the relevant day.

Division 4 – Enforcement powers of registrar

Entity power given to	Section of HOUA	Description
Provider	38C(4)(b)	Power to request an extension of time in a notice of intent from the Registrar.

Division 5 – Miscellaneous

Entity power given to	Section of HOUA	Description
Person	38H(b)(i)	Power to consent to the disclosure of information by the registrar as the person from whom the information was obtained.

Part 6 – Review of decisions

Entity power given to	Section of HOUA	Description
Entity entitled to be given a notice under section 64	65	Power to apply to the chief executive for a review of a decision.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 11 10 - HOUA - Sub-Delegation Instrument]

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council *Housing Regulation 2015 ("HOUR")*

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Housing Regulation 2015 ("HOUR")**Part 2 – Housing services requirements****Division 3 – Governance and service delivery**

Entity power given to	Section of HOUR	Description
Funded Provider	15(1)	Power to accept an application, in the approved form, from a person for a social housing service.
Funded Provider	18(2)	Power to give the chief executive information, in the approved form, about each funded property for the service.
Funded Provider	19(3)	Power to comply with a request made under section 19(2) within the time stated in the notice.

Part 5 – Miscellaneous

Entity power given to	Section of HOUR	Description
Accommodation Provider	37(2)	Power to consult with the chief executive about the most appropriate method for transferring or otherwise disposing of a relevant asset.
Accommodation Provider	37(3)	Power to seek the Chief Executive's written consent to transfer or otherwise dispose of a relevant asset in a particular way.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 07 01 - HOUR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE HOUSING REGULATION 2015 ("HOUR")

Part 2 – Housing services requirements

Division 3 – Governance and service delivery

Entity power given to	Section of HOUR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Funded Provider	15(1)	Power to accept an application, in the approved form, from a person for a social housing service.				
Funded Provider	18(2)	Power to give the chief executive information, in the approved form, about each funded property for the service.				
Funded Provider	19(3)	Power to comply with a request made under section 19(2) within the time stated in the notice.				

Part 5 – Miscellaneous

Entity power given to	Section of HOUR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Accommodation Provider	37(2)	Power to consult with the chief executive about the most appropriate method for transferring or otherwise disposing of a relevant asset.				
Accommodation Provider	37(3)	Power to seek the Chief Executive's written consent to transfer or otherwise dispose of a relevant asset in a particular way.				

[2018 07 01 - HOUR - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Housing Regulation 2015 ("HOUR")

Part 2 – Housing services requirements

Division 3 – Governance and service delivery

Entity power given to	Section of HOUR	Description
Funded Provider	15(1)	Power to accept an application, in the approved form, from a person for a social housing service.
Funded Provider	18(2)	Power to give the chief executive information, in the approved form, about each funded property for the service.
Funded Provider	19(3)	Power to comply with a request made under section 19(2) within the time stated in the notice.

Part 5 – Miscellaneous

Entity power given to	Section of HOUR	Description
Accommodation Provider	37(2)	Power to consult with the chief executive about the most appropriate method for transferring or otherwise disposing of a relevant asset.
Accommodation Provider	37(3)	Power to seek the Chief Executive's written consent to transfer or otherwise dispose of a relevant asset in a particular way.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 07 01 - HOUR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Information Privacy Act 2009 ("INPA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Information Privacy Act 2009 ("INPA")**CHAPTER 2 – PRIVACY PRINCIPLES****Part 1 – Compliance with IPPs by agencies**

Entity power given to	Section of INPA	Description
Law Enforcement Agency	29(1)	Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances.

Part 3 – Transfer of personal information outside Australia

Entity power given to	Section of INPA	Description
Agency	33(a)	Power to agree with an individual to transfer an individual's personal information to an entity outside Australia
Agency	33(c)	Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	33(d)(i)	Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs or, if the agency is a health agency, the NPPs.

Part 4 – Compliance with parts 1 to 3 by contracted service providers

Entity power given to	Section of INPA	Description
Agency	34(1)	Power to enter into a service arrangement with a service provider.

CHAPTER 3 – DISCLOSURE AND AMENDMENT BY APPLICATION UNDER THIS ACT**Part 2 – Access and amendment applications**

Entity power given to	Section of INPA	Description
Agency	44(3)	Power to consider a person has an appropriate interest in the amendment of the personal information.
Agency	49(2)	Power to consider a search for a document from a backup system is appropriate.

Part 3 –**Dealing with application****Division 1 – Decision-maker**

Entity power given to	Section of INPA	Description
Principal Officer (the Chief Executive Officer)	50(2) ¹	The CEO as the Agency's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Agency	50(5)(b)	Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application.

Division 2 – Preliminary contact with applicant

Entity power given to	Section of INPA	Description
Entity	52(1)(b)	Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons: (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI commissioner or privacy commissioner.
Entity	52(2)	Power to give prescribed written notice to the applicant of the decision.
Agency	53(2)	Power to inform a person how an application does not comply with a relevant application requirement.
Agency	53(3)	Power to give a reasonable opportunity to consult with a view to making application in a form complying with all relevant application requirements.
Agency	53(6)	Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision.
Agency	54(2)	Power to make reasonable efforts to inform the applicant of the matters set out in 54(2).
Agency	54(3)	Power to give the applicant a reasonable opportunity to consult as mentioned in 54(2)(c).
Agency	54(5)(b)	Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision.
Agency	55(1)	At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application.
Agency	55(3)	Power to continue to consider the application and make a considered decision in relation to it in certain circumstances.

¹ Section 50(1) of the Act provides that the only the CEO or his/her delegate can exercise this power.

Division 3 – Contact with relevant third party

Entity power given to	Section of INPA	Description
Agency	56(1) ²	Power to give access to a document of which may reasonably be expected to be of concern to a government, agency or person.
Agency	56(3)(b)	Power to decide: (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information.
Agency	56(3)(c)	Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party.
Agency	56(3)(d)	In the specified circumstances, power to defer giving access to a document.
Agency	56(4)	Power to give the applicant written notice when access is no longer deferred under 56(3)(d).

Division 4 – Transfers

Entity power given to	Section of INPA	Description
Agency	57(2)	In the specified circumstances, power to transfer an access or amendment application to another agency.
Other Agency	57(2)(b)	Power to consent to a transfer.

Part 4 – Refusal to deal with access or amendment application

Entity power given to	Section of INPA	Description
Agency	59(2)	Power to refuse to deal with an application without having identified any or all of the documents.
Agency	60(1)	Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out: (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.
Agency	61(1)(a)	Power to give the applicant a written notice regarding its refusal to deal with an application under section 60.
Agency	61(1)(b)	Power to give the applicant a reasonable opportunity to consult with the agency.
Agency	61(1)(c)	Power to give the applicant any information that would help the making of an application in a form that would remove the ground for refusal.
Agency	61(6)(b)	Power to agree upon a longer prescribed consultation period.

² Must take steps that are reasonably practicable to obtain the views of the relevant third party about whether:
(a) the document is a document for this chapter; or
(b) the information is exempt information or contrary to public interest information.

Agency	62(3)	In the specified circumstances, 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.
Agency	63(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application.

Part 5 –

Decision

Division 1 – Access applications

Entity power given to	Section of INPA	Description
Agency	65(a)	In the specified circumstances, power to make a decision (a considered decision): (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given,
Agency	65(b)	Power to give written notice of a decision.
Principal Officer (the Chief Executive Officer)	66(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	68(1)	In the specified circumstances, power to give a prescribed written notice to an applicant.
Agency	69(2)	Power to give a prescribed written notice.

Division 2 – Amendment applications

Entity power given to	Section of INPA	Description
Agency	70	If a person makes an amendment application for a document, power to: (a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and (b) give the person a written notice of the decision.
Principal Officer (the CEO)	71(2)	Power to give prescribed written notice of the decision to the applicant.
Agency	72(1)(a)	Power to refuse to amend a document if the agency is not satisfied: (i) the personal information is inaccurate, incomplete, out of date or misleading; or (ii) the information sought to be amended is personal information of the applicant; or (iii) if the application is purportedly made by an agent, that the agent is suitably authorised to make the amendment application.
Agency	73(1)	Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application.
Agency	74	Power to make an amendment by: (a) altering the personal information; or (b) adding an appropriate notation to the personal information.

Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.

Part 6 – Charging regime

Division 3 – Waiver of charges

Entity power given to	Section of INPA	Description
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.
Agency	82(2)	When deciding to waive any access charge for an application, power to consider: (a) the applicant is the holder of a concessional card; and (b) the applicant is not making the application for some other person who is seeking to avoid the payment of a charge.
Agency	82(3)	Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period.

Part 7 – Giving access

Entity power given to	Section of INPA	Description
Agency	87(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	87(2)	In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1).
Agency	88(1)	Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document.
Agency	88(2)	Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	88(3)	Power to decide that it is reasonably practicable to give access to the copy.
Agency	91(2)	Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and applicant regarding conditions of use or disclosure.
Agency	91(3)(a)	Power to make an agreement with an information giver for the disclosure of information given by that person.
Agency	91(3)(b)	Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person.

Agency	92(2)	Power to direct that access to a document is instead given to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.
--------	-------	---

Part 8 – Internal review

Entity power given to	Section of INPA	Description
Reviewer	94(2)	Power to review a reviewable decision and make a new decision.
Agency	97(2)	Power to notify an applicant of a decision.
Agency	97(3)	Power to give a prescribed written notice of the decision to the applicant.

Part 9 – External review

Division 2 – Application

Entity power given to	Section of INPA	Description
Local Government / Agency	102(2)	In the specified circumstances, power to apply to the information commissioner to participate in the external review.

Division 3 – After application made

Entity power given to	Section of INPA	Description
Agency	106(1)(b)	Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application.

Division 5 – Powers of information commissioner on external review

Entity power given to	Section of INPA	Description
Agency	112(2)	Power to give the applicant for external review and the commissioner an additional statement.
Agency	114(2)	Power to give the commissioner a written transcript of words recorded or contained in the document.
Agency	114(3)	Power to give the commissioner a written document created using the equipment.
Agency	115(1)	Power to conduct a particular further search, or to conduct further searches, for a document.

Part 10 – Vexatious applications

Entity power given to	Section of INPA	Description
Agency	127(1)	Power to apply to the information commissioner that a person be declared a vexatious applicant.

Part 11 – References of questions of law and appeals

Entity power given to	Section of INPA	Description
Participant in an external review	131(1)	Power to request the commissioner to refer a question of law arising on an external review to QCAT.
Participant in an external review	132(1)	Power to appeal to the appeal tribunal against a decision of the information commissioner on the external review.

CHAPTER 4 – INFORMATION COMMISSIONER AND PRIVACY COMMISSIONER**Part 5 – Waiving or modifying privacy principles obligations in the public interest**

Entity power given to	Section of INPA	Description
Agency	157(1)	Power to apply to the information commissioner for an approval under this section.

Part 6 – Compliance notices

Entity power given to	Section of INPA	Description
Agency	159(1)	If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice.
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.
Agency	161(1)	Power to apply to QCAT for a review of the decision of the information commissioner.

CHAPTER 5 – PRIVACY COMPLAINTS**Part 3 – Mediation of privacy complaints**

Entity power given to	Section of INPA	Description
Respondent	172(1)	Power to agree on a resolution of the complaint.
Respondent	172(2)	Power to ask the information commissioner to prepare a written record of the agreement.

SCHEDULE 3 – INFORMATION PRIVACY PRINCIPLES

Entity power given to	Section of INPA	Description
Agency	7(3)(a)	Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information.
Agency	10(1)(b)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or

		prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare.
Agency	10(1)(d)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances.
Agency	11(1)(c)	Power to be satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	11(1)(e)	Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances.
Agency	11(1)(f)(iv)	Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 06 05 - INPA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE INFORMATION PRIVACY ACT 2009 ("INPA")

CHAPTER 2 – PRIVACY PRINCIPLES

Part 1 – Compliance with IPPs by agencies

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Law Enforcement Agency	29(1)	Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances.				

Part 3 – Transfer of personal information outside Australia

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	33(a)	Power to agree with an individual to transfer an individual's personal information to an entity outside Australia				
Agency	33(c)	Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.				
Agency	33(d)(i)	Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are				

		substantially similar to the IPPs or, if the agency is a health agency, the NPPs.				
--	--	---	--	--	--	--

Part 4 – Compliance with parts 1 to 3 by contracted service providers

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	34(1)	Power to enter into a service arrangement with a service provider.				

CHAPTER 3 – DISCLOSURE AND AMENDMENT BY APPLICATION UNDER THIS ACT

Part 2 – Access and amendment applications

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	44(3)	Power to consider a person has an appropriate interest in the amendment of the personal information.				
Agency	49(2)	Power to consider a search for a document from a backup system is appropriate.				

Part 3 – Dealing with application

Division 1 – Decision-maker

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Principal Officer (the Chief Executive Officer)	50(2) ³	The CEO as the Agency's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.	This power does not need to be delegated as it is given directly to the CEO (as the agency's principal officer) under the Act.			
Agency	50(5)(b)	Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application.				

Division 2 – Preliminary contact with applicant

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	52(1)(b)	Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons: (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI				

³ Section 50(1) of the Act provides that the only the CEO or his/her delegate can exercise this power.

		commissioner or privacy commissioner.				
Entity	52(2)	Power to give prescribed written notice to the applicant of the decision.				
Agency	53(2)	Power to inform a person how an application does not comply with a relevant application requirement.				
Agency	53(3)	Power to give a reasonable opportunity to consult with a view to making application in a form complying with all relevant application requirements.				
Agency	53(6)	Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision.				
Agency	54(2)	Power to make reasonable efforts to inform the applicant of the matters set out in 54(2).				
Agency	54(3)	Power to give the applicant a reasonable opportunity to consult as mentioned in 54(2)(c).				
Agency	54(5)(b)	Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision.				
Agency	55(1)	At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application.				
Agency	55(3)	Power to continue to consider the application and make a considered decision in relation to it in certain circumstances.				

Division 3 – Contact with relevant third party

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	56(1) ⁴	Power to give access to a document of which may reasonably be expected to be of concern to a government, agency or person.				
Agency	56(3)(b)	Power to decide: (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information.				
Agency	56(3)(c)	Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party.				
Agency	56(3)(d)	In the specified circumstances, power to defer giving access to a document.				
Agency	56(4)	Power to give the applicant written notice when access is no longer deferred under 56(3)(d).				

Division 4 – Transfers

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	57(2)	In the specified circumstances, power to transfer an access or amendment application to another agency.				

⁴ Must take steps that are reasonably practicable to obtain the views of the relevant third party about whether:
(a) the document is a document for this chapter; or
(b) the information is exempt information or contrary to public interest information.

Other Agency	57(2)(b)	Power to consent to a transfer.				
--------------	----------	---------------------------------	--	--	--	--

Part 4 – Refusal to deal with access or amendment application

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	59(2)	Power to refuse to deal with an application without having identified any or all of the documents.				
Agency	60(1)	Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out: (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.				
Agency	61(1)(a)	Power to give the applicant a written notice regarding its refusal to deal with an application under section 60.				
Agency	61(1)(b)	Power to give the applicant a reasonable opportunity to consult with the agency.				
Agency	61(1)(c)	Power to give the applicant any information that would help the making of an application in a form that would remove the ground for refusal.				
Agency	61(6)(b)	Power to agree upon a longer prescribed consultation period.				

Agency	62(3)	In the specified circumstances, 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.				
Agency	63(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application.				

Part 5 – Decision

Division 1 – Access applications

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	65(a)	In the specified circumstances, power to make a decision (a considered decision): (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given,				
Agency	65(b)	Power to give written notice of a decision.				
Principal Officer (the Chief Executive Officer)	66(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.	This power does not need to be delegated as it is given directly to the CEO (as the agency's principal officer) under the Act.			
Agency	68(1)	In the specified circumstances, power to give a prescribed written notice to an applicant.				
Agency	69(2)	Power to give a prescribed written notice.				

Division 2 – Amendment applications

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	70	<p>If a person makes an amendment application for a document, power to:</p> <p>(a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and</p> <p>(b) give the person a written notice of the decision.</p>				
Principal Officer (the CEO)	71(2)	Power to give prescribed written notice of the decision to the applicant.	This power does not need to be delegated as it is given directly to the CEO (as the agency's principal officer) under the Act.			
Agency	72(1)(a)	<p>Power to refuse to amend a document if the agency is not satisfied:</p> <p>(i) the personal information is inaccurate, incomplete, out of date or misleading; or</p> <p>(ii) the information sought to be amended is personal information of the applicant; or</p> <p>(iii) if the application is purportedly made by an agent, that the agent is suitably authorised to make the amendment application.</p>				

Agency	73(1)	Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application.				
Agency	74	Power to make an amendment by: (a) altering the personal information; or (b) adding an appropriate notation to the personal information.				
Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.				
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.				
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.				

Part 6 – Charging regime

Division 3 – Waiver of charges

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.				
Agency	82(2)	When deciding to waive any access charge for an application, power to consider: (a) the applicant is the holder of a concessional card; and (b) the applicant is not making the application for some other person who is seeking to avoid the payment of a charge.				

Agency	82(3)	Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period.				
--------	-------	--	--	--	--	--

Part 7 – Giving access

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	87(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.				
Agency	87(2)	In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1).				
Agency	88(1)	Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document.				
Agency	88(2)	Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.				
Agency	88(3)	Power to decide that it is reasonably practicable to give access to the copy.				
Agency	91(2)	Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and applicant regarding conditions of use or disclosure.				

Agency	91(3)(a)	Power to make an agreement with an information giver for the disclosure of information given by that person.				
Agency	91(3)(b)	Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person.				
Agency	92(2)	Power to direct that access to a document is instead given to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.		This power is only to be used by the CEO as Council's Principal Officer, and therefore can not be sub-delegated.		

Part 8 – Internal review

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Reviewer	94(2)	Power to review a reviewable decision and make a new decision.				
Agency	97(2)	Power to notify an applicant of a decision.				
Agency	97(3)	Power to give a prescribed written notice of the decision to the applicant.				

Part 9 – External review

Division 2 – Application

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government / Agency	102(2)	In the specified circumstances, power to apply to the information commissioner to participate in the external review.				

Division 3 – After application made

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	106(1)(b)	Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application.				

Division 5 – Powers of information commissioner on external review

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	112(2)	Power to give the applicant for external review and the commissioner an additional statement.				
Agency	114(2)	Power to give the commissioner a written transcript of words recorded or contained in the document.				
Agency	114(3)	Power to give the commissioner a written document created using the equipment.				

Agency	115(1)	Power to conduct a particular further search, or to conduct further searches, for a document.				
--------	--------	---	--	--	--	--

Part 10 – Vexatious applications

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	127(1)	Power to apply to the information commissioner that a person be declared a vexatious applicant.				

Part 11 – References of questions of law and appeals

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Participant in an external review	131(1)	Power to request the commissioner to refer a question of law arising on an external review to QCAT.				
Participant in an external review	132(1)	Power to appeal to the appeal tribunal against a decision of the information commissioner on the external review.				

CHAPTER 4 – INFORMATION COMMISSIONER AND PRIVACY COMMISSIONER

Part 5 – Waiving or modifying privacy principles obligations in the public interest

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	157(1)	Power to apply to the information commissioner for an approval under this section.				

Part 6 – Compliance notices

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	159(1)	If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice.				
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.				
Agency	161(1)	Power to apply to QCAT for a review of the decision of the information commissioner.				

CHAPTER 5 – PRIVACY COMPLAINTS

Part 3 – Mediation of privacy complaints

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Respondent	172(1)	Power to agree on a resolution of the complaint.				
Respondent	172(2)	Power to ask the information commissioner to prepare a written record of the agreement.				

SCHEDULE 3 – INFORMATION PRIVACY PRINCIPLES

Entity power given to	Section of INPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	7(3)(a)	Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information.				
Agency	10(1)(b)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare.				
Agency	10(1)(d)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances.				
Agency	11(1)(c)	Power to be satisfied on reasonable grounds that the disclosure is necessary to lessen or				

		prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.				
Agency	11(1)(e)	Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances.				
Agency	11(1)(f)(iv)	Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.				

[2017 06 05 - INPA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Information Privacy Act 2009 ("INPA")

CHAPTER 2 – PRIVACY PRINCIPLES

Part 1 – Compliance with IPPs by agencies

Entity power given to	Section of INPA	Description
Law Enforcement Agency	29(1)	Power to be satisfied on reasonable grounds that noncompliance with the IPP is necessary in certain circumstances.

Part 3 – Transfer of personal information outside Australia

Entity power given to	Section of INPA	Description
Agency	33(a)	Power to agree with an individual to transfer an individual's personal information to an entity outside Australia
Agency	33(c)	Power to be satisfied on reasonable grounds that the transfer is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	33(d)(i)	Power to form a reasonable belief that the recipient of the personal information is subject to a law, binding scheme or contract that effectively upholds principles for the fair handling of personal information that are substantially similar to the IPPs or, if the agency is a health agency, the NPPs.

Part 4 – Compliance with parts 1 to 3 by contracted service providers

Entity power given to	Section of INPA	Description
Agency	34(1)	Power to enter into a service arrangement with a service provider.

CHAPTER 3 – DISCLOSURE AND AMENDMENT BY APPLICATION UNDER THIS ACT

Part 2 – Access and amendment applications

Entity power given to	Section of INPA	Description
Agency	44(3)	Power to consider a person has an appropriate interest in the amendment of the personal information.
Agency	49(2)	Power to consider a search for a document from a backup system is appropriate.

Part 3 –**Dealing with application****Division 1 – Decision-maker**

Entity power given to	Section of INPA	Description
Principal Officer (the Chief Executive Officer)	50(2) ⁵	The CEO as the Agency's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Agency	50(5)(b)	Power to appoint an appropriately qualified health care professional to make a health care decision in relation to the application.

Division 2 – Preliminary contact with applicant

Entity power given to	Section of INPA	Description
Entity	52(1)(b)	Power to decide that an application is outside the scope of this Act for 1 or more of the following reasons: (i) the document is not a document of an agency, or document of a Minister, for this chapter; (ii) the entity is not an agency for this chapter; (iii) the application is made to the information commissioner, RTI commissioner or privacy commissioner.
Entity	52(2)	Power to give prescribed written notice to the applicant of the decision.
Agency	53(2)	Power to inform a person how an application does not comply with a relevant application requirement.
Agency	53(3)	Power to give a reasonable opportunity to consult with a view to making application in a form complying with all relevant application requirements.
Agency	53(6)	Power to decide that an application does not comply with all relevant application requirements and to give the applicant prescribed written notice of the decision.
Agency	54(2)	Power to make reasonable efforts to inform the applicant of the matters set out in 54(2).
Agency	54(3)	Power to give the applicant a reasonable opportunity to consult as mentioned in 54(2)(c).
Agency	54(5)(b)	Power to consider whether an application is an application that can be made under this Act and power to give the applicant prescribed written notice of the decision.
Agency	55(1)	At any time before a deemed decision is taken to have been made in relation to an access or amendment application, power to ask the applicant for a further specified period to consider the application.
Agency	55(3)	Power to continue to consider the application and make a considered decision in relation to it in certain circumstances.

Division 3 – Contact with relevant third party

Entity power given to	Section of INPA	Description
Agency	56(1) ⁶	Power to give access to a document of which may reasonably be expected to be of concern to a government, agency or person.
Agency	56(3)(b)	Power to decide: (i) that a document is a document for this chapter; or (ii) that the information is not exempt information or contrary to public interest information.
Agency	56(3)(c)	Power to give prescribed written notice of the decision in 56(3)(b) to the applicant and the relevant third party.
Agency	56(3)(d)	In the specified circumstances, power to defer giving access to a document.
Agency	56(4)	Power to give the applicant written notice when access is no longer deferred under 56(3)(d).

Division 4 – Transfers

Entity power given to	Section of INPA	Description
Agency	57(2)	In the specified circumstances, power to transfer an access or amendment application to another agency.
Other Agency	57(2)(b)	Power to consent to a transfer.

Part 4 – Refusal to deal with access or amendment application

Entity power given to	Section of INPA	Description
Agency	59(2)	Power to refuse to deal with an application without having identified any or all of the documents.
Agency	60(1)	Power to refuse to deal with an access or amendment application, or, if the agency or Minister is considering 2 or more access or amendment applications by the applicant, all the applications, if when using the power to consider the work involved in dealing with the application or all the applications would, if carried out: (a) substantially and unreasonably divert the resources of the agency from their use by the agency in the performance of its functions.
Agency	61(1)(a)	Power to give the applicant a written notice regarding its refusal to deal with an application under section 60.
Agency	61(1)(b)	Power to give the applicant a reasonable opportunity to consult with the agency.
Agency	61(1)(c)	Power to give the applicant any information that would help the making of an application in a form that would remove the ground for refusal.
Agency	61(6)(b)	Power to agree upon a longer prescribed consultation period.

⁶ Must take steps that are reasonably practicable to obtain the views of the relevant third party about whether:
(a) the document is a document for this chapter; or
(b) the information is exempt information or contrary to public interest information.

Agency	62(3)	In the specified circumstances, 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.
Agency	63(3)	In the specified circumstances, power to refuse to deal with the later application to the extent it is for amendment of a document or documents sought under the first application.

Part 5 –

Decision

Division 1 – Access applications

Entity power given to	Section of INPA	Description
Agency	65(a)	In the specified circumstances, power to make a decision (a considered decision): (i) whether access is to be given to the document; and (ii) if access is to be given – whether any access charge must be paid before access is given,
Agency	65(b)	Power to give written notice of a decision.
Principal Officer (the Chief Executive Officer)	66(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	68(1)	In the specified circumstances, power to give a prescribed written notice to an applicant.
Agency	69(2)	Power to give a prescribed written notice.

Division 2 – Amendment applications

Entity power given to	Section of INPA	Description
Agency	70	If a person makes an amendment application for a document, power to: (a) consider the application and make a considered decision whether the amendment of the document is to be permitted; and (b) give the person a written notice of the decision.
Principal Officer (the CEO)	71(2)	Power to give prescribed written notice of the decision to the applicant.
Agency	72(1)(a)	Power to refuse to amend a document if the agency is not satisfied: (i) the personal information is inaccurate, incomplete, out of date or misleading; or (ii) the information sought to be amended is personal information of the applicant; or (iii) if the application is purportedly made by an agent, that the agent is suitably authorised to make the amendment application.
Agency	73(1)	Power to give a prescribed written notice to the applicant for an amendment application of the decision on the application.
Agency	74	Power to make an amendment by: (a) altering the personal information; or (b) adding an appropriate notation to the personal information.

Agency	76(3)(b)	Power to give the applicant written notice of the nature of the notation.
Agency	76(5)	Power to decide the information to which the notice relates is not information in relation to which the applicant was entitled to apply to the agency for amendment of the document.
Agency	76(5)(b)	In the specified circumstances, power to give prescribed written notice to the applicant of the decision.

Part 6 – Charging regime

Division 3 – Waiver of charges

Entity power given to	Section of INPA	Description
Agency	81(1)	Power to consider whether an access charge for an access application should be waived.
Agency	82(2)	When deciding to waive any access charge for an application, power to consider: (a) the applicant is the holder of a concessional card; and (b) the applicant is not making the application for some other person who is seeking to avoid the payment of a charge.
Agency	82(3)	Power to give the applicant a prescribed written notice of a decision under 82(2) before the end of the processing period.

Part 7 – Giving access

Entity power given to	Section of INPA	Description
Agency	87(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	87(2)	In the specified circumstances, power to give the applicant written notice when access is no longer deferred under section 87(1).
Agency	88(1)	Power to reasonably consider that a document will disclose to the applicant information that is not relevant to the access application for the document.
Agency	88(2)	Power to delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	88(3)	Power to decide that it is reasonably practicable to give access to the copy.
Agency	91(2)	Power to consider whether it is consistent with the primary object of this act to give the applicant or a person nominated by the applicant and approved by the agency, a summary of the applicant's personal information; and power to agree with the intermediary or the intermediary and applicant regarding conditions of use or disclosure.
Agency	91(3)(a)	Power to make an agreement with an information giver for the disclosure of information given by that person.
Agency	91(3)(b)	Power to make an agreement with another person other than the applicant, for the disclosure of information, if the summary of information contains personal information about the other person.

Agency	92(2)	Power to direct that access to a document is instead given to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.
--------	-------	---

Part 8 – Internal review

Entity power given to	Section of INPA	Description
Reviewer	94(2)	Power to review a reviewable decision and make a new decision.
Agency	97(2)	Power to notify an applicant of a decision.
Agency	97(3)	Power to give a prescribed written notice of the decision to the applicant.

Part 9 – External review

Division 2 – Application

Entity power given to	Section of INPA	Description
Local Government / Agency	102(2)	In the specified circumstances, power to apply to the information commissioner to participate in the external review.

Division 3 – After application made

Entity power given to	Section of INPA	Description
Agency	106(1)(b)	Power to apply to the commissioner to allow the agency further time to deal with the access or amendment application.

Division 5 – Powers of information commissioner on external review

Entity power given to	Section of INPA	Description
Agency	112(2)	Power to give the applicant for external review and the commissioner an additional statement.
Agency	114(2)	Power to give the commissioner a written transcript of words recorded or contained in the document.
Agency	114(3)	Power to give the commissioner a written document created using the equipment.
Agency	115(1)	Power to conduct a particular further search, or to conduct further searches, for a document.

Part 10 – Vexatious applications

Entity power given to	Section of INPA	Description
Agency	127(1)	Power to apply to the information commissioner that a person be declared a vexatious applicant.

Part 11 – References of questions of law and appeals

Entity power given to	Section of INPA	Description
Participant in an external review	131(1)	Power to request the commissioner to refer a question of law arising on an external review to QCAT.
Participant in an external review	132(1)	Power to appeal to the appeal tribunal against a decision of the information commissioner on the external review.

CHAPTER 4 – INFORMATION COMMISSIONER AND PRIVACY COMMISSIONER**Part 5 – Waiving or modifying privacy principles obligations in the public interest**

Entity power given to	Section of INPA	Description
Agency	157(1)	Power to apply to the information commissioner for an approval under this section.

Part 6 – Compliance notices

Entity power given to	Section of INPA	Description
Agency	159(1)	If given a compliance notice, power to ask the information commissioner to extend the time within which it must take the action stated in the compliance notice.
Agency	159(3)(b)	In the specified circumstances, power to give the commissioner an undertaking to take the stated action within the extended period.
Agency	161(1)	Power to apply to QCAT for a review of the decision of the information commissioner.

CHAPTER 5 – PRIVACY COMPLAINTS**Part 3 – Mediation of privacy complaints**

Entity power given to	Section of INPA	Description
Respondent	172(1)	Power to agree on a resolution of the complaint.
Respondent	172(2)	Power to ask the information commissioner to prepare a written record of the agreement.

SCHEDULE 3 – INFORMATION PRIVACY PRINCIPLES

Entity power given to	Section of INPA	Description
Agency	7(3)(a)	Power to consider it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information.
Agency	10(1)(b)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary to lessen or

		prevent a serious threat to the life, health, safety, or welfare of an individual, or to public health, safety or welfare.
Agency	10(1)(d)	Power to be satisfied on reasonable grounds that the use of the information for the other purpose is necessary in certain circumstances.
Agency	11(1)(c)	Power to be satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare.
Agency	11(1)(e)	Power to be satisfied on reasonable grounds that the disclosure of the information is necessary in certain circumstances.
Agency	11(1)(f)(iv)	Power to be satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 06 05 - INPA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Industrial Relations Act 2016 ("INRA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Industrial Relations Act 2016 ("INRA")**CHAPTER 1 – MODERN EMPLOYMENT CONDITIONS****Part 3 – Queensland employment standards****Division 4 – Flexible working arrangements**

Entity power given to	Section of INRA	Description
Employer	28(1)	Power to decide to: (a) grant the request; (b) grant the request in part or subject to conditions; or (c) refuse the request.
Employer	28(2)	Power to grant request, in part or subject to conditions, or refuse the request only on reasonable grounds.
Employer	28(3)	Power to give the employee written notice about its decision within 21 days after receiving the request.

Division 5 – Annual leave**Subdivision 2 – Taking annual leave**

Entity power given to	Section of INRA	Description
Employer	33(1)	Power to agree with employee when the employee is to take annual leave
Employer	33(3)(a)	Power where the employee and employer cannot agree, to decide when the employee is to take leave.
Employer	33(3)(b)	Power where the employee and employer cannot agree, to give the employee at least 8 weeks written notice of the starting date of the leave.
Employer	33(4)	Power to agree with employee that the employee take all or part of the employee's annual leave before becoming entitled to it.

Division 7 – Domestic and family violence leave

Entity power given to	Section of INRA	Description
Employer	54(1)	Power to ask an employee to provide evidence that the employee has experienced domestic violence and need to take leave as a result.

Division 8 – Parental leave**Subdivision 3 – Notices and information**

Entity power given to	Section of INRA	Description
Employer	72(4)	Power to give the employee a reasonable opportunity to discuss any significant effect the change will have on the employee's position.

Subdivision 4 – Application to extend parental leave or return part-time

Entity power given to	Section of INRA	Description
Employer	76(1)	In the specified circumstances, the power in deciding whether to agree to an application for extension or part-time work, to consider the specified matters.
Employer	76(4)	In the specified circumstances, the power to advise the employee in writing of the employer's decision.
Employer	76(5)	In the specified circumstances, the power to provide the employee with written reasons for refusing the application.

Subdivision 6 – Other entitlements

Entity power given to	Section of INRA	Description
Employer	92(1)	In the specified circumstances, the power to give the replacement employee a written notice informing them of specified matters.

Subdivision 9 – Miscellaneous provisions

Entity power given to	Section of INRA	Description
Employer	110(2)(b)	Power to agree with an employee by a signed agreement that a payment may be made

Division 13 – Notice of termination and redundancy

Subdivision 1 – Notice of termination

Entity power given to	Section of INRA	Description
Employer	121(1)	In the specified circumstances, the power to dismiss an employee.

Subdivision 2 – Redundancy pay

Entity power given to	Section of INRA	Description
Employer	127(2)	Power to apply to the commission to make an order reducing the amount of the redundancy pay to a stated amount the commission considers appropriate.

CHAPTER 4 – COLLECTIVE BARGAINING

Part 1 – Preliminary

Division 2 – Some basis concepts about collective bargaining

Entity power given to	Section of INRA	Description
Employer	165	Power to enter into certified agreement.
Employer	167(a)	Power to consent to the making of a bargaining award.

Part 2 – Collective bargaining process

Entity power given to	Section of INRA	Description
Proposer	169(1)	Power to negotiate with a view to a bargaining instrument being made.
Proposer	169(2)	Power to give the specified persons a notice of intention of the proposer's intention to start negotiating.
Employer	172(2)	Power to negotiate with the single bargaining unit.
Negotiating Party	173(2)(a)	Power to attend and participate in bargaining meetings.
Negotiating Party	173(2)(b)	Power to disclose relevant information, other than confidential or commercially sensitive information, in a timely way.
Negotiating Party	173(2)(c)(i)	Power to genuinely consider proposals made by the other parties and respond in a timely way.
Negotiating Party	173(2)(c)(ii)	Power to genuinely consider proposals made by the other parties and give reasons for its response.
Negotiating Party	173(3)	Power to make an agreement about procedures or principles for the conduct of the bargaining process.

Part 3 – Conciliation and arbitration by commission**Division 1 – Conciliation**

Entity power given to	Section of INRA	Description
Negotiating Party	175(1)(b)	Power to ask the commission to help the parties reach agreement.
Negotiating Party	175(2)	Power to notify the commission that the parties intend to resume negotiating without the commission's help.
Negotiating Party	178(1)	Power to apply to the commission for arbitration of the matter.

Part 4 – Scope orders

Entity power given to	Section of INRA	Description
Negotiating Party	184(1)	In the specified circumstances, the power to apply to the commission for a scope order in relation to a proposed bargaining instrument.

Part 5 – Certifying agreements and making bargaining awards**Division 1 – Making and hearing applications**

Entity power given to	Section of INRA	Description
Party to the agreement	189(1)	Power to make an application to the commission to certify an agreement.
Party to the bargaining award	190(2)	In the specified circumstances under subsection 190(3), the power to make an application to the commission to make a bargaining award and terminate the relevant modern award.

Division 2 – Deciding applications

Subdivision 3 – No disadvantage test

Entity power given to	Section of INRA	Description
Employer	213(1)(a)	Power to propose to make a certified agreement.
Employer	213(2)	Power to apply to the commission for a decision under subsection (3).

Part 7 – Extending, amending and terminating bargaining instruments etc

Division 1 – Extension of bargaining instruments

Entity power given to	Section of INRA	Description
Employer	223(1)	Power to apply to the commission to extend the bargaining instrument's nominal expiry date.

Division 2 – Amendments of bargaining instruments

Entity power given to	Section of INRA	Description
Employer	225(1)	Power to apply to the commission to amend a bargaining instrument.
Party to bargaining award	226(2)	Power to apply to the commission to amend the bargaining award so the award applies to the proposed new party.

Division 3 – Termination of certified agreements and arbitration determinations

Entity power given to	Section of INRA	Description
Employer	227(1)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.
Employer	228(1)(a)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.
Person	228(2)	Power to give a notice of intention to all other persons to whom the agreement or determination applies.

Part 8 – Protected industrial action

Division 1 – Preliminary

Entity power given to	Section of INRA	Description
Negotiating Party	232	Power to take protected industrial action for the proposed bargaining instrument, subject to specified conditions in this part.

Division 2 – Process for taking protected industrial action

Entity power given to	Section of INRA	Description
Employer	236(1)	In the specified circumstances, the power in specified circumstances to give written notice of the intention to take industrial action to all of the negotiating parties of the proposed bargaining instrument.
Employer	236(2)	Power to instead of giving written notice, take any other reasonable steps to notify employees of the intended action.

Division 4 – Suspension or termination by commission of protected industrial action

Entity power given to	Section of INRA	Description
Negotiating Party	240(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission for an order to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in.
Negotiating Party	241(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in or threatened to be engaged in.

Part 9 – General

Entity power given to	Section of INRA	Description
Employer	242(2)	In the specified circumstances, the power to apply to the registrar for a certificate stating that the employer need not negotiate with an employee organisation.

CHAPTER 6 – INDUSTRIAL DISPUTES

Part 2 – Notice of industrial dispute

Entity power given to	Section of INRA	Description
Party to a dispute	261(2)	Power to give the registrar written notice of the dispute.

Part 3 – Actions for preventing or settling disputes

Entity power given to	Section of INRA	Description
Party involved in cause	263(a)	Power to request the commission to act as mediator in an industrial cause, whether or not it is within the jurisdiction of the commission.

Part 4 – Industrial action

Entity power given to	Section of INRA	Description
Employer	269(1)	Power to apply to the commission to make an order for a contravention of section 268.

CHAPTER 8 – RIGHTS AND RESPONSIBILITIES OF EMPLOYEES, EMPLOYERS, ORGANISATIONS ETC.

Part 2 – Dismissals

Division 3 – Requirements of dismissal

Subdivision 2 – Order giving effect of article 13 of Termination of Employment Convention

Entity power given to	Section of INRA	Description
Employer	329(1)	In the specified circumstances, the power to dismiss the employees if the employer as soon as practicable after making the decision notifies the specified persons.
Employer	330(1)	In the specified circumstances, the power to consult with each employee organisation of which any of the employee's is a member in relation to specified matters.

Division 4 – Stand-down of employees

Entity power given to	Section of INRA	Description
Employer	333(1)	Power to stand down an employee on a day, or for part of a day, when the employee can not be usefully employed because of something that happened: (a) for which the employer is not responsible; or (b) over which the employer has no control.

CHAPTER 9 – RECORDS AND WAGES

Part 1 – Employers records

Division 3 – Employers to keep certain records

Entity power given to	Section of INRA	Description
Employer	341(1)	Power to keep an employee register that contains the specified information for each employee.

Division 4 – Power to inspect certain records

Entity power given to	Section of INRA	Description
Employer	347(2)	In the specified circumstances, the power to agree to employee request to inspect the time and wages record.

Part 2 – Wages and occupations superannuation

Division 3 – Protection for wages

Entity power given to	Section of INRA	Description
Employer	371(5)	Power before making a deduction from wages, to give the employee written acknowledgment of the employee's non-written consent authorising the deduction.

CHAPTER 11 – INDUSTRIAL TRIBUNALS AND REGISTRY

Part 2 – Industrial relations commission

Division 4 – Particular powers of commission

Subdivision 5 – Interpretation of industrial instruments

Entity power given to	Section of INRA	Description
Entity mentioned in section 468	467(1)	Power to apply to the commission for and interpretation of an industrial instrument other than a certified agreement or bargaining award.

Subdivision 6 – Assistance by commission

Entity power given to	Section of INRA	Description
Party to industrial cause	469(1)	In the specified circumstances, the power to ask the commission to assist the parties in negotiating or resolving a matter relevant to the industrial cause.
Party to industrial cause	469(2)	Power to agree with other party to an industrial cause to make a facilitation request and may be in the form agreed by the parties and include the specified items. (a)
Party to industrial cause	469(4)	Power to decide and agree with the other party, in writing, whether a decision made by the commission is binding on the parties to the industrial cause.
Party to industrial dispute	470(1)(b)	In the specified circumstances, the power to agree with other parties to the dispute that the dispute is to be resolved by the commission.
Party to industrial dispute	470(2)	Power to apply to the commission for the commission to perform the dispute resolution functions to resolve the dispute under the referral agreement.

Subdivision 7 – Amending or voiding contracts

Entity power given to	Section of INRA	Description
Entity	471(1)	In the specified circumstances, the power to apply to the commission to amend or declare void (wholly or partly) a contract.

Subdivision 8 – Injunctions

Entity power given to	Section of INRA	Description
Party industrial action or an industrial dispute	473(1)	In the specified circumstances, the power to apply to the commission seeking an injunction.

Subdivision 10 – Orders about right to represent a group of employees

Entity power given to	Section of INRA	Description
Entity under section 480	479	Power to apply for a specified order of the full bench about a demarcation dispute.
Person affected by order	483(3)	Power to apply to the full bench for an order to make a further order it considers appropriate to ensure the order, an ancillary order and the Act are complied with.

Subdivision 11 – Reopening proceedings

Entity power given to	Section of INRA	Description
Party to proceedings	484(1)	Power to apply to the full bench or the commission (as appropriate) for proceedings to be reopened.

Subdivision 12 – Referring matters to full bench or Court

Entity power given to	Section of INRA	Description
Party to proceedings	486(4)	Power before the hearing of a matter by the commission starts, to apply to the president for the matter to be referred to the full bench.

Part 5 – Proceedings

Division 2 – Starting proceedings and service or process

Entity power given to	Section of INRA	Description
Employer/ Person who has an interest in the matter	527(1)	Power to apply to start a proceeding in the court or commission, or before the registrar.

Division 3 – Conduct of proceedings

Entity power given to	Section of INRA	Description
Party to proceedings/ Persons ordered or permitted to appear or be represented	529(1)	Power to be represented in proceedings by an agent appointed in writing or an officer or member of the organisation.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(a)	Power to consent to parties being represented by a lawyer for proceedings in the Court.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(b)	Power to seek leave to be represented by a lawyer to the full bench.

Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(c)	Power to seek leave to be represented by a lawyer before the commission.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(d)	Power to consent to parties being represented by a lawyer for other proceedings before the commission.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(e)	Power to consent to parties being represented by a lawyer for proceedings before an Industrial Magistrates Court.
Party to proceedings	530(1)(f)	Power to consent for parties to be represented by a lawyer in proceedings before the registrar.

Part 6 –

Appeals

Division 1 – Appeals to Court of Appeal

Entity power given to	Section of INRA	Description
Person Aggrieved	554(1)	In the specified circumstances, the power to appeal a decision of the Court or the full bench to the Court of Appeal.
Person Aggrieved	554(2)	In the specified circumstances, the power to appeal against a decision of the full bench to the Court of Appeal, and seek the Court of Appeal's leave.

Division 2 – Appeals to Court

Entity power given to	Section of INRA	Description
Person Aggrieved	556	Power to appeal against the decision of a magistrate to the Court.
Person Aggrieved	557(1)	In the specified circumstances, the power to appeal against the decision of the commission to the Court.
Person Aggrieved	557(2)	In the specified circumstances, the power to appeal against a decision of the commission, and seek the Court's leave.

Division 3 – Appeals to full bench

Entity power given to	Section of INRA	Description
Person Aggrieved	560(1)	In the specified circumstances, the power to appeal against a decision of the registrar to the full bench.
Person Aggrieved	560(2)	In the specified circumstances, the power to appeal against a decision of the register to the full bench, and seek the full bench's leave.

Division 5 – General

Entity power given to	Section of INRA	Description
Person Aggrieved	564(2)	Power to apply during or after the appeal period to the industrial tribunal to allow an appeal to be started within a longer period.

Part 7 – Offence proceedings

Entity power given to	Section of INRA	Description
Parties to proceedings	569(3)	Power to agree with other parties to proceeding to request that proceedings be started or continued before another magistrate at an agreed place in the State other than the place where the proceedings are to be heard and decided under the <i>Justices Act 1886</i> .

CHAPTER 12 – INDUSTRIAL ORGANISATIONS AND ASSOCIATED ENTITES

Part 2 – Registration

Division 2 – Hearing of registration applications

Entity power given to	Section of INRA	Description
Person	606(1)	In the specified circumstances, the power to object to a registration application.

Part 5 – Validity and compliance with rules

Entity power given to	Section of INRA	Description
Member of Organisation	646	In the specified circumstances, the power to make a rules application to the Commission.

Part 8 – Registration

Division 2 – Applications and referrals to commission

Entity power given to	Section of INRA	Description
Financial Member of Organisation	688	Power to make an application for an election inquiry.

Part 9 – Officers

Divisions 2 – Disqualifications from candidature or holding office

Subdivision 2 - Miscellaneous

Entity power given to	Section of INRA	Description
Member of Organisation	711	In the specified circumstances, the power to apply to the Court for a declaration that a person is not, or was not eligible to be a candidate or to be elected to an office for the organisation or has ceased to hold an office for the organisation.

Part 10 – Membership
Division 4 - Registration

Entity power given to	Section of INRA	Description
Member of Organisation	726(1)	In the specified circumstances, the power to resign from membership of the organisation.

Part 11 – Records and accounts
Division 3 – Financial policies, training and registers

Entity power given to	Section of INRA	Description
Member of Organisation	744(1)	Power to inspect a policy kept under section 740 or a register kept under sections 742 or 743.
Member of Organisation	744(2)	Power to ask the organisation in writing to make the policy or register available for inspection, free of charge, during the organisation's business hours.

Part 13 – Validations
Division 3 – Orders about invalidity or its effects

Entity power given to	Section of INRA	Description
Member of Organisation	835	Power to apply to the commission to decide whether an invalidity has occurred in the specified matters.

Part 15 – Complaints, investigations and appointment of administrator
Division 1 – Complaints

Entity power given to	Section of INRA	Description
Person	859(1)	In the specified circumstances, the power to make a complaint to the registrar about an organisation.
Person	859(2)	Power to make a complaint to the registrar about an officer of an organisation if the person believes the officer has engaged in misconduct in relation to the organisation.

Part 16 – Deregistration
Division 2 – General deregistration provisions
Subdivision 1 – Bringing deregistration proceedings

Entity power given to	Section of INRA	Description
Member of Organisation	878(f)	Power to agree to deregistration of an organisation.
Specified Person	879(1)	Power to apply to the full bench for a deregistration order on a ground mentioned in section 878.
Person	879(1)(d)	Power to seek leave from the full bench to apply for a deregistration order.

Part 17 – Miscellaneous

Entity power given to	Section of INRA	Description
A person who applied for decision under Chapter 12	894(1)(a)	Power to be heard by Industrial Tribunal.
A person in relation to whom the decision is sought or may be made	894(1)(b)	Power to be heard by Industrial Tribunal.
A person who may object to the making of a decision	894(1)(c)	Power to be heard by Industrial Tribunal.

CHAPTER 14 – GENERAL OFFENCES

Entity power given to	Section of INRA	Description
Employer	935(2)	Power to give the person the certificate of employment upon receiving the request.

CHAPTER 17 – GENERAL PROVISIONS**Part 2 – Other provisions**

Entity power given to	Section of INRA	Description
Person	981(2)	Power to file an objection notice with the commission within the stated time and in the stated way.

CHAPTER 18 – REPEAL AND TRANSITIONAL PROVISIONS**Part 2 – Transitional provisions for repeal of Industrial Relations Act 1999****Division 2 – Existing industrial instruments*****Subdivision 3 – Other instruments and orders***

Entity power given to	Section of INRA	Description
Party to the Agreement	1003(2)	Power to apply to the commission to apply section 250 in relation to the application to certify the agreement.

SCHEDULE 2 – COSTS PROVISIONS FOR PROCEEDINGS UNDER ANTI-DISCRIMINATION ACT 1991

Entity power given to	Section of INRA	Description
Applicant party	11(2)	Power to apply to the commission for an order: (a) requiring another party to give security for the applicant party's costs within the period stated in the order; and

		(b) staying the proceeding, or the part of the proceeding against the applicant party, until the security is given.
--	--	---

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 03 02 - INRA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;

8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE INDUSTRIAL RELATIONS ACT 2016 ("INRA")

CHAPTER 1 – MODERN EMPLOYMENT CONDITIONS

Part 3 – Queensland employment standards

Division 4 – Flexible working arrangements

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	28(1)	Power to decide to: (a) grant the request; (b) grant the request in part or subject to conditions; or (c) refuse the request.				
Employer	28(2)	Power to grant request, in part or subject to conditions, or refuse the request only on reasonable grounds.				
Employer	28(3)	Power to give the employee written notice about its decision within 21 days after receiving the request.				

Division 5 – Annual leave

Subdivision 2 – Taking annual leave

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	33(1)	Power to agree with employee when the employee is to take annual leave				

Employer	33(3)(a)	Power where the employee and employer cannot agree, to decide when the employee is to take leave.				
Employer	33(3)(b)	Power where the employee and employer cannot agree, to give the employee at least 8 weeks written notice of the starting date of the leave.				
Employer	33(4)	Power to agree with employee that the employee take all or part of the employee's annual leave before becoming entitled to it.				

Division 7 – Domestic and family violence leave

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	54(1)	Power to ask an employee to provide evidence that the employee has experienced domestic violence and need to take leave as a result.				

Division 8 – Parental leave

Subdivision 3 – Notices and information

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	72(4)	Power to give the employee a reasonable opportunity to discuss any significant effect the change will have on the employee's position.				

Subdivision 4 – Application to extend parental leave or return part-time

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	76(1)	In the specified circumstances, the power in deciding whether to agree to an application for extension or part-time work, to consider the specified matters.				
Employer	76(4)	In the specified circumstances, the power to advise the employee in writing of the employer's decision.				
Employer	76(5)	In the specified circumstances, the power to provide the employee with written reasons for refusing the application.				

Subdivision 6 – Other entitlements

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	92(1)	In the specified circumstances, the power to give the replacement employee a written notice informing them of specified matters.				

Subdivision 9 – Miscellaneous provisions

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	110(2)(b)	Power to agree with an employee by a signed agreement that a payment may be made				

Division 13 – Notice of termination and redundancy

Subdivision 1 – Notice of termination

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	121(1)	In the specified circumstances, the power to dismiss an employee.				

Subdivision 2 – Redundancy pay

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	127(2)	Power to apply to the commission to make an order reducing the amount of the redundancy pay to a stated amount the commission considers appropriate.				

CHAPTER 4 – COLLECTIVE BARGAINING

Part 1 – Preliminary

Division 2 – Some basic concepts about collective bargaining

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	165	Power to enter into certified agreement.				
Employer	167(a)	Power to consent to the making of a bargaining award.				

Part 2 – Collective bargaining process

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Proposer	169(1)	Power to negotiate with a view to a bargaining instrument being made.				
Proposer	169(2)	Power to give the specified persons a notice of intention of the proposer's intention to start negotiating.				
Employer	172(2)	Power to negotiate with the single bargaining unit.				
Negotiating Party	173(2)(a)	Power to attend and participate in bargaining meetings.				
Negotiating Party	173(2)(b)	Power to disclose relevant information, other than confidential or commercially sensitive information, in a timely way.				
Negotiating Party	173(2)(c)(i)	Power to genuinely consider proposals made by the other parties and respond in a timely way.				
Negotiating Party	173(2)(c)(ii)	Power to genuinely consider proposals made by the other parties and give reasons for its response.				
Negotiating Party	173(3)	Power to make an agreement about procedures or principles for the conduct of the bargaining process.				This power is subject to subsections 173(1) and (2).

Part 3 – Conciliation and arbitration by commission

Division 1 – Conciliation

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Negotiating Party	175(1)(b)	Power to ask the commission to help the parties reach agreement.				
Negotiating Party	175(2)	Power to notify the commission that the parties intend to resume negotiating without the commission's help.				
Negotiating Party	178(1)	Power to apply to the commission for arbitration of the matter.				

Part 4 – Scope orders

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Negotiating Party	184(1)	In the specified circumstances, the power to apply to the commission for a scope order in relation to a proposed bargaining instrument.				

Part 5 – Certifying agreements and making bargaining awards

Division 1 – Making and hearing applications

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to the agreement	189(1)	Power to make an application to the commission to certify an agreement.				

Party to the bargaining award	190(2)	In the specified circumstances under subsection 190(3), the power to make an application to the commission to make a bargaining award and terminate the relevant modern award.				
-------------------------------	--------	--	--	--	--	--

Division 2 – Deciding applications

Subdivision 3 – No disadvantage test

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	213(1)(a)	Power to propose to make a certified agreement.				
Employer	213(2)	Power to apply to the commission for a decision under subsection (3).				

Part 7 – Extending, amending and terminating bargaining instruments etc

Division 1 – Extension of bargaining instruments

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	223(1)	Power to apply to the commission to extend the bargaining instrument's nominal expiry date.				

Division 2 – Amendments of bargaining instruments

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	225(1)	Power to apply to the commission to amend a bargaining instrument.				
Party to bargaining award	226(2)	Power to apply to the commission to amend the bargaining award so the award applies to the proposed new party.				

Division 3 – Termination of certified agreements and arbitration determinations

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	227(1)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.				
Employer	228(1)(a)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.				
Person	228(2)	Power to give a notice of intention to all other persons to whom the agreement or determination applies.				

Part 8 – Protected industrial action

Division 1 – Preliminary

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Negotiating Party	232	Power to take protected industrial action for the proposed bargaining instrument, subject to specified conditions in this part.		Sub-delegation not recommended.		

Division 2 – Process for taking protected industrial action

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	236(1)	In the specified circumstances, the power in specified circumstances to give written notice of the intention to take industrial action to all of the negotiating parties of the proposed bargaining instrument.				
Employer	236(2)	Power to instead of giving written notice, take any other reasonable steps to notify employees of the intended action.				

Division 4 – Suspension or termination by commission of protected industrial action

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Negotiating Party	240(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission for an order to suspend or terminate protected industrial action for a				

		proposed bargaining instrument being engaged in.				
Negotiating Party	241(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in or threatened to be engaged in.				

Part 9 – General

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	242(2)	In the specified circumstances, the power to apply to the registrar for a certificate stating that the employer need not negotiate with an employee organisation.				

CHAPTER 6 – INDUSTRIAL DISPUTES

Part 2 – Notice of industrial dispute

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to a dispute	261(2)	Power to give the registrar written notice of the dispute.				

Part 3 – Actions for preventing or settling disputes

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party involved in cause	263(a)	Power to request the commission to act as mediator in an industrial cause, whether or not it is within the jurisdiction of the commission.				

Part 4 – Industrial action

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	269(1)	Power to apply to the commission to make an order for a contravention of section 268.				

CHAPTER 8 – RIGHTS AND RESPONSIBILITIES OF EMPLOYEES, EMPLOYERS, ORGANISATIONS ETC.

Part 2 – Dismissals

Division 3 – Requirements of dismissal

Subdivision 2 – Order giving effect of article 13 of Termination of Employment Convention

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	329(1)	In the specified circumstances, the power to dismiss the employees if the employer as soon as practicable after making the decision notifies the specified persons.				This power only relates to a decision made to dismiss 15 or more employees for an economic

						technological or structural reason.
Employer	330(1)	In the specified circumstances, the power to consult with each employee organisation of which any of the employee's is a member in relation to specified matters.				This power only relates to a decision made to dismiss 15 or more employees for an economic technological or structural reason.

Division 4 – Stand-down of employees

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	333(1)	Power to stand down an employee on a day, or for part of a day, when the employee can not be usefully employed because of something that happened: <ul style="list-style-type: none"> (a) for which the employer is not responsible; or (b) over which the employer has no control. 				

CHAPTER 9 – RECORDS AND WAGES

Part 1 – Employers records

Division 3 – Employers to keep certain records

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	341(1)	Power to keep an employee register that contains the specified information for each employee.				

Division 4 – Power to inspect certain records

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	347(2)	In the specified circumstances, the power to agree to employee request to inspect the time and wages record.				

Part 2 – Wages and occupations superannuation

Division 3 – Protection for wages

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	371(5)	Power before making a deduction from wages, to give the employee written acknowledgment of the employee's non-written consent authorising the deduction.				

CHAPTER 11 – INDUSTRIAL TRIBUNALS AND REGISTRY

Part 2 – Industrial relations commission

Division 4 – Particular powers of commission

Subdivision 5 – Interpretation of industrial instruments

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity mentioned in section 468	467(1)	Power to apply to the commission for and interpretation of an industrial instrument other than a certified agreement or bargaining award.				

Subdivision 6 – Assistance by commission

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to industrial cause	469(1)	In the specified circumstances, the power to ask the commission to assist the parties in negotiating or resolving a matter relevant to the industrial cause.				
Party to industrial cause	469(2)	Power to agree with other party to an industrial cause to make a facilitation request and may be in the form agreed by the parties and include the specified items. (a)				
Party to industrial cause	469(4)	Power to decide and agree with the other party, in writing, whether a decision made by the commission is binding on the parties to the industrial cause.				

Party to industrial dispute	470(1)(b)	In the specified circumstances, the power to agree with other parties to the dispute that the dispute is to be resolved by the commission.				
Party to industrial dispute	470(2)	Power to apply to the commission for the commission to perform the dispute resolution functions to resolve the dispute under the referral agreement.				

Subdivision 7 – Amending or voiding contracts

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	471(1)	In the specified circumstances, the power to apply to the commission to amend or declare void (wholly or partly) a contract.				

Subdivision 8 – Injunctions

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party industrial action or an industrial dispute	473(1)	In the specified circumstances, the power to apply to the commission seeking an injunction.				

Subdivision 10 – Orders about right to represent a group of employees

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity under section 480	479	Power to apply for a specified order of the full bench about a demarcation dispute.				
Person affected by order	483(3)	Power to apply to the full bench for an order to make a further order it considers appropriate to ensure the order, an ancillary order and the Act are complied with.				

Subdivision 11 – Reopening proceedings

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to proceedings	484(1)	Power to apply to the full bench or the commission (as appropriate) for proceedings to be reopened.				

Subdivision 12 – Referring matters to full bench or Court

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to proceedings	486(4)	Power before the hearing of a matter by the commission starts, to apply to the president for the matter to be referred to the full bench.				

Part 5 – Proceedings

Division 2 – Starting proceedings and service or process

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer/ Person who has an interest in the matter	527(1)	Power to apply to start a proceeding in the court or commission, or before the registrar.				

Division 3 – Conduct of proceedings

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to proceedings/ Persons ordered or permitted to appear or be represented	529(1)	Power to be represented in proceedings by an agent appointed in writing or an officer or member of the organisation.				
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(a)	Power to consent to parties being represented by a lawyer for proceedings in the Court.				
Party to proceedings/ Persons ordered or	530(1)(b)	Power to seek leave to be represented by a lawyer to the full bench.				

permitted to appear or be represented						
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(c)	Power to seek leave to be represented by a lawyer before the commission.				
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(d)	Power to consent to parties being represented by a lawyer for other proceedings before the commission.				
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(e)	Power to consent to parties being represented by a lawyer for proceedings before an Industrial Magistrates Court.				
Party to proceedings	530(1)(f)	Power to consent for parties to be represented by a lawyer in proceedings before the registrar.				

Part 6 – Appeals

Division 1 – Appeals to Court of Appeal

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person Aggrieved	554(1)	In the specified circumstances, the power to appeal a decision of the Court or the full bench to the Court of Appeal.				
Person Aggrieved	554(2)	In the specified circumstances, the power to appeal against a decision of the full bench to the Court of Appeal, and seek the Court of Appeal's leave.				

Division 2 – Appeals to Court

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person Aggrieved	556	Power to appeal against the decision of a magistrate to the Court.				
Person Aggrieved	557(1)	In the specified circumstances, the power to appeal against the decision of the commission to the Court.				
Person Aggrieved	557(2)	In the specified circumstances, the power to appeal against a decision of the commission, and seek the Court's leave.				

Division 3 – Appeals to full bench

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person Aggrieved	560(1)	In the specified circumstances, the power to appeal against a decision of the registrar to the full bench.				
Person Aggrieved	560(2)	In the specified circumstances, the power to appeal against a decision of the register to the full bench, and seek the full bench's leave.				

Division 5 – General

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person Aggrieved	564(2)	Power to apply during or after the appeal period to the industrial tribunal to allow an appeal to be started within a longer period.				

Part 7 – Offence proceedings

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Parties to proceedings	569(3)	Power to agree with other parties to proceeding to request that proceedings be started or continued before another magistrate at an agreed place in the State other than the place where the proceedings are to be heard and decided under the <i>Justices Act 1886</i> .				

CHAPTER 12 – INDUSTRIAL ORGANISATIONS AND ASSOCIATED ENTITES

Part 2 – Registration

Division 2 – Hearing of registration applications

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	606(1)	In the specified circumstances, the power to object to a registration application.				

Part 5 – Validity and compliance with rules

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	646	In the specified circumstances, the power to make a rules application to the Commission.				

Part 8 – Registration

Division 2 – Applications and referrals to commission

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Financial Member of Organisation	688	Power to make an application for an election inquiry.				

Part 9 – Officers

Divisions 2 – Disqualifications from candidature or holding office

Subdivision 2 - Miscellaneous

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	711	In the specified circumstances, the power to apply to the Court for a declaration that a person is not, or was not eligible to be a candidate or to be elected to an office for the organisation or has ceased to hold an office for the organisation.				

Part 10 – Membership

Division 4 - Registration

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	726(1)	In the specified circumstances, the power to resign from membership of the organisation.				

Part 11 – Records and accounts

Division 3 – Financial policies, training and registers

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	744(1)	Power to inspect a policy kept under section 740 or a register kept under sections 742 or 743.				
Member of Organisation	744(2)	Power to ask the organisation in writing to make the policy or register available for inspection, free of charge, during the organisation's business hours.				

Part 13 – Validations

Division 3 – Orders about invalidity or its effects

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	835	Power to apply to the commission to decide whether an invalidity has occurred in the specified matters.				

Part 15 – Complaints, investigations and appointment of administrator

Division 1 – Complaints

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	859(1)	In the specified circumstances, the power to make a complaint to the registrar about an organisation.				
Person	859(2)	Power to make a complaint to the registrar about an officer of an organisation if the person believes the officer has engaged in misconduct in relation to the organisation.				

Part 16 – Deregistration

Division 2 – General deregistration provisions

Subdivision 1 – Bringing deregistration proceedings

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Member of Organisation	878(f)	Power to agree to deregistration of an organisation.		Sub-delegation not recommended.		
Specified Person	879(1)	Power to apply to the full bench for a deregistration order on a ground mentioned in section 878.				
Person	879(1)(d)	Power to seek leave from the full bench to apply for a deregistration order.				

Part 17 – Miscellaneous

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
A person who applied for decision under Chapter 12	894(1)(a)	Power to be heard by Industrial Tribunal.				
A person in relation to whom the decision is sought or may be made	894(1)(b)	Power to be heard by Industrial Tribunal.				
A person who may object to the making of a decision	894(1)(c)	Power to be heard by Industrial Tribunal.				

CHAPTER 14 – GENERAL OFFENCES

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Employer	935(2)	Power to give the person the certificate of employment upon receiving the request.				

CHAPTER 17 – GENERAL PROVISIONS

Part 2 – Other provisions

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	981(2)	Power to file an objection notice with the commission within the stated time and in the stated way.				

CHAPTER 18 – REPEAL AND TRANSITIONAL PROVISIONS

Part 2 – Transitional provisions for repeal of Industrial Relations Act 1999

Division 2 – Existing industrial instruments

Subdivision 3 – Other instruments and orders

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to the Agreement	1003(2)	Power to apply to the commission to apply section 250 in relation to the application to certify the agreement.				

**SCHEDULE 2 – COSTS PROVISIONS FOR PROCEEDINGS
UNDER ANTI-DISCRIMINATION ACT 1991**

Entity power given to	Section of INRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Applicant party	11(2)	Power to apply to the commission for an order: (a) requiring another party to give security for the applicant party's costs within the period stated in the order; and (b) staying the proceeding, or the part of the proceeding against the applicant party, until the security is given.				

[2018 03 02 - INRA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Industrial Relations Act 2016 ("INRA")

CHAPTER 1 – MODERN EMPLOYMENT CONDITIONS

Part 3 – Queensland employment standards

Division 4 – Flexible working arrangements

Entity power given to	Section of INRA	Description
Employer	28(1)	Power to decide to: (a) grant the request; (b) grant the request in part or subject to conditions; or (c) refuse the request.
Employer	28(2)	Power to grant request, in part or subject to conditions, or refuse the request only on reasonable grounds.
Employer	28(3)	Power to give the employee written notice about its decision within 21 days after receiving the request.

Division 5 – Annual leave

Subdivision 2 – Taking annual leave

Entity power given to	Section of INRA	Description
Employer	33(1)	Power to agree with employee when the employee is to take annual leave
Employer	33(3)(a)	Power where the employee and employer cannot agree, to decide when the employee is to take leave.
Employer	33(3)(b)	Power where the employee and employer cannot agree, to give the employee at least 8 weeks written notice of the starting date of the leave.
Employer	33(4)	Power to agree with employee that the employee take all or part of the employee's annual leave before becoming entitled to it.

Division 7 – Domestic and family violence leave

Entity power given to	Section of INRA	Description
Employer	54(1)	Power to ask an employee to provide evidence that the employee has experienced domestic violence and need to take leave as a result.

Division 8 – Parental leave

Subdivision 3 – Notices and information

Entity power given to	Section of INRA	Description
Employer	72(4)	Power to give the employee a reasonable opportunity to discuss any significant effect the change will have on the employee's position.

Subdivision 4 – Application to extend parental leave or return part-time

Entity power given to	Section of INRA	Description
Employer	76(1)	In the specified circumstances, the power in deciding whether to agree to an application for extension or part-time work, to consider the specified matters.
Employer	76(4)	In the specified circumstances, the power to advise the employee in writing of the employer's decision.
Employer	76(5)	In the specified circumstances, the power to provide the employee with written reasons for refusing the application.

Subdivision 6 – Other entitlements

Entity power given to	Section of INRA	Description
Employer	92(1)	In the specified circumstances, the power to give the replacement employee a written notice informing them of specified matters.

Subdivision 9 – Miscellaneous provisions

Entity power given to	Section of INRA	Description
Employer	110(2)(b)	Power to agree with an employee by a signed agreement that a payment may be made

Division 13 – Notice of termination and redundancy

Subdivision 1 – Notice of termination

Entity power given to	Section of INRA	Description
Employer	121(1)	In the specified circumstances, the power to dismiss an employee.

Subdivision 2 – Redundancy pay

Entity power given to	Section of INRA	Description
Employer	127(2)	Power to apply to the commission to make an order reducing the amount of the redundancy pay to a stated amount the commission considers appropriate.

CHAPTER 4 – COLLECTIVE BARGAINING

Part 1 – Preliminary

Division 2 – Some basis concepts about collective bargaining

Entity power given to	Section of INRA	Description
Employer	165	Power to enter into certified agreement.
Employer	167(a)	Power to consent to the making of a bargaining award.

Part 2 – Collective bargaining process

Entity power given to	Section of INRA	Description
Proposer	169(1)	Power to negotiate with a view to a bargaining instrument being made.
Proposer	169(2)	Power to give the specified persons a notice of intention of the proposer's intention to start negotiating.
Employer	172(2)	Power to negotiate with the single bargaining unit.
Negotiating Party	173(2)(a)	Power to attend and participate in bargaining meetings.
Negotiating Party	173(2)(b)	Power to disclose relevant information, other than confidential or commercially sensitive information, in a timely way.
Negotiating Party	173(2)(c)(i)	Power to genuinely consider proposals made by the other parties and respond in a timely way.
Negotiating Party	173(2)(c)(ii)	Power to genuinely consider proposals made by the other parties and give reasons for its response.
Negotiating Party	173(3)	Power to make an agreement about procedures or principles for the conduct of the bargaining process.

Part 3 – Conciliation and arbitration by commission

Division 1 – Conciliation

Entity power given to	Section of INRA	Description
Negotiating Party	175(1)(b)	Power to ask the commission to help the parties reach agreement.
Negotiating Party	175(2)	Power to notify the commission that the parties intend to resume negotiating without the commission's help.
Negotiating Party	178(1)	Power to apply to the commission for arbitration of the matter.

Part 4 – Scope orders

Entity power given to	Section of INRA	Description
Negotiating Party	184(1)	In the specified circumstances, the power to apply to the commission for a scope order in relation to a proposed bargaining instrument.

Part 5 – Certifying agreements and making bargaining awards

Division 1 – Making and hearing applications

Entity power given to	Section of INRA	Description
Party to the agreement	189(1)	Power to make an application to the commission to certify an agreement.
Party to the bargaining award	190(2)	In the specified circumstances under subsection 190(3), the power to make an application to the commission to make a bargaining award and terminate the relevant modern award.

Division 2 – Deciding applications

Subdivision 3 – No disadvantage test

Entity power given to	Section of INRA	Description
Employer	213(1)(a)	Power to propose to make a certified agreement.
Employer	213(2)	Power to apply to the commission for a decision under subsection (3).

Part 7 – Extending, amending and terminating bargaining instruments etc

Division 1 – Extension of bargaining instruments

Entity power given to	Section of INRA	Description
Employer	223(1)	Power to apply to the commission to extend the bargaining instrument's nominal expiry date.

Division 2 – Amendments of bargaining instruments

Entity power given to	Section of INRA	Description
Employer	225(1)	Power to apply to the commission to amend a bargaining instrument.
Party to bargaining award	226(2)	Power to apply to the commission to amend the bargaining award so the award applies to the proposed new party.

Division 3 – Termination of certified agreements and arbitration determinations

Entity power given to	Section of INRA	Description
Employer	227(1)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.
Employer	228(1)(a)	In the specified circumstances, the power to apply to the commission to terminate the certified agreement or arbitration determination.
Person	228(2)	Power to give a notice of intention to all other persons to whom the agreement or determination applies.

Part 8 – Protected industrial action**Division 1 – Preliminary**

Entity power given to	Section of INRA	Description
Negotiating Party	232	Power to take protected industrial action for the proposed bargaining instrument, subject to specified conditions in this part.

Division 2 – Process for taking protected industrial action

Entity power given to	Section of INRA	Description
Employer	236(1)	In the specified circumstances, the power in specified circumstances to give written notice of the intention to take industrial action to all of the negotiating parties of the proposed bargaining instrument.
Employer	236(2)	Power to instead of giving written notice, take any other reasonable steps to notify employees of the intended action.

Division 4 – Suspension or termination by commission of protected industrial action

Entity power given to	Section of INRA	Description
Negotiating Party	240(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission for an order to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in.
Negotiating Party	241(1)	In the specified circumstances, the power in specified circumstances, to apply to the commission to suspend or terminate protected industrial action for a proposed bargaining instrument being engaged in or threatened to be engaged in.

Part 9 – General

Entity power given to	Section of INRA	Description
Employer	242(2)	In the specified circumstances, the power to apply to the registrar for a certificate stating that the employer need not negotiate with an employee organisation.

CHAPTER 6 – INDUSTRIAL DISPUTES**Part 2 – Notice of industrial dispute**

Entity power given to	Section of INRA	Description
Party to a dispute	261(2)	Power to give the registrar written notice of the dispute.

Part 3 – Actions for preventing or settling disputes

Entity power given to	Section of INRA	Description
Party involved in cause	263(a)	Power to request the commission to act as mediator in an industrial cause, whether or not it is within the jurisdiction of the commission.

Part 4 – Industrial action

Entity power given to	Section of INRA	Description
Employer	269(1)	Power to apply to the commission to make an order for a contravention of section 268.

CHAPTER 8 – RIGHTS AND RESPONSIBILITIES OF EMPLOYEES, EMPLOYERS, ORGANISATIONS ETC.**Part 2 – Dismissals****Division 3 – Requirements of dismissal*****Subdivision 2 – Order giving effect of article 13 of Termination of Employment Convention***

Entity power given to	Section of INRA	Description
Employer	329(1)	In the specified circumstances, the power to dismiss the employees if the employer as soon as practicable after making the decision notifies the specified persons.
Employer	330(1)	In the specified circumstances, the power to consult with each employee organisation of which any of the employee's is a member in relation to specified matters.

Division 4 – Stand-down of employees

Entity power given to	Section of INRA	Description
Employer	333(1)	Power to stand down an employee on a day, or for part of a day, when the employee can not be usefully employed because of something that happened: <ul style="list-style-type: none"> (a) for which the employer is not responsible; or (b) over which the employer has no control.

CHAPTER 9 – RECORDS AND WAGES**Part 1 – Employers records****Division 3 – Employers to keep certain records**

Entity power given to	Section of INRA	Description
Employer	341(1)	Power to keep an employee register that contains the specified information for each employee.

Division 4 – Power to inspect certain records

Entity power given to	Section of INRA	Description
Employer	347(2)	In the specified circumstances, the power to agree to employee request to inspect the time and wages record.

Part 2 – Wages and occupations superannuation

Division 3 – Protection for wages

Entity power given to	Section of INRA	Description
Employer	371(5)	Power before making a deduction from wages, to give the employee written acknowledgment of the employee's non-written consent authorising the deduction.

CHAPTER 11 – INDUSTRIAL TRIBUNALS AND REGISTRY

Part 2 – Industrial relations commission

Division 4 – Particular powers of commission

Subdivision 5 – Interpretation of industrial instruments

Entity power given to	Section of INRA	Description
Entity mentioned in section 468	467(1)	Power to apply to the commission for and interpretation of an industrial instrument other than a certified agreement or bargaining award.

Subdivision 6 – Assistance by commission

Entity power given to	Section of INRA	Description
Party to industrial cause	469(1)	In the specified circumstances, the power to ask the commission to assist the parties in negotiating or resolving a matter relevant to the industrial cause.
Party to industrial cause	469(2)	Power to agree with other party to an industrial cause to make a facilitation request and may be in the form agreed by the parties and include the specified items. (a)
Party to industrial cause	469(4)	Power to decide and agree with the other party, in writing, whether a decision made by the commission is binding on the parties to the industrial cause.
Party to industrial dispute	470(1)(b)	In the specified circumstances, the power to agree with other parties to the dispute that the dispute is to be resolved by the commission.
Party to industrial dispute	470(2)	Power to apply to the commission for the commission to perform the dispute resolution functions to resolve the dispute under the referral agreement.

Subdivision 7 – Amending or voiding contracts

Entity power given to	Section of INRA	Description
Entity	471(1)	In the specified circumstances, the power to apply to the commission to amend or declare void (wholly or partly) a contract.

Subdivision 8 – Injunctions

Entity power given to	Section of INRA	Description
Party industrial action or an industrial dispute	473(1)	In the specified circumstances, the power to apply to the commission seeking an injunction.

Subdivision 10 – Orders about right to represent a group of employees

Entity power given to	Section of INRA	Description
Entity under section 480	479	Power to apply for a specified order of the full bench about a demarcation dispute.
Person affected by order	483(3)	Power to apply to the full bench for an order to make a further order it considers appropriate to ensure the order, an ancillary order and the Act are complied with.

Subdivision 11 – Reopening proceedings

Entity power given to	Section of INRA	Description
Party to proceedings	484(1)	Power to apply to the full bench or the commission (as appropriate) for proceedings to be reopened.

Subdivision 12 – Referring matters to full bench or Court

Entity power given to	Section of INRA	Description
Party to proceedings	486(4)	Power before the hearing of a matter by the commission starts, to apply to the president for the matter to be referred to the full bench.

Part 5 –

Proceedings

Division 2 – Starting proceedings and service or process

Entity power given to	Section of INRA	Description
Employer/ Person who has an interest in the matter	527(1)	Power to apply to start a proceeding in the court or commission, or before the registrar.

Division 3 – Conduct of proceedings

Entity power given to	Section of INRA	Description
Party to proceedings/ Persons ordered or permitted to appear or be represented	529(1)	Power to be represented in proceedings by an agent appointed in writing or an officer or member of the organisation.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(a)	Power to consent to parties being represented by a lawyer for proceedings in the Court.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(b)	Power to seek leave to be represented by a lawyer to the full bench.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(c)	Power to seek leave to be represented by a lawyer before the commission.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(d)	Power to consent to parties being represented by a lawyer for other proceedings before the commission.
Party to proceedings/ Persons ordered or permitted to appear or be represented	530(1)(e)	Power to consent to parties being represented by a lawyer for proceedings before an Industrial Magistrates Court.
Party to proceedings	530(1)(f)	Power to consent for parties to be represented by a lawyer in proceedings before the registrar.

Part 6 –

Appeals

Division 1 – Appeals to Court of Appeal

Entity power given to	Section of INRA	Description
Person Aggrieved	554(1)	In the specified circumstances, the power to appeal a decision of the Court or the full bench to the Court of Appeal.
Person Aggrieved	554(2)	In the specified circumstances, the power to appeal against a decision of the full bench to the Court of Appeal, and seek the Court of Appeal's leave.

Division 2 – Appeals to Court

Entity power given to	Section of INRA	Description
Person Aggrieved	556	Power to appeal against the decision of a magistrate to the Court.

Person Aggrieved	557(1)	In the specified circumstances, the power to appeal against the decision of the commission to the Court.
Person Aggrieved	557(2)	In the specified circumstances, the power to appeal against a decision of the commission, and seek the Court's leave.

Division 3 – Appeals to full bench

Entity power given to	Section of INRA	Description
Person Aggrieved	560(1)	In the specified circumstances, the power to appeal against a decision of the registrar to the full bench.
Person Aggrieved	560(2)	In the specified circumstances, the power to appeal against a decision of the register to the full bench, and seek the full bench's leave.

Division 5 – General

Entity power given to	Section of INRA	Description
Person Aggrieved	564(2)	Power to apply during or after the appeal period to the industrial tribunal to allow an appeal to be started within a longer period.

Part 7 – Offence proceedings

Entity power given to	Section of INRA	Description
Parties to proceedings	569(3)	Power to agree with other parties to proceeding to request that proceedings be started or continued before another magistrate at an agreed place in the State other than the place where the proceedings are to be heard and decided under the <i>Justices Act 1886</i> .

CHAPTER 12 – INDUSTRIAL ORGANISATIONS AND ASSOCIATED ENTITES

Part 2 – Registration

Division 2 – Hearing of registration applications

Entity power given to	Section of INRA	Description
Person	606(1)	In the specified circumstances, the power to object to a registration application.

Part 5 – Validity and compliance with rules

Entity power given to	Section of INRA	Description
Member of Organisation	646	In the specified circumstances, the power to make a rules application to the Commission.

Part 8 – Registration**Division 2 – Applications and referrals to commission**

Entity power given to	Section of INRA	Description
Financial Member of Organisation	688	Power to make an application for an election inquiry.

Part 9 – Officers**Divisions 2 – Disqualifications from candidature or holding office****Subdivision 2 - Miscellaneous**

Entity power given to	Section of INRA	Description
Member of Organisation	711	In the specified circumstances, the power to apply to the Court for a declaration that a person is not, or was not eligible to be a candidate or to be elected to an office for the organisation or has ceased to hold an office for the organisation.

Part 10 – Membership**Division 4 - Registration**

Entity power given to	Section of INRA	Description
Member of Organisation	726(1)	In the specified circumstances, the power to resign from membership of the organisation.

Part 11 – Records and accounts**Division 3 – Financial policies, training and registers**

Entity power given to	Section of INRA	Description
Member of Organisation	744(1)	Power to inspect a policy kept under section 740 or a register kept under sections 742 or 743.
Member of Organisation	744(2)	Power to ask the organisation in writing to make the policy or register available for inspection, free of charge, during the organisation's business hours.

Part 13 – Validations**Division 3 – Orders about invalidity or its effects**

Entity power given to	Section of INRA	Description
Member of Organisation	835	Power to apply to the commission to decide whether an invalidity has occurred in the specified matters.

Part 15 – Complaints, investigations and appointment of administrator**Division 1 – Complaints**

Entity power given to	Section of INRA	Description
Person	859(1)	In the specified circumstances, the power to make a complaint to the registrar about an organisation.
Person	859(2)	Power to make a complaint to the registrar about an officer of an organisation if the person believes the officer has engaged in misconduct in relation to the organisation.

Part 16 – Deregistration**Division 2 – General deregistration provisions****Subdivision 1 – Bringing deregistration proceedings**

Entity power given to	Section of INRA	Description
Member of Organisation	878(f)	Power to agree to deregistration of an organisation.
Specified Person	879(1)	Power to apply to the full bench for a deregistration order on a ground mentioned in section 878.
Person	879(1)(d)	Power to seek leave from the full bench to apply for a deregistration order.

Part 17 – Miscellaneous

Entity power given to	Section of INRA	Description
A person who applied for decision under Chapter 12	894(1)(a)	Power to be heard by Industrial Tribunal.
A person in relation to whom the decision is sought or may be made	894(1)(b)	Power to be heard by Industrial Tribunal.
A person who may object to the making of a decision	894(1)(c)	Power to be heard by Industrial Tribunal.

CHAPTER 14 – GENERAL OFFENCES

Entity power given to	Section of INRA	Description
Employer	935(2)	Power to give the person the certificate of employment upon receiving the request.

CHAPTER 17 – GENERAL PROVISIONS

Part 2 – Other provisions

Entity power given to	Section of INRA	Description
Person	981(2)	Power to file an objection notice with the commission within the stated time and in the stated way.

CHAPTER 18 – REPEAL AND TRANSITIONAL PROVISIONS

Part 2 – Transitional provisions for repeal of Industrial Relations Act 1999

Division 2 – Existing industrial instruments

Subdivision 3 – Other instruments and orders

Entity power given to	Section of INRA	Description
Party to the Agreement	1003(2)	Power to apply to the commission to apply section 250 in relation to the application to certify the agreement.

SCHEDULE 2 – COSTS PROVISIONS FOR PROCEEDINGS UNDER ANTI-DISCRIMINATION ACT 1991

Entity power given to	Section of INRA	Description
Applicant party	11(2)	Power to apply to the commission for an order: (a) requiring another party to give security for the applicant party's costs within the period stated in the order; and (b) staying the proceeding, or the part of the proceeding against the applicant party, until the security is given.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 03 02 - INRA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
12. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
13. Any decisions must be made within the financial delegation of the delegate;
14. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
15. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
16. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
17. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
18. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

19. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
20. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Public Interest Disclosure Act 2010 ("PIDA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Public Interest Disclosure Act 2010 ("PIDA")**CHAPTER 3 – OBLIGATIONS OF ENTITIES TO WHOM DISCLOSURES MAY BE MADE****Part 2 – Public sector entities**

Entity power given to	Section of PIDA	Description
Public Sector Entity	30(1)	Power to decide not to investigate or deal with a public interest disclosure having regard to matters outlined in section 30(1)(a)-(d).
Public Sector Entity	30(1)(b)	Power to reasonably consider that the disclosure should be dealt with by another appropriate process.
Public Sector Entity	30(1)(d)	Power to reasonably consider that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert the resources of the entity from their use by the entity in the performance of its functions.
Public Sector Entity	30(2)	Power to give written reasons for its decision.
Public Sector Entity	30(3)	Power to review decision.
Public Sector Entity	31(1)	Power to refer public interest disclosure to another public sector entity.
Public Sector Entity	31(3)	Power to consider there is an unacceptable risk that a reprisal would happen because of a referral.
Public Sector Entity	31(4)	Power to consult with the person who made the public interest disclosure.
Public Sector Entity	32(1)	In certain circumstances, power to give reasonable information about the disclosure.
Public Sector Entity	32(4)	Power to decide that giving information would be likely to adversely affect matters set out in section 32(4)(a)-(c).

CHAPTER 5 – OVERSIGHT AGENCY

Entity power given to	Section of PIDA	Description
Public Sector Entity	60(3)	Power to consult with the oversight agency.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 03 01 - PIDA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE PUBLIC INTEREST DISCLOSURE ACT 2010 ("PIDA")

Note: Given the nature of the powers contained in PIDA, it is recommended that powers are not sub-delegated to officers other than the Chief Executive Officer.

CHAPTER 3 – OBLIGATIONS OF ENTITIES TO WHOM DISCLOSURES MAY BE MADE

Part 2 – Public sector entities

Entity power given to	Section of PIDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Sector Entity	30(1)	Power to decide not to investigate or deal with a public interest disclosure having regard to matters outlined in section 30(1)(a)-(d).				It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	30(1)(b)	Power to reasonably consider that the disclosure should be dealt with by another appropriate process.				It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	30(1)(d)	Power to reasonably consider that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert the resources of the entity from their use by the entity in the performance of its functions.				It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	30(2)	Power to give written reasons for its decision.				It is recommended that this delegation is not sub-delegated below CEO

Public Sector Entity	30(3)	Power to review decision.	This power is given directly to the CEO.			It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	31(1)	Power to refer public interest disclosure to another public sector entity.				It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	31(3)	Power to consider there is an unacceptable risk that a reprisal would happen because of a referral.				It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	31(4)	Power to consult with the person who made the public interest disclosure.				It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	32(1)	In certain circumstances, power to give reasonable information about the disclosure.				It is recommended that this delegation is not sub-delegated below CEO
Public Sector Entity	32(4)	Power to decide that giving information would be likely to adversely affect matters set out in section 32(4)(a)-(c).				It is recommended that this delegation is not sub-delegated below CEO

CHAPTER 5 – OVERSIGHT AGENCY

Entity power given to	Section of PIDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Sector Entity	60(3)	Power to consult with the oversight agency.				It is recommended that this delegation is not sub-delegated below CEO

[2017 03 01 - PIDA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Public Interest Disclosure Act 2010 ("PIDA")

CHAPTER 3 – OBLIGATIONS OF ENTITIES TO WHOM DISCLOSURES MAY BE MADE

Part 2 – Public sector entities

Entity power given to	Section of PIDA	Description
Public Sector Entity	30(1)	Power to decide not to investigate or deal with a public interest disclosure having regard to matters outlined in section 30(1)(a)-(d).
Public Sector Entity	30(1)(b)	Power to reasonably consider that the disclosure should be dealt with by another appropriate process.
Public Sector Entity	30(1)(d)	Power to reasonably consider that the disclosure is too trivial to warrant investigation and that dealing with the disclosure would substantially and unreasonably divert the resources of the entity from their use by the entity in the performance of its functions.
Public Sector Entity	30(2)	Power to give written reasons for its decision.
Public Sector Entity	30(3)	Power to review decision.
Public Sector Entity	31(1)	Power to refer public interest disclosure to another public sector entity.
Public Sector Entity	31(3)	Power to consider there is an unacceptable risk that a reprisal would happen because of a referral.
Public Sector Entity	31(4)	Power to consult with the person who made the public interest disclosure.
Public Sector Entity	32(1)	In certain circumstances, power to give reasonable information about the disclosure.
Public Sector Entity	32(4)	Power to decide that giving information would be likely to adversely affect matters set out in section 32(4)(a)-(c).

CHAPTER 5 – OVERSIGHT AGENCY

Entity power given to	Section of PIDA	Description
Public Sector Entity	60(3)	Power to consult with the oversight agency.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 03 01 - PIDA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council *Plumbing and Drainage Act 2002 ("PLDA")*

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Plumbing and Drainage Act 2002 ("PLDA")**Part 4 – Compliance assessment****Division 2 – Compliance assessment generally**

Entity power given to	Section of PLDA	Description
Local Government	84(3)	In the specified circumstances, power to issue: (a) for a plan — a compliance permit; or (b) for work — a compliance certificate.

Division 3 – Assessing plans

Entity power given to	Section of PLDA	Description
Local Government	85(3)	Power to give a person making a compliance request, a written notice (an information request), requesting further information needed to assess the plan.
Local Government	85(6)	Power to, in deciding compliance request: (a) give the person making the compliance request a compliance permit; or (b) refuse to give a compliance permit.
Local Government	85(7) ¹	Power to decide reasonable and relevant conditions to a compliance permit for achieving compliance.
Local Government	85(8)	Power to give a copy of the compliance permit to: (a) the owner of the premises to which the compliance permit relates; and (b) If the permit is for a plan for work involving the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.
Local Government	85(10)	In the specified circumstances, the power to give the person who made the compliance request an information notice about the decision.
Local Government	85A(2)	Power to comply with notice given by distributor/retailer.
Local Government	85C(2)(b) (i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.
Local Government	85C(2)(b) (ii)	Power to be satisfied either: (a) there is enough suitable land available as part of a premises to allow grey water from a facility to be used on the land; or (b) either there is enough suitable land available as part of the premises to allow greywater from a facility to be

¹ Under section 87(7A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

		used on the land or a suitable alternative arrangement has been, made for the use of greywater.
Local Government	85D(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.
Local Government	85D(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of the premises to dispose of effluent from the onsite sewerage facility; or (b) a suitable alternative arrangement has been made to dispose of the effluent.
Local Government	85D(2)(b)(iii)	Power to be satisfied the on-site sewerage facility is otherwise appropriate for the premises.
Local Government	85E(4)(b)	Power to extend the decision period to a longer period.

Division 4 – Assessing compliance assessable work

Entity power given to	Section of PLDA	Description
Local Government	86(5)	Power to assess regulated work at the stages prescribed under the Standard Plumbing and Drainage Regulation.
Local Government	86(6)	In the specified circumstances the power to decide not to carry out the assessment (if the work is on-site sewerage work), if an approved person for the assessment gives it a notice (a notice of compliance) in the approved form verifying that the work complies with: (a) the relevant compliance permit; and (b) the Standard Plumbing & Drainage Regulation.
Local Government	86(7)	In the specified circumstances, the power to ask the person making the request for compliance assessment to supply a plan of the assessed work.
Local Government	86(8)	Power to decide request for compliance assessment.
Local Government	86(9) ²	Power to, in deciding a request: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86(10)	In the specified circumstances, the power to also give a copy of the compliance certificate to: (a) the owner of the premises to which the compliance certificate relates; and (b) if the work involved the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.
Local Government	86(12)	In the specified circumstances, the power to give the person who made the request an information notice about the decision.
Local Government	86(13)(a)	In the specified circumstances, the power to form an opinion that a person is competent to give a notice of compliance.

²

Under section 89(9A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:

- (a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or
- (b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

Local Government	86AA(2)	Power to comply with notice given by distributor-retailer.
Local Government	86A(3)(b)	In the specified circumstances, power to ask the person who made the request to provide a plan of the completed work.
Local Government	86A(4)	Power to decide request for compliance assessment within the specified timeframe.
Local Government	86A(5)	In the specified circumstances, power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86A(6)	Power to also give a copy of the compliance certificate to the owner of the premises to which the compliance certificate relates.
Local Government	86A(8)	Power to give the person who made the request an information notice about the decision.
Local Government	86B(3)	Power to decide request for compliance assessment for on-site sewerage work for testing purposes, within the specified timeframe.
Local Government	86D(3)	Power to replace a certificate with a new certificate that has different conditions for the ongoing operation, maintenance or testing of the relevant grey water use facility or on-site sewerage facility.
Local Government	86E(3)	Power to, by written notice, require the former holder of the certificate to remove all or a stated part of the relevant grey water use facility or on-site sewerage facility.
Local Government	86G(1)	In the specified circumstances, the power to amend a condition of a compliance certificate for work for testing purposes if it considers the amendment is necessary or desirable because of a change in a relevant chief executive approval.

Part 6 – Investigation and enforcement by local governments

Division 1 – Inspectors

Entity power given to	Section of PLDA	Description
Local Government	107(1)	Power to appoint an individual to be an inspector if satisfied the individual is qualified for appointment because the individual has the qualifications and experience prescribed under a regulation.

Division 2 – Enforcement

Entity power given to	Section of PLDA	Description
Local Government	115(1)	In certain circumstances, power to give show cause notice.
Local Government	116(1)	In certain circumstances, power to give the owner of premises a notice requiring them to do a stated thing.
Local Government	116(2)	Power to give written notice to a person who has performed plumbing or drainage work requiring the person to do a stated thing if it is reasonably believed that the work does not comply with the <i>Plumbing and Drainage Act 2002</i> .
Local Government	117(1)	In the specified circumstances, power to form the reasonable belief that pollution of the water supply in premises or the water

		service provider's water service to premises has been, or could be, caused by the plumbing on the premises.
Local Government	117(2)	In the specified circumstances, power to give written notice to an owner or occupier of premises to do any of the following: <ul style="list-style-type: none"> (a) install a backflow prevention device; (b) register a backflow prevention device that is required to be registered under the Standard Plumbing and Drainage Regulation; (c) have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licensed to do the work.

Part 6A – General offences

Division 2 – Building and installation and related offences

Entity power given to	Section of PLDA	Description
Local Government	127A	Power to, in writing, authorise a person to dismantle or take away all or part of a greywater treatment plant installed on premises.
Local Government	128	Power to, in writing, authorise a person to dismantle or take away all or part of an on-site sewerage facility installed on premises.

Division 5 – Discharge and disposal offences

Entity power given to	Section of PLDA	Description
Local Government	128OA	Power to authorise the disposal of the contents of a greywater treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.
Local Government	128P(2)	Power to approve a place and a way a person must dispose of the contents (other than effluent) of an on-site sewerage facility that has not been installed only for testing purposes.
Local Government	128P(4)	Power to approve a place and a way a person must dispose of effluent from an on-site sewerage facility mentioned in subsection (2).

Part 9 – Miscellaneous provisions

Entity power given to	Section of PLDA	Description
Local Government	143B	Power to monitor greywater use facilities in sewered areas to ensure the specified things.
Local Government	143C	Power to monitor on-site sewerage facilities installed for testing purposes in sewered areas to ensure the specified things.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 11 10 - PLDA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE PLUMBING AND DRAINAGE ACT 2002 ("PLDA")

Part 4 – Compliance assessment

Division 2 – Compliance assessment generally

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	84(3)	In the specified circumstances, power to issue: (a) for a plan — a compliance permit; or (b) for work — a compliance certificate.				

Division 3 – Assessing plans

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	85(3)	Power to give a person making a compliance request, a written notice (an information request), requesting further information needed to assess the plan.				
Local Government	85(6)	Power to, in deciding compliance request: (a) give the person making the compliance request a compliance permit; or (b) refuse to give a compliance permit.				

Local Government	85(7) ³	Power to decide reasonable and relevant conditions to a compliance permit for achieving compliance.				
Local Government	85(8)	Power to give a copy of the compliance permit to: (a) the owner of the premises to which the compliance permit relates; and (b) If the permit is for a plan for work involving the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.				
Local Government	85(10)	In the specified circumstances, the power to give the person who made the compliance request an information notice about the decision.				
Local Government	85A(2)	Power to comply with notice given by distributor/retailer.				
Local Government	85C(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.				
Local Government	85C(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of a premises to allow grey water from a facility to be used on the land; or (b) either there is enough suitable land available as part of the premises to				

³ Under section 87(7A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

		allow greywater from a facility to be used on the land or a suitable alternative arrangement has been, made for the use of greywater.				
Local Government	85D(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.				
Local Government	85D(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of the premises to dispose of effluent from the onsite sewerage facility; or (b) a suitable alternative arrangement has been made to dispose of the effluent.				
Local Government	85D(2)(b)(iii)	Power to be satisfied the on-site sewerage facility is otherwise appropriate for the premises.				
Local Government	85E(4)(b)	Power to extend the decision period to a longer period.				

Division 4 – Assessing compliance assessable work

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	86(5)	Power to assess regulated work at the stages prescribed under the Standard Plumbing and Drainage Regulation.				
Local Government	86(6)	In the specified circumstances the power to decide not to carry out the assessment (if the work is on-site sewerage work), if an approved person for the assessment gives it				

		a notice (a notice of compliance) in the approved form verifying that the work complies with: (a) the relevant compliance permit; and (b) the Standard Plumbing & Drainage Regulation.				
Local Government	86(7)	In the specified circumstances, the power to ask the person making the request for compliance assessment to supply a plan of the assessed work.				
Local Government	86(8)	Power to decide request for compliance assessment.				
Local Government	86(9) ⁴	Power to, in deciding a request: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.				
Local Government	86(10)	In the specified circumstances, the power to also give a copy of the compliance certificate to: (a) the owner of the premises to which the compliance certificate relates; and (b) if the work involved the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.				

⁴ Under section 89(9A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

Local Government	86(12)	In the specified circumstances, the power to give the person who made the request an information notice about the decision.				
Local Government	86(13)(a)	In the specified circumstances, the power to form an opinion that a person is competent to give a notice of compliance.				
Local Government	86AA(2)	Power to comply with notice given by distributor-retailer.				
Local Government	86A(3)(b)	In the specified circumstances, power to ask the person who made the request to provide a plan of the completed work.				
Local Government	86A(4)	Power to decide request for compliance assessment within the specified timeframe.				
Local Government	86A(5)	In the specified circumstances, power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.				
Local Government	86A(6)	Power to also give a copy of the compliance certificate to the owner of the premises to which the compliance certificate relates.				
Local Government	86A(8)	Power to give the person who made the request an information notice about the decision.				
Local Government	86B(3)	Power to decide request for compliance assessment for on-site sewerage work for testing purposes, within the specified timeframe.				
Local Government	86D(3)	Power to replace a certificate with a new certificate that has different conditions for the ongoing operation, maintenance or testing of the relevant grey water use facility or on-site sewerage facility.				

Local Government	86E(3)	Power to, by written notice, require the former holder of the certificate to remove all or a stated part of the relevant grey water use facility or on-site sewerage facility.				
Local Government	86G(1)	In the specified circumstances, the power to amend a condition of a compliance certificate for work for testing purposes if it considers the amendment is necessary or desirable because of a change in a relevant chief executive approval.				

Part 6 – Investigation and enforcement by local governments

Division 1 – Inspectors

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	107(1)	Power to appoint an individual to be an inspector if satisfied the individual is qualified for appointment because the individual has the qualifications and experience prescribed under a regulation.				

Division 2 – Enforcement

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	115(1)	In certain circumstances, power to give show cause notice.				
Local Government	116(1)	In certain circumstances, power to give the owner of premises a notice requiring them to do a stated thing.				

Local Government	116(2)	Power to give written notice to a person who has performed plumbing or drainage work requiring the person to do a stated thing if it is reasonably believed that the work does not comply with the <i>Plumbing and Drainage Act 2002</i> .				
Local Government	117(1)	In the specified circumstances, power to form the reasonable belief that pollution of the water supply in premises or the water service provider's water service to premises has been, or could be, caused by the plumbing on the premises.				
Local Government	117(2)	In the specified circumstances, power to give written notice to an owner or occupier of premises to do any of the following: (a) install a backflow prevention device; (b) register a backflow prevention device that is required to be registered under the Standard Plumbing and Drainage Regulation; (c) have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licensed to do the work.				

Part 6A – General offences

Division 2 – Building and installation and related offences

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	127A	Power to, in writing, authorise a person to dismantle or take away all or part of a				

		greywater treatment plant installed on premises.				
Local Government	128	Power to, in writing, authorise a person to dismantle or take away all or part of an on-site sewerage facility installed on premises.				

Division 5 – Discharge and disposal offences

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	128OA	Power to authorise the disposal of the contents of a greywater treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.				
Local Government	128P(2)	Power to approve a place and a way a person must dispose of the contents (other than effluent) of an on-site sewerage facility that has not been installed only for testing purposes.				
Local Government	128P(4)	Power to approve a place and a way a person must dispose of effluent from an on-site sewerage facility mentioned in subsection (2).				

Part 9 – Miscellaneous provisions

Entity power given to	Section of PLDA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	143B	Power to monitor greywater use facilities in sewered areas to ensure the specified things.				

Local Government	143C	Power to monitor on-site sewerage facilities installed for testing purposes in sewered areas to ensure the specified things.				
------------------	------	--	--	--	--	--

[2017 11 10 - PLDA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Plumbing and Drainage Act 2002 ("PLDA")

Part 4 – Compliance assessment

Division 2 – Compliance assessment generally

Entity power given to	Section of PLDA	Description
Local Government	84(3)	In the specified circumstances, power to issue: (a) for a plan — a compliance permit; or (b) for work — a compliance certificate.

Division 3 – Assessing plans

Entity power given to	Section of PLDA	Description
Local Government	85(3)	Power to give a person making a compliance request, a written notice (an information request), requesting further information needed to assess the plan.
Local Government	85(6)	Power to, in deciding compliance request: (a) give the person making the compliance request a compliance permit; or (b) refuse to give a compliance permit.
Local Government	85(7) ⁵	Power to decide reasonable and relevant conditions to a compliance permit for achieving compliance.
Local Government	85(8)	Power to give a copy of the compliance permit to: (a) the owner of the premises to which the compliance permit relates; and (b) If the permit is for a plan for work involving the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.
Local Government	85(10)	In the specified circumstances, the power to give the person who made the compliance request an information notice about the decision.
Local Government	85A(2)	Power to comply with notice given by distributor/retailer.
Local Government	85C(2)(b) (i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.
Local Government	85C(2)(b) (ii)	Power to be satisfied either:

⁵ Under section 87(7A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:

- (a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or
- (b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

		(a) there is enough suitable land available as part of a premises to allow grey water from a facility to be used on the land; or (b) either there is enough suitable land available as part of the premises to allow greywater from a facility to be used on the land or a suitable alternative arrangement has been, made for the use of greywater.
Local Government	85D(2)(b)(i)	Power to be satisfied there is enough water available to premises at which the facility is proposed to be installed to operate the facility.
Local Government	85D(2)(b)(ii)	Power to be satisfied either: (a) there is enough suitable land available as part of the premises to dispose of effluent from the onsite sewerage facility; or (b) a suitable alternative arrangement has been made to dispose of the effluent.
Local Government	85D(2)(b)(iii)	Power to be satisfied the on-site sewerage facility is otherwise appropriate for the premises.
Local Government	85E(4)(b)	Power to extend the decision period to a longer period.

Division 4 – Assessing compliance assessable work

Entity power given to	Section of PLDA	Description
Local Government	86(5)	Power to assess regulated work at the stages prescribed under the Standard Plumbing and Drainage Regulation.
Local Government	86(6)	In the specified circumstances the power to decide not to carry out the assessment (if the work is on-site sewerage work), if an approved person for the assessment gives it a notice (a notice of compliance) in the approved form verifying that the work complies with: (a) the relevant compliance permit; and (b) the Standard Plumbing & Drainage Regulation.
Local Government	86(7)	In the specified circumstances, the power to ask the person making the request for compliance assessment to supply a plan of the assessed work.
Local Government	86(8)	Power to decide request for compliance assessment.
Local Government	86(9) ⁶	Power to, in deciding a request: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86(10)	In the specified circumstances, the power to also give a copy of the compliance certificate to: (a) the owner of the premises to which the compliance certificate relates; and (b) if the work involved the installation of water meters on premises – the water service provider for the premises, if the water service provider is not the local government.

⁶ Under section 89(9A), a local government cannot give a compliance permit for SEQ water work unless it is the relevant service provider for the work or 1 of the following applies:
(a) the work has been approved by the distributor-retailer who is the relevant service provider for the work; or
(b) the local government has been advised by the distributor-retailer in writing that a compliance permit for the type of work may be given without the distributor-retailer's approval.

Local Government	86(12)	In the specified circumstances, the power to give the person who made the request an information notice about the decision.
Local Government	86(13)(a)	In the specified circumstances, the power to form an opinion that a person is competent to give a notice of compliance.
Local Government	86AA(2)	Power to comply with notice given by distributor-retailer.
Local Government	86A(3)(b)	In the specified circumstances, power to ask the person who made the request to provide a plan of the completed work.
Local Government	86A(4)	Power to decide request for compliance assessment within the specified timeframe.
Local Government	86A(5)	In the specified circumstances, power to: (a) give the person making the request a compliance certificate; or (b) refuse to give a compliance certificate.
Local Government	86A(6)	Power to also give a copy of the compliance certificate to the owner of the premises to which the compliance certificate relates.
Local Government	86A(8)	Power to give the person who made the request an information notice about the decision.
Local Government	86B(3)	Power to decide request for compliance assessment for on-site sewerage work for testing purposes, within the specified timeframe.
Local Government	86D(3)	Power to replace a certificate with a new certificate that has different conditions for the ongoing operation, maintenance or testing of the relevant grey water use facility or on-site sewerage facility.
Local Government	86E(3)	Power to, by written notice, require the former holder of the certificate to remove all or a stated part of the relevant grey water use facility or on-site sewerage facility.
Local Government	86G(1)	In the specified circumstances, the power to amend a condition of a compliance certificate for work for testing purposes if it considers the amendment is necessary or desirable because of a change in a relevant chief executive approval.

Part 6 – Investigation and enforcement by local governments

Division 1 – Inspectors

Entity power given to	Section of PLDA	Description
Local Government	107(1)	Power to appoint an individual to be an inspector if satisfied the individual is qualified for appointment because the individual has the qualifications and experience prescribed under a regulation.

Division 2 – Enforcement

Entity power given to	Section of PLDA	Description
Local Government	115(1)	In certain circumstances, power to give show cause notice.
Local Government	116(1)	In certain circumstances, power to give the owner of premises a notice requiring them to do a stated thing.
Local Government	116(2)	Power to give written notice to a person who has performed plumbing or drainage work requiring the person to do a stated

		thing if it is reasonably believed that the work does not comply with the <i>Plumbing and Drainage Act 2002</i> .
Local Government	117(1)	In the specified circumstances, power to form the reasonable belief that pollution of the water supply in premises or the water service provider's water service to premises has been, or could be, caused by the plumbing on the premises.
Local Government	117(2)	In the specified circumstances, power to give written notice to an owner or occupier of premises to do any of the following: <ul style="list-style-type: none"> (a) install a backflow prevention device; (b) register a backflow prevention device that is required to be registered under the Standard Plumbing and Drainage Regulation; (c) have a backflow prevention device inspected, tested and if necessary repaired or replaced by a licensee licensed to do the work.

Part 6A – General offences

Division 2 – Building and installation and related offences

Entity power given to	Section of PLDA	Description
Local Government	127A	Power to, in writing, authorise a person to dismantle or take away all or part of a greywater treatment plant installed on premises.
Local Government	128	Power to, in writing, authorise a person to dismantle or take away all or part of an on-site sewerage facility installed on premises.

Division 5 – Discharge and disposal offences

Entity power given to	Section of PLDA	Description
Local Government	128OA	Power to authorise the disposal of the contents of a greywater treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.
Local Government	128P(2)	Power to approve a place and a way a person must dispose of the contents (other than effluent) of an on-site sewerage facility that has not been installed only for testing purposes.
Local Government	128P(4)	Power to approve a place and a way a person must dispose of effluent from an on-site sewerage facility mentioned in subsection (2).

Part 9 – Miscellaneous provisions

Entity power given to	Section of PLDA	Description
Local Government	143B	Power to monitor greywater use facilities in sewered areas to ensure the specified things.
Local Government	143C	Power to monitor on-site sewerage facilities installed for testing purposes in sewered areas to ensure the specified things.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 11 10 - PLDA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
12. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
13. Any decisions must be made within the financial delegation of the delegate;
14. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
15. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
16. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
17. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
18. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

- 19.** Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
- 20.** All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
- - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council *Public Records Act 2002 ("PURA")*

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Public Records Act 2002 ("PURA")**Part 2 – Public records****Division 2 – Making, managing, keeping and preserving public records**

Entity power given to	Section of PURA	Description
Public Authority	10(1)(a)	Power to give written notice of a public record's existence to the archivist.

Division 3 – Access to public records

Entity power given to	Section of PURA	Description
Responsible Public Authority	16(1)(a)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, schedule 3, section 3.
Responsible Public Authority	16(1)(A)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, Schedule 3, section 2.
Responsible Public Authority	16(2)	Power to classify a public record as containing information about the personal affairs of an individual, whether living or dead.
Responsible Public Authority	16(2)(b)(i)	Power to give a written notice to the archivist.
Responsible Public Authority	16(3)(a)	Power to give a written notice to the archivist.
Responsible Public Authority	18(2)(b)	Power to give a written notice to the archivist.
Responsible Public Authority	19(2)	Power to give a written notice to the archivist to change the restricted access notice.
Responsible Public Authority	19(3)	Power to, if asked by the archivist, or by written notice given to the archivist to change the restricted access notice.
Responsible Public Authority	19(4)	Power to refer a dispute to the Public Records Review Committee for resolution.

Part 3 – State archivist and Queensland State Archives**Division 2 – Functions and powers**

Entity power given to	Section of PURA	Description
Public Authority	26(1)	Power to apply for, or consent to, the disposal of records.
Public Authority	28	Power to make an arrangement with the archivist regarding the storage of public records in a place other than the archives.

Division 3 – Public records review committee

Subdivision 3 – Committee’s review of archivist’s decisions

Entity power given to	Section of PURA	Description
Public Authority	39(1)	Power to make written application to the committee for a review of the decision made by the archivist.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2013 05 03 - PURA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE PUBLIC RECORDS ACT 2002 ("PURA")

Part 2 – Public records

Division 2 – Making, managing, keeping and preserving public records

Entity power given to	Section of PURA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Authority	10(1)(a)	Power to give written notice of a public record's existence to the archivist.				

Division 3 – Access to public records

Entity power given to	Section of PURA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Public Authority	16(1)(a)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, schedule 3, section 3.				
Responsible Public Authority	16(1)(A)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, Schedule 3, section 2.				
Responsible Public Authority	16(2)	Power to classify a public record as containing information about the personal affairs of an individual, whether living or dead.				
Responsible Public Authority	16(2)(b)(i)	Power to give a written notice to the archivist.				

Responsible Public Authority	16(3)(a)	Power to give a written notice to the archivist.				
Responsible Public Authority	18(2)(b)	Power to give a written notice to the archivist.				
Responsible Public Authority	19(2)	Power to give a written notice to the archivist to change the restricted access notice.				
Responsible Public Authority	19(3)	Power to, if asked by the archivist, or by written notice given to the archivist to change the restricted access notice.				
Responsible Public Authority	19(4)	Power to refer a dispute to the Public Records Review Committee for resolution.				

Part 3 – State archivist and Queensland State Archives

Division 2 – Functions and powers

Entity power given to	Section of PURA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Authority	26(1)	Power to apply for, or consent to, the disposal of records.				
Public Authority	28	Power to make an arrangement with the archivist regarding the storage of public records in a place other than the archives.				

Division 3 – Public records review committee

Subdivision 3 – Committee’s review of archivist’s decisions

Entity power given to	Section of PURA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Authority	39(1)	Power to make written application to the committee for a review of the decision made by the archivist.				

[2013 05 03 - PURA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Public Records Act 2002 ("PURA")

Part 2 – Public records

Division 2 – Making, managing, keeping and preserving public records

Entity power given to	Section of PURA	Description
Public Authority	10(1)(a)	Power to give written notice of a public record's existence to the archivist.

Division 3 – Access to public records

Entity power given to	Section of PURA	Description
Responsible Public Authority	16(1)(a)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, schedule 3, section 3.
Responsible Public Authority	16(1)(A)	Power to classify a public record as containing information that potentially is exempt information under the RTI Act, Schedule 3, section 2.
Responsible Public Authority	16(2)	Power to classify a public record as containing information about the personal affairs of an individual, whether living or dead.
Responsible Public Authority	16(2)(b)(i)	Power to give a written notice to the archivist.
Responsible Public Authority	16(3)(a)	Power to give a written notice to the archivist.
Responsible Public Authority	18(2)(b)	Power to give a written notice to the archivist.
Responsible Public Authority	19(2)	Power to give a written notice to the archivist to change the restricted access notice.
Responsible Public Authority	19(3)	Power to, if asked by the archivist, or by written notice given to the archivist to change the restricted access notice.
Responsible Public Authority	19(4)	Power to refer a dispute to the Public Records Review Committee for resolution.

Part 3 – State archivist and Queensland State Archives

Division 2 – Functions and powers

Entity power given to	Section of PURA	Description
Public Authority	26(1)	Power to apply for, or consent to, the disposal of records.
Public Authority	28	Power to make an arrangement with the archivist regarding the storage of public records in a place other than the archives.

Division 3 – Public records review committee

Subdivision 3 – Committee’s review of archivist’s decisions

Entity power given to	Section of PURA	Description
Public Authority	39(1)	Power to make written application to the committee for a review of the decision made by the archivist.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2013 05 03 - PURA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Queensland Heritage Act 1992 ("QUHA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Queensland Heritage Act 1992 ("QUHA")**Part 6 – Development in Queensland heritage places and local heritage places
Division 2 – Exemption certificates**

Entity power given to	Section of QUHA	Description
Decision-maker (Chief Executive Officer)	72(1)	Power to consider an application for an exemption certificate.
Decision-maker (Chief Executive Officer)	72(2)(b)(i)	Power to assess and decide the impact of a proposed development on the cultural heritage significance of a place.
Decision-maker (Chief Executive Officer)	72(3)(b)	Power to decide if a development will not have a detrimental impact, or will only have a minimal impact on the cultural heritage significance of the place.
Decision-maker (Chief Executive Officer)	73(1)	Power to request, by notice to the applicant, further information reasonably required to decide the application.
Decision-maker (Chief Executive Officer)	74(2)	Power to approve the application, with or without conditions
Decision-maker (Chief Executive Officer)	74(3)	Power to refuse the application or approve the application with conditions

Part 7 – Heritage agreements and local heritage agreements

Entity power given to	Section of QUHA	Description
Chief Executive Officer	80(2)	Power to enter into a local heritage agreement for a local heritage place with: (a) the owner of the place; or (b) with the owner's consent, another person or entity who has an interest in the place.
Chief Executive Officer	80(5)	Power to change or end a local heritage agreement for a local heritage place by agreement with the party it was entered into with.
The power is stated to be given to a 'party' to the agreement. The Local Government will be the 'party'	82(1)(b)	Power to form reasonable belief that the other party to the agreement may fail to comply with the agreement.
The power is stated to be given to a 'party' to the agreement. The Local Government will be the 'party'	82(1)	Power to make an application to the Planning and Environment Court for an order under this section.

Part 8¹ –**Notices about essential repair and maintenance of State heritage places and local heritage places**

Entity power given to	Section of QUHA	Description
Decision-maker (Chief Executive Officer)	84(1)(a) and (b)	Power to form reasonable belief that it is necessary to carry out essential repair or maintenance work on the place and that the work is required to be carried out to protect the place from damage or deterioration caused by weather, fire, vandalism, or insects.
Decision-maker (Chief Executive Officer)	84(3)	Power to consult with the owner of the place about the essential repair or maintenance work the decision-maker believes necessary to carry out.

Part 11 –**Provisions about places of cultural heritage significance in local government areas****Division 3 – Entry of places in, and removal of places from, local heritage registers**

Entity power given to	Section of QUHA	Description
Local Government	116(1)	Power to propose to enter a place in a local heritage register if: <ul style="list-style-type: none"> (a) the place is in the local government's area; and (b) the delegate reasonably considers the place is a place of cultural heritage significance for its area.
Local Government	116(3)	Power to be satisfied that a place is no longer a place of cultural heritage significance for its area.
Local Government	117(1)	Where it is proposed to enter a place in, or remove a place from, its local heritage register, power to: <ul style="list-style-type: none"> (a) give the owner of the place notice of the proposal; and (b) within 10 days after giving the notice, publish the notice in a newspaper circulating generally in the area.
Local Government	118	Before deciding to enter a place in, or remove a place from, its local heritage roster, power to: <ul style="list-style-type: none"> (a) have regard to– <ul style="list-style-type: none"> (i) The submissions received under section 117 about the proposal to enter or remove the place; and (ii) If the chief executive, under section 112A(2), recommended that the local government enter the place in its register - the information about the place included in the notice; and (b) Have regard to other information the local government considers relevant.

¹ Part 8 is only applicable to a local government prescribed by regulation.

Part 12 –**Enforcement****Division 1 – Authorised persons**

Entity power given to	Section of QUHA	Description
Chief Executive Officer	125(2)	Power to, by instrument in writing, appoint a local government employee of the local government as an authorised person.
Chief Executive Officer	125(3)	Power to form the view that a person is appropriately qualified for appointment as an authorised person.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - QUHA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE QUEENSLAND HERITAGE ACT 1992 ("QUHA")

Part 6 – Development in Queensland heritage places and local heritage places

Division 2 – Exemption certificates

Entity power given to	Section of QUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Decision-maker (Chief Executive Officer)	72(1)	Power to consider an application for an exemption certificate.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
Decision-maker (Chief Executive Officer)	72(2)(b)(i)	Power to assess and decide the impact of a proposed development on the cultural heritage significance of a place.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
Decision-maker (Chief Executive Officer)	72(3)(b)	Power to decide if a development will not have a detrimental impact, or will only have a minimal impact on the cultural heritage significance of the place.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
Decision-maker (Chief Executive Officer)	73(1)	Power to request, by notice to the applicant, further information reasonably required to decide the application.	This power does not need to be delegated by			

Executive Officer)			Council as it is delegated directly to the CEO under the Act			
Decision-maker (Chief Executive Officer)	74(2)	Power to approve the application, with or without conditions	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
Decision-maker (Chief Executive Officer)	74(3)	Power to refuse the application or approve the application with conditions	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			

Part 7 -- Heritage agreements and local heritage agreements

Entity power given to	Section of QUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	80(2)	Power to enter into a local heritage agreement for a local heritage place with: (a) the owner of the place; or (b) with the owner's consent, another person or entity who has an interest in the place.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
Chief Executive Officer	80(5)	Power to change or end a local heritage agreement for a local heritage place by agreement with the party it was entered into with.	This power does not need to be delegated by Council as it is delegated directly			

			to the CEO under the Act			
The power is stated to be given to a 'party' to the agreement. The Local Government will be the 'party'	82(1)(b)	Power to form reasonable belief that the other party to the agreement may fail to comply with the agreement.				
The power is stated to be given to a 'party' to the agreement. The Local Government will be the 'party'	82(1)	Power to make an application to the Planning and Environment Court for an order under this section.				

Part 8² – Notices about essential repair and maintenance of State heritage places and local heritage places

Entity power given to	Section of QUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Decision-maker (Chief Executive Officer)	84(1)(a) and (b)	Power to form reasonable belief that it is necessary to carry out essential repair or maintenance work on the place and that the work is required to be carried out to protect the place from damage or deterioration caused by weather, fire, vandalism, or insects.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			Section 175A provides the CEO may not delegate its powers under Part 8 of the Act.

² Part 8 is only applicable to a local government prescribed by regulation.

Decision-maker (Chief Executive Officer)	84(3)	Power to consult with the owner of the place about the essential repair or maintenance work the decision-maker believes necessary to carry out.	This power does not need to be delegated by Council as it is delegated directly to the CEO under the Act			
--	-------	---	--	--	--	--

Part 11 – Provisions about places of cultural heritage significance in local government areas

Division 3 – Entry of places in, and removal of places from, local heritage registers

Entity power given to	Section of QUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	116(1)	Power to propose to enter a place in a local heritage register if: (a) the place is in the local government's area; and (b) the delegate reasonably considers the place is a place of cultural heritage significance for its area.				
Local Government	116(3)	Power to be satisfied that a place is no longer a place of cultural heritage significance for its area.				
Local Government	117(1)	Where it is proposed to enter a place in, or remove a place from, its local heritage register, power to: (a) give the owner of the place notice of the proposal; and (b) within 10 days after giving the notice, publish the notice in a newspaper circulating generally in the area.				

Local Government	118	<p>Before deciding to enter a place in, or remove a place from, its local heritage roster, power to:</p> <p>(a) have regard to—</p> <p>(i) The submissions received under section 117 about the proposal to enter or remove the place; and</p> <p>(ii) If the chief executive, under section 112A(2), recommended that the local government enter the place in its register - the information about the place included in the notice; and</p> <p>(b) Have regard to other information the local government considers relevant.</p>				
------------------	-----	--	--	--	--	--

Part 12 – Enforcement

Division 1 – Authorised persons

Entity power given to	Section of QUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	125(2)	Power to, by instrument in writing, appoint a local government employee of the local government as an authorised person.	This power does not need to be delegated by Council as it is given directly to the CEO under the Act.			
Chief Executive Officer	125(3)	Power to form the view that a person is appropriately qualified for appointment as an authorised person.	This power does not need to be delegated by Council as it is given directly to the CEO under the Act.			

[2017 07 03 - QUHA - Delegation Table]

Position: **Insert Position**

Position Code: **Insert Position Code**

POWERS SUB-DELEGATED

Queensland Heritage Act 1992 ("QUHA")

Part 6 – Development in Queensland heritage places and local heritage places
Division 2 – Exemption certificates

Entity power given to	Section of QUHA	Description
Decision-maker (Chief Executive Officer)	72(1)	Power to consider an application for an exemption certificate.
Decision-maker (Chief Executive Officer)	72(2)(b)(i)	Power to assess and decide the impact of a proposed development on the cultural heritage significance of a place.
Decision-maker (Chief Executive Officer)	72(3)(b)	Power to decide if a development will not have a detrimental impact, or will only have a minimal impact on the cultural heritage significance of the place.
Decision-maker (Chief Executive Officer)	73(1)	Power to request, by notice to the applicant, further information reasonably required to decide the application.
Decision-maker (Chief Executive Officer)	74(2)	Power to approve the application, with or without conditions
Decision-maker (Chief Executive Officer)	74(3)	Power to refuse the application or approve the application with conditions

Part 7 – Heritage agreements and local heritage agreements

Entity power given to	Section of QUHA	Description
Chief Executive Officer	80(2)	Power to enter into a local heritage agreement for a local heritage place with: (a) the owner of the place; or (b) with the owner's consent, another person or entity who has an interest in the place.
Chief Executive Officer	80(5)	Power to change or end a local heritage agreement for a local heritage place by agreement with the party it was entered into with.
The power is stated to be given to a 'party' to the agreement. The Local Government will be the 'party'	82(1)(b)	Power to form reasonable belief that the other party to the agreement may fail to comply with the agreement.
The power is stated to be given to a 'party' to the agreement. The	82(1)	Power to make an application to the Planning and Environment Court for an order under this section.

Local Government will be the 'party'		
--------------------------------------	--	--

Part 8³ – Notices about essential repair and maintenance of State heritage places and local heritage places

Entity power given to	Section of QUHA	Description
Decision-maker (Chief Executive Officer)	84(1)(a) and (b)	Power to form reasonable belief that it is necessary to carry out essential repair or maintenance work on the place and that the work is required to be carried out to protect the place from damage or deterioration caused by weather, fire, vandalism, or insects.
Decision-maker (Chief Executive Officer)	84(3)	Power to consult with the owner of the place about the essential repair or maintenance work the decision-maker believes necessary to carry out.

Part 11 – Provisions about places of cultural heritage significance in local government areas

Division 3 – Entry of places in, and removal of places from, local heritage registers

Entity power given to	Section of QUHA	Description
Local Government	116(1)	Power to propose to enter a place in a local heritage register if: <ul style="list-style-type: none"> (a) the place is in the local government's area; and (b) the delegate reasonably considers the place is a place of cultural heritage significance for its area.
Local Government	116(3)	Power to be satisfied that a place is no longer a place of cultural heritage significance for its area.
Local Government	117(1)	Where it is proposed to enter a place in, or remove a place from, its local heritage register, power to: <ul style="list-style-type: none"> (a) give the owner of the place notice of the proposal; and (b) within 10 days after giving the notice, publish the notice in a newspaper circulating generally in the area.
Local Government	118	Before deciding to enter a place in, or remove a place from, its local heritage roster, power to: <ul style="list-style-type: none"> (a) have regard to– <ul style="list-style-type: none"> (i) The submissions received under section 117 about the proposal to enter or remove the place; and (ii) If the chief executive, under section 112A(2), recommended that the local government enter the place in its register - the information about the place included in the notice; and (b) Have regard to other information the local government considers relevant.

³ Part 8 is only applicable to a local government prescribed by regulation.

Part 12 – Enforcement

Division 1 – Authorised persons

Entity power given to	Section of QUHA	Description
Chief Executive Officer	125(2)	Power to, by instrument in writing, appoint a local government employee of the local government as an authorised person.
Chief Executive Officer	125(3)	Power to form the view that a person is appropriately qualified for appointment as an authorised person.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 07 03 - QUHA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;

8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Residential Tenancies and Rooming Accommodation Act 2008 ("RTRA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Residential Tenancies and Rooming Accommodation Act 2008 ("RTRA")**CHAPTER 2 – RESIDENTIAL TENANCY AGREEMENTS AND ROOMING ACCOMMODATION AGREEMENTS****Part 1 – Agreements****Division 1 – Residential tenancy agreements****Subdivision 1 – General principles**

Entity power given to	Section of RTRA	Description
Lessor ¹	62(1)	Power to give a document prepared for section 61 to the tenant for signing on or before the day the tenant occupies the premises under the agreement.
Lessor	62(3)	Power to sign the document referred to in section 61 and return a copy signed by both parties to the tenant.
Lessor	64(3)	Power to form the reasonable belief that a tenant has contravened section 62(2) and, in that case, to apply to a tribunal for an order requiring the tenant to sign the relevant document and return it by a stated day.

Subdivision 2 – Associated documents

Entity power given to	Section of RTRA	Description
Lessor	65(2)	Power to prepare in the approved form, sign and give a copy to the tenant a condition report on or before the day the tenant occupies the premises under the agreement.
Lessor or agent	66(2)(a)	Power to sign the copy of the condition report at the end of tenancy.
Lessor or agent	66(2)(b)	Power to, if the lessor or agent does agree with the report, show the parts of the report the lessor or agent disagrees with by marking the copy in an appropriate way.
Lessor or agent	66(2)(c)	Power to, if the tenant has given a forwarding address to the lessor or agent, make a copy of the report and return it to the tenant at the address.
Lessor	67(1)	Power to give an information statement in the approved form to the tenant.
Lessor	68(2)	Power to give a copy of park rules to the tenant and, if a park rule is changed, a copy of the rule as changed.
Lessor	69	In the specified circumstances, power to give the tenant a copy of relevant by-laws when giving the written agreement to the tenant for signing.

¹ A lessor is the person who gives the right to occupy residential premises under a residential tenancy agreement: section 8(1) of the *Residential Tenancies and Rooming Accommodation Act 2008*.

Division 2 – Rooming accommodation agreements

Subdivision 1 – General provisions

Entity power given to	Section of RTRA	Description
Provider ²	77(4)(h)	Power to sign a rooming accommodation agreement.
Provider	78(1)	Power to give a document prepared for section 77 to the resident on or before the day the resident occupies the room in rental premises under the agreement.
Provider	78(2)	Power to, within 3 days after receiving the document signed by the resident, sign the document and return a copy signed by both parties to the resident.

Subdivision 2 – Associated documents

Entity power given to	Section of RTRA	Description
Provider ³	81(1)(b)	Power to prepare in the approved form, sign and give a copy to the resident a condition report on or before the day the resident occupies a room in the rental premises under the agreement.

Part 2 – Rent

Division 1 – Residential tenancy agreements

Entity power given to	Section of RTRA	Description
Lessor	88(3)	Power to sign a receipt for payment.
Lessor	88(5)	Power to make a written record of payment and to give a copy of the record to the tenant.
Lessor	91(2)	Power to give a written notice of proposal to increase rent to the tenant, in the specified way.
Lessor	97(3)	In the specified circumstances, the power to apply to a tribunal to make an order about the payment of an amount by or to a tenant.

Division 2 – Rooming accommodation agreements

Entity power given to	Section of RTRA	Description
Provider	98(3)(a)	Power to give a written notice to the resident about the approved way to pay rent.
Provider	98(3)(b)	Power to agree, in writing, with the resident to payments of rent being made in the way stated.
Provider	99(2)(a)	Power to: <ul style="list-style-type: none"> (a) give a written notice to the resident that gives the resident a choice of at least two other approved ways for payment of rent under section 98(4)(a) to (f); and (b) advises the resident of the costs associated with the approved way offered in the specified circumstances.
Provider	102(3)	Power to sign a receipt of payment.

² A provider is a provider under a rooming accommodation agreement.

³ A provider is a provider under a rooming accommodation agreement.

Provider	105(3)	Power to give a resident a written notice stating the amount of increased rent and the day by which the rent is payable.
Provider	106(2)	Power to agree with the resident, the rent payable under the agreement decreases by the amount and from the time agreed.
Provider	106(3)	Power to, if agreement with the tenant can't be reached, apply to a tribunal for an order decreasing the rent, by a stated amount from a stated time.
Provider	107(2)	Power to agree with the resident to a reduction in rent for the period of the absence.
Provider	109(3)	Power to apply to a tribunal to make an order about the payment of an amount by or to the resident.

Part 3 – Rental bonds

Division 2 – Payments to authority

Entity power given to	Section of RTRA	Description
Person	116(1)(1)	Power to pay the rental bond to the authority.
Person	116(1)(b)	Power to give the authority a notice, in an approved form, about a rental bond.
Lessor	117(2)(a)	In the specified circumstances, the power to pay the instalment to authority.
Lessor	117(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about the instalments.
Lessor	117(3)(a)	In the specified circumstances, the power to pay the instalments received by the lessor or agent to the authority.
Lessor	117(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(2)(a)	In the specified circumstances, the power to pay the instalments to the authority.
Provider	118(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(3)(a)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.
Provider	118(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(4)(a)(i)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.
Provider	118(4)(a)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(4)(b)(i)	In the specified circumstances, the power to pay the instalment to the authority within 10 days after receiving it.
Provider	118(4)(b)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.

Division 4 – Enforcement provisions

Entity power given to	Section of RTRA	Description
Person	145(1)	Power to give a receipt for a rental bond.

Person	145(2)(b)	Power to sign a receipt for a rental bond.
--------	-----------	--

Division 6 – Miscellaneous

Entity power given to	Section of RTRA	Description
Lessor	154(b)	Power to give a written notice to the tenant to increase a rental bond.
Lessor	155(3)	In the specified circumstances, the power to apply to a tribunal to make an order declaring an amount is or is not a rental bond.

Part 4 – Key and holding deposits for residential tenancies

Division 2 – Holding deposits

Entity power given to	Section of RTRA	Description
Person	160(1)	Power to give a receipt for a holding deposit.

Part 5 – Outgoings of lessor or provider

Division 1 – Residential tenancy agreements

Subdivision 2 – Service charges

Entity power given to	Section of RTRA	Description
Lessor	168(3)(a)	Power to agree with the tenant on an amount as reflecting the amount of rent attributable to the service or facility.
Lessor	168(4)	Power to give the tenant a written statement showing each service or facility for which an amount of rent is attributable and the amount attributed.

CHAPTER 3 – RIGHTS AND OBLIGATIONS OF PARTIES FOR RESIDENTIAL TENANCIES

Part 3 – Lessors' right of entry

Entity power given to	Section of RTRA	Description
Lessor	192(1)	In the specified circumstances, the power to enter the premises.
Lessor	193(1)(a)	In the specified circumstances, the power to give a notice of proposed entry to the tenant.
Lessor	195(1)(b)	Power to make an agreement with the tenant that the lessor may enter premises on a Sunday or public holiday or on another day after 6.00 pm or before 8.00 am.
Lessor	195(5)	Power to agree a time for entry of premises under section 192(1)(j) with the tenant.
Lessor	197(1)(a)	In the specified circumstances, the power to give a notice to leave the premises to the tenant.
Lessor	198(1)(a)	In the specified circumstances, power to give a tenant a notice of the lessors' intention to sell the premises.
Lessor	203	Power to obtain the tenants written consent to use a photo or other image of something belonging to the tenant in an advertisement for the premises.

Part 5 – The dwelling**Division 2 – Locks and keys**

Entity power given to	Section of RTRA	Description
Lessor	211(1)(a)	Power to enter into an agreement with the tenant under which the tenant agrees to not being given a key.
Lessor	211(2)(b)	Power to enter into an agreement with the tenant to change a lock.

Division 3 – Damage and repairs

Entity power given to	Section of RTRA	Description
Lessor	216(1)(a)	Power to nominate a person to act for the lessor in arranging for emergency repairs, or emergency repairs of a particular type, to be made of the premises or inclusions.
Lessor	216(1)(b)	Power to nominate a person to make emergency repairs, or emergency repairs of a particular type, of the premises or inclusions.
Lessor	216(2)	Power to give a written notice to the tenant of a nominated repairer.
Lessor	220(2)	In the specified circumstances, the power to apply to a tribunal for an order about the reimbursement or payment for emergency repairs.

Part 6 – Additional provisions for moveable dwelling premises**Division 2 – Relocation**

Entity power given to	Section of RTRA	Description
Lessor	223	Power to give a notice to the tenant requiring the tenant to relocate to another site in the moveable dwelling park within a stated period.

Division 3 – Park rules

Entity power given to	Section of RTRA	Description
Park Owner	229(1)(b)	In the specified circumstances, power to give a notice of proposal to each resident and any person who becomes a resident before the objection closing day of a proposed change of a park rule.
Park Owner	233(2)	Power to apply to a tribunal for an order declaring a proposal about a change of park rule to be reasonable or unreasonable.

Part 7 – Change of lessor or tenant**Division 1 – Transfer or subletting by tenant**

Entity power given to	Section of RTRA	Description
Lessor	237(2)	Power to agree with the tenant, in writing, of the transfer or subletting of a tenant's interests under an agreement.

Lessor	238(2)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.
--------	-----------	---

Division 2 – Transfer by lessor

Entity power given to	Section of RTRA	Description
Lessor	242(1)(a)	In the specified circumstances, the power to give a written notice of tenancy to a buyer.
Lessor	242(1)(b)	In the specified circumstances, the power to give a written notice of transfer to the tenant.

CHAPTER 4 – RIGHTS AND OBLIGATIONS OF PARTIES FOR ROOMING ACCOMMODATION

Part 1 – Rights and obligations generally

Entity power given to	Section of RTRA	Description
Provider	248(1)	In the specified circumstances, the power to give a written notice to the resident of address for service stating the specified information.
Provider	248(2)	In the specified circumstances, the power to give a written notice of change to the resident, within 14 days after the change.
Provider	255(1)	Power to give an agreement to the attaching of a fixture, or making of a structural change, in writing and stating the specified information.

Part 2 – Entry to residents' rooms

Entity power given to	Section of RTRA	Description
Provider	257(1)	Power to agree with the resident for the provider to enter the resident's room for any reason.
Provider	259(2)	Power to give a written notice of proposed entry to a resident.
Provider	259(4)	Power to give a written notice of proposed entry to the agent to whom the resident normally pays rent.

Part 3 – House rules

Division 2 – Rule changes

Entity power given to	Section of RTRA	Description
Provider	270(1)	In the specified circumstances, the power to give a written notice to each resident of rule change for rental premises, setting out the specified information.
Provider	271	In the specified circumstances, the power to give a written notice to a resident to whom a notice under section 270 have been given of a withdrawal of a proposed rule change.
Provider	272(4)(b)	Power to give a written notice to each resident if the provider receives objections to the proposed rule change, stating the specified information.

Provider	273(2)	Power to apply to a tribunal for an order declaring a proposed change to be reasonable.
Provider	273(7)	Power to give a written notice of the decision of the tribunal about a proposed rule change to each resident of the rental premises.
Provider	274(7)	Power to give a written notice of the decision of a tribunal to each resident of the rental premises about an existing rule.

CHAPTER 5 – ENDING OF AGREEMENTS

Part 1 – Ending of residential tenancy agreements

Division 1 – General

Entity power given to	Section of RTRA	Description
Lessor	277(2)	Power to end a residential tenancy agreement by entering into a written agreement with the tenant.
Lessor	277(3)	Power to give a notice to leave the premises to the tenant.
Lessor	277(7)(b)	Power to give a tenant's personal representative or relative a written notice that an agreement ends because of a tenant's death.
Lessor	277(7)(c)	Power to agree a day with the tenant's personal representative or relative of when a residential tenancy agreement ends.

Division 2 – Action by lessor

Subdivision 1 – Notices to remedy breach given by lessor

Entity power given to	Section of RTRA	Description
Lessor	280(1)	Power to form a belief on reasonable grounds that: (a) the rent payable under an agreement has remained unpaid in breach of the agreement for at least 7 days; or (b) the tenant has breached another term of the agreement and the breach has not been remedied.
Lessor	280(2)	Power to give a notice to the tenant requiring the tenant remedy the breach within the allowed remedy period.

Subdivision 2 – Notices to leave premises given by lessor

Entity power given to	Section of RTRA	Description
Lessor	281(1)	Power to give a notice to leave the premises because the tenant has failed to comply with a notice to remedy breach, within the allowed remedy period.
Lessor	282(1)	Power to give a notice to leave the premises to the tenant because the tenant has failed to comply with an order of a tribunal.
Lessor	283(2)	Power to give a notice to leave to the tenant because the tenant has failed to comply within the required period, with a notice to relocate.

Lessor	284(1)	Power to give a notice to leave to the tenant because the premises have been destroyed or otherwise in the specified circumstances
Lessor	285(2)	Power to give a notice to leave to the tenant because the park has become an unfit place in which to live in a moveable dwelling.
Lessor	286(1)	Power to give a notice to a tenant under a periodic agreement because the lessor has entered into a contract to sell the premises with vacant possession.
Lessor	287(2)	Power to give a notice to leave the premises to the tenant because the park premises is to change use other than as a moveable dwelling park, or otherwise the park is to be closed.
Lessor	288(1)	In the specified circumstances, the power to give a notice to a tenant if the tenant's employment ends or entitlement to occupy under employment ends.
Lessor	289(2)	Power to give a notice to leave to the premises if the tenant's entitlement to supported accommodation ends.
Lessor / Community Housing Provider	290A(1)	Power to give a notice to leave the premises to the tenant because of a serious breach or otherwise in the specified circumstances.
Lessor	291(1)	Power to give a notice to leave the premises to the tenant without stating a ground for the notice.

Subdivision 3 – Applications for termination by lessor

Entity power given to	Section of RTRA	Description
Lessor	294(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.
Lessor	295(1)	Power to apply to a tribunal for a termination order because the lessor would suffer excessive hardship, if the agreement were not terminated.
Lessor (but does not include a Community Housing Provider)	296(1)	Power to apply to a tribunal for a termination order because the tenant has intentionally or recklessly caused serious damage to the premises or injury to a specified person.
Lessor / Community Housing Provider	296A(1)	Power to apply to a tribunal for termination for damage or injury in public or community housing in the specified circumstances.
Lessor (but does not include a Community Housing Provider)	297(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for tenant's objectionable behaviour.
Lessor / Community Housing Provider	297A(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for objectionable behaviour in public or community housing.
Lessor	298(2)	Power to apply to a tribunal for a termination order because the lessor and tenant are incompatible in a way that makes it desirable in the interests of both parties for the agreement to end.
Lessor	299(2)	Power to apply to a tribunal for a termination order for repeated breaches by the tenant.

Lessor	300(1)(b)	Power to form a belief on reasonable grounds that a tenant is likely to cause further damage or injury for which a termination order may be sought.
Lessor	300(2)	Power to apply to a tribunal for an order to restrain a tenant from causing further damage or injury.

Division 5 – Procedural requirements for action taken by lessor or tenant

Entity power given to	Section of RTRA	Description
Lessor	325(2)(a)	Power to sign a notice to remedy breach.
Lessor	326(1)(b)	Power to sign a notice to leave premises.
Lessor	333(1)	Power to withdraw a notice to leave for an unremedied breach, if the tenant remedies the breach.
Lessor	333(2)(b)	Power to give a written notice of withdrawal to the tenant.
Lessor	335(1)	In the specified circumstances, the power to make an application to the tribunal for a termination order.

Division 8 – Abandonment

Entity power given to	Section of RTRA	Description
Lessor	355(1)	Power to form a belief on reasonable grounds that a tenant has abandoned the premises and to give a notice to the tenant terminating the agreement.
Lessor	357(1)	Power to form a belief on reasonable grounds that the tenant has abandoned premises and to apply to a tribunal for an order under this section.
Lessor	359(1)	In the specified circumstances, the power to apply to a tribunal for an order for compensation.

Division 10 – Goods and documents left behind on premises

Entity power given to	Section of RTRA	Description
Former Lessor	363(2)	In the specified circumstances, the power to sell goods left on premises or to dispose of them and to form a reasonable belief on the grounds set out in that section.
Former Lessor	363(4)	Power to sell goods that are not reclaimed in the circumstances in that subsection.

Part 2 – Ending of rooming accommodation agreements

Division 1 – General

Entity power given to	Section of RTRA	Description
Provider	366(2)	In the specified circumstances, the power to enter into an agreement with the resident to end a rooming accommodation agreement.
Provider	366(7)(b)	In the specified circumstances, the power to give a written notice that an agreement ends because of the resident's death to the resident's personal representative or relative.

Provider	366(7)(c)	In the specified circumstances, the power to agree the day on which the agreement ends with the resident's personal representative or relative.
----------	-----------	---

Division 2 – Action by provider

Subdivision 1 – Notices to remedy breach given by provider

Entity power given to	Section of RTRA	Description
Provider	368(1)	Power to form a reasonable belief that a resident has breached a rooming accommodation agreement and that the breach has not been remedied.
Provider	368(2)	Power to give a resident a notice requiring a resident to remedy the breach.
Provider	368(3)(d)	Power to sign a notice.
Provider	368(4)	Power to form a reasonable belief of the steps necessary to remedy a breach or to avoid a further breach of a rooming accommodation agreement.

Subdivision 2 – Notices to leave given by provider

Entity power given to	Section of RTRA	Description
Provider	369(1)	In the specified circumstances, the power to give a resident a notice requiring the resident to leave the premises.
Provider	369(2)(d)	Power to sign a notice.
Provider	369(5)	Power to withdraw a notice at any time before a resident leaves.
Provider	370(1)	In the specified circumstances, the power to give a resident a written notice requiring the resident to leave the rental premises if the provider reasonably believes the circumstances of that subsection exist.
Provider	370(2)(b)	Power to sign a notice.
Provider	371	Power to give a resident a notice requiring the resident to leave premises in the circumstances prescribed in that subsection.
Provider	371(3)(d)	Power to sign the notice.
Provider	372(1)	Power to terminate a periodic agreement by giving at least 30 days written notice to the resident.
Provider	372(2)	Power to terminate a fixed term agreement by giving a notice to a resident.
Provider	374(1)	In the specified circumstances, the power to give a notice to a resident requiring the resident to leave the rental premises.
Provider	374(2)(d)	Power to sign the notice.
Provider	375(2)	In the specified circumstances, the power to use reasonable and necessary force to remove a resident and the resident's property from rental premises.
Provider	375(4)	Power, for the purpose of exercising a power under subsection (2), to enter a resident's room.

Division 3 – Action by resident

Subdivision 3 – Applications for termination by provider

Entity power given to	Section of RTRA	Description
Provider	376(2)	Power to apply to a tribunal for a termination order.
Provider	377(1)	Power to apply to a tribunal for an order terminating a fixed term agreement on the grounds of excessive hardship if the agreement were not terminated.

Division 5 – Procedural requirements and orders of tribunal

Entity power given to	Section of RTRA	Description
Provider	388(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.
Provider	393(2)	Power to form a reasonable belief that property is perishable or of market value less than the amount prescribed under regulation, or, the storage of goods would be unhealthy or unsafe.
Provider	393(5)	Power to form a reasonable belief that the market value of property is less than the amount prescribed under a regulation and donate the property to a charity instead of selling it under subsection (4)(b).
Provider	395(3)	Power to make an application to the public trustee to pay an amount to the provider from the unclaimed monies fund kept under the <i>Public Trustee Act 1978</i> .

CHAPTER 6 – DISPUTE RESOLUTION

Part 1 – Conciliation process for residential tenancy disputes and rooming accommodation disputes

Division 3 – Starting the conciliation process

Entity power given to	Section of RTRA	Description
Lessor	402(1)	Power to make a request to the authority to try to resolve a tenancy dispute.
Lessor	402(2)	Power to make a request to the authority to try to resolve a rooming accommodation dispute.

Division 4 – Conduct of conciliation process

Entity power given to	Section of RTRA	Description
Parties to Dispute	405(1)	Power to conduct the parties' case on own behalf.
Parties to Dispute	405(2)	In the specified circumstances, the power to represent the party in the conciliation process.
Parties to Dispute	408(2)	Power to agree with another party in dispute to resolve the dispute.

Division 5 – Withdrawal of disputes

Entity power given to	Section of RTRA	Description
Party in Dispute	410(1)	Power to give a written notice to an authority withdrawing a dispute resolution request.

Part 2 -

Application to tribunals

Division 3 – General powers of tribunals

Entity power given to	Section of RTRA	Description
Person	418(1)	In the specified circumstances, the power to apply to a tribunal for an order.
Lessor / Provider	419(1)	In the specified circumstances, the power to apply to a tribunal for an order it considers appropriate to resolve general disputes between lessors and tenants or providers and residents.
Lessor	419(2)	Power to apply to a tribunal for an order about a breach of agreement
Lessor	424(1)	In the specified circumstances, the power to apply to a tribunal for an order about tenants' notices.
Lessor / Provider	429(1)	In the specified circumstances, the power to apply to the tribunal for an order to resolve a dispute.

CHAPTER 8 – CAUSING NUISANCE IN MOVEABLE DWELLING PARKS

Entity power given to	Section of RTRA	Description
Owner of a moveable dwelling park	455(1)	Power to apply to a tribunal for an order excluding a person from the park because of the person's behaviour in the park.
Owner of a moveable dwelling park	455(3)	In the specified circumstances, the power to give a written notice of application to a person.

CHAPTER 13A – MATTERS RELATING TO PARTICULAR LEASES BY THE STATE AND COMMUNITY HOUSING PROVIDERS

Entity power given to	Section of RTRA	Description
Lessor / Community Housing Provider	527D(1)	In the specified circumstances, the power to give a written notice to a tenant to require the tenant to give a written undertaking.
Lessor / Community Housing Provider	527D(4)	In the specified circumstances, the power to enter into an acceptable behaviour agreement with a tenant.
Lessor / Community Housing Provider	527E(1)	In the specified circumstances, the power to apply to the tribunal for a termination order.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 09 01 - RTRA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION ACT 2008 ("RTRA")

CHAPTER 2 – RESIDENTIAL TENANCY AGREEMENTS AND ROOMING ACCOMMODATION AGREEMENTS

Part 1 – Agreements

Division 1 – Residential tenancy agreements

Subdivision 1 – General principles

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor ⁴	62(1)	Power to give a document prepared for section 61 to the tenant for signing on or before the day the tenant occupies the premises under the agreement.				
Lessor	62(3)	Power to sign the document referred to in section 61 and return a copy signed by both parties to the tenant.				This must be done within 14 days from the receipt of the signed documents.
Lessor	64(3)	Power to form the reasonable belief that a tenant has contravened section 62(2) and, in that case, to apply to a tribunal for an order requiring the tenant to sign the relevant document and return it by a stated day.				

⁴ A lessor is the person who gives the right to occupy residential premises under a residential tenancy agreement: section 8(1) of the *Residential Tenancies and Rooming Accommodation Act 2008*.

Subdivision 2 – Associated documents

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	65(2)	Power to prepare in the approved form, sign and give a copy to the tenant a condition report on or before the day the tenant occupies the premises under the agreement.				
Lessor or agent	66(2)(a)	Power to sign the copy of the condition report at the end of tenancy.				Must be completed within 3 business days after receiving a copy of the report under section 66(1) from the tenant.
Lessor or agent	66(2)(b)	Power to, if the lessor or agent does agree with the report, show the parts of the report the lessor or agent disagrees with by marking the copy in an appropriate way.				Must be completed within 3 business days after receiving a copy of the report under section 66(1) from the tenant.
Lessor or agent	66(2)(c)	Power to, if the tenant has given a forwarding address to the lessor or agent, make a copy of the report and return it to the tenant at the address.				Must be completed within 3 business days after receiving a copy of the report under section 66(1) from the tenant.
Lessor	67(1)	Power to give an information statement in the approved form to the tenant.				
Lessor	68(2)	Power to give a copy of park rules to the tenant and, if a park rule is changed, a copy of the rule as changed.				
Lessor	69	In the specified circumstances, power to give the tenant a copy of relevant by-laws when				

		giving the written agreement to the tenant for signing.				
--	--	---	--	--	--	--

Division 2 – Rooming accommodation agreements

Subdivision 1 – General provisions

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider ⁵	77(4)(h)	Power to sign a rooming accommodation agreement.				
Provider	78(1)	Power to give a document prepared for section 77 to the resident on or before the day the resident occupies the room in rental premises under the agreement.				
Provider	78(2)	Power to, within 3 days after receiving the document signed by the resident, sign the document and return a copy signed by both parties to the resident.				

Subdivision 2 – Associated documents

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider ⁶	81(1)(b)	Power to prepare in the approved form, sign and give a copy to the resident a condition report on or before the day the resident occupies a room in the rental premises under the agreement.				

⁵ A provider is a provider under a rooming accommodation agreement.

⁶ A provider is a provider under a rooming accommodation agreement.

Part 2 – Rent

Division 1 – Residential tenancy agreements

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	88(3)	Power to sign a receipt for payment.				
Lessor	88(5)	Power to make a written record of payment and to give a copy of the record to the tenant.				
Lessor	91(2)	Power to give a written notice of proposal to increase rent to the tenant, in the specified way.				
Lessor	97(3)	In the specified circumstances, the power to apply to a tribunal to make an order about the payment of an amount by or to a tenant.				

Division 2 – Rooming accommodation agreements

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	98(3)(a)	Power to give a written notice to the resident about the approved way to pay rent.				
Provider	98(3)(b)	Power to agree, in writing, with the resident to payments of rent being made in the way stated.				
Provider	99(2)(a)	Power to: (a) give a written notice to the resident that gives the resident a choice of at least two other approved ways for payment of rent under section 98(4)(a) to (f); and				

		(b) advises the resident of the costs associated with the approved way offered in the specified circumstances.				
Provider	102(3)	Power to sign a receipt of payment.				
Provider	105(3)	Power to give a resident a written notice stating the amount of increased rent and the day by which the rent is payable.				The day for which the increase in rent is payable must be not earlier than 4 weeks.
Provider	106(2)	Power to agree with the resident, the rent payable under the agreement decreases by the amount and from the time agreed.				
Provider	106(3)	Power to, if agreement with the tenant can't be reached, apply to a tribunal for an order decreasing the rent, by a stated amount from a stated time.				
Provider	107(2)	Power to agree with the resident to a reduction in rent for the period of the absence.				
Provider	109(3)	Power to apply to a tribunal to make an order about the payment of an amount by or to the resident.				

Part 3 – Rental bonds

Division 2 – Payments to authority

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	116(1)(1)	Power to pay the rental bond to the authority.				This payment must be made within 10 days from receiving the rental bond.

Person	116(1)(b)	Power to give the authority a notice, in an approved form, about a rental bond.				This payment must be made within 10 days from receiving the rental bond.
Lessor	117(2)(a)	In the specified circumstances, the power to pay the instalment to authority.				This notice must be given within 10 days from receiving the last instalment.
Lessor	117(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about the instalments.				This notice must be given within 10 days from receiving the last instalment.
Lessor	117(3)(a)	In the specified circumstances, the power to pay the instalments received by the lessor or agent to the authority.				This notice must be given within 10 days after ending the agreement.
Lessor	117(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.				This notice must be given within 10 days after ending the agreement.
Provider	118(2)(a)	In the specified circumstances, the power to pay the instalments to the authority.				This notice must be given within 10 days from receiving the last instalment.
Provider	118(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.				This notice must be given within 10 days from receiving the last instalment.
Provider	118(3)(a)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.				This notice must be given within 10 days after ending the agreement.

Provider	118(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.				This notice must be given within 10 days after ending the agreement.
Provider	118(4)(a)(i)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.				This payment must be made within the timeframe specified.
Provider	118(4)(a)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.				This payment must be made within the timeframe specified.
Provider	118(4)(b)(i)	In the specified circumstances, the power to pay the instalment to the authority within 10 days after receiving it.				
Provider	118(4)(b)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.				

Division 4 – Enforcement provisions

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	145(1)	Power to give a receipt for a rental bond.				
Person	145(2)(b)	Power to sign a receipt for a rental bond.				

Division 6 – Miscellaneous

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	154(b)	Power to give a written notice to the tenant to increase a rental bond.				

Lessor	155(3)	In the specified circumstances, the power to apply to a tribunal to make an order declaring an amount is or is not a rental bond.				The application must be made within the specified timeframe.
--------	--------	---	--	--	--	--

Part 4 – Key and holding deposits for residential tenancies

Division 2 – Holding deposits

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	160(1)	Power to give a receipt for a holding deposit.				

Part 5 – Outgoings of lessor or provider

Division 1 – Residential tenancy agreements

Subdivision 2 – Service charges

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	168(3)(a)	Power to agree with the tenant on an amount as reflecting the amount of rent attributable to the service or facility.				
Lessor	168(4)	Power to give the tenant a written statement showing each service or facility for which an amount of rent is attributable and the amount attributed.				

CHAPTER 3 – RIGHTS AND OBLIGATIONS OF PARTIES FOR RESIDENTIAL TENANCIES

Part 3 – Lessors' right of entry

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	192(1)	In the specified circumstances, the power to enter the premises.				
Lessor	193(1)(a)	In the specified circumstances, the power to give a notice of proposed entry to the tenant.				The notice must be in the approved form and given in the specified timeframe.
Lessor	195(1)(b)	Power to make an agreement with the tenant that the lessor may enter premises on a Sunday or public holiday or on another day after 6.00 pm or before 8.00 am.				
Lessor	195(5)	Power to agree a time for entry of premises under section 192(1)(j) with the tenant.				
Lessor	197(1)(a)	In the specified circumstances, the power to give a notice to leave the premises to the tenant.				
Lessor	198(1)(a)	In the specified circumstances, power to give a tenant a notice of the lessors' intention to sell the premises.				
Lessor	203	Power to obtain the tenants written consent to use a photo or other image of something belonging to the tenant in an advertisement for the premises.				

Part 5 – The dwelling

Division 2 – Locks and keys

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	211(1)(a)	Power to enter into an agreement with the tenant under which the tenant agrees to not being given a key.				
Lessor	211(2)(b)	Power to enter into an agreement with the tenant to change a lock.				

Division 3 – Damage and repairs

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	216(1)(a)	Power to nominate a person to act for the lessor in arranging for emergency repairs, or emergency repairs of a particular type, to be made of the premises or inclusions.				
Lessor	216(1)(b)	Power to nominate a person to make emergency repairs, or emergency repairs of a particular type, of the premises or inclusions.				
Lessor	216(2)	Power to give a written notice to the tenant of a nominated repairer.				
Lessor	220(2)	In the specified circumstances, the power to apply to a tribunal for an order about the reimbursement or payment for emergency repairs.				

Part 6 – Additional provisions for moveable dwelling premises

Division 2 – Relocation

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	223	Power to give a notice to the tenant requiring the tenant to relocate to another site in the moveable dwelling park within a stated period.				

Division 3 – Park rules

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Park Owner	229(1)(b)	In the specified circumstances, power to give a notice of proposal to each resident and any person who becomes a resident before the objection closing day of a proposed change of a park rule.				
Park Owner	233(2)	Power to apply to a tribunal for an order declaring a proposal about a change of park rule to be reasonable or unreasonable.				

Part 7 – Change of lessor or tenant

Division 1 – Transfer or subletting by tenant

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	237(2)	Power to agree with the tenant, in writing, of the transfer or subletting of a tenant's interests under an agreement.				

Lessor	238(2)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.				
--------	-----------	---	--	--	--	--

Division 2 – Transfer by lessor

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	242(1)(a)	In the specified circumstances, the power to give a written notice of tenancy to a buyer.				
Lessor	242(1)(b)	In the specified circumstances, the power to give a written notice of transfer to the tenant.				

CHAPTER 4 – RIGHTS AND OBLIGATIONS OF PARTIES FOR ROOMING ACCOMMODATION

Part 1 – Rights and obligations generally

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	248(1)	In the specified circumstances, the power to give a written notice to the resident of address for service stating the specified information.				
Provider	248(2)	In the specified circumstances, the power to give a written notice of change to the resident, within 14 days after the change.				
Provider	255(1)	Power to give an agreement to the attaching of a fixture, or making of a structural change, in writing and stating the specified information.				

Part 2 – Entry to residents' rooms

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	257(1)	Power to agree with the resident for the provider to enter the resident's room for any reason.				
Provider	259(2)	Power to give a written notice of proposed entry to a resident.				This notice must be given at least 24 hours before entry.
Provider	259(4)	Power to give a written notice of proposed entry to the agent to whom the resident normally pays rent.				This notice must be given at least 24 hours before entry.

Part 3 – House rules

Division 2 – Rule changes

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	270(1)	In the specified circumstances, the power to give a written notice to each resident of rule change for rental premises, setting out the specified information.				
Provider	271	In the specified circumstances, the power to give a written notice to a resident to whom a notice under section 270 have been given of a withdrawal of a proposed rule change.				
Provider	272(4)(b)	Power to give a written notice to each resident if the provider receives objections to the proposed rule change, stating the specified information.				

Provider	273(2)	Power to apply to a tribunal for an order declaring a proposed change to be reasonable.				
Provider	273(7)	Power to give a written notice of the decision of the tribunal about a proposed rule change to each resident of the rental premises.				
Provider	274(7)	Power to give a written notice of the decision of a tribunal to each resident of the rental premises about an existing rule.				

CHAPTER 5 – ENDING OF AGREEMENTS

Part 1 – Ending of residential tenancy agreements

Division 1 – General

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	277(2)	Power to end a residential tenancy agreement by entering into a written agreement with the tenant.				
Lessor	277(3)	Power to give a notice to leave the premises to the tenant.				
Lessor	277(7)(b)	Power to give a tenant's personal representative or relative a written notice that an agreement ends because of a tenant's death.				
Lessor	277(7)(c)	Power to agree a day with the tenant's personal representative or relative of when a residential tenancy agreement ends.				

Division 2 – Action by lessor

Subdivision 1 – Notices to remedy breach given by lessor

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	280(1)	Power to form a belief on reasonable grounds that: (a) the rent payable under an agreement has remained unpaid in breach of the agreement for at least 7 days; or (b) the tenant has breached another term of the agreement and the breach has not been remedied.				
Lessor	280(2)	Power to give a notice to the tenant requiring the tenant remedy the breach within the allowed remedy period.				

Subdivision 2 – Notices to leave premises given by lessor

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	281(1)	Power to give a notice to leave the premises because the tenant has failed to comply with a notice to remedy breach, within the allowed remedy period.				
Lessor	282(1)	Power to give a notice to leave the premises to the tenant because the tenant has failed to comply with an order of a tribunal.				
Lessor	283(2)	Power to give a notice to leave to the tenant because the tenant has failed to comply				

		within the required period, with a notice to relocate.				
Lessor	284(1)	Power to give a notice to leave to the tenant because the premises have been destroyed or otherwise in the specified circumstances				
Lessor	285(2)	Power to give a notice to leave to the tenant because the park has become an unfit place in which to live in a moveable dwelling.				
Lessor	286(1)	Power to give a notice to a tenant under a periodic agreement because the lessor has entered into a contract to sell the premises with vacant possession.				
Lessor	287(2)	Power to give a notice to leave the premises to the tenant because the park premises is to change use other than as a moveable dwelling park, or otherwise the park is to be closed.				
Lessor	288(1)	In the specified circumstances, the power to give a notice to a tenant if the tenant's employment ends or entitlement to occupy under employment ends.				
Lessor	289(2)	Power to give a notice to leave to the premises if the tenant's entitlement to supported accommodation ends.				
Lessor / Community Housing Provider	290A(1)	Power to give a notice to leave the premises to the tenant because of a serious breach or otherwise in the specified circumstances.				
Lessor	291(1)	Power to give a notice to leave the premises to the tenant without stating a ground for the notice.				

Subdivision 3 – Applications for termination by lessor

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	294(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.				
Lessor	295(1)	Power to apply to a tribunal for a termination order because the lessor would suffer excessive hardship, if the agreement were not terminated.				
Lessor (but does not include a Community Housing Provider)	296(1)	Power to apply to a tribunal for a termination order because the tenant has intentionally or recklessly caused serious damage to the premises or injury to a specified person.				
Lessor / Community Housing Provider	296A(1)	Power to apply to a tribunal for termination for damage or injury in public or community housing in the specified circumstances.				
Lessor (but does not include a Community Housing Provider)	297(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for tenant's objectionable behaviour.				
Lessor / Community Housing Provider	297A(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for objectionable behaviour in public or community housing.				
Lessor	298(2)	Power to apply to a tribunal for a termination order because the lessor and tenant are incompatible in a way that makes it desirable				

		in the interests of both parties for the agreement to end.				
Lessor	299(2)	Power to apply to a tribunal for a termination order for repeated breaches by the tenant.				
Lessor	300(1)(b)	Power to form a belief on reasonable grounds that a tenant is likely to cause further damage or injury for which a termination order may be sought.				
Lessor	300(2)	Power to apply to a tribunal for an order to restrain a tenant from causing further damage or injury.				

Division 5 – Procedural requirements for action taken by lessor or tenant

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	325(2)(a)	Power to sign a notice to remedy breach.				
Lessor	326(1)(b)	Power to sign a notice to leave premises.				
Lessor	333(1)	Power to withdraw a notice to leave for an unremedied breach, if the tenant remedies the breach.				
Lessor	333(2)(b)	Power to give a written notice of withdrawal to the tenant.				
Lessor	335(1)	In the specified circumstances, the power to make an application to the tribunal for a termination order.				

Division 8 – Abandonment

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	355(1)	Power to form a belief on reasonable grounds that a tenant has abandoned the premises and to give a notice to the tenant terminating the agreement.				
Lessor	357(1)	Power to form a belief on reasonable grounds that the tenant has abandoned premises and to apply to a tribunal for an order under this section.				
Lessor	359(1)	In the specified circumstances, the power to apply to a tribunal for an order for compensation.				

Division 10 – Goods and documents left behind on premises

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Former Lessor	363(2)	In the specified circumstances, the power to sell goods left on premises or to dispose of them and to form a reasonable belief on the grounds set out in that section.				
Former Lessor	363(4)	Power to sell goods that are not reclaimed in the circumstances in that subsection.				

Part 2 – Ending of rooming accommodation agreements

Division 1 – General

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	366(2)	In the specified circumstances, the power to enter into an agreement with the resident to end a rooming accommodation agreement.				
Provider	366(7)(b)	In the specified circumstances, the power to give a written notice that an agreement ends because of the resident's death to the resident's personal representative or relative.				
Provider	366(7)(c)	In the specified circumstances, the power to agree the day on which the agreement ends with the resident's personal representative or relative.				

Division 2 – Action by provider

Subdivision 1 – Notices to remedy breach given by provider

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	368(1)	Power to form a reasonable belief that a resident has breached a rooming accommodation agreement and that the breach has not been remedied.				
Provider	368(2)	Power to give a resident a notice requiring a resident to remedy the breach.				
Provider	368(3)(d)	Power to sign a notice.				
Provider	368(4)	Power to form a reasonable belief of the steps necessary to remedy a breach or to				

		avoid a further breach of a rooming accommodation agreement.				
--	--	--	--	--	--	--

Subdivision 2 – Notices to leave given by provider

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	369(1)	In the specified circumstances, the power to give a resident a notice requiring the resident to leave the premises.				
Provider	369(2)(d)	Power to sign a notice.				
Provider	369(5)	Power to withdraw a notice at any time before a resident leaves.				
Provider	370(1)	In the specified circumstances, the power to give a resident a written notice requiring the resident to leave the rental premises if the provider reasonably believes the circumstances of that subsection exist.				
Provider	370(2)(b)	Power to sign a notice.				
Provider	371	Power to give a resident a notice requiring the resident to leave premises in the circumstances prescribed in that subsection.				
Provider	371(3)(d)	Power to sign the notice.				
Provider	372(1)	Power to terminate a periodic agreement by giving at least 30 days written notice to the resident.				
Provider	372(2)	Power to terminate a fixed term agreement by giving a notice to a resident.				
Provider	374(1)	In the specified circumstances, the power to give a notice to a resident requiring the resident to leave the rental premises.				

Provider	374(2)(d)	Power to sign the notice.				
Provider	375(2)	In the specified circumstances, the power to use reasonable and necessary force to remove a resident and the resident's property from rental premises.				
Provider	375(4)	Power, for the purpose of exercising a power under subsection (2), to enter a resident's room.				

Division 3 – Action by resident

Subdivision 3 – Applications for termination by provider

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	376(2)	Power to apply to a tribunal for a termination order.				
Provider	377(1)	Power to apply to a tribunal for an order terminating a fixed term agreement on the grounds of excessive hardship if the agreement were not terminated.				

Division 5 – Procedural requirements and orders of tribunal

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	388(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.				
Provider	393(2)	Power to form a reasonable belief that property is perishable or of market value less than the amount prescribed under regulation,				

		or, the storage of goods would be unhealthy or unsafe.				
Provider	393(5)	Power to form a reasonable belief that the market value of property is less than the amount prescribed under a regulation and donate the property to a charity instead of selling it under subsection (4)(b).				
Provider	395(3)	Power to make an application to the public trustee to pay an amount to the provider from the unclaimed monies fund kept under the <i>Public Trustee Act 1978</i> .				

CHAPTER 6 – DISPUTE RESOLUTION

Part 1 – Conciliation process for residential tenancy disputes and rooming accommodation disputes

Division 3 – Starting the conciliation process

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	402(1)	Power to make a request to the authority to try to resolve a tenancy dispute.				
Lessor	402(2)	Power to make a request to the authority to try to resolve a rooming accommodation dispute.				

Division 4 – Conduct of conciliation process

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Parties to Dispute	405(1)	Power to conduct the parties' case on own behalf.				

Parties to Dispute	405(2)	In the specified circumstances, the power to represent the party in the conciliation process.				
Parties to Dispute	408(2)	Power to agree with another party in dispute to resolve the dispute.				

Division 5 – Withdrawal of disputes

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party in Dispute	410(1)	Power to give a written notice to an authority withdrawing a dispute resolution request.				

Part 2 - Application to tribunals

Division 3 – General powers of tribunals

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	418(1)	In the specified circumstances, the power to apply to a tribunal for an order.				
Lessor / Provider	419(1)	In the specified circumstances, the power to apply to a tribunal for an order it considers appropriate to resolve general disputes between lessors and tenants or providers and residents.				
Lessor	419(2)	Power to apply to a tribunal for an order about a breach of agreement				
Lessor	424(1)	In the specified circumstances, the power to apply to a tribunal for an order about tenants' notices.				

Lessor / Provider	429(1)	In the specified circumstances, the power to apply to the tribunal for an order to resolve a dispute.				
-------------------	--------	---	--	--	--	--

CHAPTER 8 – CAUSING NUISANCE IN MOVEABLE DWELLING PARKS

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a moveable dwelling park	455(1)	Power to apply to a tribunal for an order excluding a person from the park because of the person's behaviour in the park.				
Owner of a moveable dwelling park	455(3)	In the specified circumstances, the power to give a written notice of application to a person.				

CHAPTER 13A – MATTERS RELATING TO PARTICULAR LEASES BY THE STATE AND COMMUNITY HOUSING PROVIDERS

Entity power given to	Section of RTRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor / Community Housing Provider	527D(1)	In the specified circumstances, the power to give a written notice to a tenant to require the tenant to give a written undertaking.				
Lessor / Community Housing Provider	527D(4)	In the specified circumstances, the power to enter into an acceptable behaviour agreement with a tenant.				

Lessor / Community Housing Provider	527E(1)	In the specified circumstances, the power to apply to the tribunal for a termination order.				
--	---------	--	--	--	--	--

[2018 09 01 - RTRA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Residential Tenancies and Rooming Accommodation Act 2008 ("RTRA")

CHAPTER 2 – RESIDENTIAL TENANCY AGREEMENTS AND ROOMING ACCOMMODATION AGREEMENTS

Part 1 – Agreements

Division 1 – Residential tenancy agreements

Subdivision 1 – General principles

Entity power given to	Section of RTRA	Description
Lessor ⁷	62(1)	Power to give a document prepared for section 61 to the tenant for signing on or before the day the tenant occupies the premises under the agreement.
Lessor	62(3)	Power to sign the document referred to in section 61 and return a copy signed by both parties to the tenant.
Lessor	64(3)	Power to form the reasonable belief that a tenant has contravened section 62(2) and, in that case, to apply to a tribunal for an order requiring the tenant to sign the relevant document and return it by a stated day.

Subdivision 2 – Associated documents

Entity power given to	Section of RTRA	Description
Lessor	65(2)	Power to prepare in the approved form, sign and give a copy to the tenant a condition report on or before the day the tenant occupies the premises under the agreement.
Lessor or agent	66(2)(a)	Power to sign the copy of the condition report at the end of tenancy.
Lessor or agent	66(2)(b)	Power to, if the lessor or agent does agree with the report, show the parts of the report the lessor or agent disagrees with by marking the copy in an appropriate way.
Lessor or agent	66(2)(c)	Power to, if the tenant has given a forwarding address to the lessor or agent, make a copy of the report and return it to the tenant at the address.
Lessor	67(1)	Power to give an information statement in the approved form to the tenant.
Lessor	68(2)	Power to give a copy of park rules to the tenant and, if a park rule is changed, a copy of the rule as changed.
Lessor	69	In the specified circumstances, power to give the tenant a copy of relevant by-laws when giving the written agreement to the tenant for signing.

⁷ A lessor is the person who gives the right to occupy residential premises under a residential tenancy agreement: section 8(1) of the *Residential Tenancies and Rooming Accommodation Act 2008*.

Division 2 – Rooming accommodation agreements

Subdivision 1 – General provisions

Entity power given to	Section of RTRA	Description
Provider ⁸	77(4)(h)	Power to sign a rooming accommodation agreement.
Provider	78(1)	Power to give a document prepared for section 77 to the resident on or before the day the resident occupies the room in rental premises under the agreement.
Provider	78(2)	Power to, within 3 days after receiving the document signed by the resident, sign the document and return a copy signed by both parties to the resident.

Subdivision 2 – Associated documents

Entity power given to	Section of RTRA	Description
Provider ⁹	81(1)(b)	Power to prepare in the approved form, sign and give a copy to the resident a condition report on or before the day the resident occupies a room in the rental premises under the agreement.

Part 2 – Rent

Division 1 – Residential tenancy agreements

Entity power given to	Section of RTRA	Description
Lessor	88(3)	Power to sign a receipt for payment.
Lessor	88(5)	Power to make a written record of payment and to give a copy of the record to the tenant.
Lessor	91(2)	Power to give a written notice of proposal to increase rent to the tenant, in the specified way.
Lessor	97(3)	In the specified circumstances, the power to apply to a tribunal to make an order about the payment of an amount by or to a tenant.

Division 2 – Rooming accommodation agreements

Entity power given to	Section of RTRA	Description
Provider	98(3)(a)	Power to give a written notice to the resident about the approved way to pay rent.
Provider	98(3)(b)	Power to agree, in writing, with the resident to payments of rent being made in the way stated.
Provider	99(2)(a)	Power to: <ul style="list-style-type: none"> (a) give a written notice to the resident that gives the resident a choice of at least two other approved ways for payment of rent under section 98(4)(a) to (f); and (b) advises the resident of the costs associated with the approved way offered in the specified circumstances.
Provider	102(3)	Power to sign a receipt of payment.

⁸ A provider is a provider under a rooming accommodation agreement.

⁹ A provider is a provider under a rooming accommodation agreement.

Provider	105(3)	Power to give a resident a written notice stating the amount of increased rent and the day by which the rent is payable.
Provider	106(2)	Power to agree with the resident, the rent payable under the agreement decreases by the amount and from the time agreed.
Provider	106(3)	Power to, if agreement with the tenant can't be reached, apply to a tribunal for an order decreasing the rent, by a stated amount from a stated time.
Provider	107(2)	Power to agree with the resident to a reduction in rent for the period of the absence.
Provider	109(3)	Power to apply to a tribunal to make an order about the payment of an amount by or to the resident.

Part 3 – Rental bonds

Division 2 – Payments to authority

Entity power given to	Section of RTRA	Description
Person	116(1)(1)	Power to pay the rental bond to the authority.
Person	116(1)(b)	Power to give the authority a notice, in an approved form, about a rental bond.
Lessor	117(2)(a)	In the specified circumstances, the power to pay the instalment to authority.
Lessor	117(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about the instalments.
Lessor	117(3)(a)	In the specified circumstances, the power to pay the instalments received by the lessor or agent to the authority.
Lessor	117(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(2)(a)	In the specified circumstances, the power to pay the instalments to the authority.
Provider	118(2)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(3)(a)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.
Provider	118(3)(b)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(4)(a)(i)	In the specified circumstances, the power to pay to the authority the instalments received by the provider or agent.
Provider	118(4)(a)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.
Provider	118(4)(b)(i)	In the specified circumstances, the power to pay the instalment to the authority within 10 days after receiving it.
Provider	118(4)(b)(ii)	In the specified circumstances, the power to give the authority a notice, in the approved form, about instalments.

Division 4 – Enforcement provisions

Entity power given to	Section of RTRA	Description
Person	145(1)	Power to give a receipt for a rental bond.

Person	145(2)(b)	Power to sign a receipt for a rental bond.
--------	-----------	--

Division 6 – Miscellaneous

Entity power given to	Section of RTRA	Description
Lessor	154(b)	Power to give a written notice to the tenant to increase a rental bond.
Lessor	155(3)	In the specified circumstances, the power to apply to a tribunal to make an order declaring an amount is or is not a rental bond.

Part 4 – Key and holding deposits for residential tenancies

Division 2 – Holding deposits

Entity power given to	Section of RTRA	Description
Person	160(1)	Power to give a receipt for a holding deposit.

Part 5 – Outgoings of lessor or provider

Division 1 – Residential tenancy agreements

Subdivision 2 – Service charges

Entity power given to	Section of RTRA	Description
Lessor	168(3)(a)	Power to agree with the tenant on an amount as reflecting the amount of rent attributable to the service or facility.
Lessor	168(4)	Power to give the tenant a written statement showing each service or facility for which an amount of rent is attributable and the amount attributed.

CHAPTER 3 – RIGHTS AND OBLIGATIONS OF PARTIES FOR RESIDENTIAL TENANCIES

Part 3 – Lessors' right of entry

Entity power given to	Section of RTRA	Description
Lessor	192(1)	In the specified circumstances, the power to enter the premises.
Lessor	193(1)(a)	In the specified circumstances, the power to give a notice of proposed entry to the tenant.
Lessor	195(1)(b)	Power to make an agreement with the tenant that the lessor may enter premises on a Sunday or public holiday or on another day after 6.00 pm or before 8.00 am.
Lessor	195(5)	Power to agree a time for entry of premises under section 192(1)(j) with the tenant.
Lessor	197(1)(a)	In the specified circumstances, the power to give a notice to leave the premises to the tenant.
Lessor	198(1)(a)	In the specified circumstances, power to give a tenant a notice of the lessors' intention to sell the premises.
Lessor	203	Power to obtain the tenants written consent to use a photo or other image of something belonging to the tenant in an advertisement for the premises.

Part 5 – The dwelling**Division 2 – Locks and keys**

Entity power given to	Section of RTRA	Description
Lessor	211(1)(a)	Power to enter into an agreement with the tenant under which the tenant agrees to not being given a key.
Lessor	211(2)(b)	Power to enter into an agreement with the tenant to change a lock.

Division 3 – Damage and repairs

Entity power given to	Section of RTRA	Description
Lessor	216(1)(a)	Power to nominate a person to act for the lessor in arranging for emergency repairs, or emergency repairs of a particular type, to be made of the premises or inclusions.
Lessor	216(1)(b)	Power to nominate a person to make emergency repairs, or emergency repairs of a particular type, of the premises or inclusions.
Lessor	216(2)	Power to give a written notice to the tenant of a nominated repairer.
Lessor	220(2)	In the specified circumstances, the power to apply to a tribunal for an order about the reimbursement or payment for emergency repairs.

Part 6 – Additional provisions for moveable dwelling premises**Division 2 – Relocation**

Entity power given to	Section of RTRA	Description
Lessor	223	Power to give a notice to the tenant requiring the tenant to relocate to another site in the moveable dwelling park within a stated period.

Division 3 – Park rules

Entity power given to	Section of RTRA	Description
Park Owner	229(1)(b)	In the specified circumstances, power to give a notice of proposal to each resident and any person who becomes a resident before the objection closing day of a proposed change of a park rule.
Park Owner	233(2)	Power to apply to a tribunal for an order declaring a proposal about a change of park rule to be reasonable or unreasonable.

Part 7 – Change of lessor or tenant**Division 1 – Transfer or subletting by tenant**

Entity power given to	Section of RTRA	Description
Lessor	237(2)	Power to agree with the tenant, in writing, of the transfer or subletting of a tenant's interests under an agreement.

Lessor	238(2)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.
--------	-----------	---

Division 2 – Transfer by lessor

Entity power given to	Section of RTRA	Description
Lessor	242(1)(a)	In the specified circumstances, the power to give a written notice of tenancy to a buyer.
Lessor	242(1)(b)	In the specified circumstances, the power to give a written notice of transfer to the tenant.

CHAPTER 4 – RIGHTS AND OBLIGATIONS OF PARTIES FOR ROOMING ACCOMMODATION

Part 1 – Rights and obligations generally

Entity power given to	Section of RTRA	Description
Provider	248(1)	In the specified circumstances, the power to give a written notice to the resident of address for service stating the specified information.
Provider	248(2)	In the specified circumstances, the power to give a written notice of change to the resident, within 14 days after the change.
Provider	255(1)	Power to give an agreement to the attaching of a fixture, or making of a structural change, in writing and stating the specified information.

Part 2 – Entry to residents' rooms

Entity power given to	Section of RTRA	Description
Provider	257(1)	Power to agree with the resident for the provider to enter the resident's room for any reason.
Provider	259(2)	Power to give a written notice of proposed entry to a resident.
Provider	259(4)	Power to give a written notice of proposed entry to the agent to whom the resident normally pays rent.

Part 3 – House rules

Division 2 – Rule changes

Entity power given to	Section of RTRA	Description
Provider	270(1)	In the specified circumstances, the power to give a written notice to each resident of rule change for rental premises, setting out the specified information.
Provider	271	In the specified circumstances, the power to give a written notice to a resident to whom a notice under section 270 have been given of a withdrawal of a proposed rule change.
Provider	272(4)(b)	Power to give a written notice to each resident if the provider receives objections to the proposed rule change, stating the specified information.

Provider	273(2)	Power to apply to a tribunal for an order declaring a proposed change to be reasonable.
Provider	273(7)	Power to give a written notice of the decision of the tribunal about a proposed rule change to each resident of the rental premises.
Provider	274(7)	Power to give a written notice of the decision of a tribunal to each resident of the rental premises about an existing rule.

CHAPTER 5 – ENDING OF AGREEMENTS

Part 1 – Ending of residential tenancy agreements

Division 1 – General

Entity power given to	Section of RTRA	Description
Lessor	277(2)	Power to end a residential tenancy agreement by entering into a written agreement with the tenant.
Lessor	277(3)	Power to give a notice to leave the premises to the tenant.
Lessor	277(7)(b)	Power to give a tenant's personal representative or relative a written notice that an agreement ends because of a tenant's death.
Lessor	277(7)(c)	Power to agree a day with the tenant's personal representative or relative of when a residential tenancy agreement ends.

Division 2 – Action by lessor

Subdivision 1 – Notices to remedy breach given by lessor

Entity power given to	Section of RTRA	Description
Lessor	280(1)	Power to form a belief on reasonable grounds that: <ul style="list-style-type: none"> (a) the rent payable under an agreement has remained unpaid in breach of the agreement for at least 7 days; or (b) the tenant has breached another term of the agreement and the breach has not been remedied.
Lessor	280(2)	Power to give a notice to the tenant requiring the tenant remedy the breach within the allowed remedy period.

Subdivision 2 – Notices to leave premises given by lessor

Entity power given to	Section of RTRA	Description
Lessor	281(1)	Power to give a notice to leave the premises because the tenant has failed to comply with a notice to remedy breach, within the allowed remedy period.
Lessor	282(1)	Power to give a notice to leave the premises to the tenant because the tenant has failed to comply with an order of a tribunal.
Lessor	283(2)	Power to give a notice to leave to the tenant because the tenant has failed to comply within the required period, with a notice to relocate.

Lessor	284(1)	Power to give a notice to leave to the tenant because the premises have been destroyed or otherwise in the specified circumstances
Lessor	285(2)	Power to give a notice to leave to the tenant because the park has become an unfit place in which to live in a moveable dwelling.
Lessor	286(1)	Power to give a notice to a tenant under a periodic agreement because the lessor has entered into a contract to sell the premises with vacant possession.
Lessor	287(2)	Power to give a notice to leave the premises to the tenant because the park premises is to change use other than as a moveable dwelling park, or otherwise the park is to be closed.
Lessor	288(1)	In the specified circumstances, the power to give a notice to a tenant if the tenant's employment ends or entitlement to occupy under employment ends.
Lessor	289(2)	Power to give a notice to leave to the premises if the tenant's entitlement to supported accommodation ends.
Lessor / Community Housing Provider	290A(1)	Power to give a notice to leave the premises to the tenant because of a serious breach or otherwise in the specified circumstances.
Lessor	291(1)	Power to give a notice to leave the premises to the tenant without stating a ground for the notice.

Subdivision 3 – Applications for termination by lessor

Entity power given to	Section of RTRA	Description
Lessor	294(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.
Lessor	295(1)	Power to apply to a tribunal for a termination order because the lessor would suffer excessive hardship, if the agreement were not terminated.
Lessor (but does not include a Community Housing Provider)	296(1)	Power to apply to a tribunal for a termination order because the tenant has intentionally or recklessly caused serious damage to the premises or injury to a specified person.
Lessor / Community Housing Provider	296A(1)	Power to apply to a tribunal for termination for damage or injury in public or community housing in the specified circumstances.
Lessor (but does not include a Community Housing Provider)	297(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for tenant's objectionable behaviour.
Lessor / Community Housing Provider	297A(1)	In the specified circumstances, the power to apply to a tribunal for a termination order for objectionable behaviour in public or community housing.
Lessor	298(2)	Power to apply to a tribunal for a termination order because the lessor and tenant are incompatible in a way that makes it desirable in the interests of both parties for the agreement to end.
Lessor	299(2)	Power to apply to a tribunal for a termination order for repeated breaches by the tenant.

Lessor	300(1)(b)	Power to form a belief on reasonable grounds that a tenant is likely to cause further damage or injury for which a termination order may be sought.
Lessor	300(2)	Power to apply to a tribunal for an order to restrain a tenant from causing further damage or injury.

Division 5 – Procedural requirements for action taken by lessor or tenant

Entity power given to	Section of RTRA	Description
Lessor	325(2)(a)	Power to sign a notice to remedy breach.
Lessor	326(1)(b)	Power to sign a notice to leave premises.
Lessor	333(1)	Power to withdraw a notice to leave for an unremedied breach, if the tenant remedies the breach.
Lessor	333(2)(b)	Power to give a written notice of withdrawal to the tenant.
Lessor	335(1)	In the specified circumstances, the power to make an application to the tribunal for a termination order.

Division 8 – Abandonment

Entity power given to	Section of RTRA	Description
Lessor	355(1)	Power to form a belief on reasonable grounds that a tenant has abandoned the premises and to give a notice to the tenant terminating the agreement.
Lessor	357(1)	Power to form a belief on reasonable grounds that the tenant has abandoned premises and to apply to a tribunal for an order under this section.
Lessor	359(1)	In the specified circumstances, the power to apply to a tribunal for an order for compensation.

Division 10 – Goods and documents left behind on premises

Entity power given to	Section of RTRA	Description
Former Lessor	363(2)	In the specified circumstances, the power to sell goods left on premises or to dispose of them and to form a reasonable belief on the grounds set out in that section.
Former Lessor	363(4)	Power to sell goods that are not reclaimed in the circumstances in that subsection.

Part 2 – Ending of rooming accommodation agreements

Division 1 – General

Entity power given to	Section of RTRA	Description
Provider	366(2)	In the specified circumstances, the power to enter into an agreement with the resident to end a rooming accommodation agreement.
Provider	366(7)(b)	In the specified circumstances, the power to give a written notice that an agreement ends because of the resident's death to the resident's personal representative or relative.

Provider	366(7)(c)	In the specified circumstances, the power to agree the day on which the agreement ends with the resident's personal representative or relative.
----------	-----------	---

Division 2 – Action by provider

Subdivision 1 – Notices to remedy breach given by provider

Entity power given to	Section of RTRA	Description
Provider	368(1)	Power to form a reasonable belief that a resident has breached a rooming accommodation agreement and that the breach has not been remedied.
Provider	368(2)	Power to give a resident a notice requiring a resident to remedy the breach.
Provider	368(3)(d)	Power to sign a notice.
Provider	368(4)	Power to form a reasonable belief of the steps necessary to remedy a breach or to avoid a further breach of a rooming accommodation agreement.

Subdivision 2 – Notices to leave given by provider

Entity power given to	Section of RTRA	Description
Provider	369(1)	In the specified circumstances, the power to give a resident a notice requiring the resident to leave the premises.
Provider	369(2)(d)	Power to sign a notice.
Provider	369(5)	Power to withdraw a notice at any time before a resident leaves.
Provider	370(1)	In the specified circumstances, the power to give a resident a written notice requiring the resident to leave the rental premises if the provider reasonably believes the circumstances of that subsection exist.
Provider	370(2)(b)	Power to sign a notice.
Provider	371	Power to give a resident a notice requiring the resident to leave premises in the circumstances prescribed in that subsection.
Provider	371(3)(d)	Power to sign the notice.
Provider	372(1)	Power to terminate a periodic agreement by giving at least 30 days written notice to the resident.
Provider	372(2)	Power to terminate a fixed term agreement by giving a notice to a resident.
Provider	374(1)	In the specified circumstances, the power to give a notice to a resident requiring the resident to leave the rental premises.
Provider	374(2)(d)	Power to sign the notice.
Provider	375(2)	In the specified circumstances, the power to use reasonable and necessary force to remove a resident and the resident's property from rental premises.
Provider	375(4)	Power, for the purpose of exercising a power under subsection (2), to enter a resident's room.

Division 3 – Action by resident

Subdivision 3 – Applications for termination by provider

Entity power given to	Section of RTRA	Description
Provider	376(2)	Power to apply to a tribunal for a termination order.
Provider	377(1)	Power to apply to a tribunal for an order terminating a fixed term agreement on the grounds of excessive hardship if the agreement were not terminated.

Division 5 – Procedural requirements and orders of tribunal

Entity power given to	Section of RTRA	Description
Provider	388(1)	In the specified circumstances, the power to apply to a tribunal for a termination order.
Provider	393(2)	Power to form a reasonable belief that property is perishable or of market value less than the amount prescribed under regulation, or, the storage of goods would be unhealthy or unsafe.
Provider	393(5)	Power to form a reasonable belief that the market value of property is less than the amount prescribed under a regulation and donate the property to a charity instead of selling it under subsection (4)(b).
Provider	395(3)	Power to make an application to the public trustee to pay an amount to the provider from the unclaimed monies fund kept under the <i>Public Trustee Act 1978</i> .

CHAPTER 6 – DISPUTE RESOLUTION

Part 1 – Conciliation process for residential tenancy disputes and rooming accommodation disputes

Division 3 – Starting the conciliation process

Entity power given to	Section of RTRA	Description
Lessor	402(1)	Power to make a request to the authority to try to resolve a tenancy dispute.
Lessor	402(2)	Power to make a request to the authority to try to resolve a rooming accommodation dispute.

Division 4 – Conduct of conciliation process

Entity power given to	Section of RTRA	Description
Parties to Dispute	405(1)	Power to conduct the parties' case on own behalf.
Parties to Dispute	405(2)	In the specified circumstances, the power to represent the party in the conciliation process.
Parties to Dispute	408(2)	Power to agree with another party in dispute to resolve the dispute.

Division 5 – Withdrawal of disputes

Entity power given to	Section of RTRA	Description
Party in Dispute	410(1)	Power to give a written notice to an authority withdrawing a dispute resolution request.

Part 2 - Application to tribunals

Division 3 – General powers of tribunals

Entity power given to	Section of RTRA	Description
Person	418(1)	In the specified circumstances, the power to apply to a tribunal for an order.
Lessor / Provider	419(1)	In the specified circumstances, the power to apply to a tribunal for an order it considers appropriate to resolve general disputes between lessors and tenants or providers and residents.
Lessor	419(2)	Power to apply to a tribunal for an order about a breach of agreement
Lessor	424(1)	In the specified circumstances, the power to apply to a tribunal for an order about tenants' notices.
Lessor / Provider	429(1)	In the specified circumstances, the power to apply to the tribunal for an order to resolve a dispute.

CHAPTER 8 – CAUSING NUISANCE IN MOVEABLE DWELLING PARKS

Entity power given to	Section of RTRA	Description
Owner of a moveable dwelling park	455(1)	Power to apply to a tribunal for an order excluding a person from the park because of the person's behaviour in the park.
Owner of a moveable dwelling park	455(3)	In the specified circumstances, the power to give a written notice of application to a person.

CHAPTER 13A – MATTERS RELATING TO PARTICULAR LEASES BY THE STATE AND COMMUNITY HOUSING PROVIDERS

Entity power given to	Section of RTRA	Description
Lessor / Community Housing Provider	527D(1)	In the specified circumstances, the power to give a written notice to a tenant to require the tenant to give a written undertaking.
Lessor / Community Housing Provider	527D(4)	In the specified circumstances, the power to enter into an acceptable behaviour agreement with a tenant.
Lessor / Community Housing Provider	527E(1)	In the specified circumstances, the power to apply to the tribunal for a termination order.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 09 01 - RTRA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council

Residential Tenancies and Rooming Accommodation Regulation 2009 ("RTRR")

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Residential Tenancies and Rooming Accommodation Regulation 2009 ("RTRR")**SCHEDULE 1 – GENERAL TENANCY AGREEMENTS****Part 2 – Standard terms****Division 1 – Preliminary**

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree on other terms of a general tenancy agreement (<i>special terms</i>).

Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, in the approved form, and to sign and give to the tenant, one copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to enter into a written agreement with the tenant to end a fixed term agreement.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give the tenant a notice proposing a way to pay rent.
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10(1)	Power to, if the lessor proposes to increase the rent, give notice of the proposal to the tenant.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.

Division 6 – Rights and obligations concerning the premises during tenancy**Subdivision 1 – Occupation and use of premises**

Entity power given to	Section of RTRR	Description
Lessor	20	Power to enter premises during the tenancy only if the obligations under section 192 to 199 have been complied with.
Lessor	22(1)	Power to give the tenant a copy of any body corporate by-laws in accordance with that subsection.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	27(1)	Power to agree to the attachment of a fixture or make a structural change in the matter prescribed by section 27.
Lessor	29(1)(a)	Power to agree with the tenant to change the locks.
Lessor	31(1)(b)	Power to give a notice to the tenant of the lessor's nominated repairer for emergency repairs.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	34(1)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.

Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	36(1)(a)	Power to agree with the tenant to end an agreement.
Lessor	36(1)(b)	Power to give a notice to leave the premises to the tenant.
Lessor	39(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	40(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.
Lessor	40(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.

Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	44(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor in the matter specified.
Lessor	44(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.

SCHEDULE 2 – MOVEABLE DWELLING TENANCY AGREEMENT

Part 2 – Standard terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree with the tenant on other terms of a moveable dwelling tenancy agreement (<i>special terms</i>).

Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, sign and give to the tenant, a copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to agree with the tenant to end a fixed term agreement.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give a notice to the tenant proposing a way for payment of rent.
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent in writing.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10(1)	Power to give a notice to the tenant proposing to increase rent.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.
Lessor	14(1)(a)	Power to give a notice to the tenant to increase the bond.

Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	17(4)	Power to give the tenant a written statement showing: (a) each service for which an amount of rent is attributable; and (b) the amount attributed to the service.

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	20(1)	Power to enter premises during the tenancy if the obligations under sections 192 to 199 have been complied with.
Lessor	20(2)	In the specified circumstances, the power to enter the site to carry out maintenance of the site without giving the notice of entry required by section 193(1).
Lessor	22(2)	Power to give a copy of park rules for a moveable dwelling park to the tenant when the agreement is given to the tenant for signing.
Lessor	22(3)	Power to give the tenant a copy of a park rule as changed, if the park rule is changed.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	28(2)	Power to agree in writing to the tenant attaching a fixture or making a structural change.
Lessor	30(1)(a)	Power to agree with the tenant to change the locks.

Subdivision 4 – Damage and repairs

Entity power given to	Section of RTRR	Description
Lessor	32(1)(b)	Power to give a notice to the tenant of the lessor's nominated repairer for emergency repairs.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	35(1)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.
Lessor	36(2)	Power to agree to the transfer or subletting of a tenant's interest under an agreement.

Division 8 – Relocation

Entity power given to	Section of RTRR	Description
Lessor	38(1)	Power to, in the specified circumstances give a notice (notice to relocate) to the tenant requiring the tenant to relocate the moveable dwelling to another site in the moveable dwelling park.

Division 9 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	42(1)(a)	Power to agree in writing with the tenant that an agreement ends.
Lessor	42(1)(b)	Power to give a notice to the tenant to leave the premises.
Lessor	45(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	46(2)(a)	Power to sign a condition report for the premises.
Lessor	46(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.

Division 10 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	50(4)	Power to withdraw consent to notices being given by facsimile or email by to the lessor in the manner specified.
Lessor	50(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.

**SCHEDULE 3A – REPLACEMENT TERMS FOR COMMUNITY HOUSING PROVIDER
TENANCY AGREEMENTS**

Part 2 – Replacement terms

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	7(3)	Power to form a reasonable belief that: (a) the housing service information given by the tenant is false or misleading in a material particular; or (b) the housing service information given by the tenant has changed.
Lessor	7(4)	Power to review and amount payable under the social housing rent policy.
Lessor	7(5)	Power to give the tenant a written notice stating the new amount and when it takes effect.
Lessor	8(4)	Power to give a notice to the tenant stating a different place for payment.
Lessor	9	In the specified circumstances, the power to require a tenant to pay rent in advance.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	10(1)	Power to give a tenant notice stating: (a) the rental bond amount under an agreement; and (b) whether the bond is to be paid by instalments.
Lessor	11(1)(a)	Power to give notice to the tenant to increase the bond.

Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to give the tenant written notice stating the matters set out in section 13(2)(a) to (c).
Lessor	14(6)	Power to give the tenant written notice stating that the tenant must pay for water consumption charges in relation to the premises.

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	17	In the specified circumstances, the power to enter the premises during the tenancy.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	24(1)	Power to agree in writing for the tenant to attach a fixture or make or structural change.
Lessor	24(5)(a)	Power to take action for a breach of a term in this agreement.
Lessor	24(5)(b)	Power to waive the breach (that is, not take action for the breach) and treat the fixture or change as an improvement to the premises (that is, treat it as not belonging to the tenant and not having to pay the tenant for it).
Lessor	25(4)	Power to request the tenant to give the lessor a key for a lock.
Lessor	26(1)	Power to agree with the tenant to change the locks.
Lessor	28(1)	Power to nominate a repairer for emergency repairs in either the agreement or a notice given to the tenant.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	31	Power to agree in writing to the transfer of the tenant's interest or to the tenant subletting the premises under this agreement.

Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	33(1)(a)	Power to agree in writing to end the agreement.
Lessor	33(1)(b)	Power to give a notice to the tenant to leave the premises.
Lessor	36(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	37(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.
Lessor	37(2)(b)	Power to make a condition report in an appropriate way indicating that parts of the report the lessor disagrees with.
Lessor	41(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor.
Lessor	41(6)	Power to give notice to the other party of a new address for service, facsimile number r email address to the lessor.
Lessor	42(3)	Power to give written authority for the tenant to: <ul style="list-style-type: none"> (a) sublease the premises; or (b) allow the premises to be used as a place of residence by anyone other than the tenant, the tenant's family or other persons approved by the lessor.
Lessor	42(7)	Power to issue a notice to leave for ending of housing assistance.
Lessor	43(2)	Power to give notice to the tenant stating the: <ul style="list-style-type: none"> (a) ground for the notice under subclause (1); and (b) amount of rent payable at the date of the notice; and (c) total amount owned by the tenant from the date when the correct housing service information applied to the premises to the date of the notice.

Lessor	45(1)	Power to agree in writing, to the tenant installing or placing upon the premises, any type of swimming pool.
--------	-------	--

SCHEDULE 4 – ROOMING ACCOMMODATION AGREEMENTS

Part 2 – Standard terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Provider	2(4)	Power to agree with a resident on other terms of a rooming accommodation agreement (<i>special terms</i>).

Division 2 – Period of rooming accommodation agreement

Entity power given to	Section of RTRR	Description
Provider	4(2)	Power to prepare, sign and give a resident one copy of a condition report for the room.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Provider	6(3)(b)	In the specified circumstance, the power to give a notice proposing a way to pay rent, or to agree to a proposed a way to pay rent.
Provider	6(5)	Power to give a notice to the resident stating a different place for payment of rent.
Provider	8(1)	Power to give notice to the resident of a proposal to increase the rent.
Provider	9(2)	Power to agree with the resident, to decrease the amount of rent payable.
Provider	9(3)	In the specified circumstances, the power to apply to a tribunal for an order decreasing the rent by a stated amount from a stated time.
Provider	10(2)	Power to agree with the resident to reduce rent for the period of an absence.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Provider	11(2)	Power to pay the bond to the authority and give the authority a notice about the bond.
Provider	21(2)	Power to agree in writing for the resident to attach a fixture or make a structural change.
Provider	22	Power to enter a resident's room during the agreement only if the obligations under sections 257 to 262 have been complied with.

Division 7 – When agreement ends

Entity power given to	Section of RTRR	Description
Provider	23(1)(a)	Power to agree in writing with the resident to end an agreement ends.
Provider	23(1)(b)	Power to give a notice to leave the rental premises to the resident.

Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description
Provider	29(4)	Power to withdraw consent to notices being given by facsimile or email to the provider.
Provider	29(6)	Power to give notice to the other party of a new address for service, facsimile number or email address of the provider.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2016 07 01 - RTRR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;

8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION REGULATION 2009 ("RTRR")

SCHEDULE 1 – GENERAL TENANCY AGREEMENTS

Part 2 – Standard terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	2(3)	Power to agree on other terms of a general tenancy agreement (<i>special terms</i>).				

Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	5(1)	Power to prepare, in the approved form, and to sign and give to the tenant, one copy of a condition report for the premises.				
Lessor	6(1)(b)(v)	Power to enter into a written agreement with the tenant to end a fixed term agreement.				

Division 3 – Rent

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	8(3)(b)(i)	Power to give the tenant a notice proposing a way to pay rent.				

Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent.				
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.				
Lessor	10(1)	Power to, if the lessor proposes to increase the rent, give notice of the proposal to the tenant.				

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.				

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	20	Power to enter premises during the tenancy only if the obligations under section 192 to 199 have been complied with.				
Lessor	22(1)	Power to give the tenant a copy of any body corporate by-laws in accordance with that subsection.				

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	27(1)	Power to agree to the attachment of a fixture or make a structural change in the matter prescribed by section 27.				
Lessor	29(1)(a)	Power to agree with the tenant to change the locks.				
Lessor	31(1)(b)	Power to give a notice to the tenant of the lessor's nominated repairer for emergency repairs.				

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	34(1)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.				

Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	36(1)(a)	Power to agree with the tenant to end an agreement.				
Lessor	36(1)(b)	Power to give a notice to leave the premises to the tenant.				
Lessor	39(1)	Power to ask the tenant in writing to state the tenant's new residential address.				

Lessor	40(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.				
Lessor	40(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.				

Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	44(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor in the matter specified.				
Lessor	44(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.				

SCHEDULE 2 – MOVEABLE DWELLING TENANCY AGREEMENT

Part 2 – Standard terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	2(3)	Power to agree with the tenant on other terms of a moveable dwelling tenancy agreement (<i>special terms</i>).				

Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	5(1)	Power to prepare, sign and give to the tenant, a copy of a condition report for the premises.				
Lessor	6(1)(b)(v)	Power to agree with the tenant to end a fixed term agreement.				

Division 3 – Rent

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	8(3)(b)(i)	Power to give a notice to the tenant proposing a way for payment of rent.				
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent in writing.				
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.				
Lessor	10(1)	Power to give a notice to the tenant proposing to increase rent.				

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.				
Lessor	14(1)(a)	Power to give a notice to the tenant to increase the bond.				

Division 5 – Outgoings

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	17(4)	Power to give the tenant a written statement showing: (a) each service for which an amount of rent is attributable; and (b) the amount attributed to the service.				

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	20(1)	Power to enter premises during the tenancy if the obligations under sections 192 to 199 have been complied with.				
Lessor	20(2)	In the specified circumstances, the power to enter the sit to carry out maintenance of the site without giving the notice of entry required by section 193(1).				
Lessor	22(2)	Power to give a copy of park rules for a moveable dwelling park to the tenant when the agreement is given to the tenant for signing.				
Lessor	22(3)	Power to give the tenant a copy of a park rule as changed, if the park rule is changed.				

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	28(2)	Power to agree in writing to the tenant attaching a fixture or making a structural change.				
Lessor	30(1)(a)	Power to agree with the tenant to change the locks.				

Subdivision 4 – Damage and repairs

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	32(1)(b)	Power to give a notice to the tenant of the lessor's nominated repairer for emergency repairs.				

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	35(1)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.				
Lessor	36(2)	Power to agree to the transfer or subletting of a tenant's interest under an agreement.				

Division 8 – Relocation

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	38(1)	Power to, in the specified circumstances give a notice (notice to relocate) to the tenant requiring the tenant to relocate the moveable dwelling to another site in the moveable dwelling park.				

Division 9 – When agreement ends

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	42(1)(a)	Power to agree in writing with the tenant that an agreement ends.				
Lessor	42(1)(b)	Power to give a notice to the tenant to leave the premises.				
Lessor	45(1)	Power to ask the tenant in writing to state the tenant's new residential address.				
Lessor	46(2)(a)	Power to sign a condition report for the premises.				
Lessor	46(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.				

Division 10 – Miscellaneous

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	50(4)	Power to withdraw consent to notices being given by facsimile or email by to the lessor in the manner specified.				
Lessor	50(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.				

SCHEDULE 3A – REPLACEMENT TERMS FOR COMMUNITY HOUSING PROVIDER TENANCY AGREEMENTS

Part 2 – Replacement terms

Division 3 – Rent

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	7(3)	Power to form a reasonable belief that: (a) the housing service information given by the tenant is false or misleading in a material particular; or (b) the housing service information given by the tenant has changed.				
Lessor	7(4)	Power to review and amount payable under the social housing rent policy.				
Lessor	7(5)	Power to give the tenant a written notice stating the new amount and when it takes effect.				
Lessor	8(4)	Power to give a notice to the tenant stating a different place for payment.				

Lessor	9	In the specified circumstances, the power to require a tenant to pay rent in advance.				
--------	---	---	--	--	--	--

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	10(1)	Power to give a tenant notice stating: (a) the rental bond amount under an agreement; and (b) whether the bond is to be paid by instalments.				
Lessor	11(1)(a)	Power to give notice to the tenant to increase the bond.				

Division 5 – Outgoings

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	13(2)	Power to give the tenant written notice stating the matters set out in section 13(2)(a) to (c).				
Lessor	14(6)	Power to give the tenant written notice stating that the tenant must pay for water consumption charges in relation to the premises.				

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	17	In the specified circumstances, the power to enter the premises during the tenancy.				

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	24(1)	Power to agree in writing for the tenant to attach a fixture or make or structural change.				
Lessor	24(5)(a)	Power to take action for a breach of a term in this agreement.				
Lessor	24(5)(b)	Power to waive the breach (that is, not take action for the breach) and treat the fixture or change as an improvement to the premises (that is, treat it as not belonging to the tenant and not having to pay the tenant for it).				
Lessor	25(4)	Power to request the tenant to give the lessor a key for a lock.				
Lessor	26(1)	Power to agree with the tenant to change the locks.				
Lessor	28(1)	Power to nominate a repairer for emergency repairs in either the agreement or a notice given to the tenant.				

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	31	Power to agree in writing to the transfer of the tenant's interest or to the tenant subletting the premises under this agreement.				

Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessor	33(1)(a)	Power to agree in writing to end the agreement.				
Lessor	33(1)(b)	Power to give a notice to the tenant to leave the premises.				
Lessor	36(1)	Power to ask the tenant in writing to state the tenant's new residential address.				
Lessor	37(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.				
Lessor	37(2)(b)	Power to make a condition report in an appropriate way indicating that parts of the report the lessor disagrees with.				
Lessor	41(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor.				
Lessor	41(6)	Power to give notice to the other party of a new address for service, facsimile number or email address to the lessor.				
Lessor	42(3)	Power to give written authority for the tenant to:				

		(a) sublease the premises; or (b) allow the premises to be used as a place of residence by anyone other than the tenant, the tenant's family or other persons approved by the lessor.				
Lessor	42(7)	Power to issue a notice to leave for ending of housing assistance.				
Lessor	43(2)	Power to give notice to the tenant stating the: (a) ground for the notice under subclause (1); and (b) amount of rent payable at the date of the notice; and (c) total amount owned by the tenant from the date when the correct housing service information applied to the premises to the date of the notice.				
Lessor	45(1)	Power to agree in writing, to the tenant installing or placing upon the premises, any type of swimming pool.				

SCHEDULE 4 – ROOMING ACCOMMODATION AGREEMENTS

Part 2 – Standard terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	2(4)	Power to agree with a resident on other terms of a rooming accommodation agreement (<i>special terms</i>).				

Division 2 – Period of rooming accommodation agreement

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	4(2)	Power to prepare, sign and give a resident one copy of a condition report for the room.				

Division 3 – Rent

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	6(3)(b)	In the specified circumstance, the power to give a notice proposing a way to pay rent, or to agree to a proposed a way to pay rent.				
Provider	6(5)	Power to give a notice to the resident stating a different place for payment of rent.				
Provider	8(1)	Power to give notice to the resident of a proposal to increase the rent.				
Provider	9(2)	Power to agree with the resident, to decrease the amount of rent payable.				
Provider	9(3)	In the specified circumstances, the power to apply to a tribunal for an order decreasing the rent by a stated amount from a stated time.				
Provider	10(2)	Power to agree with the resident to reduce rent for the period of an absence.				

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	11(2)	Power to pay the bond to the authority and give the authority a notice about the bond.				
Provider	21(2)	Power to agree in writing for the resident to attach a fixture or make a structural change.				
Provider	22	Power to enter a resident's room during the agreement only if the obligations under sections 257 to 262 have been complied with.				

Division 7 – When agreement ends

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	23(1)(a)	Power to agree in writing with the resident to end an agreement ends.				
Provider	23(1)(b)	Power to give a notice to leave the rental premises to the resident.				

Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Provider	29(4)	Power to withdraw consent to notices being given by facsimile or email to the provider.				
Provider	29(6)	Power to give notice to the other party of a new address for service, facsimile number or email address of the provider.				

[2016 07 01 - RTRR - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Residential Tenancies and Rooming Accommodation Regulation 2009 ("RTRR")

SCHEDULE 1 – GENERAL TENANCY AGREEMENTS

Part 2 – Standard terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree on other terms of a general tenancy agreement (<i>special terms</i>).

Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, in the approved form, and to sign and give to the tenant, one copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to enter into a written agreement with the tenant to end a fixed term agreement.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give the tenant a notice proposing a way to pay rent.
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10(1)	Power to, if the lessor proposes to increase the rent, give notice of the proposal to the tenant.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	20	Power to enter premises during the tenancy only if the obligations under section 192 to 199 have been complied with.

Lessor	22(1)	Power to give the tenant a copy of any body corporate by-laws in accordance with that subsection.
--------	-------	---

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	27(1)	Power to agree to the attachment of a fixture or make a structural change in the matter prescribed by section 27.
Lessor	29(1)(a)	Power to agree with the tenant to change the locks.
Lessor	31(1)(b)	Power to give a notice to the tenant of the lessor's nominated repairer for emergency repairs.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	34(1)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.

Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	36(1)(a)	Power to agree with the tenant to end an agreement.
Lessor	36(1)(b)	Power to give a notice to leave the premises to the tenant.
Lessor	39(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	40(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.
Lessor	40(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.

Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	44(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor in the matter specified.
Lessor	44(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.

SCHEDULE 2 – MOVEABLE DWELLING TENANCY AGREEMENT

Part 2 – Standard terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Lessor	2(3)	Power to agree with the tenant on other terms of a moveable dwelling tenancy agreement (<i>special terms</i>).

Division 2 – Period of tenancy

Entity power given to	Section of RTRR	Description
Lessor	5(1)	Power to prepare, sign and give to the tenant, a copy of a condition report for the premises.
Lessor	6(1)(b)(v)	Power to agree with the tenant to end a fixed term agreement.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	8(3)(b)(i)	Power to give a notice to the tenant proposing a way for payment of rent.
Lessor	8(3)(b)(ii)	Power to agree to a proposal to pay rent in writing.
Lessor	8(5)	Power to give a notice to the tenant stating a different place for payment of rent.
Lessor	10(1)	Power to give a notice to the tenant proposing to increase rent.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to pay the bond to the authority and give the authority a notice about the bond.
Lessor	14(1)(a)	Power to give a notice to the tenant to increase the bond.

Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	17(4)	Power to give the tenant a written statement showing: (a) each service for which an amount of rent is attributable; and (b) the amount attributed to the service.

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	20(1)	Power to enter premises during the tenancy if the obligations under sections 192 to 199 have been complied with.
Lessor	20(2)	In the specified circumstances, the power to enter the site to carry out maintenance of the site without giving the notice of entry required by section 193(1).
Lessor	22(2)	Power to give a copy of park rules for a moveable dwelling park to the tenant when the agreement is given to the tenant for signing.
Lessor	22(3)	Power to give the tenant a copy of a park rule as changed, if the park rule is changed.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	28(2)	Power to agree in writing to the tenant attaching a fixture or making a structural change.
Lessor	30(1)(a)	Power to agree with the tenant to change the locks.

Subdivision 4 – Damage and repairs

Entity power given to	Section of RTRR	Description
Lessor	32(1)(b)	Power to give a notice to the tenant of the lessor's nominated repairer for emergency repairs.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	35(1)(a)	Power to agree in writing to the transfer or subletting of a tenant's interests under an agreement.
Lessor	36(2)	Power to agree to the transfer or subletting of a tenant's interest under an agreement.

Division 8 – Relocation

Entity power given to	Section of RTRR	Description
Lessor	38(1)	Power to, in the specified circumstances give a notice (notice to relocate) to the tenant requiring the tenant to relocate the moveable dwelling to another site in the moveable dwelling park.

Division 9 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	42(1)(a)	Power to agree in writing with the tenant that an agreement ends.
Lessor	42(1)(b)	Power to give a notice to the tenant to leave the premises.
Lessor	45(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	46(2)(a)	Power to sign a condition report for the premises.
Lessor	46(2)(b)	Power to mark a condition report in an appropriate way indicating the parts of the report the lessor disagrees with.

Division 10 – Miscellaneous

Entity power given to	Section of RTRR	Description
Lessor	50(4)	Power to withdraw consent to notices being given by facsimile or email by to the lessor in the manner specified.
Lessor	50(6)	Power to give a notice to the other party of a new address for service, facsimile number or email address of the lessor.

**SCHEDULE 3A – REPLACEMENT TERMS FOR COMMUNITY HOUSING PROVIDER
TENANCY AGREEMENTS**

Part 2 – Replacement terms

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Lessor	7(3)	Power to form a reasonable belief that: (a) the housing service information given by the tenant is false or misleading in a material particular; or (b) the housing service information given by the tenant has changed.
Lessor	7(4)	Power to review and amount payable under the social housing rent policy.
Lessor	7(5)	Power to give the tenant a written notice stating the new amount and when it takes effect.
Lessor	8(4)	Power to give a notice to the tenant stating a different place for payment.
Lessor	9	In the specified circumstances, the power to require a tenant to pay rent in advance.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Lessor	10(1)	Power to give a tenant notice stating: (a) the rental bond amount under an agreement; and (b) whether the bond is to be paid by instalments.
Lessor	11(1)(a)	Power to give notice to the tenant to increase the bond.

Division 5 – Outgoings

Entity power given to	Section of RTRR	Description
Lessor	13(2)	Power to give the tenant written notice stating the matters set out in section 13(2)(a) to (c).
Lessor	14(6)	Power to give the tenant written notice stating that the tenant must pay for water consumption charges in relation to the premises.

Division 6 – Rights and obligations concerning the premises during tenancy

Subdivision 1 – Occupation and use of premises

Entity power given to	Section of RTRR	Description
Lessor	17	In the specified circumstances, the power to enter the premises during the tenancy.

Subdivision 3 – The dwelling

Entity power given to	Section of RTRR	Description
Lessor	24(1)	Power to agree in writing for the tenant to attach a fixture or make or structural change.
Lessor	24(5)(a)	Power to take action for a breach of a term in this agreement.
Lessor	24(5)(b)	Power to waive the breach (that is, not take action for the breach) and treat the fixture or change as an improvement to the premises (that is, treat it as not belonging to the tenant and not having to pay the tenant for it).
Lessor	25(4)	Power to request the tenant to give the lessor a key for a lock.
Lessor	26(1)	Power to agree with the tenant to change the locks.
Lessor	28(1)	Power to nominate a repairer for emergency repairs in either the agreement or a notice given to the tenant.

Division 7 – Restrictions on transfer or subletting by tenant

Entity power given to	Section of RTRR	Description
Lessor	31	Power to agree in writing to the transfer of the tenant's interest or to the tenant subletting the premises under this agreement.

Division 8 – When agreement ends

Entity power given to	Section of RTRR	Description
Lessor	33(1)(a)	Power to agree in writing to end the agreement.
Lessor	33(1)(b)	Power to give a notice to the tenant to leave the premises.
Lessor	36(1)	Power to ask the tenant in writing to state the tenant's new residential address.
Lessor	37(2)(a)	Power to sign a condition report within 3 business days after receiving a copy.
Lessor	37(2)(b)	Power to make a condition report in an appropriate way indicating that parts of the report the lessor disagrees with.
Lessor	41(4)	Power to withdraw consent to notices being given by facsimile or email to the lessor.
Lessor	41(6)	Power to give notice to the other party of a new address for service, facsimile number r email address to the lessor.
Lessor	42(3)	Power to give written authority for the tenant to: <ul style="list-style-type: none"> (a) sublease the premises; or (b) allow the premises to be used as a place of residence by anyone other than the tenant, the tenant's family or other persons approved by the lessor.
Lessor	42(7)	Power to issue a notice to leave for ending of housing assistance.
Lessor	43(2)	Power to give notice to the tenant stating the: <ul style="list-style-type: none"> (a) ground for the notice under subclause (1); and (b) amount of rent payable at the date of the notice; and (c) total amount owned by the tenant from the date when the correct housing service information applied to the premises to the date of the notice.

Lessor	45(1)	Power to agree in writing, to the tenant installing or placing upon the premises, any type of swimming pool.
--------	-------	--

SCHEDULE 4 – ROOMING ACCOMMODATION AGREEMENTS

Part 2 – Standard terms

Division 1 – Preliminary

Entity power given to	Section of RTRR	Description
Provider	2(4)	Power to agree with a resident on other terms of a rooming accommodation agreement (<i>special terms</i>).

Division 2 – Period of rooming accommodation agreement

Entity power given to	Section of RTRR	Description
Provider	4(2)	Power to prepare, sign and give a resident one copy of a condition report for the room.

Division 3 – Rent

Entity power given to	Section of RTRR	Description
Provider	6(3)(b)	In the specified circumstance, the power to give a notice proposing a way to pay rent, or to agree to a proposed a way to pay rent.
Provider	6(5)	Power to give a notice to the resident stating a different place for payment of rent.
Provider	8(1)	Power to give notice to the resident of a proposal to increase the rent.
Provider	9(2)	Power to agree with the resident, to decrease the amount of rent payable.
Provider	9(3)	In the specified circumstances, the power to apply to a tribunal for an order decreasing the rent by a stated amount from a stated time.
Provider	10(2)	Power to agree with the resident to reduce rent for the period of an absence.

Division 4 – Rental bond

Entity power given to	Section of RTRR	Description
Provider	11(2)	Power to pay the bond to the authority and give the authority a notice about the bond.
Provider	21(2)	Power to agree in writing for the resident to attach a fixture or make a structural change.
Provider	22	Power to enter a resident's room during the agreement only if the obligations under sections 257 to 262 have been complied with.

Division 7 – When agreement ends

Entity power given to	Section of RTRR	Description
Provider	23(1)(a)	Power to agree in writing with the resident to end an agreement ends.
Provider	23(1)(b)	Power to give a notice to leave the rental premises to the resident.

Division 9 – Miscellaneous

Entity power given to	Section of RTRR	Description
Provider	29(4)	Power to withdraw consent to notices being given by facsimile or email to the provider.
Provider	29(6)	Power to give notice to the other party of a new address for service, facsimile number or email address of the provider.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2016 07 01 - RTRR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Standard Plumbing and Drainage Regulation 2003 ("SPDR")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Standard Plumbing and Drainage Regulation 2003 ("SPDR")**Part 3 – Compliance assessment and inspection of notifiable work****Division 2 – Assessing plans**

Entity power given to	Section of SPDR	Description
Local Government	14(6)	Power to require a person to give a reasonable number of copies of a plan for compliance assessable work.
Local Government	14D(3)(c)(ii)	In the specified circumstances, the power to require other information in relation to the testing.
Local Government	15(1)	Power to decide that a part of the compliance assessable work is outside the local government's expertise to assess.
Local Government	15(2)	In the specified circumstances, the power to accept certification of a plan for compliance assessable work and associated documents by a competent person.

Division 3 – Assessing plumbing and drainage work

Entity power given to	Section of SPDR	Description
Local Government	18(2)	In the specified circumstances, the power to require a person to give Council the information or documents needed to assess compliance assessable work.
Local Government	20(2)(a)	In the specified circumstances, the power to agree on a time an inspector must start assessing the compliance assessable work with the responsible person for the work.
Local Government	22(6)(b)	In the specified circumstances, the power to allow a responsible person for compliance assessable work to give a compliance report at a time more than 10 business days after the testing or commissioning.
Local Government	22(7)(b)(i)	In the specified circumstances, the power to form an opinion that another person is competent to test or commission the plumbing or drainage.

Division 4 – Assessing compliance assessable work in remote areas

Entity power given to	Section of SPDR	Description
Local Government	27	In the specified circumstances, the power to decide to test or commission plumbing or drainage, the subject of compliance assessable work carried out in a remote area.
Local Government	29(1)(b)	Power to decide to accept a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> from another person.
Local Government	29(3)	If a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> is accepted from an approved person, the power to advise the person who performs the compliance assessable work of this decision.

Division 5 – Inspecting notifiable work

Entity power given to	Section of SPDR	Description
Local Government	29A(2)(a)	In the specified circumstances, the power to agree on a time with the responsible person that an inspector must start inspecting the work.
Local Government	29B(2)	The power to form a reasonable belief the work does not comply with this regulation, and to give the responsible person for the work written notice (a rectification notice) of the action required to make the work comply.
Local Government	29B(4)(c)	The power to form a reasonable belief an inspection of the rectification work is required.
Local Government	29B(4)(d)	The power to decide conditions that the delegate considers reasonable.
Local Government	29B(10)(a)	The power to decide with the responsible person a period within which the responsible person must comply with a rectification notice.

Part 4 – Production certification

Entity power given to	Section of SPDR	Description
Local Government	30(3)(b)	Power to be satisfied that use of a non-certified plumbing or drainage item is necessary for maintaining the plumbing and drainage in its original form and to approve the continued use of the non-certified plumbing or drainage item.
Local Government	30(4)	For approving the continued use of a non-certified plumbing or drainage item under section 30(3)(b) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to require a person to have the plumbing or drainage item tested at the person's cost within a stated reasonable time and at a stated reasonable place.
Local Government	32	In the specified circumstances, the power to: <ul style="list-style-type: none"> (a) require that a plumbing or drainage item is not installed or used in the circumstances; and (b) approve the installation or use of: <ul style="list-style-type: none"> (i) the plumbing or drainage item, but with a protective coating, lining or wrapping for the plumbing or drainage item; or (ii) another plumbing or drainage item.

Part 5 – Installations on premises

Division 1 – Supply pipes and drains

Entity power given to	Section of SPDR	Description
Local Government	34(1)	In the specified circumstances, the power to form a belief on reasonable grounds that an ordinary supply pipe can not give an efficient water supply for the premises or premises group.
Local Government	34(2)	In the specified circumstances and for a supply pipe for premises, the power to require:

		<p>(a) part or all of the supply pipe (the premises main) to be built to the standard of a water main; and</p> <p>(b) the premises main to supply directly each separately occupied part of the premises; and</p> <p>(c) the premises main to supply directly each fire service within the premises.</p>
Local Government	34(3)	<p>In the specified circumstances and for a supply pipe for a premises group, the power to require:</p> <p>(a) a part of the supply pipe (the premise group main) to be built, in the way and to the extent directed, to the standard of a water main; and</p> <p>(b) each separately occupied part of the premises group to be served directly by a supply pipe connected to the premises group main; and</p> <p>(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.</p>
Local Government	35(1)	In the specified circumstances, the power to form the belief on reasonable grounds that drainage alone can not give efficient drainage for the premises.
Local Government	35(2)	In the specified circumstances and for sanitary drainage for premises, the power to require the building of a sewer for the premises (the premises sewer) that it is to the standard of a sewer forming part of Council's or another service provider's sewerage system.
Local Government	35(3)	In the specified circumstances and for sanitary drainage for a premises group, the power to require a sewer for the premises group (the premises group sewer) be built to the standard of a sewer forming part of Council's or another service provider's sewerage system.

Division 2 – Backflow prevention devices

Entity power given to	Section of SPDR	Description
Local Government	38(2)	Power to keep a register of the testable backflow prevention devices or authorise another entity to keep such a register.

Division 3 – Arrestors

Entity power given to	Section of SPDR	Description
Local Government	39(1)(d)	Power to require a larger capacity for a grease arrestor on premises.
Local Government	39(7)(a)	Power to approve the diameter of any outlet pipe from a grease arrestor on premises.
Local Government	39(8)	Power to approve the design and location of the ventilation for a grease arrestor on premises.
Local Government	39(9)	In approving the design and location of a grease arrestor's ventilation under section 39(8) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to have regard to the grease arrestor's design and the location of trap water seals in the grease arrestor.

Division 4 – Other installations for plumbing

Entity power given to	Section of SPDR	Description
Local Government	41(1)(a)	Power to approve the connection of air cooling equipment to a supply pipe.
Local Government	41(2)(b)	In the specified circumstances, the power to approve the connection and use of air cooling equipment that is in the form of a domestic evaporative air conditioner.
Local Government	41(3)	Power to give an approval under section 41(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied that it is reasonable in the circumstances to allow the equipment's use.
Local Government	44(1)(a)	Power to approve the connection of hydraulic powered equipment to a supply pipe.
Local Government	44(2)(b)	Power to approve the connection and use, on premises occupied by a disabled person, of hydraulic powered equipment that is in the form of a domestic water lift.
Local Government	44(3)	Power to give an approval under section 44(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied there is no other practical or economic way of giving mobility to the disabled person.
Local Government	45(1)	Power to give written approval to a pipe carrying water supplied by Council or another service provider: <ul style="list-style-type: none"> (a) being connected to a water storage tank used to store water obtained from another source; or (b) being discharged into a water storage tank used to store water obtained from another source.

Division 5 – Other installations for drainage

Entity power given to	Section of SPDR	Description
Local Government	47(1)	Power to give approval for a water closet pan, urinal or another fixture to be installed in part of a premises below the level of the sewer or on-site sewerage facility for the premises.
Local Government	47(2)	Power to give an approval under section 47(1) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied on reasonable grounds that there is adequate provision for lifting waste water to the sewer or on-site sewerage facility and preventing sewerage flowing back into the room.
Local Government	52(2)	In the specified circumstances, the power to, by written notice given to an owner of a new building and an owner of an old building, require that: <ul style="list-style-type: none"> (a) the new building's owner pay the reasonable costs of changing the vents on the old building; and (b) the old building's owner change the vents.

Part 6 – Appointment of inspectors

Entity power given to	Section of SPDR	Description
Local Government	53(2)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience to

		give the individual the necessary competence for assessing plumbing and drainage work.
Local Government	53(3)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience that gives the individual the necessary competence for inspecting and approving on-site sewerage facilities.

Part 7 – Miscellaneous provisions

Entity power given to	Section of SPDR	Description
Local Government	54(3)(a)	In the specified circumstances, the power to perform the work.
Local Government	54(3)(b)	In the specified circumstances, the power to fairly apportion the reasonable overall cost between or among the owners.
Local Government	54(3)(c)	In the specified circumstances, the power to recover, as a debt from each owner, the owner's share of the costs.

SCHEDULE 6 - DICTIONARY

Entity power given to	Section of SPDR	Description
Local Government	Schedule 6 definition of "Competent person"	In the specified circumstances, the power to form an opinion that a person is competent to practise in the aspect of design of plumbing or drainage, including, for example, giving and certifying plans of plumbing or drainage work.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 10 27 - SPDR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE STANDARD PLUMBING AND DRAINAGE REGULATION 2003 ("SPDR")

Part 3 – Compliance assessment and inspection of notifiable work

Division 2 – Assessing plans

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	14(6)	Power to require a person to give a reasonable number of copies of a plan for compliance assessable work.				
Local Government	14D(3)(c)(ii)	In the specified circumstances, the power to require other information in relation to the testing.				
Local Government	15(1)	Power to decide that a part of the compliance assessable work is outside the local government's expertise to assess.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Local Government	15(2)	In the specified circumstances, the power to accept certification of a plan for compliance assessable work and associated documents by a competent person.				

Division 3 – Assessing plumbing and drainage work

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	18(2)	In the specified circumstances, the power to require a person to give Council the information or documents needed to assess compliance assessable work.				
Local Government	20(2)(a)	In the specified circumstances, the power to agree on a time an inspector must start assessing the compliance assessable work with the responsible person for the work.				
Local Government	22(6)(b)	In the specified circumstances, the power to allow a responsible person for compliance assessable work to give a compliance report at a time more than 10 business days after the testing or commissioning.				
Local Government	22(7)(b)(i)	In the specified circumstances, the power to form an opinion that another person is competent to test or commission the plumbing or drainage.				

Division 4 – Assessing compliance assessable work in remote areas

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	27	In the specified circumstances, the power to decide to test or commission plumbing or drainage, the subject of compliance assessable work carried out in a remote area.				

Local Government	29(1)(b)	Power to decide to accept a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> from another person.				
Local Government	29(3)	If a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> is accepted from an approved person, the power to advise the person who performs the compliance assessable work of this decision.				

Division 5 – Inspecting notifiable work

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	29A(2)(a)	In the specified circumstances, the power to agree on a time with the responsible person that an inspector must start inspecting the work.				
Local Government	29B(2)	The power to form a reasonable belief the work does not comply with this regulation, and to give the responsible person for the work written notice (a rectification notice) of the action required to make the work comply.				
Local Government	29B(4)(c)	The power to form a reasonable belief an inspection of the rectification work is required.				
Local Government	29B(4)(d)	The power to decide conditions that the delegate considers reasonable.				
Local Government	29B(10)(a)	The power to decide with the responsible person a period within which the responsible person must comply with a rectification notice.				

Part 4 – Production certification

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	30(3)(b)	Power to be satisfied that use of a non-certified plumbing or drainage item is necessary for maintaining the plumbing and drainage in its original form and to approve the continued use of the non-certified plumbing or drainage item.				
Local Government	30(4)	For approving the continued use of a non-certified plumbing or drainage item under section 30(3)(b) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to require a person to have the plumbing or drainage item tested at the person's cost within a stated reasonable time and at a stated reasonable place.				
Local Government	32	In the specified circumstances, the power to: <ul style="list-style-type: none"> (a) require that a plumbing or drainage item is not installed or used in the circumstances; and (b) approve the installation or use of: <ul style="list-style-type: none"> (i) the plumbing or drainage item, but with a protective coating, lining or wrapping for the plumbing or drainage item; or (ii) another plumbing or drainage item. 				

Part 5 – Installations on premises

Division 1 – Supply pipes and drains

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	34(1)	In the specified circumstances, the power to form a belief on reasonable grounds that an ordinary supply pipe can not give an efficient water supply for the premises or premises group.				
Local Government	34(2)	In the specified circumstances and for a supply pipe for premises, the power to require: <ul style="list-style-type: none"> (a) part or all of the supply pipe (the premises main) to be built to the standard of a water main; and (b) the premises main to supply directly each separately occupied part of the premises; and (c) the premises main to supply directly each fire service within the premises. 				
Local Government	34(3)	In the specified circumstances and for a supply pipe for a premises group, the power to require: <ul style="list-style-type: none"> (a) a part of the supply pipe (the premise group main) to be built, in the way and to the extent directed, to the standard of a water main; and (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.				
Local Government	35(1)	In the specified circumstances, the power to form the belief on reasonable grounds that drainage alone can not give efficient drainage for the premises.				
Local Government	35(2)	In the specified circumstances and for sanitary drainage for premises, the power to require the building of a sewer for the premises (the premises sewer) that it is to the standard of a sewer forming part of Council's or another service provider's sewerage system.				
Local Government	35(3)	In the specified circumstances and for sanitary drainage for a premises group, the power to require a sewer for the premises group (the premises group sewer) be built to the standard of a sewer forming part of Council's or another service provider's sewerage system.				

Division 2 – Backflow prevention devices

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	38(2)	Power to keep a register of the testable backflow prevention devices or authorise another entity to keep such a register.				

Division 3 – Arrestors

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	39(1)(d)	Power to require a larger capacity for a grease arrestor on premises.				
Local Government	39(7)(a)	Power to approve the diameter of any outlet pipe from a grease arrestor on premises.				
Local Government	39(8)	Power to approve the design and location of the ventilation for a grease arrestor on premises.				
Local Government	39(9)	In approving the design and location of a grease arrestor's ventilation under section 39(8) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to have regard to the grease arrestor's design and the location of trap water seals in the grease arrestor.				

Division 4 – Other installations for plumbing

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	41(1)(a)	Power to approve the connection of air cooling equipment to a supply pipe.				
Local Government	41(2)(b)	In the specified circumstances, the power to approve the connection and use of air cooling equipment that is in the form of a domestic evaporative air conditioner.				
Local Government	41(3)	Power to give an approval under section 41(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied				

		that it is reasonable in the circumstances to allow the equipment's use.				
Local Government	44(1)(a)	Power to approve the connection of hydraulic powered equipment to a supply pipe.				
Local Government	44(2)(b)	Power to approve the connection and use, on premises occupied by a disabled person, of hydraulic powered equipment that is in the form of a domestic water lift.				
Local Government	44(3)	Power to give an approval under section 44(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied there is no other practical or economic way of giving mobility to the disabled person.				
Local Government	45(1)	Power to give written approval to a pipe carrying water supplied by Council or another service provider: (a) being connected to a water storage tank used to store water obtained from another source; or (b) being discharged into a water storage tank used to store water obtained from another source.				

Division 5 – Other installations for drainage

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	47(1)	Power to give approval for a water closet pan, urinal or another fixture to be installed in part of a premises below the level of the sewer or on-site sewerage facility for the premises.				

Local Government	47(2)	Power to give an approval under section 47(1) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied on reasonable grounds that there is adequate provision for lifting waste water to the sewer or on-site sewerage facility and preventing sewerage flowing back into the room.				
Local Government	52(2)	In the specified circumstances, the power to, by written notice given to an owner of a new building and an owner of an old building, require that: (a) the new building's owner pay the reasonable costs of changing the vents on the old building; and (b) the old building's owner change the vents.				

Part 6 – Appointment of inspectors

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	53(2)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience to give the individual the necessary competence for assessing plumbing and drainage work.				
Local Government	53(3)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience that gives the individual the necessary competence for inspecting and approving on-site sewerage facilities.				

Part 7 – Miscellaneous provisions

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	54(3)(a)	In the specified circumstances, the power to perform the work.				
Local Government	54(3)(b)	In the specified circumstances, the power to fairly apportion the reasonable overall cost between or among the owners.				
Local Government	54(3)(c)	In the specified circumstances, the power to recover, as a debt from each owner, the owner's share of the costs.				

SCHEDULE 6 - DICTIONARY

Entity power given to	Section of SPDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	Schedule 6 definition of "Competent person"	In the specified circumstances, the power to form an opinion that a person is competent to practise in the aspect of design of plumbing or drainage, including, for example, giving and certifying plans of plumbing or drainage work.				

[2017 10 27 - SPDR - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Standard Plumbing and Drainage Regulation 2003 ("SPDR")

Part 3 – Compliance assessment and inspection of notifiable work

Division 2 – Assessing plans

Entity power given to	Section of SPDR	Description
Local Government	14(6)	Power to require a person to give a reasonable number of copies of a plan for compliance assessable work.
Local Government	14D(3)(c) (ii)	In the specified circumstances, the power to require other information in relation to the testing.
Local Government	15(1)	Power to decide that a part of the compliance assessable work is outside the local government's expertise to assess.
Local Government	15(2)	In the specified circumstances, the power to accept certification of a plan for compliance assessable work and associated documents by a competent person.

Division 3 – Assessing plumbing and drainage work

Entity power given to	Section of SPDR	Description
Local Government	18(2)	In the specified circumstances, the power to require a person to give Council the information or documents needed to assess compliance assessable work.
Local Government	20(2)(a)	In the specified circumstances, the power to agree on a time an inspector must start assessing the compliance assessable work with the responsible person for the work.
Local Government	22(6)(b)	In the specified circumstances, the power to allow a responsible person for compliance assessable work to give a compliance report at a time more than 10 business days after the testing or commissioning.
Local Government	22(7)(b)(i)	In the specified circumstances, the power to form an opinion that another person is competent to test or commission the plumbing or drainage.

Division 4 – Assessing compliance assessable work in remote areas

Entity power given to	Section of SPDR	Description
Local Government	27	In the specified circumstances, the power to decide to test or commission plumbing or drainage, the subject of compliance assessable work carried out in a remote area.
Local Government	29(1)(b)	Power to decide to accept a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> from another person.
Local Government	29(3)	If a notice given under section 86A(3)(a) of the <i>Plumbing and Drainage Act 2002</i> is accepted from an approved person, the

		power to advise the person who performs the compliance assessable work of this decision.
--	--	--

Division 5 – Inspecting notifiable work

Entity power given to	Section of SPDR	Description
Local Government	29A(2)(a)	In the specified circumstances, the power to agree on a time with the responsible person that an inspector must start inspecting the work.
Local Government	29B(2)	The power to form a reasonable belief the work does not comply with this regulation, and to give the responsible person for the work written notice (a rectification notice) of the action required to make the work comply.
Local Government	29B(4)(c)	The power to form a reasonable belief an inspection of the rectification work is required.
Local Government	29B(4)(d)	The power to decide conditions that the delegate considers reasonable.
Local Government	29B(10)(a)	The power to decide with the responsible person a period within which the responsible person must comply with a rectification notice.

Part 4 – Production certification

Entity power given to	Section of SPDR	Description
Local Government	30(3)(b)	Power to be satisfied that use of a non-certified plumbing or drainage item is necessary for maintaining the plumbing and drainage in its original form and to approve the continued use of the non-certified plumbing or drainage item.
Local Government	30(4)	For approving the continued use of a non-certified plumbing or drainage item under section 30(3)(b) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to require a person to have the plumbing or drainage item tested at the person's cost within a stated reasonable time and at a stated reasonable place.
Local Government	32	In the specified circumstances, the power to: <ul style="list-style-type: none"> (a) require that a plumbing or drainage item is not installed or used in the circumstances; and (b) approve the installation or use of: <ul style="list-style-type: none"> (i) the plumbing or drainage item, but with a protective coating, lining or wrapping for the plumbing or drainage item; or (ii) another plumbing or drainage item.

Part 5 – Installations on premises

Division 1 – Supply pipes and drains

Entity power given to	Section of SPDR	Description
Local Government	34(1)	In the specified circumstances, the power to form a belief on reasonable grounds that an ordinary supply pipe can not give an efficient water supply for the premises or premises group.

Local Government	34(2)	In the specified circumstances and for a supply pipe for premises, the power to require: (a) part or all of the supply pipe (the premises main) to be built to the standard of a water main; and (b) the premises main to supply directly each separately occupied part of the premises; and (c) the premises main to supply directly each fire service within the premises.
Local Government	34(3)	In the specified circumstances and for a supply pipe for a premises group, the power to require: (a) a part of the supply pipe (the premise group main) to be built, in the way and to the extent directed, to the standard of a water main; and (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.
Local Government	35(1)	In the specified circumstances, the power to form the belief on reasonable grounds that drainage alone can not give efficient drainage for the premises.
Local Government	35(2)	In the specified circumstances and for sanitary drainage for premises, the power to require the building of a sewer for the premises (the premises sewer) that it is to the standard of a sewer forming part of Council's or another service provider's sewerage system.
Local Government	35(3)	In the specified circumstances and for sanitary drainage for a premises group, the power to require a sewer for the premises group (the premises group sewer) be built to the standard of a sewer forming part of Council's or another service provider's sewerage system.

Division 2 – Backflow prevention devices

Entity power given to	Section of SPDR	Description
Local Government	38(2)	Power to keep a register of the testable backflow prevention devices or authorise another entity to keep such a register.

Division 3 – Arrestors

Entity power given to	Section of SPDR	Description
Local Government	39(1)(d)	Power to require a larger capacity for a grease arrestor on premises.
Local Government	39(7)(a)	Power to approve the diameter of any outlet pipe from a grease arrestor on premises.
Local Government	39(8)	Power to approve the design and location of the ventilation for a grease arrestor on premises.
Local Government	39(9)	In approving the design and location of a grease arrestor's ventilation under section 39(8) of the <i>Standard Plumbing and Drainage Regulation 2003</i> , the power to have regard to the grease arrestor's design and the location of trap water seals in the grease arrestor.

Division 4 – Other installations for plumbing

Entity power given to	Section of SPDR	Description
Local Government	41(1)(a)	Power to approve the connection of air cooling equipment to a supply pipe.
Local Government	41(2)(b)	In the specified circumstances, the power to approve the connection and use of air cooling equipment that is in the form of a domestic evaporative air conditioner.
Local Government	41(3)	Power to give an approval under section 41(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied that it is reasonable in the circumstances to allow the equipment's use.
Local Government	44(1)(a)	Power to approve the connection of hydraulic powered equipment to a supply pipe.
Local Government	44(2)(b)	Power to approve the connection and use, on premises occupied by a disabled person, of hydraulic powered equipment that is in the form of a domestic water lift.
Local Government	44(3)	Power to give an approval under section 44(2) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied there is no other practical or economic way of giving mobility to the disabled person.
Local Government	45(1)	Power to give written approval to a pipe carrying water supplied by Council or another service provider: <ul style="list-style-type: none"> (a) being connected to a water storage tank used to store water obtained from another source; or (b) being discharged into a water storage tank used to store water obtained from another source.

Division 5 – Other installations for drainage

Entity power given to	Section of SPDR	Description
Local Government	47(1)	Power to give approval for a water closet pan, urinal or another fixture to be installed in part of a premises below the level of the sewer or on-site sewerage facility for the premises.
Local Government	47(2)	Power to give an approval under section 47(1) of the <i>Standard Plumbing and Drainage Regulation 2003</i> only if satisfied on reasonable grounds that there is adequate provision for lifting waste water to the sewer or on-site sewerage facility and preventing sewerage flowing back into the room.
Local Government	52(2)	In the specified circumstances, the power to, by written notice given to an owner of a new building and an owner of an old building, require that: <ul style="list-style-type: none"> (a) the new building's owner pay the reasonable costs of changing the vents on the old building; and (b) the old building's owner change the vents.

Part 6 – Appointment of inspectors

Entity power given to	Section of SPDR	Description
Local Government	53(2)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience to

		give the individual the necessary competence for assessing plumbing and drainage work.
Local Government	53(3)(a)	In the specified circumstances, the power to form the opinion that an individual has the qualifications, skills and experience that gives the individual the necessary competence for inspecting and approving on-site sewerage facilities.

Part 7 – Miscellaneous provisions

Entity power given to	Section of SPDR	Description
Local Government	54(3)(a)	In the specified circumstances, the power to perform the work.
Local Government	54(3)(b)	In the specified circumstances, the power to fairly apportion the reasonable overall cost between or among the owners.
Local Government	54(3)(c)	In the specified circumstances, the power to recover, as a debt from each owner, the owner's share of the costs.

SCHEDULE 6 - DICTIONARY

Entity power given to	Section of SPDR	Description
Local Government	Schedule 6 definition of "Competent person"	In the specified circumstances, the power to form an opinion that a person is competent to practise in the aspect of design of plumbing or drainage, including, for example, giving and certifying plans of plumbing or drainage work.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2017 10 27 - SPDR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council *State Penalties Enforcement Act 1999 ("SPEA")*

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

State Penalties Enforcement Act 1999 ("SPEA")**Part 3 – Infringement notices****Division 1 – Service of infringement notices**

Entity power given to	Section of SPEA	Description
Administering Authority	15(1)	Power to approve the form of the infringement notice.

Division 3 – Obligations and options under infringement notices

Entity power given to	Section of SPEA	Description
Administering Authority	23(3)(b)	Power to approve of an acceptable way, other than the approved form, of making an application for payment of fine through instalments.
Administering Authority	23(5)	In certain circumstances, power to approve application.

Division 4 – Withdrawal and re-issue of infringement notice

Entity power given to	Section of SPEA	Description
Administering Authority	28(1)	Power to withdraw an infringement notice at any time before the fine is satisfied in full.
Administering Authority	28(2)(a)	Power to serve on the alleged offender a withdrawal notice in the approved form.

Part 4 – Enforcement orders**Division 1 – Default commences enforcement process**

Entity power given to	Section of SPEA	Description
Administering Authority	33(1)	Power to give to SPER for registration a default certificate for the relevant infringement notice offence.
Administering Authority	33(2)(b)	Power to approve of an acceptable way, other than the approved form, for how an election may be made.

Division 6 – Cancellation of certain enforcement orders

Entity power given to	Section of SPEA	Description
Administering Authority	57(5) ¹	Power to: <ul style="list-style-type: none"> (a) start a proceeding against an applicant for the offence; or (b) accept payment of the fine in full as stated in the infringement notice for the offence; or (c) issue a fresh infringement notice for the offence.

¹ The procedure for initiating proceedings is under the *Justices Act 1886*.

Part 9 –**Miscellaneous****Division 2 – Other enforcement related provisions**

Entity power given to	Section of SPEA	Description
Administering Authority	150(2)(a)(ii)	Power to determine an acceptable way of taking payment.
Administering Authority	157(2)	Power to sign a certificate for evidentiary purposes.

Division 3 – General

Entity power given to	Section of SPEA	Description
Administering Authority	162	Power to approve forms for use as infringement notices.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 11 09 - SPEA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE STATE PENALTIES ENFORCEMENT ACT 1999 ("SPEA")

Part 3 – Infringement notices

Division 1 – Service of infringement notices

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	15(1)	Power to approve the form of the infringement notice.				

Division 3 – Obligations and options under infringement notices

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	23(3)(b)	Power to approve of an acceptable way, other than the approved form, of making an application for payment of fine through instalments.				
Administering Authority	23(5)	In certain circumstances, power to approve application.				

Division 4 – Withdrawal and re-issue of infringement notice

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	28(1)	Power to withdraw an infringement notice at any time before the fine is satisfied in full.				

Administering Authority	28(2)(a)	Power to serve on the alleged offender a withdrawal notice in the approved form.				
-------------------------	----------	--	--	--	--	--

Part 4 – Enforcement orders

Division 1 – Default commences enforcement process

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	33(1)	Power to give to SPER for registration a default certificate for the relevant infringement notice offence.				
Administering Authority	33(2)(b)	Power to approve of an acceptable way, other than the approved form, for how an election may be made.				

Division 6 – Cancellation of certain enforcement orders

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	57(5) ²	Power to: (a) start a proceeding against an applicant for the offence; or (b) accept payment of the fine in full as stated in the infringement notice for the offence; or (c) issue a fresh infringement notice for the offence.				

² The procedure for initiating proceedings is under the *Justices Act 1886*.

Part 9 – Miscellaneous

Division 2 – Other enforcement related provisions

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	150(2)(a)(ii)	Power to determine an acceptable way of taking payment.				
Administering Authority	157(2)	Power to sign a certificate for evidentiary purposes.				

Division 3 – General

Entity power given to	Section of SPEA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	162	Power to approve forms for use as infringement notices.				

[2018 11 09 - SPEA - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

State Penalties Enforcement Act 1999 ("SPEA")

Part 3 – Infringement notices

Division 1 – Service of infringement notices

Entity power given to	Section of SPEA	Description
Administering Authority	15(1)	Power to approve the form of the infringement notice.

Division 3 – Obligations and options under infringement notices

Entity power given to	Section of SPEA	Description
Administering Authority	23(3)(b)	Power to approve of an acceptable way, other than the approved form, of making an application for payment of fine through instalments.
Administering Authority	23(5)	In certain circumstances, power to approve application.

Division 4 – Withdrawal and re-issue of infringement notice

Entity power given to	Section of SPEA	Description
Administering Authority	28(1)	Power to withdraw an infringement notice at any time before the fine is satisfied in full.
Administering Authority	28(2)(a)	Power to serve on the alleged offender a withdrawal notice in the approved form.

Part 4 – Enforcement orders

Division 1 – Default commences enforcement process

Entity power given to	Section of SPEA	Description
Administering Authority	33(1)	Power to give to SPER for registration a default certificate for the relevant infringement notice offence.
Administering Authority	33(2)(b)	Power to approve of an acceptable way, other than the approved form, for how an election may be made.

Division 6 – Cancellation of certain enforcement orders

Entity power given to	Section of SPEA	Description
Administering Authority	57(5) ³	Power to: (a) start a proceeding against an applicant for the offence; or

³ The procedure for initiating proceedings is under the *Justices Act 1886*.

		(b) accept payment of the fine in full as stated in the infringement notice for the offence; or (c) issue a fresh infringement notice for the offence.
--	--	---

Part 9 – Miscellaneous

Division 2 – Other enforcement related provisions

Entity power given to	Section of SPEA	Description
Administering Authority	150(2)(a)(ii)	Power to determine an acceptable way of taking payment.
Administering Authority	157(2)	Power to sign a certificate for evidentiary purposes.

Division 3 – General

Entity power given to	Section of SPEA	Description
Administering Authority	162	Power to approve forms for use as infringement notices.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 11 09 - SPEA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Transport Operations (Road Use Management) Act 1995 ("TORA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Transport Operations (Road Use Management) Act 1995 ("TORA")**CHAPTER 5 – ROAD USE****Part 2 – Official traffic signs**

Entity power given to	Section of TORA	Description
Local Government	69(1)	Power to install an official traffic sign in its local government area: (a) on a road that is not a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.
Local Government	69(2)	Under section 69(1), power to install an official traffic sign that: (a) defines a traffic area; and (b) indicates that parking on declared roads within the traffic is regulated.
Local Government	69(3)	Power to remove an official traffic sign installed by the local government.
Local Government	69(4) ¹	In the specified circumstances, the power to install or remove an official traffic sign that will result in a change to the management of a local government road.
Chief Executive Officer	71(1)	Power to: (a) be satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist, or the use of a road or any part thereof or an off-street regulated parking area or any part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed; and if so satisfied (b) install any official traffic sign which, in your opinion, may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic.
Chief Executive Officer	71(2)	Power to be satisfied that the danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist or the use of the road or the part thereof or the off-street regulated parking area or the part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed.
Local Government	74(2)	Power to take proceedings for the imposition and enforcement of a penalty under subsection (1) for a contravention relating to an official traffic sign installed by the local government.
Local Government	75(1)	In the specified circumstances, the power to remove an official traffic sign or other thing in the nature or similar to or which is likely to be mistaken for an official traffic sign.
Local Government	76(1)	If an official traffic sign installed by the local government is injured, the power to sue for damages, or recover in a summary way under the <i>Justices Act 1886</i> .

¹ Only if the Chief Executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.

Part 5 –

Traffic diversions and removal of things from roads

Entity power given to	Section of TORA	Description
Chief Executive Officer	100(1)	<p>Power to consider on reasonable grounds that a vehicle, tram or animal in Council's area has been abandoned on a road, other than a busway, by the person who last drove or used it, or that:</p> <p>(a) a vehicle, tram or animal in Council's area has been:</p> <p>(i) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or</p> <p>(ii) found on a road in a place, condition, way or circumstances where its presence is hazardous or in contravention of the TORA; and</p> <p>(b) the driver of the vehicle, tram or animal:</p> <p>(i) can not readily be located; or</p> <p>(ii) has failed to immediately remove the vehicle, tram or animal when required to do so.</p>
Local Government	100(1)(b)(ii)	In the specified circumstances, the power to require a person to immediately remove a vehicle, animal or tram.
Local Government	100(3)	In the specified circumstances, the power to remove a vehicle, tram or animal from a road and detain it at a place for safe keeping.
Chief Executive Officer	100(4)	In the specified circumstances, the power to cause notice in writing to be given to the owner of a vehicle, tram or animal, if the owner can be ascertained, of the removal and of the place at which the vehicle, tram or animal is then detained.
Chief Executive Officer	100(6)(a)	In the specified circumstances, the power to advertise that the local government will offer the vehicle, tram or animal for sale by public auction.
Chief Executive Officer	100(6)(b)	In the specified circumstances, the power to offer a vehicle, tram or animal for sale by public auction.
Chief Executive Officer	100(6)(c)	In the specified circumstances, the power to dispose of a vehicle, tram or animal in such manner and on such terms as the Chief Executive Officer determines.
Local Government	100(8)	Power to deal with any goods, equipment or thing contained in, on or about a vehicle, tram or animal at the time of its removal in the same manner as the vehicle, tram or animal may be dealt with under section 100 of the TORA.
Chief Executive Officer	100(9)	Power to direct how any perishable goods in or on a vehicle, tram or animal at the time of its removal may be disposed of.
Chief Executive Officer	100(10)(b)	<p>Power to be satisfied:</p> <p>(a) of an applicant's ownership or of the applicant's right to possession of a vehicle, tram or animal;</p> <p>(b) if an applicant is a person acting on behalf of an owner - of the applicant's authority to act on behalf of the owner.</p>

Part 6 – Regulated parking

Entity power given to	Section of TORA	Description
Local Government	101(1)	Power to regulate parking in the local government area: (a) on a road, other than a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.
Local Government	102(1) ²	Power to regulate parking by installing official traffic signs indicating how parking is regulated.

CHAPTER 6 – MISCELLANEOUS

Part 2 – Other provisions

Entity power given to	Section of TORA	Description
Chief Executive Officer	166A(3)	Power to approve certain persons as toll officers for a local government tollway.
Chief Executive Officer	166A(3)(B)	Power to consider that an employee of the contractor, has the necessary expertise or experience to be a toll officer.

²

Only if:

- (a) the boundaries of the traffic area have been defined under a local law; or
- (b) the sign is installed on the road at every road entry to the traffic area.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 12 03 - TORA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995 ("TORA")

CHAPTER 5 – ROAD USE

Part 2 – Official traffic signs

Entity power given to	Section of TORA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	69(1)	Power to install an official traffic sign in its local government area: (a) on a road that is not a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.				
Local Government	69(2)	Under section 69(1), power to install an official traffic sign that: (a) defines a traffic area; and (b) indicates that parking on declared roads within the traffic is regulated.				
Local Government	69(3)	Power to remove an official traffic sign installed by the local government.				
Local Government	69(4) ³	In the specified circumstances, the power to install or remove an official traffic sign that will result in a change to the management of a local government road.				

³ Only if the Chief Executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.

Chief Executive Officer	71(1)	Power to: (a) be satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist, or the use of a road or any part thereof or an off-street regulated parking area or any part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed; and if so satisfied (b) install any official traffic sign which, in your opinion, may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Chief Executive Officer	71(2)	Power to be satisfied that the danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist or the use of the road or the part thereof or the off-street regulated parking area or the part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Local Government	74(2)	Power to take proceedings for the imposition and enforcement of a penalty under subsection (1) for a contravention relating to an official traffic sign installed by the local government.				
Local Government	75(1)	In the specified circumstances, the power to remove an official traffic sign or other thing in the nature or similar to or which is likely to be mistaken for an official traffic sign.				
Local Government	76(1)	If an official traffic sign installed by the local government is injured, the power to sue for				

		damages, or recover in a summary way under the <i>Justices Act 1886</i> .				
--	--	---	--	--	--	--

Part 5 – Traffic diversions and removal of things from roads

Entity power given to	Section of TORA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	100(1)	<p>Power to consider on reasonable grounds that a vehicle, tram or animal in Council's area has been abandoned on a road, other than a busway, by the person who last drove or used it, or that:</p> <p>(a) a vehicle, tram or animal in Council's area has been:</p> <p>(i) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or</p> <p>(ii) found on a road in a place, condition, way or circumstances where its presence is hazardous or in contravention of the TORA; and</p> <p>(b) the driver of the vehicle, tram or animal:</p> <p>(i) can not readily be located; or</p> <p>(ii) has failed to immediately remove the vehicle, tram or animal when required to do so.</p>	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			

Local Government	100(1)(b)(ii)	In the specified circumstances, the power to require a person to immediately remove a vehicle, animal or tram.				
Local Government	100(3)	In the specified circumstances, the power to remove a vehicle, tram or animal from a road and detain it at a place for safe keeping.				
Chief Executive Officer	100(4)	In the specified circumstances, the power to cause notice in writing to be given to the owner of a vehicle, tram or animal, if the owner can be ascertained, of the removal and of the place at which the vehicle, tram or animal is then detained.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Chief Executive Officer	100(6)(a)	In the specified circumstances, the power to advertise that the local government will offer the vehicle, tram or animal for sale by public auction.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Chief Executive Officer	100(6)(b)	In the specified circumstances, the power to offer a vehicle, tram or animal for sale by public auction.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Chief Executive Officer	100(6)(c)	In the specified circumstances, the power to dispose of a vehicle, tram or animal in such manner and on such terms as the Chief Executive Officer determines.	The power is given directly to the CEO under the legislation and, therefore, does not need to be			

			delegated by Council.			
Local Government	100(8)	Power to deal with any goods, equipment or thing contained in, on or about a vehicle, tram or animal at the time of its removal in the same manner as the vehicle, tram or animal may be dealt with under section 100 of the TORA.				
Chief Executive Officer	100(9)	Power to direct how any perishable goods in or on a vehicle, tram or animal at the time of its removal may be disposed of.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			
Chief Executive Officer	100(10)(b)	Power to be satisfied: (a) of an applicant's ownership or of the applicant's right to possession of a vehicle, tram or animal; (b) if an applicant is a person acting on behalf of an owner - of the applicant's authority to act on behalf of the owner.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			

Part 6 – Regulated parking

Entity power given to	Section of TORA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	101(1)	Power to regulate parking in the local government area: (a) on a road, other than a declared road; or (b) on a declared road, with the chief executive's written agreement; or				

		(c) on an off-street regulated parking area.				
Local Government	102(1) ⁴	Power to regulate parking by installing official traffic signs indicating how parking is regulated.				

CHAPTER 6 – MISCELLANEOUS

Part 2 – Other provisions

Entity power given to	Section of TORA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	166A(3)	Power to approve certain persons as toll officers for a local government tollway.	This power is given directly to the CEO under the legislation and therefore, does not need to be delegated by Council.			
Chief Executive Officer	166A(3)(B)	Power to consider that an employee of the contractor, has the necessary expertise or experience to be a toll officer.	This power is given directly to the CEO under the legislation and therefore, does not need to be delegated by Council.			

[2018 12 03 - TORA - Delegation Table]

⁴ Only if:
(a) the boundaries of the traffic area have been defined under a local law; or
(b) the sign is installed on the road at every road entry to the traffic area.

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Transport Operations (Road Use Management) Act 1995 ("TORA")

CHAPTER 5 – ROAD USE

Part 2 – Official traffic signs

Entity power given to	Section of TORA	Description
Local Government	69(1)	Power to install an official traffic sign in its local government area: (a) on a road that is not a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.
Local Government	69(2)	Under section 69(1), power to install an official traffic sign that: (a) defines a traffic area; and (b) indicates that parking on declared roads within the traffic is regulated.
Local Government	69(3)	Power to remove an official traffic sign installed by the local government.
Local Government	69(4) ⁵	In the specified circumstances, the power to install or remove an official traffic sign that will result in a change to the management of a local government road.
Chief Executive Officer	71(1)	Power to: (a) be satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist, or the use of a road or any part thereof or an off-street regulated parking area or any part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed; and if so satisfied (b) install any official traffic sign which, in your opinion, may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic.
Chief Executive Officer	71(2)	Power to be satisfied that the danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist or the use of the road or the part thereof or the off-street regulated parking area or the part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed.
Local Government	74(2)	Power to take proceedings for the imposition and enforcement of a penalty under subsection (1) for a contravention relating to an official traffic sign installed by the local government.
Local Government	75(1)	In the specified circumstances, the power to remove an official traffic sign or other thing in the nature or similar to or which is likely to be mistaken for an official traffic sign.

⁵ Only if the Chief Executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.

Local Government	76(1)	If an official traffic sign installed by the local government is injured, the power to sue for damages, or recover in a summary way under the <i>Justices Act 1886</i> .
------------------	-------	--

Part 5 – Traffic diversions and removal of things from roads

Entity power given to	Section of TORA	Description
Chief Executive Officer	100(1)	Power to consider on reasonable grounds that a vehicle, tram or animal in Council's area has been abandoned on a road, other than a busway, by the person who last drove or used it, or that: <ul style="list-style-type: none"> (a) a vehicle, tram or animal in Council's area has been: <ul style="list-style-type: none"> (i) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or (ii) found on a road in a place, condition, way or circumstances where its presence is hazardous or in contravention of the TORA; and (b) the driver of the vehicle, tram or animal: <ul style="list-style-type: none"> (i) can not readily be located; or (ii) has failed to immediately remove the vehicle, tram or animal when required to do so.
Local Government	100(1)(b)(ii)	In the specified circumstances, the power to require a person to immediately remove a vehicle, animal or tram.
Local Government	100(3)	In the specified circumstances, the power to remove a vehicle, tram or animal from a road and detain it at a place for safe keeping.
Chief Executive Officer	100(4)	In the specified circumstances, the power to cause notice in writing to be given to the owner of a vehicle, tram or animal, if the owner can be ascertained, of the removal and of the place at which the vehicle, tram or animal is then detained.
Chief Executive Officer	100(6)(a)	In the specified circumstances, the power to advertise that the local government will offer the vehicle, tram or animal for sale by public auction.
Chief Executive Officer	100(6)(b)	In the specified circumstances, the power to offer a vehicle, tram or animal for sale by public auction.
Chief Executive Officer	100(6)(c)	In the specified circumstances, the power to dispose of a vehicle, tram or animal in such manner and on such terms as the Chief Executive Officer determines.
Local Government	100(8)	Power to deal with any goods, equipment or thing contained in, on or about a vehicle, tram or animal at the time of its removal in the same manner as the vehicle, tram or animal may be dealt with under section 100 of the TORA.
Chief Executive Officer	100(9)	Power to direct how any perishable goods in or on a vehicle, tram or animal at the time of its removal may be disposed of.
Chief Executive Officer	100(10)(b)	Power to be satisfied: <ul style="list-style-type: none"> (a) of an applicant's ownership or of the applicant's right to possession of a vehicle, tram or animal; (b) if an applicant is a person acting on behalf of an owner - of the applicant's authority to act on behalf of the owner.

Part 6 – Regulated parking

Entity power given to	Section of TORA	Description
Local Government	101(1)	Power to regulate parking in the local government area: (a) on a road, other than a declared road; or (b) on a declared road, with the chief executive's written agreement; or (c) on an off-street regulated parking area.
Local Government	102(1) ⁶	Power to regulate parking by installing official traffic signs indicating how parking is regulated.

CHAPTER 6 – MISCELLANEOUS

Part 2 – Other provisions

Entity power given to	Section of TORA	Description
Chief Executive Officer	166A(3)	Power to approve certain persons as toll officers for a local government tollway.
Chief Executive Officer	166A(3)(B)	Power to consider that an employee of the contractor, has the necessary expertise or experience to be a toll officer.

⁶

Only if:

- (a) the boundaries of the traffic area have been defined under a local law; or
- (b) the sign is installed on the road at every road entry to the traffic area.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 12 03 - TORA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council *Water Supply (Safety and Reliability) Act 2008 ("WSSR")*

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Water Supply (Safety and Reliability) Act 2008 ("WSSR")**CHAPTER 2 – INFRASTRUCTURE AND SERVICE****Part 3 – Service providers****Division 1 – Regulation of service providers****Subdivision 1 – Application for registration**

Entity power given to	Section of WSSR	Description
Service Provider	20(1)	Power to apply for registration as a service provider.
Relevant Infrastructure Owner	21(1)(c)(ii)	Power to give written consent.

Subdivision 2 – Changing registration details

Entity power given to	Section of WSSR	Description
Water Service Provider	23(1)	Power to apply to change the service provider's details of registration in the service provider register.
Water Service Provider	23A(2)	In the specified circumstances, power to give the regulator notice of the change in the approved form.

Subdivision 3 – Transferring registration

Entity power given to	Section of WSSR	Description
Current Infrastructure Owner	25A(1)	In the specified circumstances, power to give the regulator notice (the transfer notice) of the proposed transfer.

Subdivision 4 – Cancelling registration other than for transfer

Entity power given to	Section of WSSR	Description
Water Service Provider	26(2)	Power to give notice of the possible stoppage.
Water Service Provider	26(8)	In the specified circumstances, power to give notice of the stoppage.
Water Service Provider	28(1)	In the specified circumstances, power to apply to the regulator to have the provider's registration cancelled.
Water Service Provider	28(4)(b)	In the specified circumstances, power to verify information included in the application, or the additional information provided under section 28(4)(a), by statutory declaration.

Division 2 – General powers of service providers and authorised persons

Entity power given to	Section of WSSR	Description
Water Service Provider	33(2)	In the specified circumstances, power to give a person a notice asking the person stated in the notice, why the person's unauthorised connection should not be disconnected.
Water Service Provider	33(4)	In the specified circumstances, power to be satisfied regarding whether an unauthorised connection should be disconnected.
Water Service Provider	34(2)	In the specified circumstances, power to give an owner a notice to do work within a reasonable time stated in the notice, to: <ul style="list-style-type: none"> (a) rectify the equipment; or (b) remove the vegetation or other thing.
Water Service Provider	35(1)	Power to decide the position of a meter on infrastructure supplying water to premises, and to approve the installation of that meter in the position decided.
Water Service Provider	36(2)(b)	In the specified circumstances, power to give an occupier at least 14 days notice of the entry and the purpose of the entry.
Water Service Provider	36(2)(c)	In the specified circumstances, the power to decide that urgent action needs to be taken to protect the service providers infrastructure at the place.

Division 3 – Power to restrict water supply

Entity power given to	Section of WSSR	Description
Water Service Provider <u>outside the SEQ Region</u>	41(1) ¹	Power to consider it necessary, to restrict: <ul style="list-style-type: none"> (a) the volume of water taken by or supplied to a customer or type of customer; or (b) the hours when water may be used on premises for stated purposes; or (c) the way water may be used on premises.
Water Service Provider	41(3)	Power to apply a restriction imposed under section 41(1) to water taken from a rainwater tank connected to the service provider's reticulated supply.
Water Service Provider	43(1)	Power to give notice of a service provider water restriction to anyone affected by it in the way you consider appropriate having regard to the circumstances in which the service provider water restriction is imposed.
Water Service Provider	44(1)	Power to shut off a water supply to premises for a time reasonably necessary for work to be performed on the service provider's infrastructure, including a property service.
Water Service Provider	44(2)	In the specified circumstances, power to give to anyone likely to be affected by shutting off the water supply at least 48 hours notice of the intention to shut off the water supply, advising the reasons for shutting it off, and for how long it will be shut off.
Water Service Provider	44(3)	In the specified circumstances, power to shut off water supply, without notice, if there is: <ul style="list-style-type: none"> (a) a serious risk to public health;

¹ The power to impose such a restriction is only available if it is made under one of the circumstances specified in Section 41(2).

		(b) a likelihood of serious injury to persons or damage to property; or (c) another emergency.
Water Service Provider	44(4)	In the specified circumstances power to give, to anyone likely to be affected by the action: (a) notice of the action; and (b) the reasons for the action; and (c) if the action is continuing when the notice is given - notice about how long the action will continue.

Division 4 – Authorised persons

Entity power given to	Section of WSSR	Description
Service Provider	45(1)	Power to appoint a person to be an authorised person if: (a) satisfied the person has the necessary expertise or experience to be an authorised person; or (b) the person has satisfactorily finished training approved by the service provider.
Service Provider	45(2)	Power to be satisfied that the person: (a) can perform the functions of an authorised person safely; and (b) can, while performing those functions, mitigate any risks to public health and safety.

Division 6 – Water efficiency management plans

Entity power given to	Section of WSSR	Description
Water Service Provider	52(2)	Upon written direction of the Chief Executive, under section 52(1) power to give a customer, or type of customer, a written notice: (a) to prepare a plan (a water efficiency management plan); and (b) to give it to the water service provider within the reasonable time stated by the Chief Executive.
Water Service Provider	52(3)(a)	In the specified circumstances, power to give a customer, or type of customer, a written notice, to prepare a plan (also a water efficiency management plan).
Water Service Provider	52(3)(b)	Power to decide the reasonable period within which the customer, or type of customer, must provide the plan (also a water efficiency management plan).
Water Service Provider	54(1)	For deciding whether or not to approve a water efficiency management plan, power to require the customer to give additional information about the plan within a reasonable period.
Water Service Provider	54(2)	Power to approve, with or without conditions, or refuse to approve a water efficiency management plan: (1) if additional information is not required – within 60 business days after receiving the plan; or (2) if additional information is required – within 60 business days of when the information is received or should have been given, whichever is earlier.

Water Service Provider	54(3)	In the specified circumstances, power to give the customer an information notice.
Water Service Provider	54(5)	Power to extend the period of 20 business days mentioned in section 54(4).
Water Service Provider	57(2)	Upon the direction of the Chief Executive, power to give a customer, or type of customer, a written notice requiring the customer to: <ul style="list-style-type: none"> (a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive; or (b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive.
Water Service Provider	58(1)	Power to be satisfied that: <ul style="list-style-type: none"> (a) for a customer, or a type of customer, production output or water consumption has increased significantly; or (b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or (c) there is or there is likely to be a severe water supply shortage.
Water Service Provider	58(2)	Subject to being satisfied under section 58(1), power to give the customer a written notice requiring the customer to: <ul style="list-style-type: none"> (a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or (b) prepared a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.
Water Service Provider	59(2)	Power to decide a request from a customer under section 59(1).
Water Service Provider	60(1)	Power to be satisfied or reasonably believe that a customer to whom an approved water efficiency management plan applies has not complied with the plan.
Water Service Provider	60(2)	In the specified circumstances, power to give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.
Water Service Provider	61(1)	Power to ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.

Part 4 –

Service providers obligations

Division 1 – Drinking water quality management

Subdivision 2 – Drinking water quality management plans

Entity power given to	Section of WSSR	Description
Drinking Water Service Provider	95(1)	Power to apply to the regulator for approval of a drinking water quality management plan.
Drinking Water Service Provider	99A(1)	In certain circumstances, power to agree with the regulator to amend the providers approved drinking water quality management plan.

Drinking Water Service Provider	100(2)	Power to apply to the regulator for approval of a proposed amended drinking water quality management plan.
Drinking Water Service Provider	102(2)	Power to inform the regulator of noncompliance and the circumstances that gave rise to the noncompliance.
Drinking Water Service Provider	102(3)	Power to give the regulator notice of the following in the approved form: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the provider to correct the noncompliance; and (c) the measures the provider will take to prevent the noncompliance in the future.
Drinking Water Service Provider	102A(2)	In the specified circumstances, power to immediately inform the regulator of the prescribed incident.
Drinking Water Service Provider	102A(3)	In the specified circumstances, power to give the regulator notice of the following in the approved form: (a) the prescribed incident and the circumstances that gave rise to the incident; (b) any action taken, or to be taken, by the provider relating to the prescribed incident; and (c) the measures the provider will take to prevent the prescribed incident happening again in the future.
Drinking Water Service Provider	103(2)	Power to give a notice to the owner of water storage or other infrastructure to ask the owner to give the drinking water service provider information reasonably requested about the quality of water in the water storage or infrastructure.
Service Provider	107(2)(b)	In the specified circumstances, power to apply to the regulator for approval of an amended plan.
Service provider	109(1)	Power to sign a statutory declaration on behalf of the service provider.

Division 3 – Customer service standards

Entity power given to	Section of WSSR	Description
Service Provider	115(3)	Power to consider submissions made to the provider about the proposed customer service standard.

Division 5 – Reporting for particular financial years

Entity power given to	Section of WSSR	Description
Service Provider	142(2)(a)	Power to prepare a drinking water quality management plan report.
Service Provider	142(2)(b)	Power to give the regulator a copy of the drinking water quality management plan report.
Relevant infrastructure owner	142C(2)	In the specified circumstances, power to provide written agreement to a drinking water quality management plan report.

Division 6 – Water for fire fighting

Entity power given to	Section of WSSR	Description
Service Provider	145(1)	Power to permit a person to take water from a fire fighting system or a service provider's hydrant.

Part 5 – Service areas

Division 3 – Access to services in service areas

Entity power given to	Section of WSSR	Description
Service Provider	166(3)	In the specified circumstances, power to impose conditions on the installation of water storage tanks and pumps.

Division 4 – Connecting to particular registered services

Entity power given to	Section of WSSR	Description
Service Provider	167(2)	In the specified circumstances, power to advise an owner of any work that is considered reasonably necessary to be carried out on premises and any reasonable connection fee to enable the premises to be connected to the infrastructure.
Service Provider	168(1)	Power to, by notice given to the owner of premises in the service area, require the owner to carry out works for connecting the premises to a registered service.
Service Provider	168(2)(c)	In the specified circumstances, power to agree to an extension of the period within which the work must be completed.

Division 5 – Restricting domestic water supply

Entity power given to	Section of WSSR	Description
Service Provider	169(1)	Power to give a notice to an owner or occupier of domestic premises not to contravene a restriction or to pay a rate or charge for a service.
Service Provider	169(2)	Power to decide the minimum level of water necessary for the health and sanitation purposes of the owner or occupier.

Part 6 – Trade waste and seepage water approvals

Entity power given to	Section of WSSR	Description
Sewerage Service Provider	180(1)	In the specified circumstances, power to give a person: <ul style="list-style-type: none"> (a) an approval to discharge trade waste (a trade waste approval) into Council's sewerage infrastructure; and (b) an approval to discharge seepage water (a seepage water approval) into Council's sewerage infrastructure.
Sewerage Service Provider	180(3)	Power to consider the effect of the proposed discharge on any existing or potential re-use of waste water or sludge.
Sewerage Service Provider	180(4)	Power to be satisfied: <ul style="list-style-type: none"> (a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the

		sewerage or the health and safety of anyone working on the sewerage; and (b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.
Sewerage Service Provider	180(5)	In the specified circumstances, power to be satisfied the proposed discharge into the sewerage is consistent with the plan.
Sewerage Service Provider	181(1)	Power to give a trade waste approval or seepage water approval on conditions.
Sewerage Service Provider	182	Power to suspend or cancel a trade waste approval or a seepage water approval (the proposed action) if satisfied any of the specified circumstances applies.
Sewerage Service Provider	183(1)	In the specified circumstances, power to give an approval holder a show cause notice about the proposed action.
Sewerage Service Provider	183(2)	Power to consider submissions made in response to a show cause notice, to be satisfied the proposed action should be taken, and then to: (a) if the proposed action was to suspend the approval for a stated period - suspend the approval for not longer the proposed suspension period; or (b) if the proposed action was to cancel the approval - either cancel the approval or suspend it for a period.
Sewerage Service Provider	183(3)	In the specified circumstances, power to give the approval holder an information notice about the decision.
Sewerage Service Provider	183(4)	Power to consider any submissions and, if not satisfied the proposed action should be taken, the power to give the approval holder a notice about the decision.
Sewerage Service Provider	184(1)	In the specified circumstances, power to suspend or cancel an approval without giving a show cause notice, if further action is considered necessary: (a) in the interests of public health or safety; or (b) to prevent environmental harm; or (c) to prevent damage to Council's sewerage system.
Sewerage Service Provider	184(2)	In the specified circumstances, power to cancel a trade waste approval given by the sewerage service provider.
Sewerage Service Provider	184(3)	In the specified circumstances, power to give the approval holder an information notice about the action.
Sewerage Service Provider	185(2)	Power to give a notice to the approval holder to amend a trade waste approval to ensure that it is consistent with conditions mentioned in section 185(1)(a).

Part 7 – Offences

Entity power given to	Section of WSSR	Description
Service Provider	191	Power to give written consent to a person connecting to, or disconnecting from, the service provider's infrastructure.
Service Provider	192(1)	Power to give written consent to a person interfering with a service provider's infrastructure.
Service Provider	192(2)	Power to give written consent to a person building over, interfering with access to, increasing or reducing the cover over, or changing the surface of land in any way causing ponding of

		water over an access chamber for, a service provider's infrastructure.
Service Provider	193(3)	Power to give written consent to a person discharging water from an ornamental pond, a swimming pool or the filtration system of a swimming pool into a service provider's infrastructure.
Service Provider	195(1)	Power to give written approval to a person taking water from a service provider's infrastructure.
Service Provider	195(2)	In the specified circumstances, power to give written approval to a person taking water from a supply pipe on premises for use off the premises.

CHAPTER 3 – RECYCLED WATER MANAGEMENT

Part 1A – Recycled water schemes

Division 1 – Registration

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme	196AA(1)	Power to apply for registration of the scheme.

Division 2 – Changing registration details

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AD(1)	Power to apply to change the details of the registration recorded in the register.
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AE(1)	Power to apply to cancel the registration if the recycled water is no longer supplied under the scheme.

Part 2 – Recycled water management planning

Entity power given to	Section of WSSR	Description
Recycled Water Provider	202(1)	Power to apply to the regulator for approval of a recycled water management plan.
Recycled Water Provider	203(1)(b)	Power to sign a statutory declaration verifying the information included in the plan, or any additional information given under section 203(1)(a).
Recycled Water Provider	208(2)	Power to give regulator notice of a stoppage or proposed stoppage of the production or supply of recycled water, in accordance with the circumstances of that section.
Recycled Water Provider	208(5)	Power to, as soon as practicable, give the regulator notice of the stoppage or proposed stoppage of the production or supply

		of recycled water under a scheme and otherwise in the circumstances of that section.
Recycled Water Provider	209(1)	Power to obtain the regulator's agreement to amend the recycled water management plan for the scheme.
Recycled Water Provider	212(2)	Power to apply to the regulator for approval of the proposed amended recycled water management plan.
Recycled Water Provider	212(3)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.
Relevant entity for the recycled water scheme	215(1)	If a recycled water management plan has been suspended, power to apply to the regulator for an approval to resume supply of recycled water under the scheme.
Recycled Water Provider	215(3)	Power to exercise the delegable powers (if any) contained in sections 203 and 204 as if a reference in the sections to: (a) the recycled water management plan were a reference to the suspended recycled water management plan; and (b) the plan were a reference to the suspended plan.
Recycled Water Provider	215(7)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.

Part 3 – Notice about permanently stopping supply of recycled water

Entity power given to	Section of WSSR	Description
Recycled Water Provider	230(2)	Power to give a notice to the regulator of a proposed stoppage at least 30 days before the supply of recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(4)	Power to give the regulator notice of the proposed stoppage at least 60 days before supply of the recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(6)(b)	Power to sign a statutory declaration verifying the information included in the notice, or any additional information given under section 230(6)(a).
Recycled Water Provider	230(9)	Power to give the regulator notice of a stoppage of recycled water under recycled water scheme within 5 days after the supply stops.

Part 4 – Validation Programs

[This part applies to a recycled water scheme if recycled water is proposed to be supplied under the scheme to augment a supply of drinking water.]

Entity power given to	Section of WSSR	Description
Recycled Water Provider	237(1)	Power to apply to the regulator for approval of a validation program.

Relevant entity for the critical recycled water scheme (if relevant)	238(1)(b)	Power to sign a statutory declaration verifying the information included in the program, or any additional information given under section 238(1)(a).
Relevant Entity	242(2)	Power to apply to the regulator for approval of the proposed amended validation program.
Recycled Water Provider	242(3)	Power to exercise the delegable powers (if any) contained in sections 237(2) and sections 238 to 241 as if a reference in the sections to: (a) the validation program were a reference to the amended validation program; and (b) the program were a reference to the amended program.

Part 6 – Reviews and audits of recycled water management plans

Entity power given to	Section of WSSR	Description
Recycled Water Provider	259(2)(b)	In the specified circumstances, power to apply to the regulator for approval of the amended plan.
Scheme Manager	259(4)	In the specified circumstances, power to apply to the regulator for approval of the amended recycled water management plan for the scheme.
Recycled Water Provider	259(6)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.

Part 7 – Reporting requirements

Division 4 – Connecting to registered services

Entity power given to	Section of WSSR	Description
Alerting entity	270(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for the noncompliance, the responsible entity, of the noncompliance and the circumstances that gave rise to the noncompliance.
Responsible entity for the non-compliance	270(4)	Power to give the regulator notice of the following: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the entity to correct the noncompliance; and (c) the measures the entity will take to prevent the noncompliance in the future.
Alerting entity	271(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for prescribed incident, the responsible entity, of the prescribed incident.
Alerting entity	271(4)	In the specified circumstances, power to give the regulator notice of: (a) the prescribed incident and the circumstances that gave rise to the prescribed incident;

		(b) any action taken, or to be taken, by the entity relating to the prescribed incident; and (c) the measures the entity will take to prevent the prescribed incident happening again in the future.
--	--	---

Part 8 – Declaration of critical recycled water schemes

Entity power given to	Section of WSSR	Description
Entity to whom a notice of the regulator's intention to make a decision	303(4)(e)	Power to give the regulator a notice about who the provider and entities agree is the scheme manager.
Relevant entity for a critical recycled water scheme	306(1)	Power to considers the scheme should not be a critical recycled water scheme, and to ask the regulator to review the making of the declaration.
Recycled water providers / entity declared to be part of the scheme	307(2)	In the specified circumstances, power to give the regulator notice of who is the scheme manager.

Part 10 – Miscellaneous

Entity power given to	Section of WSSR	Description
Scheme manager for a multiple-entity recycled water scheme	333(2)	In the specified circumstances, power to, by notice, require a recycled water provider or other declared entity for the scheme to give the scheme manager, within a stated reasonable period, information the scheme manager reasonably requires to comply with the scheme manager's obligations under this Act.

CHAPTER 4 – REFERABLE DAMS AND FLOOD AND DROUGHT MITIGATION

Part 1 – Referrable dams

Division 2A – Emergency action planning and reporting

Subdivision 1 – Preliminary

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352F	Power to prepare an emergency action plan for a dam under subdivision 3 and to give it to the Chief Executive for approval.

Subdivision 3 – Preparation of emergency actions plans

Entity power given to	Section of WSSR	Description
Local Government	352HB(1)	Power to assess and decide whether the emergency action plan is consistent with its disaster management plan.
Local Government	352HB(2)	Power to consult with its local group for the plan.

Subdivision 6 – Reviewing emergency action plans

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352O(2)(c)(ii)	Power to give an emergency action plan for a dam to the Chief Executive.
Owner of a referable dam	352P	The power, before 1 October each year to: <ul style="list-style-type: none"> (a) review the approved emergency action plan for the dam; and (b) give to the Chief Executive: <ul style="list-style-type: none"> (i) a notice stating whether or not the owner proposes an amendment to the plan because of the review; and (ii) if the owner proposes an amendment – a copy of the plan including the proposed amendment.

Subdivision 7 – Amending emergency action plans

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352Q(1)	Power to ask the Chief Executive to amend the approved emergency action plan for the dam to: <ul style="list-style-type: none"> 1.1 correct a minor error; or 1.2 make another change that is not a change of substance.

Subdivision 9 – Emergency event reporting

Entity power given to	Section of WSSR	Description
Owner of referable dam	352T(2)	Power to prepare a report (an emergency event report) and to give it to the Chief Executive.
Owner of referable dam	352T(2)(a)	Power to consider when the dam hazard giving rise to the event is no longer a material risk to persons or property.
Owner of referable dam	352T(2)(b)	Power to agree a further period in writing with the Chief Executive.
Owner of referable dam	352U(3)	Power to prepare a report (an emergency event interim report) and to give it to the Chief Executive officer in accordance with section 352U(2).

Division 3 – Safety conditions for existing referable dams

Entity power given to	Section of WSSR	Description
Owner of a referable dam	354(3)(b)	Power to agree with the Chief Executive, an extended period for deciding safety conditions.

Subdivision 2 – Chief Executive may give direction or take action about failure of dam

Entity power given to	Section of WSSR	Description
Owner of land on which a dam is situated / operator of a dam	359(3)	Power to comply with a notice issued under section 359(1).

Owner of land on which a dam is situated / operator of a dam	359(4)	Power to give to the Chief Executive officer, a notice that the person intends to remove the dam.
--	--------	---

Part 2 – Flood mitigation manuals and reporting

Division 2 – Preparation of flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	371C	Power to prepare a flood mitigation manual for a dam under division 2 and to give it to the minister for approval.

Division 3 – Approving flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	371H(2)	Power to prepare a new flood mitigation manual and give it to the minister in compliance with a notice given under section 371H.

Division 4 – Amending and reviewing flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	372(2)	Power to amend a flood mitigation manual for a dam in compliance with a notice issued under section 372(1).
Owner of a referable dam	373	Power to: <ul style="list-style-type: none"> (a) review and, if necessary, update a flood mitigation manual; and (b) give a copy of it to the minister for the minister's approval under division 3.

Division 5 – Renewing flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	374(2)	Power to prepare a new flood mitigation manual for a dam and give it to the minister for approval.

Division 6 – Annual preparedness report

Entity power given to	Section of WSSR	Description
Owner of a referable dam	375	Power to after 1 August and before 1 September each year: <ul style="list-style-type: none"> (a) prepare a report (an annual preparedness report) under division 6 about the level of preparedness of the dam for a flood event under a flood mitigation manual; and (b) give the report to the Chief Executive.

Division 8 – Authorising alternative operational procedures

Entity power given to	Section of WSSR	Description
Owner of a referable dam	378	Power to reasonably consider that: (a) an operational strategy under a flood mitigation manual for a dam does not provide or adequately provide for the flood event; (b) to achieve an objective under the flood mitigation manual and to respond effectively to a flood event that is necessary to: (i) disregard an operational procedure under the manual (the existing procedure); and (ii) observe a different operational procedure (the alternative procedure).
Owner of a referable dam	379(1)	Power to give the Chief Executive the information referred to in that section (the authorisation request information).
Owner of a referable dam	379(2)	Power to give the Chief Executive the authorisation to request information orally.
Owner of a referable dam	379(3)	Power to give the authorisation request information in writing as soon as practicable after giving the Chief Executive the information orally.
Owner of a referable dam	381(1)	Power to make reasonable efforts to contact the Chief Executive to give the Chief Executive the authorisation request information for the alternative procedure.
Owner of a referable dam	381(4)	Power to, as soon as practicable after failing to contact, or losing contact with, the Chief Executive, record the authorisation request information in writing and give it to the Chief Executive.
Owner of a referable dam	381(6)	Power to form the reasonable belief that the Chief Executive is no longer able to respond to the owner for the purpose of subsection (2).

Division 9 – Flood event reporting

Entity power given to	Section of WSSR	Description
Owner of a referable dam	383(2)	Power to prepare a report (a flood event report) under division 9 and give it to the Chief Executive.
Owner of a referable dam	383(2)(b)	Power to agree to a further period in writing with the Chief Executive.
Owner of a referable dam	384(3)	Power to comply with a notice given to the owner of the dam under section 384(2).

Part 4 – Reducing full supply level for safety purposes

Entity power given to	Section of WSSR	Description
Dam Owner	399B(1)	Power to form the belief, based on the advice of a registered professional engineer, that there is an unacceptable risk of a failure of a dam if it operates at the full supply level stated in the resource operations licence for the dam.
Owner	399B(2)	Power to reduce the full supply level of the dam to the level (the reduced full supply level) that lowers the risk of a failure of

		the dam to a level acceptable to the owner, having regard to the advice of the registered professional engineer.
Owner	399B(4)	Power to consider and include in a notice: 1.1 the reasons why it is necessary to operate the dam at the reduced full supply level; and 1.2 the period for which it is necessary to operate the dam at the reduced supply level.
Owner	399C(3)(a)	Power to decide and include in a report when the owner intends to allow the dam to return to the full supply level stated in the resource operations licence for the dam.
Service Provider	399C(3)(b)	Power to consider and decide and include in a report: i. the impacts the reduced full supply level has had on the provider's customers since its reduction; ii. the likely future impacts on customers for the period for which the provider proposes to keep the dam at a reduced full supply level; and iii. the impacts the reduced full supply level has had or is likely to have on achieving the water plan outcomes for a water plan under the Water Act.

CHAPTER 5 – INVESTIGATIONS AND ENFORCEMENT MATTERS

Part 5A – Particular provisions to monitor relevant service providers

Division 2 – Improvement plans

Entity power given to	Section of WSSR	Description
Service Provider	446(2)	Power to make an improvement plan.
Service Provider	447	Power to make an improvement plan.

Part 8 – Notices of cost recovery

Division 1 – Show cause notices

Entity power given to	Section of WSSR	Description
Person given a show cause notice, or a copy of a show cause notice	463(1)(d)	Power to make submissions about the show cause notice.

Part 9 – Enforcement proceeding

Entity power given to	Section of WSSR	Description
Service Provider	475(2)(b) and (c)	Power to start a proceeding for a stated provision.
Service Provider	475(5)	Power to give the Chief Executive notice of the proceeding.
Service Provider	476(1)	Power to commence a proceeding for an enforcement order on behalf of the service provider.

CHAPTER 6 – OFFENCES, EVIDENTIARY MATTERS AND LEGAL PROCEEDINGS

Part 3 – Legal proceedings for offences

Entity power given to	Section of WSSR	Description
Person / Service Provider	496	Power to give notice to the Chief Executive of a proceeding.
Person	498(1)	Power to commence a proceeding on behalf of the service provider.

CHAPTER 7 – REVIEWS, APPEALS AND ARBITRATION

Part 1 – Preliminary

Entity power given to	Section of WSSR	Description
Interested person for an original decision	512(1)	Power to apply for an internal review of an original decision.
Recipient of a submitter notice	513(3)	Power to make written submissions on the internal review application to the reviewer.

Part 3 – Appeals and external reviews

Entity power given to	Section of WSSR	Description
Interested person who applied for an internal review of the original decision	517(1)	Power to appeal against or apply for an external review of the review decision under this section.

Part 4 – Arbitration

Entity power given to	Section of WSSR	Description
Interested person who applied an internal review of the original decision	524(2)	Power to, if dissatisfied with a decision, give the authority under the <i>Queensland Competition Authority Act 1997</i> a notice (a dispute notice) applying for arbitration on the decision.
Application for arbitration	524A(2)	Power to apply for a stay of a review decision to a Court with jurisdiction to hear the proceeding.
Interested person who gave dispute notice	526	Power to withdraw the dispute notice at any time before the authority makes its decision on the dispute.

CHAPTER 8 – MISCELLANEOUS

Part 2 – Relationship with Planning Act

Entity power given to	Section of WSSR	Description
Person	562(2)	Power to appeal against a decision about the application to the Land Court.

Part 3 – Other miscellaneous provisions

Entity power given to	Section of WSSR	Description
Water Service Provider	573	Power to make guidelines to provide guidance to persons about preparing a water efficiency management plan.

CHAPTER 10 – OTHER TRANSITIONAL PROVISIONS

Part 8 – Transitional provisions for *Electricity and Other Legislation Amendment Act 2014*

Entity power given to	Section of WSSR	Description
Administering Authority	670(2)	Power to amend the CSG environmental authority to include public health conditions.
Administering Authority	670(3)	Power to consider an amendment necessary or desirable.
Administering Authority	671(2)	Power to amend the CSG environmental authority to include public health conditions.
Administering Authority	671(3)(a)	Power to consider the amendment necessary or desirable.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 04 20 - WSSR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE WATER SUPPLY (SAFETY AND RELIABILITY) ACT 2008 ("WSSR")

CHAPTER 2 – INFRASTRUCTURE AND SERVICE

Part 3 – Service providers

Division 1 – Regulation of service providers

Subdivision 1 – Application for registration

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	20(1)	Power to apply for registration as a service provider.				
Relevant Infrastructure Owner	21(1)(c)(ii)	Power to give written consent.				

Subdivision 2 – Changing registration details

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider	23(1)	Power to apply to change the service provider's details of registration in the service provider register.				
Water Service Provider	23A(2)	In the specified circumstances, power to give the regulator notice of the change in the approved form.				

Subdivision 3 – Transferring registration

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Current Infrastructure Owner	25A(1)	In the specified circumstances, power to give the regulator notice (the transfer notice) of the proposed transfer.				

Subdivision 4 – Cancelling registration other than for transfer

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider	26(2)	Power to give notice of the possible stoppage.				
Water Service Provider	26(8)	In the specified circumstances, power to give notice of the stoppage.				
Water Service Provider	28(1)	In the specified circumstances, power to apply to the regulator to have the provider's registration cancelled.				
Water Service Provider	28(4)(b)	In the specified circumstances, power to verify information included in the application, or the additional information provided under section 28(4)(a), by statutory declaration.				

**Division 2 – General powers of service providers
and authorised persons**

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider	33(2)	In the specified circumstances, power to give a person a notice asking the person stated in the notice, why the person's unauthorised connection should not be disconnected.				
Water Service Provider	33(4)	In the specified circumstances, power to be satisfied regarding whether an unauthorised connection should be disconnected.				
Water Service Provider	34(2)	In the specified circumstances, power to give an owner a notice to do work within a reasonable time stated in the notice, to: (a) rectify the equipment; or (b) remove the vegetation or other thing.				
Water Service Provider	35(1)	Power to decide the position of a meter on infrastructure supplying water to premises, and to approve the installation of that meter in the position decided.				
Water Service Provider	36(2)(b)	In the specified circumstances, power to give an occupier at least 14 days notice of the entry and the purpose of the entry.				
Water Service Provider	36(2)(c)	In the specified circumstances, the power to decide that urgent action needs to be taken to protect the service providers infrastructure at the place.				

Division 3 – Power to restrict water supply

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider <u>outside the SEQ Region</u>	41(1) ²	Power to consider it necessary, to restrict: (a) the volume of water taken by or supplied to a customer or type of customer; or (b) the hours when water may be used on premises for stated purposes; or (c) the way water may be used on premises.				
Water Service Provider	41(3)	Power to apply a restriction imposed under section 41(1) to water taken from a rainwater tank connected to the service provider's reticulated supply.				
Water Service Provider	43(1)	Power to give notice of a service provider water restriction to anyone affected by it in the way you consider appropriate having regard to the circumstances in which the service provider water restriction is imposed.				
Water Service Provider	44(1)	Power to shut off a water supply to premises for a time reasonably necessary for work to be performed on the service provider's infrastructure, including a property service.				
Water Service Provider	44(2)	In the specified circumstances, power to give to anyone likely to be affected by shutting off the water supply at least 48 hours notice of the intention to shut off the water supply, advising the reasons for shutting it off, and for how long it will be shut off.				

² The power to impose such a restriction is only available if is made under one of the circumstances specified in Section 41(2).

Water Service Provider	44(3)	In the specified circumstances, power to shut off water supply, without notice, if there is: (a) a serious risk to public health; (b) a likelihood of serious injury to persons or damage to property; or (c) another emergency.				
Water Service Provider	44(4)	In the specified circumstances power to give, to anyone likely to be affected by the action: (a) notice of the action; and (b) the reasons for the action; and (c) if the action is continuing when the notice is given - notice about how long the action will continue.				

Division 4 – Authorised persons

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	45(1)	Power to appoint a person to be an authorised person if: (a) satisfied the person has the necessary expertise or experience to be an authorised person; or (b) the person has satisfactorily finished training approved by the service provider.				
Service Provider	45(2)	Power to be satisfied that the person: (a) can perform the functions of an authorised person safely; and (b) can, while performing those functions, mitigate any risks to public health and safety.				

Division 6 – Water efficiency management plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider	52(2)	Upon written direction of the Chief Executive, under section 52(1) power to give a customer, or type of customer, a written notice: (a) to prepare a plan (a water efficiency management plan); and (b) to give it to the water service provider within the reasonable time stated by the Chief Executive.				
Water Service Provider	52(3)(a)	In the specified circumstances, power to give a customer, or type of customer, a written notice, to prepare a plan (also a water efficiency management plan).				
Water Service Provider	52(3)(b)	Power to decide the reasonable period within which the customer, or type of customer, must provide the plan (also a water efficiency management plan).				
Water Service Provider	54(1)	For deciding whether or not to approve a water efficiency management plan, power to require the customer to give additional information about the plan within a reasonable period.				
Water Service Provider	54(2)	Power to approve, with or without conditions, or refuse to approve a water efficiency management plan: (1) if additional information is not required – within 60 business days after receiving the plan; or (2) if additional information is required – within 60 business days of when the information is received or should				

		have been given, whichever is earlier.				
Water Service Provider	54(3)	In the specified circumstances, power to give the customer an information notice.				
Water Service Provider	54(5)	Power to extend the period of 20 business days mentioned in section 54(4).				
Water Service Provider	57(2)	Upon the direction of the Chief Executive, power to give a customer, or type of customer, a written notice requiring the customer to: <ul style="list-style-type: none"> (a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive; or (b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive. 				
Water Service Provider	58(1)	Power to be satisfied that: <ul style="list-style-type: none"> (a) for a customer, or a type of customer, production output or water consumption has increased significantly; or (b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or (c) there is or there is likely to be a severe water supply shortage. 				
Water Service Provider	58(2)	Subject to being satisfied under section 58(1), power to give the customer a written notice requiring the customer to:				

		(a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or (b) prepared a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.				
Water Service Provider	59(2)	Power to decide a request from a customer under section 59(1).				
Water Service Provider	60(1)	Power to be satisfied or reasonably believe that a customer to whom an approved water efficiency management plan applies has not complied with the plan.				
Water Service Provider	60(2)	In the specified circumstances, power to give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.				
Water Service Provider	61(1)	Power to ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.				

Part 4 – Service providers obligations
Division 1 – Drinking water quality management
Subdivision 2 – Drinking water quality management plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Drinking Water	95(1)	Power to apply to the regulator for approval of a drinking water quality management plan.				

Service Provider						
Drinking Water Service Provider	99A(1)	In certain circumstances, power to agree with the regulator to amend the providers approved drinking water quality management plan.				
Drinking Water Service Provider	100(2)	Power to apply to the regulator for approval of a proposed amended drinking water quality management plan.				
Drinking Water Service Provider	102(2)	Power to inform the regulator of noncompliance and the circumstances that gave rise to the noncompliance.				
Drinking Water Service Provider	102(3)	Power to give the regulator notice of the following in the approved form: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the provider to correct the noncompliance; and (c) the measures the provider will take to prevent the noncompliance in the future.				
Drinking Water Service Provider	102A(2)	In the specified circumstances, power to immediately inform the regulator of the prescribed incident.				
Drinking Water Service Provider	102A(3)	In the specified circumstances, power to give the regulator notice of the following in the approved form: (a) the prescribed incident and the circumstances that gave rise to the incident;				

		(b) any action taken, or to be taken, by the provider relating to the prescribed incident; and (c) the measures the provider will take to prevent the prescribed incident happening again in the future.				
Drinking Water Service Provider	103(2)	Power to give a notice to the owner of water storage or other infrastructure to ask the owner to give the drinking water service provider information reasonably requested about the quality of water in the water storage or infrastructure.				
Service Provider	107(2)(b)	In the specified circumstances, power to apply to the regulator for approval of an amended plan.				
Service provider	109(1)	Power to sign a statutory declaration on behalf of the service provider.				

Division 3 – Customer service standards

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	115(3)	Power to consider submissions made to the provider about the proposed customer service standard.				

Division 5 – Reporting for particular financial years

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	142(2)(a)	Power to prepare a drinking water quality management plan report.				

Service Provider	142(2)(b)	Power to give the regulator a copy of the drinking water quality management plan report.				
Relevant infrastructure owner	142C(2)	In the specified circumstances, power to provide written agreement to a drinking water quality management plan report.				

Division 6 – Water for fire fighting

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	145(1)	Power to permit a person to take water from a fire fighting system or a service provider's hydrant.				

Part 5 – Service areas

Division 3 – Access to services in service areas

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	166(3)	In the specified circumstances, power to impose conditions on the installation of water storage tanks and pumps.				

Division 4 – Connecting to particular registered services

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	167(2)	In the specified circumstances, power to advise an owner of any work that is considered reasonably necessary to be				

		carried out on premises and any reasonable connection fee to enable the premises to be connected to the infrastructure.				
Service Provider	168(1)	Power to, by notice given to the owner of premises in the service area, require the owner to carry out works for connecting the premises to a registered service.				
Service Provider	168(2)(c)	In the specified circumstances, power to agree to an extension of the period within which the work must be completed.				

Division 5 – Restricting domestic water supply

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	169(1)	Power to give a notice to an owner or occupier of domestic premises not to contravene a restriction or to pay a rate or charge for a service.				
Service Provider	169(2)	Power to decide the minimum level of water necessary for the health and sanitation purposes of the owner or occupier.				

Part 6 – Trade waste and seepage water approvals

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Sewerage Service Provider	180(1)	In the specified circumstances, power to give a person: (a) an approval to discharge trade waste (a trade waste approval) into Council's sewerage infrastructure; and				

		(b) an approval to discharge seepage water (a seepage water approval) into Council's sewerage infrastructure.				
Sewerage Service Provider	180(3)	Power to consider the effect of the proposed discharge on any existing or potential re-use of waste water or sludge.				
Sewerage Service Provider	180(4)	Power to be satisfied: (a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the sewerage or the health and safety of anyone working on the sewerage; and (b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.				
Sewerage Service Provider	180(5)	In the specified circumstances, power to be satisfied the proposed discharge into the sewerage is consistent with the plan.				
Sewerage Service Provider	181(1)	Power to give a trade waste approval or seepage water approval on conditions.				
Sewerage Service Provider	182	Power to suspend or cancel a trade waste approval or a seepage water approval (the proposed action) if satisfied any of the specified circumstances applies.				Complying with section 183 of the <i>Water Supply (Safety and Reliability) Act 2008</i>
Sewerage Service Provider	183(1)	In the specified circumstances, power to give an approval holder a show cause notice about the proposed action.				

Sewerage Service Provider	183(2)	Power to consider submissions made in response to a show cause notice, to be satisfied the proposed action should be taken, and then to: (a) if the proposed action was to suspend the approval for a stated period - suspend the approval for not longer the proposed suspension period; or (b) if the proposed action was to cancel the approval - either cancel the approval or suspend it for a period.				
Sewerage Service Provider	183(3)	In the specified circumstances, power to give the approval holder an information notice about the decision.				
Sewerage Service Provider	183(4)	Power to consider any submissions and, if not satisfied the proposed action should be taken, the power to give the approval holder a notice about the decision.				
Sewerage Service Provider	184(1)	In the specified circumstances, power to suspend or cancel an approval without giving a show cause notice, if further action is considered necessary: (a) in the interests of public health or safety; or (b) to prevent environmental harm; or (c) to prevent damage to Council's sewerage system.				
Sewerage Service Provider	184(2)	In the specified circumstances, power to cancel a trade waste approval given by the sewerage service provider.				
Sewerage Service Provider	184(3)	In the specified circumstances, power to give the approval holder an information notice about the action.				

Sewerage Service Provider	185(2)	Power to give a notice to the approval holder to amend a trade waste approval to ensure that it is consistent with conditions mentioned in section 185(1)(a).				
---------------------------	--------	---	--	--	--	--

Part 7 – Offences

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	191	Power to give written consent to a person connecting to, or disconnecting from, the service provider's infrastructure.				
Service Provider	192(1)	Power to give written consent to a person interfering with a service provider's infrastructure.				
Service Provider	192(2)	Power to give written consent to a person building over, interfering with access to, increasing or reducing the cover over, or changing the surface of land in any way causing ponding of water over an access chamber for, a service provider's infrastructure.				
Service Provider	193(3)	Power to give written consent to a person discharging water from an ornamental pond, a swimming pool or the filtration system of a swimming pool into a service provider's infrastructure.				
Service Provider	195(1)	Power to give written approval to a person taking water from a service provider's infrastructure.				
Service Provider	195(2)	In the specified circumstances, power to give written approval to a person taking water from a supply pipe on premises for use off the premises.				

CHAPTER 3 – RECYCLED WATER MANAGEMENT

Part 1A – Recycled water schemes

Division 1 – Registration

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant entity for a recycled water scheme	196AA(1)	Power to apply for registration of the scheme.				

Division 2 – Changing registration details

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AD(1)	Power to apply to change the details of the registration recorded in the register.				
Relevant entity for a recycled water scheme	196AE(1)	Power to apply to cancel the registration if the recycled water is no longer supplied under the scheme.				

which is registered under Chapter 3, Part 1A, Division 2						
--	--	--	--	--	--	--

Part 2 – Recycled water management planning

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recycled Water Provider	202(1)	Power to apply to the regulator for approval of a recycled water management plan.				
Recycled Water Provider	203(1)(b)	Power to sign a statutory declaration verifying the information included in the plan, or any additional information given under section 203(1)(a).				
Recycled Water Provider	208(2)	Power to give regulator notice of a stoppage or proposed stoppage of the production or supply of recycled water, in accordance with the circumstances of that section.				
Recycled Water Provider	208(5)	Power to, as soon as practicable, give the regulator notice of the stoppage or proposed stoppage of the production or supply of recycled water under a scheme and otherwise in the circumstances of that section.				
Recycled Water Provider	209(1)	Power to obtain the regulator's agreement to amend the recycled water management plan for the scheme.				
Recycled Water Provider	212(2)	Power to apply to the regulator for approval of the proposed amended recycled water management plan.				

Recycled Water Provider	212(3)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.				
Relevant entity for the recycled water scheme	215(1)	If a recycled water management plan has been suspended, power to apply to the regulator for an approval to resume supply of recycled water under the scheme.				
Recycled Water Provider	215(3)	Power to exercise the delegable powers (if any) contained in sections 203 and 204 as if a reference in the sections to: (a) the recycled water management plan were a reference to the suspended recycled water management plan; and (b) the plan were a reference to the suspended plan.				
Recycled Water Provider	215(7)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.				

Part 3 – Notice about permanently stopping supply of recycled water

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recycled Water Provider	230(2)	Power to give a notice to the regulator of a proposed stoppage at least 30 days before the supply of recycled water is stopped.				
Relevant entity for the critical recycled water scheme (if relevant)	230(4)	Power to give the regulator notice of the proposed stoppage at least 60 days before supply of the recycled water is stopped.				
Relevant entity for the critical recycled water scheme (if relevant)	230(6)(b)	Power to sign a statutory declaration verifying the information included in the notice, or any additional information given under section 230(6)(a).				
Recycled Water Provider	230(9)	Power to give the regulator notice of a stoppage of recycled water under recycled water scheme within 5 days after the supply stops.				

Part 4 – Validation Programs

[This part applies to a recycled water scheme if recycled water is proposed to be supplied under the scheme to augment a supply of drinking water.]

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recycled Water Provider	237(1)	Power to apply to the regulator for approval of a validation program.				
Relevant entity for the critical recycled water scheme (if relevant)	238(1)(b)	Power to sign a statutory declaration verifying the information included in the program, or any additional information given under section 238(1)(a).				
Relevant Entity	242(2)	Power to apply to the regulator for approval of the proposed amended validation program.				
Recycled Water Provider	242(3)	Power to exercise the delegable powers (if any) contained in sections 237(2) and sections 238 to 241 as if a reference in the sections to: (a) the validation program were a reference to the amended validation program; and (b) the program were a reference to the amended program.				

Part 6 – Reviews and audits of recycled water management plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recycled Water Provider	259(2)(b)	In the specified circumstances, power to apply to the regulator for approval of the amended plan.				
Scheme Manager	259(4)	In the specified circumstances, power to apply to the regulator for approval of the amended recycled water management plan for the scheme.				
Recycled Water Provider	259(6)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.				

Part 7 – Reporting requirements

Division 4 – Connecting to registered services

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Alerting entity	270(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for the noncompliance, the responsible entity, of the				

		noncompliance and the circumstances that gave rise to the noncompliance.				
Responsible entity for the non-compliance	270(4)	Power to give the regulator notice of the following: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the entity to correct the noncompliance; and (c) the measures the entity will take to prevent the noncompliance in the future.				
Alerting entity	271(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for prescribed incident, the responsible entity, of the prescribed incident.				
Alerting entity	271(4)	In the specified circumstances, power to give the regulator notice of: (a) the prescribed incident and the circumstances that gave rise to the prescribed incident; (b) any action taken, or to be taken, by the entity relating to the prescribed incident; and (c) the measures the entity will take to prevent the prescribed incident happening again in the future.				

Part 8 – Declaration of critical recycled water schemes

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity to whom a notice of the regulator's intention to make a decision	303(4)(e)	Power to give the regulator a notice about who the provider and entities agree is the scheme manager.				
Relevant entity for a critical recycled water scheme	306(1)	Power to considers the scheme should not be a critical recycled water scheme, and to ask the regulator to review the making of the declaration.				
Recycled water providers / entity declared to be part of the scheme	307(2)	In the specified circumstances, power to give the regulator notice of who is the scheme manager.				

Part 10 – Miscellaneous

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Scheme manager for a multiple-entity recycled	333(2)	In the specified circumstances, power to, by notice, require a recycled water provider or other declared entity for the scheme to give the scheme manager, within a stated reasonable period, information the scheme manager reasonably requires to comply with				

water scheme		the scheme manager's obligations under this Act.				
--------------	--	--	--	--	--	--

CHAPTER 4 – REFERABLE DAMS AND FLOOD AND DROUGHT MITIGATION

Part 1 – Referrable dams

Division 2A – Emergency action planning and reporting

Subdivision 1 – Preliminary

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	352F	Power to prepare an emergency action plan for a dam under subdivision 3 and to give it to the Chief Executive for approval.				

Subdivision 3 – Preparation of emergency actions plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	352HB(1)	Power to assess and decide whether the emergency action plan is consistent with its disaster management plan.				
Local Government	352HB(2)	Power to consult with its local group for the plan.				

Subdivision 6 – Reviewing emergency action plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	352O(2)(c)(ii)	Power to give an emergency action plan for a dam to the Chief Executive.				
Owner of a referable dam	352P	The power, before 1 October each year to: <ul style="list-style-type: none"> (a) review the approved emergency action plan for the dam; and (b) give to the Chief Executive: <ul style="list-style-type: none"> (i) a notice stating whether or not the owner proposes an amendment to the plan because of the review; and (ii) if the owner proposes an amendment – a copy of the plan including the proposed amendment. 				

Subdivision 7 – Amending emergency action plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	352Q(1)	Power to ask the Chief Executive to amend the approved emergency action plan for the dam to: <ul style="list-style-type: none"> 6.1 correct a minor error; or 6.2 make another change that is not a change of substance. 				

Subdivision 9 – Emergency event reporting

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of referable dam	352T(2)	Power to prepare a report (an emergency event report) and to give it to the Chief Executive.				
Owner of referable dam	352T(2)(a)	Power to consider when the dam hazard giving rise to the event is no longer a material risk to persons or property.				
Owner of referable dam	352T(2)(b)	Power to agree a further period in writing with the Chief Executive.				
Owner of referable dam	352U(3)	Power to prepare a report (an emergency event interim report) and to give it to the Chief Executive officer in accordance with section 352U(2).				

Division 3 – Safety conditions for existing referable dams

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	354(3)(b)	Power to agree with the Chief Executive, an extended period for deciding safety conditions.				

Subdivision 2 – Chief Executive may give direction or take action about failure of dam

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of land on which a dam is situated / operator of a dam	359(3)	Power to comply with a notice issued under section 359(1).				
Owner of land on which a dam is situated / operator of a dam	359(4)	Power to give to the Chief Executive officer, a notice that the person intends to remove the dam.				

Part 2 – Flood mitigation manuals and reporting
Division 2 – Preparation of flood mitigation manuals

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	371C	Power to prepare a flood mitigation manual for a dam under division 2 and to give it to the minister for approval.				

Division 3 – Approving flood mitigation manuals

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	371H(2)	Power to prepare a new flood mitigation manual and give it to the minister in compliance with a notice given under section 371H.				

Division 4 – Amending and reviewing flood mitigation manuals

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	372(2)	Power to amend a flood mitigation manual for a dam in compliance with a notice issued under section 372(1).				
Owner of a referable dam	373	Power to: (a) review and, if necessary, update a flood mitigation manual; and (b) give a copy of it to the minister for the minister's approval under division 3.				

Division 5 – Renewing flood mitigation manuals

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	374(2)	Power to prepare a new flood mitigation manual for a dam and give it to the minister for approval.				

Division 6 – Annual preparedness report

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	375	<p>Power to after 1 August and before 1 September each year:</p> <p>(a) prepare a report (an annual preparedness report) under division 6 about the level of preparedness of the dam for a flood event under a flood mitigation manual; and</p> <p>(b) give the report to the Chief Executive.</p>				

Division 8 – Authorising alternative operational procedures

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	378	<p>Power to reasonably consider that:</p> <p>(a) an operational strategy under a flood mitigation manual for a dam does not provide or adequately provide for the flood event;</p> <p>(b) to achieve an objective under the flood mitigation manual and to respond effectively to a flood event that is necessary to:</p> <p>(i) disregard an operational procedure under the manual (the existing procedure); and</p>				

		(ii) observe a different operational procedure (the alternative procedure).				
Owner of a referable dam	379(1)	Power to give the Chief Executive the information referred to in that section (the authorisation request information).				
Owner of a referable dam	379(2)	Power to give the Chief Executive the authorisation to request information orally.				
Owner of a referable dam	379(3)	Power to give the authorisation request information in writing as soon as practicable after giving the Chief Executive the information orally.				
Owner of a referable dam	381(1)	Power to make reasonable efforts to contact the Chief Executive to give the Chief Executive the authorisation request information for the alternative procedure.				
Owner of a referable dam	381(4)	Power to, as soon as practicable after failing to contact, or losing contact with, the Chief Executive, record the authorisation request information in writing and give it to the Chief Executive.				
Owner of a referable dam	381(6)	Power to form the reasonable belief that the Chief Executive is no longer able to respond to the owner for the purpose of subsection (2).				

Division 9 – Flood event reporting

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a referable dam	383(2)	Power to prepare a report (a flood event report) under division 9 and give it to the Chief Executive.				

Owner of a referable dam	383(2)(b)	Power to agree to a further period in writing with the Chief Executive.				
Owner of a referable dam	384(3)	Power to comply with a notice given to the owner of the dam under section 384(2).				

Part 4 – Reducing full supply level for safety purposes

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Dam Owner	399B(1)	Power to form the belief, based on the advice of a registered professional engineer, that there is an unacceptable risk of a failure of a dam if it operates at the full supply level stated in the resource operations licence for the dam.				
Owner	399B(2)	Power to reduce the full supply level of the dam to the level (the reduced full supply level) that lowers the risk of a failure of the dam to a level acceptable to the owner, having regard to the advice of the registered professional engineer.				
Owner	399B(4)	Power to consider and include in a notice: 6.3 the reasons why it is necessary to operate the dam at the reduced full supply level; and 6.4 the period for which it is necessary to operate the dam at the reduced supply level.				
Owner	399C(3)(a)	Power to decide and include in a report when the owner intends to allow the dam to return to the full supply level stated in the resource operations licence for the dam.				
Service Provider	399C(3)(b)	Power to consider and decide and include in a report:				

		<ul style="list-style-type: none"> i. the impacts the reduced full supply level has had on the provider's customers since its reduction; ii. the likely future impacts on customers for the period for which the provider proposes to keep the dam at a reduced full supply level; and iii. the impacts the reduced full supply level has had or is likely to have on achieving the water plan outcomes for a water plan under the Water Act. 				
--	--	--	--	--	--	--

CHAPTER 5 – INVESTIGATIONS AND ENFORCEMENT MATTERS

Part 5A – Particular provisions to monitor relevant service providers

Division 2 – Improvement plans

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	446(2)	Power to make an improvement plan.				
Service Provider	447	Power to make an improvement plan.				

Part 8 – Notices of cost recovery

Division 1 – Show cause notices

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person given a show cause	463(1)(d)	Power to make submissions about the show cause notice.				

notice, or a copy of a show cause notice						
--	--	--	--	--	--	--

Part 9 – Enforcement proceeding

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Service Provider	475(2)(b) and (c)	Power to start a proceeding for a stated provision.				
Service Provider	475(5)	Power to give the Chief Executive notice of the proceeding.				
Service Provider	476(1)	Power to commence a proceeding for an enforcement order on behalf of the service provider.				

CHAPTER 6 – OFFENCES, EVIDENTIARY MATTERS AND LEGAL PROCEEDINGS

Part 3 – Legal proceedings for offences

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person / Service Provider	496	Power to give notice to the Chief Executive of a proceeding.				
Person	498(1)	Power to commence a proceeding on behalf of the service provider.				

CHAPTER 7 – REVIEWS, APPEALS AND ARBITRATION

Part 1 – Preliminary

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Interested person for an original decision	512(1)	Power to apply for an internal review of an original decision.				
Recipient of a submitter notice	513(3)	Power to make written submissions on the internal review application to the reviewer.				

Part 3 – Appeals and external reviews

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Interested person who applied for an internal review of the original decision	517(1)	Power to appeal against or apply for an external review of the review decision under this section.				

Part 4 – Arbitration

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Interested person who applied an	524(2)	Power to, if dissatisfied with a decision, give the authority under the <i>Queensland Competition Authority Act 1997</i> a notice (a				

internal review of the original decision		dispute notice) applying for arbitration on the decision.				
Application for arbitration	524A(2)	Power to apply for a stay of a review decision to a Court with jurisdiction to hear the proceeding.				
Interested person who gave dispute notice	526	Power to withdraw the dispute notice at any time before the authority makes its decision on the dispute.				

CHAPTER 8 – MISCELLANEOUS

Part 2 – Relationship with Planning Act

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	562(2)	Power to appeal against a decision about the application to the Land Court.				

Part 3 – Other miscellaneous provisions

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Service Provider	573	Power to make guidelines to provide guidance to persons about preparing a water efficiency management plan.				

CHAPTER 10 – OTHER TRANSITIONAL PROVISIONS

Part 8 – Transitional provisions for *Electricity and Other Legislation Amendment Act 2014*

Entity power given to	Section of WSSR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	670(2)	Power to amend the CSG environmental authority to include public health conditions.				
Administering Authority	670(3)	Power to consider an amendment necessary or desirable.				
Administering Authority	671(2)	Power to amend the CSG environmental authority to include public health conditions.				
Administering Authority	671(3)(a)	Power to consider the amendment necessary or desirable.				

[2018 04 20 - WSSR - Delegation Table]

Position: Insert Position

Position Code: Insert Position Code

POWERS SUB-DELEGATED

Water Supply (Safety and Reliability) Act 2008 ("WSSR")

CHAPTER 2 – INFRASTRUCTURE AND SERVICE

Part 3 – Service providers

Division 1 – Regulation of service providers

Subdivision 1 – Application for registration

Entity power given to	Section of WSSR	Description
Service Provider	20(1)	Power to apply for registration as a service provider.
Relevant Infrastructure Owner	21(1)(c)(ii)	Power to give written consent.

Subdivision 2 – Changing registration details

Entity power given to	Section of WSSR	Description
Water Service Provider	23(1)	Power to apply to change the service provider's details of registration in the service provider register.
Water Service Provider	23A(2)	In the specified circumstances, power to give the regulator notice of the change in the approved form.

Subdivision 3 – Transferring registration

Entity power given to	Section of WSSR	Description
Current Infrastructure Owner	25A(1)	In the specified circumstances, power to give the regulator notice (the transfer notice) of the proposed transfer.

Subdivision 4 – Cancelling registration other than for transfer

Entity power given to	Section of WSSR	Description
Water Service Provider	26(2)	Power to give notice of the possible stoppage.
Water Service Provider	26(8)	In the specified circumstances, power to give notice of the stoppage.
Water Service Provider	28(1)	In the specified circumstances, power to apply to the regulator to have the provider's registration cancelled.
Water Service Provider	28(4)(b)	In the specified circumstances, power to verify information included in the application, or the additional information provided under section 28(4)(a), by statutory declaration.

Division 2 – General powers of service providers and authorised persons

Entity power given to	Section of WSSR	Description
Water Service Provider	33(2)	In the specified circumstances, power to give a person a notice asking the person stated in the notice, why the person's unauthorised connection should not be disconnected.
Water Service Provider	33(4)	In the specified circumstances, power to be satisfied regarding whether an unauthorised connection should be disconnected.
Water Service Provider	34(2)	In the specified circumstances, power to give an owner a notice to do work within a reasonable time stated in the notice, to: <ul style="list-style-type: none"> (a) rectify the equipment; or (b) remove the vegetation or other thing.
Water Service Provider	35(1)	Power to decide the position of a meter on infrastructure supplying water to premises, and to approve the installation of that meter in the position decided.
Water Service Provider	36(2)(b)	In the specified circumstances, power to give an occupier at least 14 days notice of the entry and the purpose of the entry.
Water Service Provider	36(2)(c)	In the specified circumstances, the power to decide that urgent action needs to be taken to protect the service providers infrastructure at the place.

Division 3 – Power to restrict water supply

Entity power given to	Section of WSSR	Description
Water Service Provider <u>outside the SEQ Region</u>	41(1) ³	Power to consider it necessary, to restrict: <ul style="list-style-type: none"> (a) the volume of water taken by or supplied to a customer or type of customer; or (b) the hours when water may be used on premises for stated purposes; or (c) the way water may be used on premises.
Water Service Provider	41(3)	Power to apply a restriction imposed under section 41(1) to water taken from a rainwater tank connected to the service provider's reticulated supply.
Water Service Provider	43(1)	Power to give notice of a service provider water restriction to anyone affected by it in the way you consider appropriate having regard to the circumstances in which the service provider water restriction is imposed.
Water Service Provider	44(1)	Power to shut off a water supply to premises for a time reasonably necessary for work to be performed on the service provider's infrastructure, including a property service.
Water Service Provider	44(2)	In the specified circumstances, power to give to anyone likely to be affected by shutting off the water supply at least 48 hours notice of the intention to shut off the water supply, advising the reasons for shutting it off, and for how long it will be shut off.
Water Service Provider	44(3)	In the specified circumstances, power to shut off water supply, without notice, if there is: <ul style="list-style-type: none"> (a) a serious risk to public health;

³ The power to impose such a restriction is only available if it is made under one of the circumstances specified in Section 41(2).

		(b) a likelihood of serious injury to persons or damage to property; or (c) another emergency.
Water Service Provider	44(4)	In the specified circumstances power to give, to anyone likely to be affected by the action: (a) notice of the action; and (b) the reasons for the action; and (c) if the action is continuing when the notice is given - notice about how long the action will continue.

Division 4 – Authorised persons

Entity power given to	Section of WSSR	Description
Service Provider	45(1)	Power to appoint a person to be an authorised person if: (a) satisfied the person has the necessary expertise or experience to be an authorised person; or (b) the person has satisfactorily finished training approved by the service provider.
Service Provider	45(2)	Power to be satisfied that the person: (a) can perform the functions of an authorised person safely; and (b) can, while performing those functions, mitigate any risks to public health and safety.

Division 6 – Water efficiency management plans

Entity power given to	Section of WSSR	Description
Water Service Provider	52(2)	Upon written direction of the Chief Executive, under section 52(1) power to give a customer, or type of customer, a written notice: (a) to prepare a plan (a <i>water efficiency management plan</i>); and (b) to give it to the water service provider within the reasonable time stated by the Chief Executive.
Water Service Provider	52(3)(a)	In the specified circumstances, power to give a customer, or type of customer, a written notice, to prepare a plan (also a <i>water efficiency management plan</i>).
Water Service Provider	52(3)(b)	Power to decide the reasonable period within which the customer, or type of customer, must provide the plan (also a <i>water efficiency management plan</i>).
Water Service Provider	54(1)	For deciding whether or not to approve a water efficiency management plan, power to require the customer to give additional information about the plan within a reasonable period.
Water Service Provider	54(2)	Power to approve, with or without conditions, or refuse to approve a water efficiency management plan: (1) if additional information is not required – within 60 business days after receiving the plan; or (2) if additional information is required – within 60 business days of when the information is received or should have been given, whichever is earlier.

Water Service Provider	54(3)	In the specified circumstances, power to give the customer an information notice.
Water Service Provider	54(5)	Power to extend the period of 20 business days mentioned in section 54(4).
Water Service Provider	57(2)	Upon the direction of the Chief Executive, power to give a customer, or type of customer, a written notice requiring the customer to: <ul style="list-style-type: none"> (a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive; or (b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the Chief Executive.
Water Service Provider	58(1)	Power to be satisfied that: <ul style="list-style-type: none"> (a) for a customer, or a type of customer, production output or water consumption has increased significantly; or (b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or (c) there is or there is likely to be a severe water supply shortage.
Water Service Provider	58(2)	Subject to being satisfied under section 58(1), power to give the customer a written notice requiring the customer to: <ul style="list-style-type: none"> (a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or (b) prepared a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.
Water Service Provider	59(2)	Power to decide a request from a customer under section 59(1).
Water Service Provider	60(1)	Power to be satisfied or reasonably believe that a customer to whom an approved water efficiency management plan applies has not complied with the plan.
Water Service Provider	60(2)	In the specified circumstances, power to give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.
Water Service Provider	61(1)	Power to ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.

Part 4 –

Service providers obligations

Division 1 – Drinking water quality management

Subdivision 2 – Drinking water quality management plans

Entity power given to	Section of WSSR	Description
Drinking Water Service Provider	95(1)	Power to apply to the regulator for approval of a drinking water quality management plan.
Drinking Water Service Provider	99A(1)	In certain circumstances, power to agree with the regulator to amend the providers approved drinking water quality management plan.

Drinking Water Service Provider	100(2)	Power to apply to the regulator for approval of a proposed amended drinking water quality management plan.
Drinking Water Service Provider	102(2)	Power to inform the regulator of noncompliance and the circumstances that gave rise to the noncompliance.
Drinking Water Service Provider	102(3)	Power to give the regulator notice of the following in the approved form: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the provider to correct the noncompliance; and (c) the measures the provider will take to prevent the noncompliance in the future.
Drinking Water Service Provider	102A(2)	In the specified circumstances, power to immediately inform the regulator of the prescribed incident.
Drinking Water Service Provider	102A(3)	In the specified circumstances, power to give the regulator notice of the following in the approved form: (a) the prescribed incident and the circumstances that gave rise to the incident; (b) any action taken, or to be taken, by the provider relating to the prescribed incident; and (c) the measures the provider will take to prevent the prescribed incident happening again in the future.
Drinking Water Service Provider	103(2)	Power to give a notice to the owner of water storage or other infrastructure to ask the owner to give the drinking water service provider information reasonably requested about the quality of water in the water storage or infrastructure.
Service Provider	107(2)(b)	In the specified circumstances, power to apply to the regulator for approval of an amended plan.
Service provider	109(1)	Power to sign a statutory declaration on behalf of the service provider.

Division 3 – Customer service standards

Entity power given to	Section of WSSR	Description
Service Provider	115(3)	Power to consider submissions made to the provider about the proposed customer service standard.

Division 5 – Reporting for particular financial years

Entity power given to	Section of WSSR	Description
Service Provider	142(2)(a)	Power to prepare a drinking water quality management plan report.
Service Provider	142(2)(b)	Power to give the regulator a copy of the drinking water quality management plan report.
Relevant infrastructure owner	142C(2)	In the specified circumstances, power to provide written agreement to a drinking water quality management plan report.

Division 6 – Water for fire fighting

Entity power given to	Section of WSSR	Description
Service Provider	145(1)	Power to permit a person to take water from a fire fighting system or a service provider's hydrant.

Part 5 – Service areas

Division 3 – Access to services in service areas

Entity power given to	Section of WSSR	Description
Service Provider	166(3)	In the specified circumstances, power to impose conditions on the installation of water storage tanks and pumps.

Division 4 – Connecting to particular registered services

Entity power given to	Section of WSSR	Description
Service Provider	167(2)	In the specified circumstances, power to advise an owner of any work that is considered reasonably necessary to be carried out on premises and any reasonable connection fee to enable the premises to be connected to the infrastructure.
Service Provider	168(1)	Power to, by notice given to the owner of premises in the service area, require the owner to carry out works for connecting the premises to a registered service.
Service Provider	168(2)(c)	In the specified circumstances, power to agree to an extension of the period within which the work must be completed.

Division 5 – Restricting domestic water supply

Entity power given to	Section of WSSR	Description
Service Provider	169(1)	Power to give a notice to an owner or occupier of domestic premises not to contravene a restriction or to pay a rate or charge for a service.
Service Provider	169(2)	Power to decide the minimum level of water necessary for the health and sanitation purposes of the owner or occupier.

Part 6 – Trade waste and seepage water approvals

Entity power given to	Section of WSSR	Description
Sewerage Service Provider	180(1)	In the specified circumstances, power to give a person: <ul style="list-style-type: none"> (a) an approval to discharge trade waste (a trade waste approval) into Council's sewerage infrastructure; and (b) an approval to discharge seepage water (a seepage water approval) into Council's sewerage infrastructure.
Sewerage Service Provider	180(3)	Power to consider the effect of the proposed discharge on any existing or potential re-use of waste water or sludge.
Sewerage Service Provider	180(4)	Power to be satisfied: <ul style="list-style-type: none"> (a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the

		sewerage or the health and safety of anyone working on the sewerage; and (b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.
Sewerage Service Provider	180(5)	In the specified circumstances, power to be satisfied the proposed discharge into the sewerage is consistent with the plan.
Sewerage Service Provider	181(1)	Power to give a trade waste approval or seepage water approval on conditions.
Sewerage Service Provider	182	Power to suspend or cancel a trade waste approval or a seepage water approval (the proposed action) if satisfied any of the specified circumstances applies.
Sewerage Service Provider	183(1)	In the specified circumstances, power to give an approval holder a show cause notice about the proposed action.
Sewerage Service Provider	183(2)	Power to consider submissions made in response to a show cause notice, to be satisfied the proposed action should be taken, and then to: (a) if the proposed action was to suspend the approval for a stated period - suspend the approval for not longer the proposed suspension period; or (b) if the proposed action was to cancel the approval - either cancel the approval or suspend it for a period.
Sewerage Service Provider	183(3)	In the specified circumstances, power to give the approval holder an information notice about the decision.
Sewerage Service Provider	183(4)	Power to consider any submissions and, if not satisfied the proposed action should be taken, the power to give the approval holder a notice about the decision.
Sewerage Service Provider	184(1)	In the specified circumstances, power to suspend or cancel an approval without giving a show cause notice, if further action is considered necessary: (a) in the interests of public health or safety; or (b) to prevent environmental harm; or (c) to prevent damage to Council's sewerage system.
Sewerage Service Provider	184(2)	In the specified circumstances, power to cancel a trade waste approval given by the sewerage service provider.
Sewerage Service Provider	184(3)	In the specified circumstances, power to give the approval holder an information notice about the action.
Sewerage Service Provider	185(2)	Power to give a notice to the approval holder to amend a trade waste approval to ensure that it is consistent with conditions mentioned in section 185(1)(a).

Part 7 – Offences

Entity power given to	Section of WSSR	Description
Service Provider	191	Power to give written consent to a person connecting to, or disconnecting from, the service provider's infrastructure.
Service Provider	192(1)	Power to give written consent to a person interfering with a service provider's infrastructure.
Service Provider	192(2)	Power to give written consent to a person building over, interfering with access to, increasing or reducing the cover over, or changing the surface of land in any way causing ponding of

		water over an access chamber for, a service provider's infrastructure.
Service Provider	193(3)	Power to give written consent to a person discharging water from an ornamental pond, a swimming pool or the filtration system of a swimming pool into a service provider's infrastructure.
Service Provider	195(1)	Power to give written approval to a person taking water from a service provider's infrastructure.
Service Provider	195(2)	In the specified circumstances, power to give written approval to a person taking water from a supply pipe on premises for use off the premises.

CHAPTER 3 – RECYCLED WATER MANAGEMENT

Part 1A – Recycled water schemes

Division 1 – Registration

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme	196AA(1)	Power to apply for registration of the scheme.

Division 2 – Changing registration details

Entity power given to	Section of WSSR	Description
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AD(1)	Power to apply to change the details of the registration recorded in the register.
Relevant entity for a recycled water scheme which is registered under Chapter 3, Part 1A, Division 2	196AE(1)	Power to apply to cancel the registration if the recycled water is no longer supplied under the scheme.

Part 2 – Recycled water management planning

Entity power given to	Section of WSSR	Description
Recycled Water Provider	202(1)	Power to apply to the regulator for approval of a recycled water management plan.
Recycled Water Provider	203(1)(b)	Power to sign a statutory declaration verifying the information included in the plan, or any additional information given under section 203(1)(a).
Recycled Water Provider	208(2)	Power to give regulator notice of a stoppage or proposed stoppage of the production or supply of recycled water, in accordance with the circumstances of that section.
Recycled Water Provider	208(5)	Power to, as soon as practicable, give the regulator notice of the stoppage or proposed stoppage of the production or supply

		of recycled water under a scheme and otherwise in the circumstances of that section.
Recycled Water Provider	209(1)	Power to obtain the regulator's agreement to amend the recycled water management plan for the scheme.
Recycled Water Provider	212(2)	Power to apply to the regulator for approval of the proposed amended recycled water management plan.
Recycled Water Provider	212(3)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.
Relevant entity for the recycled water scheme	215(1)	If a recycled water management plan has been suspended, power to apply to the regulator for an approval to resume supply of recycled water under the scheme.
Recycled Water Provider	215(3)	Power to exercise the delegable powers (if any) contained in sections 203 and 204 as if a reference in the sections to: (a) the recycled water management plan were a reference to the suspended recycled water management plan; and (b) the plan were a reference to the suspended plan.
Recycled Water Provider	215(7)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.

Part 3 – Notice about permanently stopping supply of recycled water

Entity power given to	Section of WSSR	Description
Recycled Water Provider	230(2)	Power to give a notice to the regulator of a proposed stoppage at least 30 days before the supply of recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(4)	Power to give the regulator notice of the proposed stoppage at least 60 days before supply of the recycled water is stopped.
Relevant entity for the critical recycled water scheme (if relevant)	230(6)(b)	Power to sign a statutory declaration verifying the information included in the notice, or any additional information given under section 230(6)(a).
Recycled Water Provider	230(9)	Power to give the regulator notice of a stoppage of recycled water under recycled water scheme within 5 days after the supply stops.

Part 4 – Validation Programs

[This part applies to a recycled water scheme if recycled water is proposed to be supplied under the scheme to augment a supply of drinking water.]

Entity power given to	Section of WSSR	Description
Recycled Water Provider	237(1)	Power to apply to the regulator for approval of a validation program.

Relevant entity for the critical recycled water scheme (if relevant)	238(1)(b)	Power to sign a statutory declaration verifying the information included in the program, or any additional information given under section 238(1)(a).
Relevant Entity	242(2)	Power to apply to the regulator for approval of the proposed amended validation program.
Recycled Water Provider	242(3)	Power to exercise the delegable powers (if any) contained in sections 237(2) and sections 238 to 241 as if a reference in the sections to: (a) the validation program were a reference to the amended validation program; and (b) the program were a reference to the amended program.

Part 6 – Reviews and audits of recycled water management plans

Entity power given to	Section of WSSR	Description
Recycled Water Provider	259(2)(b)	In the specified circumstances, power to apply to the regulator for approval of the amended plan.
Scheme Manager	259(4)	In the specified circumstances, power to apply to the regulator for approval of the amended recycled water management plan for the scheme.
Recycled Water Provider	259(6)	Power to exercise the delegable powers (if any) contained in sections 202(2), (3) and (4), and sections 203 to 208 as if a reference in the sections to: (a) the recycled water management plan were a reference to the amended recycled water management plan; and (b) the plan were a reference to the amended plan.

Part 7 – Reporting requirements

Division 4 – Connecting to registered services

Entity power given to	Section of WSSR	Description
Alerting entity	270(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for the noncompliance, the responsible entity, of the noncompliance and the circumstances that gave rise to the noncompliance.
Responsible entity for the non-compliance	270(4)	Power to give the regulator notice of the following: (a) the noncompliance and the circumstances that gave rise to the noncompliance; (b) any action taken, or to be taken, by the entity to correct the noncompliance; and (c) the measures the entity will take to prevent the noncompliance in the future.
Alerting entity	271(2)	In the specified circumstances, power to immediately inform the regulator and, if another entity is the responsible entity for prescribed incident, the responsible entity, of the prescribed incident.
Alerting entity	271(4)	In the specified circumstances, power to give the regulator notice of: (a) the prescribed incident and the circumstances that gave rise to the prescribed incident;

		(b) any action taken, or to be taken, by the entity relating to the prescribed incident; and (c) the measures the entity will take to prevent the prescribed incident happening again in the future.
--	--	---

Part 8 – Declaration of critical recycled water schemes

Entity power given to	Section of WSSR	Description
Entity to whom a notice of the regulator's intention to make a decision	303(4)(e)	Power to give the regulator a notice about who the provider and entities agree is the scheme manager.
Relevant entity for a critical recycled water scheme	306(1)	Power to considers the scheme should not be a critical recycled water scheme, and to ask the regulator to review the making of the declaration.
Recycled water providers / entity declared to be part of the scheme	307(2)	In the specified circumstances, power to give the regulator notice of who is the scheme manager.

Part 10 – Miscellaneous

Entity power given to	Section of WSSR	Description
Scheme manager for a multiple-entity recycled water scheme	333(2)	In the specified circumstances, power to, by notice, require a recycled water provider or other declared entity for the scheme to give the scheme manager, within a stated reasonable period, information the scheme manager reasonably requires to comply with the scheme manager's obligations under this Act.

CHAPTER 4 – REFERABLE DAMS AND FLOOD AND DROUGHT MITIGATION

Part 1 – Referrable dams

Division 2A – Emergency action planning and reporting

Subdivision 1 – Preliminary

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352F	Power to prepare an emergency action plan for a dam under subdivision 3 and to give it to the Chief Executive for approval.

Subdivision 3 – Preparation of emergency actions plans

Entity power given to	Section of WSSR	Description
Local Government	352HB(1)	Power to assess and decide whether the emergency action plan is consistent with its disaster management plan.
Local Government	352HB(2)	Power to consult with its local group for the plan.

Subdivision 6 – Reviewing emergency action plans

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352O(2)(c)(ii)	Power to give an emergency action plan for a dam to the Chief Executive.
Owner of a referable dam	352P	The power, before 1 October each year to: <ul style="list-style-type: none"> (a) review the approved emergency action plan for the dam; and (b) give to the Chief Executive: <ul style="list-style-type: none"> (i) a notice stating whether or not the owner proposes an amendment to the plan because of the review; and (ii) if the owner proposes an amendment – a copy of the plan including the proposed amendment.

Subdivision 7 – Amending emergency action plans

Entity power given to	Section of WSSR	Description
Owner of a referable dam	352Q(1)	Power to ask the Chief Executive to amend the approved emergency action plan for the dam to: <ul style="list-style-type: none"> 6.5 correct a minor error; or 6.6 make another change that is not a change of substance.

Subdivision 9 – Emergency event reporting

Entity power given to	Section of WSSR	Description
Owner of referable dam	352T(2)	Power to prepare a report (an emergency event report) and to give it to the Chief Executive.
Owner of referable dam	352T(2)(a)	Power to consider when the dam hazard giving rise to the event is no longer a material risk to persons or property.
Owner of referable dam	352T(2)(b)	Power to agree a further period in writing with the Chief Executive.
Owner of referable dam	352U(3)	Power to prepare a report (an emergency event interim report) and to give it to the Chief Executive officer in accordance with section 352U(2).

Division 3 – Safety conditions for existing referable dams

Entity power given to	Section of WSSR	Description
Owner of a referable dam	354(3)(b)	Power to agree with the Chief Executive, an extended period for deciding safety conditions.

Subdivision 2 – Chief Executive may give direction or take action about failure of dam

Entity power given to	Section of WSSR	Description
Owner of land on which a dam is situated / operator of a dam	359(3)	Power to comply with a notice issued under section 359(1).
Owner of land on which a dam is situated / operator of a dam	359(4)	Power to give to the Chief Executive officer, a notice that the person intends to remove the dam.

Part 2 – Flood mitigation manuals and reporting

Division 2 – Preparation of flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	371C	Power to prepare a flood mitigation manual for a dam under division 2 and to give it to the minister for approval.

Division 3 – Approving flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	371H(2)	Power to prepare a new flood mitigation manual and give it to the minister in compliance with a notice given under section 371H.

Division 4 – Amending and reviewing flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	372(2)	Power to amend a flood mitigation manual for a dam in compliance with a notice issued under section 372(1).
Owner of a referable dam	373	Power to: <ul style="list-style-type: none"> (a) review and, if necessary, update a flood mitigation manual; and (b) give a copy of it to the minister for the minister's approval under division 3.

Division 5 – Renewing flood mitigation manuals

Entity power given to	Section of WSSR	Description
Owner of a referable dam	374(2)	Power to prepare a new flood mitigation manual for a dam and give it to the minister for approval.

Division 6 – Annual preparedness report

Entity power given to	Section of WSSR	Description
Owner of a referable dam	375	Power to after 1 August and before 1 September each year:

		(a) prepare a report (an annual preparedness report) under division 6 about the level of preparedness of the dam for a flood event under a flood mitigation manual; and (b) give the report to the Chief Executive.
--	--	--

Division 8 – Authorising alternative operational procedures

Entity power given to	Section of WSSR	Description
Owner of a referable dam	378	Power to reasonably consider that: (a) an operational strategy under a flood mitigation manual for a dam does not provide or adequately provide for the flood event; (b) to achieve an objective under the flood mitigation manual and to respond effectively to a flood event that is necessary to: (i) disregard an operational procedure under the manual (the existing procedure); and (ii) observe a different operational procedure (the alternative procedure).
Owner of a referable dam	379(1)	Power to give the Chief Executive the information referred to in that section (the authorisation request information).
Owner of a referable dam	379(2)	Power to give the Chief Executive the authorisation to request information orally.
Owner of a referable dam	379(3)	Power to give the authorisation request information in writing as soon as practicable after giving the Chief Executive the information orally.
Owner of a referable dam	381(1)	Power to make reasonable efforts to contact the Chief Executive to give the Chief Executive the authorisation request information for the alternative procedure.
Owner of a referable dam	381(4)	Power to, as soon as practicable after failing to contact, or losing contact with, the Chief Executive, record the authorisation request information in writing and give it to the Chief Executive.
Owner of a referable dam	381(6)	Power to form the reasonable belief that the Chief Executive is no longer able to respond to the owner for the purpose of subsection (2).

Division 9 – Flood event reporting

Entity power given to	Section of WSSR	Description
Owner of a referable dam	383(2)	Power to prepare a report (a flood event report) under division 9 and give it to the Chief Executive.
Owner of a referable dam	383(2)(b)	Power to agree to a further period in writing with the Chief Executive.
Owner of a referable dam	384(3)	Power to comply with a notice given to the owner of the dam under section 384(2).

Part 4 – Reducing full supply level for safety purposes

Entity power given to	Section of WSSR	Description
Dam Owner	399B(1)	Power to form the belief, based on the advice of a registered professional engineer, that there is an unacceptable risk of a failure of a dam if it operates at the full supply level stated in the resource operations licence for the dam.
Owner	399B(2)	Power to reduce the full supply level of the dam to the level (the reduced full supply level) that lowers the risk of a failure of the dam to a level acceptable to the owner, having regard to the advice of the registered professional engineer.
Owner	399B(4)	Power to consider and include in a notice: 6.7 the reasons why it is necessary to operate the dam at the reduced full supply level; and 6.8 the period for which it is necessary to operate the dam at the reduced supply level.
Owner	399C(3)(a)	Power to decide and include in a report when the owner intends to allow the dam to return to the full supply level stated in the resource operations licence for the dam.
Service Provider	399C(3)(b)	Power to consider and decide and include in a report: i. the impacts the reduced full supply level has had on the provider's customers since its reduction; ii. the likely future impacts on customers for the period for which the provider proposes to keep the dam at a reduced full supply level; and iii. the impacts the reduced full supply level has had or is likely to have on achieving the water plan outcomes for a water plan under the Water Act.

CHAPTER 5 – INVESTIGATIONS AND ENFORCEMENT MATTERS

Part 5A – Particular provisions to monitor relevant service providers

Division 2 – Improvement plans

Entity power given to	Section of WSSR	Description
Service Provider	446(2)	Power to make an improvement plan.
Service Provider	447	Power to make an improvement plan.

Part 8 – Notices of cost recovery

Division 1 – Show cause notices

Entity power given to	Section of WSSR	Description
Person given a show cause notice, or a copy of a show cause notice	463(1)(d)	Power to make submissions about the show cause notice.

Part 9 – Enforcement proceeding

Entity power given to	Section of WSSR	Description
Service Provider	475(2)(b) and (c)	Power to start a proceeding for a stated provision.

Service Provider	475(5)	Power to give the Chief Executive notice of the proceeding.
Service Provider	476(1)	Power to commence a proceeding for an enforcement order on behalf of the service provider.

CHAPTER 6 – OFFENCES, EVIDENTIARY MATTERS AND LEGAL PROCEEDINGS

Part 3 – Legal proceedings for offences

Entity power given to	Section of WSSR	Description
Person / Service Provider	496	Power to give notice to the Chief Executive of a proceeding.
Person	498(1)	Power to commence a proceeding on behalf of the service provider.

CHAPTER 7 – REVIEWS, APPEALS AND ARBITRATION

Part 1 – Preliminary

Entity power given to	Section of WSSR	Description
Interested person for an original decision	512(1)	Power to apply for an internal review of an original decision.
Recipient of a submitter notice	513(3)	Power to make written submissions on the internal review application to the reviewer.

Part 3 – Appeals and external reviews

Entity power given to	Section of WSSR	Description
Interested person who applied for an internal review of the original decision	517(1)	Power to appeal against or apply for an external review of the review decision under this section.

Part 4 – Arbitration

Entity power given to	Section of WSSR	Description
Interested person who applied an internal review of the original decision	524(2)	Power to, if dissatisfied with a decision, give the authority under the <i>Queensland Competition Authority Act 1997</i> a notice (a dispute notice) applying for arbitration on the decision.
Application for arbitration	524A(2)	Power to apply for a stay of a review decision to a Court with jurisdiction to hear the proceeding.
Interested person who gave dispute notice	526	Power to withdraw the dispute notice at any time before the authority makes its decision on the dispute.

CHAPTER 8 – MISCELLANEOUS

Part 2 – Relationship with Planning Act

Entity power given to	Section of WSSR	Description
Person	562(2)	Power to appeal against a decision about the application to the Land Court.

Part 3 – Other miscellaneous provisions

Entity power given to	Section of WSSR	Description
Water Service Provider	573	Power to make guidelines to provide guidance to persons about preparing a water efficiency management plan.

CHAPTER 10 – OTHER TRANSITIONAL PROVISIONS

Part 8 – Transitional provisions for *Electricity and Other Legislation Amendment Act 2014*

Entity power given to	Section of WSSR	Description
Administering Authority	670(2)	Power to amend the CSG environmental authority to include public health conditions.
Administering Authority	670(3)	Power to consider an amendment necessary or desirable.
Administering Authority	671(2)	Power to amend the CSG environmental authority to include public health conditions.
Administering Authority	671(3)(a)	Power to consider the amendment necessary or desirable.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 04 20 - WSSR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.



INSTRUMENT OF DELEGATIONS OF LOCAL GOVERNMENT 2019 (section 257 and 260 *Local Government Act 2009* (Qld))

NOTE: Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall: -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

Adopted by local government resolution: 19 March 2019

Adopted by trustee resolution: 19 March 2019

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aboriginal Cultural Heritage Act 2003

Document reviewed:	16/07/2018
Act current as at:	03/07/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, in the circumstances set out in subsection (1), to take all reasonable and practicable steps to ensure that the human remains are taken into the custody of the chief executive.	Section 17 <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, in the circumstances set out in subsection (1), to advise the chief executive of the existence and location of the human remains and give the chief executive all details that the chief executive reasonably requires.	Section 18 <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a person who carries out an activity, to take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.	Section 23 <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the Minister about cultural heritage duty of care guidelines.	Section 28(2) <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aboriginal Cultural Heritage Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a person who is involved in putting an approved cultural heritage management plan into effect, to take all reasonable steps to ensure the chief executive is advised about all Aboriginal cultural heritage revealed to exist because of any activity carried out under the plan.	Section 30 <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a person who carries out an activity, to advise the chief executive of Aboriginal cultural heritage revealed to exist because of the activity.	Section 31 <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to carry out a cultural heritage study and have its findings recorded in the register including all steps authorised or required by Part 6 of the Act for the purpose of carrying out the study, recording it in the register and objecting to the way the study is recorded in the register.	Sections 53, 56, 57, 58, 59, 60, 61, 62(2), 63(3), 64(2), 65(2), 67, 68, 69(2), 70, 71, 76, 77(2) and 153 <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the Minister about guidelines to help people in choosing suitable methodologies for carrying out cultural heritage studies.	Section 54(2) <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aboriginal Cultural Heritage Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner or occupier of land, to consult with the sponsor about obtaining access to the land and determine whether or not access should be given.	Section 70(3) <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the chief executive about a cultural heritage study.	Section 72(1)(c) <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to object to the Land Court to:- (a) the chief executive's recording in the register of the findings of a cultural heritage study; and (b) the chief executive's refusal to record in the register the findings of a cultural heritage study.	Section 76 <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aboriginal Cultural Heritage Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to develop, reach agreement on and seek approval for a cultural heritage management plan including all steps authorised or required by Part 7 of the Act for the purpose of developing, reaching agreement on and seeking approval of the plan and objecting to any refusal to approve the plan.	Sections 82, 83, 91, 92, 93, 94, 95, 96, 97(2), 98(2), 99(2), 100, 101, 103, 104, 105, 106, 107, 109(5), 111, 112, 113, 114, 115, 116, 117(5) and 153 <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the Minister about guidelines to help people in choosing suitable methodologies for developing cultural heritage management plans.	Section 85(1) <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner or occupier of land, to consult with a person who wishes to enter land to perform a cultural heritage activity about obtaining access to the land and to determine whether or not access should be given.	Section 153 <i>Aboriginal Cultural Heritage Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Acquisition of Land Act 1967

Date Updated:	16/07/2018
Reprint No:	03/07/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power as an entity taking the resource interest to give the relevant chief executive for the resource interest written notice.	Section 4B(2) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to prepare, serve and amend a Notice of Intention to Resume, to discontinue a resumption and to give notice to the land registry.	Section 7 <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to hear the objector, consider the grounds of objection to the taking of land and to amend the notice of intention to resume or discontinue the resumption.	Section 8 <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Minister that the land be taken and to respond to requests from the Minister for further particulars or information.	Section 9 <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to deal with land mentioned in subsection (4) for the purpose for which it is taken on and from the day it is taken, even though the land is yet to be dedicated, granted, leased or otherwise dealt with under subsection (4A).	Section 12(4B) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to agree with the Claimant on the amount of compensation payable.	Section 12(5A) <i>Acquisition of Land Act 1967</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Acquisition of Land Act 1967

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to serve the gazette resumption notice upon every person who is entitled pursuant to section 18 to claim compensation or is a mortgagee of the land.	Section 12(7) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to lodge with the registrar of titles a plan of survey showing a new boundary for a lot or common property.	Section 12A <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to dedicate land taken under the Act as a road.	Section 12B <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to take additional land.	Sections 13(1) and (1A) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to take additional land.	Sections 13(2) and (2A) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to sell or otherwise deal with additional land taken.	Section 13 (3) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to take land pursuant to a resumption agreement and to take all steps necessary to prepare and enter the resumption agreement.	Section 15B <i>Acquisition of Land Act 1967</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Acquisition of Land Act 1967

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to the Minister to take land pursuant to a resumption agreement and to respond to requests from the Minister for further particulars or information.	Section 15C <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to declare by gazette notice that land taken pursuant to a resumption agreement is taken for the purpose stated in the notice.	Section 15D <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to serve a notice of discontinuance of a resumption.	Section 16(1) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to agree with the claimant about the amount of compensation payable under subsection (1A) or to refer the issue for determination by the Land Court.	Section 16(1B) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to have the amount of compensation payable under subsection (1A) taxed by an officer of the Supreme Court.	Section 16(1C) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power as a gazetting authority to, by gazette notice, revoke a gazette resumption notice.	Section 17(1) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to agree in writing with the person entitled as owner to compensation in respect of the taking of the land to the revesting of the land or part of it, to which a gazette resumption notice will relate.	Section 17(1A) <i>Acquisition of Land Act 1967</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Acquisition of Land Act 1967

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to lodge a gazette copy of the revoking gazette notice with the land registry.	Section 17(2)(c) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to agree upon the amount of compensation to be paid under subsection (4) or to agree that the amount be determined by the Land Court.	Section 17(5) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to accept and deal with a claim for compensation served by the claimant within 3 years after the day the land was taken.	Section 19 <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to accept and deal with a claim for compensation served by the claimant more than 3 years after the day the land was taken.	Sections 19(4) and 19(6) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to agree to grant the claimant, in satisfaction wholly or partly of the claimant's claim for compensation, any easement, right of way, lease or other right of occupation, or any other right, privilege or concession in, upon, over or under the land taken or any other land the property of Council.	Section 21(1) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to agree to transfer land held in fee simple by Council to the claimant in satisfaction wholly or partly of the Claimant's claim for compensation.	Section 21(1A) <i>Acquisition of Land Act 1967</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Acquisition of Land Act 1967

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to agree with the Claimant that the extent to which the grant or transfer shall satisfy the claim for compensation be determined by the Land Court.	Section 21(2) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to make an advance on compensation to the Claimant.	Section 23(2) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to, before paying the advance, require the claimant to satisfy Council regarding taxes, rates and other moneys which, if unpaid, would be a charge upon the land, and to decide to reduce an advance by any such amount.	Section 23(5) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to reduce the advance by the sum due to the mortgagee.	Section 23(6) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to pay to Council, the Crown or a mortgagee any amount by which the advance has been reduced.	Section 23(7) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to refer a claim for compensation to the Land Court.	Section 24(1) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Land Court for further or other particulars of a claim for compensation.	Section 24(4) <i>Acquisition of Land Act 1967</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Acquisition of Land Act 1967

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to the Land Court for the Claimant to enter an appearance on the reference.	Section 25(1) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to pay the amount of compensation agreed upon or determined into the Supreme Court.	Sections 29 & 30 <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to pay to a mortgagee so much of the amount of compensation as does not exceed the sum due to the mortgagee.	Section 32 <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to deduct from an amount of compensation and pay to the Crown or to Council any amount of taxes, rates or other moneys charged upon the land taken in favour of the Crown or Council.	Section 35 <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to authorise a person to exercise the powers in section 36(1) on Council's behalf.	Section 36(1) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to give 7 days notice in writing of the intention to enter the land.	Section 36(3) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to temporarily occupy and use any land for the purpose of constructing, maintaining or repairing any works and to exercise the powers prescribed in subsection (1).	Section 37(1) <i>Acquisition of Land Act 1967</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Acquisition of Land Act 1967

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give notice to the occupier or owner of the intention to temporarily occupy and use the land.	Section 37(2) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to agree with the Claimant upon the amount of compensation to be paid under section 37 or to agree that such amount be determined by the Land Court.	Section 37(5) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to issue a warrant to the sheriff to deliver up possession of the land taken or occupied under the Act.	Section 38(1) <i>Acquisition of Land Act 1967</i>	19 March 2019	
	Chief Executive Officer	Power to offer for sale land taken under the Act to the former owner of the land.	Section 41(1) <i>Acquisition of Land Act 1967</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

Document Updated:	16/07/2018
Reprint:	01/05/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
1.	Chief Executive Officer	Power to apply to the Secretary in writing to be approved as a provider of aged care, to provide any documents that are required by the Secretary and to pay the application fee.	Section 8-2 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
2.	Chief Executive Officer	Power to give the Secretary further information in response to a notice issued by the Secretary.	Section 8-4 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
3.	Chief Executive Officer	Power, as an approved provider, to notify the Secretary of the following in relation to each home care service the provider proposes to provide:- (a) the name and address of the service; and (b) any other information of a kind specified in the Approved Provider Principles for the purposes of this section.	Section 9-1A(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
4.	Chief Executive Officer	Power, as an approved provider, to notify of any change in the information notified under subsection (1).	Section 9-1A(4) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
5.	Chief Executive Officer	Power, as an approved provider, to notify the Secretary of a change of circumstances that materially affects the approved provider's suitability to be a provider of aged care.	Section 9-1(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
6.	Chief Executive Officer	Power, as an approved provider, to comply with a request from the Secretary for information relevant to the approved provider's suitability to be a provider of aged care.	Section 9-2(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
7.	Chief Executive Officer	Power, as an approved provider, to give the Secretary information relating to payments.	Section 9-3(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
8.	Chief Executive Officer	Power, as an approved provider, to give the Secretary information specified in subsection (1) following receipt of a written request from the Secretary.	Section 9-3A(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
9.	Chief Executive Officer	Power, as an approved provider, to comply with a request in writing from the Secretary for information specified in subsection (2).	Section 9-3B(4) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
10.	Chief Executive Officer	Power, as a provider of aged care, to make submissions in response to a notice received from the Secretary.	Section 10-3(3)(b) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
11.	Chief Executive Officer	Power to apply for an allocation of places and pay the application fee.	Sections 13-1 and 13-3 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
12.	Chief Executive Officer	Power to reply to a request for further information from the Secretary.	Section 13-4(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
13.	Chief Executive Officer	Power to apply for a determination under section 15-1 before the end of the provisional allocation period.	Section 15-3(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
14.	Chief Executive Officer	Power to respond to a notice from the Secretary.	Section 15-4(3)(b) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
15.	Chief Executive Officer	Power to apply to the Secretary for a variation of a provisional allocation.	Section 15-5 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
16.	Chief Executive Officer	Power to surrender a provisional allocation by notice in writing to the Secretary.	Section 15-6 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
17.	Chief Executive Officer	Power to apply to the Secretary for an extension of the provisional allocation period.	Section 15-7(4) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
18.	Chief Executive Officer	Power, as an approved provider, to give the Secretary a transfer notice.	Section 16-2 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
19.	Chief Executive Officer	Power, as a transferor or a transferee, to request the Secretary to determine another period under paragraph 4(a) or (b).	Section 16-2(5) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
20.	Chief Executive Officer	Power, as a transferor or a transferee, to give the Secretary written notice of the changes.	Section 16-2(8) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
21.	Chief Executive Officer	Power to make submissions in response to a notice to resolve.	Section 16-4(2)(e) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
22.	Chief Executive Officer	Power to agree in writing to another proposed transfer day.	Section 16-5(3) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
23.	Chief Executive Officer	Power, as a transferor, to give to the transferee the records prescribed in subsections (1) and (2).	Section 16-11 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
24.	Chief Executive Officer	Power, as an approved provider to whom a place has been provisionally allocated, to give the Secretary a transfer notice.	Section 16-13 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
25.	Chief Executive Officer	Power, as a transferor or a transferee, to request the Secretary to determine another period under paragraph 4(a) or (b).	Section 16-13(5) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
26.	Chief Executive Officer	Power, as a transferor or a transferee, to give the Secretary written notice of the changes.	Section 16-13(8) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
27.	Chief Executive Officer	Power as a transferee or a transferor, to make submissions to the Secretary in response to a notice to resolve.	Section 16-15(2)(e) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
28.	Chief Executive Officer	Power, as a transferor or a transferee, to agree in writing to another proposed transfer day.	Section 16-16(3)(a) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
29.	Chief Executive Officer	Power, as an approved provider to whom a place has been allocated under Division 14, to apply in writing to the Secretary to vary the conditions and to give the Secretary written notice of any changes to the application.	Section 17-2 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
30.	Chief Executive Officer	Power to respond to a request for further information issued by the Secretary.	Section 17-3(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
31.	Chief Executive Officer	Power, as an applicant, to apply in writing to the Secretary to approve a day as the variation day.	Section 17-7(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
32.	Chief Executive Officer	Power, as an approved provider, to relinquish all or some of the places by notice in writing to the Secretary.	Section 18-2(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
33.	Chief Executive Officer	Power, as an approved provider, to give notice of the relinquishment.	Section 18-2(4) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
34.	Chief Executive Officer	Power, as an approved provider, to modify the proposals as specified in the notice issued by the Secretary.	Section 18-3(4) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
35.	Chief Executive Officer	Power, as an approved provider, to make written submissions to the Secretary in response to a notice to revoke the allocation.	Section 18-5(2)(b) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
36.	Chief Executive Officer	Power, as an approved provider, to make written submissions to the Secretary in response to a notice that revocation is being considered	Section 23-4(3)(b) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
37.	Chief Executive Officer	Power, as an approved provider, to carry out an appraisal of the level of care needed by a care recipient, relative to the needs of other care recipients, and give it to the Secretary.	Section 25-3 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
38.	Chief Executive Officer	Power, as an approved provider, to make written submissions to the Secretary in response to a notice to suspend the approved provider from making appraisals and reappraisals.	Section 25-4(3)(b) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
39.	Chief Executive Officer	Power, as an approved provider, to enter an agreement with the Secretary and comply with the terms of the agreement.	Sections 25-4(6A) and 25-4A <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
40.	Chief Executive Officer	Power, as an approved provider, to apply to the Secretary for the lifting of a suspension from making appraisals and reappraisals.	Section 25-C <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
41.	Chief Executive Officer	Power, as an approved provider, to respond to a notice from the Secretary requiring the applicant to give further information.	Section 25-4D <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
42.	Chief Executive Officer	Power, as an approved provider, to give the Secretary information relevant to whether an appraisal received out of time was sent in sufficient time to be received by the Secretary.	Section 26-2(3) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
43.	Chief Executive Officer	Power, as an approved provider, to conduct a reappraisal in response to a notice received from the Secretary under subsection (1) or (3A).	Sections 27-3(1) and (3A) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
44.	Chief Executive Officer	Power, as an approved provider, to apply to the Secretary to vary or revoke a notice give under subsection (1) or (3A).	Section 27-3(4) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
45.	Chief Executive Officer	Power, as an approved provider, to conduct a reappraisal on its own initiative.	Section 27-4 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
46.	Chief Executive Officer	Power, as an approved provider, to give the Secretary information relevant to whether an appraisal received out of time was sent in sufficient time to be received by the Secretary.	Section 27-8(3) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
47.	Chief Executive Officer	Power to make an application for extra service status, pay the application fee, respond to any requests for further information received from the Secretary and agree to an assessment of the residential care service conducted by a person authorised by the Secretary.	Section 32-3 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
48.	Chief Executive Officer	Power, as an approved provider, to agree with the Secretary to vary the conditions applying to the extra service status.	Section 32-8(6) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
49.	Chief Executive Officer	Power, as an approved provider, to request in writing that the Secretary revoke or suspend the extra service status.	Section 33-4 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
50.	Chief Executive Officer	Power, as a person who has applied for extra service status or who has been granted extra service status, to apply to the Aged Care Pricing Commissioner for extra service fees to be approved for one or more places.	Sections 35-1 and 35-2 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
51.	Chief Executive Officer	Power, as a person providing residential care on an extra service basis, to enter an extra service agreement with a care recipient.	Sections 36-1, 36-2, 36-3 and 36-4 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
52.	Chief Executive Officer	Power, as an approved provider, to apply for the Secretary to determine that the service is taken, for the purposes of Chapter 3, Part 3.1, Division 42, to meet its accreditation requirement and respond to any requests for further information from the Secretary.	Section 42-5 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
53.	Chief Executive Officer	Power, as an approved provider, after the end of each payment period, to give the Secretary:- <ul style="list-style-type: none"> (a) a claim, in the form approved by the Secretary, for residential care subsidy that is payable in respect of the residential care service for that payment period; and (b) any information relating to the claim that is stated in the form to be required, or that the Secretary requests; and (c) copies of any documents relating to the claim, or to the payment of residential care subsidy, that are stated in the form to be required, or that the Secretary requests. 	Section 43-4 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
54.	Chief Executive Officer	Power, as an approved provider, to vary the claim made in respect of a payment period.	Section 43-4A <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
55.	Chief Executive Officer	Power, as an approved provider, to enter an agreement with the Secretary for the deduction of fees from amounts of residential care subsidy otherwise payable to the approved provider.	Section 43-5 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
56.	Chief Executive Officer	Power, as an approved provider, to enter an agreement with the Secretary under which:- <ul style="list-style-type: none"> (a) amounts equal to the capital payments made in respect of the service are to be deducted from amounts of residential care subsidy otherwise payable to the approved provider in respect of the service; and (b) so far as amounts are so deducted, the approved provider ceases to be liable to the Commonwealth for repayment in respect of the capital payments. 	Section 43-6 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
57.	Chief Executive Officer	Power, as an approved provider, to respond to a notice from the Secretary requiring written submissions regarding the revocation of a determination of financial hardship.	Section 44-32(3)(a) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
58.	Chief Executive Officer	Power, as an approved provider providing home care services, to comply with a request to suspend the service.	Section 46-2(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
59.	Chief Executive Officer	Power, as an approved provider, after the end of each payment period, to give the Secretary:- (a) a claim, in the form approved by the Secretary, for home care subsidy that is payable in respect of the home care service for that payment period; and (b) any information relating to the claim that is stated in the form to be required, or that the Secretary requests.	Section 47-4 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
60.	Chief Executive Officer	Power, as an approved provider, to vary the claim made in respect of a payment period.	Section 47-4A <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
61.	Chief Executive Officer	Power, as an approved provider, to apply to the Secretary for a determination under subsection (2) in respect of a care recipient and respond to any request for further information from the Secretary.	Section 48-8(5) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
62.	Chief Executive Officer	Power, as an approved provider, to apply to the Secretary on behalf of a care recipient for a determination of eligibility for a hardship supplement and to respond to any requests for further information from the Secretary.	Section 48-11 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
63.	Chief Executive Officer	Power, as an approved provider, to respond to a notice from the Secretary requiring written submissions regarding the revocation of a determination of financial hardship.	Section 48-12(3)(a) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
64.	Chief Executive Officer	Power, as the provider of a residential care service or an eligible flexible care service, to give a person:- (a) an accommodation agreement; and (b) such other information as is specified in the Fees and Payments Principles.	Section 52F1(1)(a) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
65.	Chief Executive Officer	Power, as the provider of a residential care service or an eligible flexible care service, to agree with the person, in writing, about the maximum amount that would be payable if the person paid an accommodation payment for the service.	Section 52F1(1)(b) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
66.	Chief Executive Officer	Power, as an approved provider, to enter an accommodation agreement with a person.	Sections 52F-2 to 52F-6 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
67.	Chief Executive Officer	Power, as an approved provider, to apply to the Aged Care Pricing Commission for approval to charge an accommodation payment that is higher than the maximum amount of accommodation payment determined by the Minister under section 52G-3 for:- (a) a residential care service or flexible care service; or (b) a distinct part of such a service, and to respond to any requests for further information made by the Aged Care Pricing Commissioner.	Section 52G-4 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
68.	Chief Executive Officer	Power, as an approved provider, to retain income derived from a refundable deposit.	Section 52J-6 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
69.	Chief Executive Officer	Power, as an approved provider, to deduct a daily payment from a refundable deposit in the circumstances specified in subsection (1).	Section 52J-7(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
70.	Chief Executive Officer	Power, as an approved provider, to deduct an amount from a refundable deposit in the circumstances specified in subsection (2).	Section 52J-7(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
71.	Chief Executive Officer	Power, as an approved provider to whom an accommodation payment or accommodation contribution is payable, to apply to the Secretary to determine a case of financial hardship and respond to any request for information from the Secretary.	Section 52K-1(4)(b) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
72.	Chief Executive Officer	Power, as an approved provider, to respond to a notice from the Secretary requiring written submissions regarding the revocation of a determination of financial hardship under section 52K-1.	Section 52K-2(3)(a) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
73.	Chief Executive Officer	Power, as an approved provider, to comply with the requirements of the Prudential Standards.	Section 52M-1(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
74.	Chief Executive Officer	Power, as an approved provider, to use a refundable deposit or an accommodation bond for a use that is permitted by section 52N-1.	Section 52N-1 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
75.	Chief Executive Officer	Power, as an approved provider, to refund a refundable deposit balance in the way specified in the Fees and Payments Principles.	Section 52P-1 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
76.	Chief Executive Officer	Power, as a former approved provider, to refund the refundable deposit balance to the care recipient.	Section 52P-2(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
77.	Chief Executive Officer	Power, as an approved provider, to agree with a person to delay refunding the refundable deposit balance or accommodation bond balance on the conditions specified in subsection (2).	Section 52P-4 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
78.	Chief Executive Officer	Power, as an approved provider, to comply with the responsibilities of approved providers.	Section 54-1 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
79.	Chief Executive Officer	Power, as an approved provider, to comply with the responsibilities of an approved provider in relation to a care recipient to whom the approved provider provides, or is to provide, residential care.	Section 56-1 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
80.	Chief Executive Officer	Power, as an approved provider, to comply with the responsibilities of an approved provider in relation to a care recipient to whom the approved provider provides, or is to provide, home care.	Section 56-2 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
81.	Chief Executive Officer	Power, as an approved provider, to comply with the responsibilities of an approved provider in relation to a care recipient to whom the approved provider provides, or is to provide, flexible care.	Section 56-3 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
82.	Chief Executive Officer	<p>Power, as an approved provider, to:</p> <ul style="list-style-type: none"> (a) establish a complaints resolution mechanism for the aged care service; and (b) use the complaints resolution mechanism to address any complaints made by or on behalf of a person to whom care is provided through the service; and (c) advise the person of any other mechanisms that are available to address complaints, and provide such assistance as the person requires to use those mechanisms; and (d) allow authorised complaints officers to have such access to the service as is specified in the User Rights Principles, for the purpose of those officers investigating and assisting in the resolution of complaints; and (e) comply with any requirement made of the approved provider under the Complaints Principles. 	<p>Section 56-4(1) <i>Aged Care Act 1997 (Cth)</i></p>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
83.	Chief Executive Officer	Power, as an approved provider, to enter resident agreements that comply with the requirements for resident agreements listed in section 59-1.	Section 59-1 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
84.	Chief Executive Officer	Power, as an approved provider, to enter home care agreements that comply with the requirements for home care agreements listed in section 61-1.	Section 61-1 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
85.	Chief Executive Officer	Power, as an approved provider, to comply with the responsibilities relating to protection of personal information relating to a person to whom the approved provider provides aged care.	Section 62-1 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
86.	Chief Executive Officer	Power, as an approved provider, to comply with the responsibilities of an approved provider in relation to accountability for the aged care provided by the approved provider through an aged care service.	Section 63-1 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
87.	Chief Executive Officer	Power, as an approved provider, to report an allegation or suspicion of a reportable assault.	Section 63-1AA(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
88.	Chief Executive Officer	Power, as an approved provider, to require staff members who provide a service connected with the approved provider's residential care service to report suspicions of reportable assault.	Section 63-1AA(5) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
89.	Chief Executive Officer	Power, as an approved provider, to ensure the identity of a person who reports a suspected reportable assault is not disclosed to anyone except a person listed in section 63-1AA(7)	Section 63-1AA(7) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
90.	Chief Executive Officer	Power, as an approved provider, to take reasonable measures to ensure the report recipient does not disclose the fact that the person was the maker of the report.	Section 63-1AA(8) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
91.	Chief Executive Officer	Power, as an approved provider, to take all reasonable steps specified in the Sanctions Principles to ensure that none of its key personnel is a disqualified individual.	Section 63-1A(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
92.	Chief Executive Officer	Power, as an approved provider, to notify the Secretary of each care recipient who enters a residential care service operated by the approved provider on or after 20 March 2008.	Section 63-1B(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
93.	Chief Executive Officer	Power, as an approved provider, to do all things reasonably practicable to ensure that there is no change to the circumstance without complying with the steps specified by the Secretary in a notice give under subsection 8-5(3).	Section 65-1C <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
94.	Chief Executive Officer	Power, as an approved provider, to agree to the appointment of an adviser and appoint the adviser within the period specified in the agreement.	Section 66A-2(3) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
95.	Chief Executive Officer	Power, as an approved provider, to agree to the appointment of an administrator and appoint the administrator within the period specified in the agreement.	Section 66A-3(3) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
96.	Chief Executive Officer	Power, as an approved provider, to provide to a person appointed under section 6A-2 or 66A-3 all relevant information required by the person to assist the approved provider comply with its responsibilities	Section 66A-4 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
97.	Chief Executive Officer	Power, as an approved provider, to make submissions to the Secretary in response to a notice of non-compliance.	Section 67-2(2)(d) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
98.	Chief Executive Officer	Power, as an approved provider, to make submissions to the Secretary in response to a notice of intention to impose sanctions.	Section 67-3(2)(d) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
99.	Chief Executive Officer	Power, as an approved provider, to give the Secretary a written undertaking to remedy the non-compliance specified in the notice.	Section 67-4(2)(a) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
100.	Chief Executive Officer	Power, as an approved provider, to comply with an undertaking given under section 67-4(2)(a).	Section 67-4(2)(b) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
101.	Chief Executive Officer	Power, as an approved provider, to apply in writing to the Secretary seeking the lifting of a sanction.	Section 68-4 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
102.	Chief Executive Officer	Power, as an approved provider, to comply with a notice requesting further information received from the Secretary.	Section 68-5(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
103.	Chief Executive Officer	Power to apply in writing for the allocation of a residential care grant.	Section 71-1 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
104.	Chief Executive Officer	Power to comply with a notice requesting further information received from the Secretary.	Section 71-3(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
105.	Chief Executive Officer	Power, as an approved provider, to enter an agreement with the Commonwealth agreeing to comply with the conditions to which the grant is subject.	Section 73-1(3) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
106.	Chief Executive Officer	Power, as an approved provider, to comply with the grant conditions.	Section 73-3 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
107.	Chief Executive Officer	Power, as an approved provider, to make submissions in response to notice to vary or revoke the allocation received from the Secretary.	Section 73-4(3)(b) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
108.	Chief Executive Officer	Power, as an approved provider, to apply to the Secretary for a variation of an allocation of a residential care grant.	Section 73-5(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
109.	Chief Executive Officer	Power, as an approved provider, to comply with a notice requesting further information received from the Secretary.	Section 73-5(4) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
110.	Chief Executive Officer	Power, as a body corporate, to enter into a written agreement with the Secretary under which the Commonwealth makes a grant of money for the purposes specified in the agreement	Section 83-1(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
111.	Chief Executive Officer	Power, as person whose interests are affected by a reviewable decision, to request the Secretary to reconsider the decision.	Section 85-5(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
112.	Chief Executive Officer	Power, as person whose interests are affected by a reviewable decision, to request the Aged Care Pricing Commissioner to reconsider the decision.	Section 85-5(2) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
113.	Chief Executive Officer	Power to pay the application fee for reconsideration of a reviewable decision made under subsection 29-1(1).	Section 85-6(1) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
114.	Chief Executive Officer	Power to make an application to the Administrative Appeals Tribunal for the review of a reviewable decision that has been confirmed, varied or set aside under section 85-4 or 85-5.	Section 85-8 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
115.	Chief Executive Officer	Power, as an approved provider, to keep the records referred to in section 88-1.	Section 88-1 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
116.	Chief Executive Officer	Power, as an approved provider, to keep records of the kind and in the form specified in the Records Principles.	Section 88-2 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
117.	Chief Executive Officer	Power, as an occupier of premises, to consent to the entry of an authorised officer to the premises and to withdraw the consent at any time.	Section 91-1(3) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
118.	Chief Executive Officer	Power, as an occupier of premises, to provide an authorised officer who entered the premises under section 91-1(1) with reasonable assistance and to refuse to provide the assistance.	Section 91-3 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Aged Care Act 1997 (Cth)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
119.	Chief Executive Officer	Power, as an approved provider, to as an occupier of premises, to consent to the entry of an authorised complaints officer to the premises and to withdraw the consent at any time.	Section 94B-3(3) <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
120.	Chief Executive Officer	Power, as an occupier of premises, to provide an authorised complaints officer who entered the premises under section 94B-3 with reasonable assistance and to refuse to provide the assistance.	Section 94B-5 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	
121.	Chief Executive Officer	Power, as a person who has made an application to the Secretary under the Act, to withdraw the application.	Section 96-7 <i>Aged Care Act 1997 (Cth)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Animal Care and Protection Act 2001

Document Updated:	16/07/2018
Reprint:	01/07/2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, in the specified circumstances, to agree in writing to the transfer of the ownership of an animal or other thing to Council.	Sections 156(2) <i>Animal Care and Protection Act 2001</i>	19 March 2019	
	Chief Executive Officer	Power, in the specified circumstances, to deal with an animal or other thing as considered appropriate.	Section 157 <i>Animal Care and Protection Act 2001</i>	19 March 2019	
	Chief Executive Officer	Power, in the specified circumstances, to recover the cost from the animal's owner or former owner.	Section 189 <i>Animal Care and Protection Act 2001</i>	19 March 2019	
	Chief Executive Officer	Power, in the specified circumstances, to agree in writing to the transfer of the ownership of an animal to Council.	Section 214A(2) <i>Animal Care and Protection Act 2001</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Animal Management (Cats and Dogs) Act 2008

Date Reviewed:	16/07/2018
Reprint No:	26/05/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give identifying information to particular persons.	Section 39 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to recognise a body supervising an exhibition in which a cat or dog is participating.	Section 42(4) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as an approved entity, to:- (a) conduct an accreditation scheme to breed dogs; and (b) accredit a person as an “accredited breeder” under the accreditation scheme. ## Note: this section only applies to local governments who have been declared to be an approved entity under section 43W.	Section 43B <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Animal Management (Cats and Dogs) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an approved entity, to give an accreditation number to an accredited breeder. ## Note: this section only applies to local governments who have been declared to be an approved entity under section 43W.	Section 43C <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give registration notice.	Section 49(2) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to keep registration form and information.	Section 51 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to fix the fee for the registration of a dog.	Section 52 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to recognise a body supervising an exhibition or an obedience trial in which a dog is participating.	Section 64(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Animal Management (Cats and Dogs) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to require applicant to give a stated document or information that is relevant to a permit application.	Section 74(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to grant or refuse a permit application within a certain time.	Section 75(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to decide whether desexing is likely to be a serious risk to the health of a dog.	Section 75(3) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to impose conditions on the grant of an application for a restricted dog permit.	Section 75(5) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to issue a restricted dog permit.	Section 77 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to issue a decision notice after deciding to refuse a permit application.	Section 79 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Animal Management (Cats and Dogs) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to grant or refuse a renewal application within a certain time.	Section 84(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to seek further information in deciding an application for a renewal application.	Section 84(4)(b) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	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) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to amend a restricted dog permit at any time.	Section 87 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	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) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Animal Management (Cats and Dogs) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to determine whether a dog is of a breed mentioned in section 63(1).	Section 89(4) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a dog owner a proposed declaration notice regarding a dog.	Section 90 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to withdraw a proposed declaration notice regarding a dog.	Section 92 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to destroy a surrendered regulated dog.	Section 100 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Animal Management (Cats and Dogs) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to recover reasonable seizure or destruction costs.	Section 102 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give notice of a proposed inspection program.	Section 114 <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to include other information considered appropriate in the general register.	Section 178(e) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to authorise an employee to verify a copy of a document.	Section 198(1) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Animal Management (Cats and Dogs) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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:- (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) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	
	Chief Executive Officer	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) <i>Animal Management (Cats and Dogs) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

Date Updated:	16/07/2018
Reprint No:	03/07/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, in a circumstance listed in subsection (1), to advise an inspector of the presence of the biosecurity matter.	Section 36(2) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to carry out the main function of a local government under the Act.	Section 48 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the Minister.	Section 50(3) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a notice issued by the Minister pursuant to subsection (4).	Section 50(5) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to agree with the chief executive that Council cannot achieve substantial compliance with the notice.	Section 51(2) <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to comply with a request from the Minister for a written report made pursuant to subsection (1).	Section 52(2) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to prepare and approve a biosecurity plan for invasive biosecurity matter for Council's area.	Section 53 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to keep a copy of the biosecurity plan available for inspection.	Section 54 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the chief executive about the suitability and priority of the activities.	Section 59 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to pay the amount required by a notice issued by the Minister pursuant to this section.	Section 60(5) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a building authority for a barrier fence, or as an owner of land affected by the amendment, to consult with the chief executive about the amendment of the barrier fence map.	Section 91(3) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a building authority for a barrier fence, in the circumstance set out in subsection (1), to build and pay for a gate or grid in the fence.	Section 92(2) <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a building authority for a barrier fence, to undertake the activities set out in subsections (a) and (b).	Section 93 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a building authority for a barrier fence, to enter a place in the circumstances set out in subsection (1).	Section 94 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a building authority for a barrier fence, to enter into an agreement with another person about making an opening in the fence for a particular purpose and period.	Section 95 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a building authority for a barrier fence, to give a notice to a person requiring the person to restore the fence.	Section 96(2) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a building authority for a barrier fence, to carry out the restoration of the barrier fence and recover the reasonable costs from the person to whom notice was given pursuant to subsection (2).	Section 96(4) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a building authority for a barrier fence part, to appoint a person employed or engaged by Council to exercise powers under the Act in relation to the barrier fence part.	Section 100 <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a building authority for a barrier fence part, to give directions to a barrier fence employee.	Section 101(2) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant entity, to consult with the chief executive about a proposed making of a code of practice.	Section 105 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to make written submissions on a proposed guideline.	Section 107 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to apply to an inspector for a biosecurity emergency order permit.	Section 121 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to apply to an inspector for a biosecurity instrument permit.	Section 132 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power as a registrable biosecurity entity to apply for registration.	Sections 145 and 147 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power as a registrable biosecurity entity to apply for a registration exemption.	Section 146 <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make written submissions in response to a notice from the chief executive.	Section 150(3)(b) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, in the circumstances referred to in subsection (1) to apply for deregistration as a biosecurity entity.	Section 152 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a requirement of the chief executive made under subsection (2) or (3).	Section 156(2) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power as a registered biosecurity entity, owner or occupier to give the chief executive a restricted place notice.	Section 160(2) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for the removal of the entry for a restricted place from the biosecurity register.	Section 164 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for the end of a declaration of a designated animal as a restricted animal.	Section 164A <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give the chief executive further information or a document about the application.	Section 165 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power as a registered biosecurity entity to give the chief executive a change notice.	Section 170(2) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for a travel approval for the movement of a special designated animal.	Section 181 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a receiver of a special designated animal at a place, to take the action referred to in subsection (2).	Section 190 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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) <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, to comply with all reasonable directions the inspector gives.	Section 193(3) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant person, to create a movement record for a designated animal and to give the record to the conveyer or drover of the animal.	Section 194(2) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a direction of the chief executive issued pursuant to subsection (2).	Section 229 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to apply for the transfer of a prohibited matter permit or a restricted matter permit.	Section 230 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to consult with an interested entity about a proposed biosecurity program.	Section 235(3)(d) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the chief executive about a proposed biosecurity program.	Section 239(1) <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consult with the chief executive and an invasive animal board before authorising a biosecurity program.	Section 239(2) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to give make copies of a biosecurity program authorisation available for inspection and purchase at Council's public office.	Section 241 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as the issuing authority, after receiving an internal review application to conduct an internal review and make a decision.	Section 365 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as the issuing authority, to give notice of an internal review decision.	Section 366 <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the issuing authority, to make a new decision following the receipt of directions from the court.	Section 372(1) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as the issuing authority for a biosecurity order, to give notice of the amount of the debt.	Section 380(2) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a third party, to appear at the hearing of an application for a cost recovery order.	Section 383 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a government and industry agreement with the Minister or the chief executive.	Section 391 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a compliance agreement with the chief executive.	Section 393 <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to the chief executive to enter into a compliance agreement with the State.	Section 396 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief executive further information or a document required to decide the application.	Section 399(1)(b) <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder for a relevant authority, to make written representations about the show cause notice to the chief executive.	Section 485 <i>Biosecurity Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder for a relevant authority, to ask the chief executive to cancel the authority.	Section 490 <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Biosecurity Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Biosecurity Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Body Corporate and Community Management (Accommodation Module) Regulation 2008

Date Reviewed:	16/07/2018
Reprint No:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 159 (6)(b) <i>Body Corporate and Community Management (Accommodation Module) Regulation 2008.</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Body Corporate and Community Management (Commercial Module) Regulation 2008

Date Reviewed:	16/07/2018
Reprint No:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 117 (6)(b) <i>Body Corporate and Community Management (Commercial Module) Regulation 2008.</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Body Corporate and Community Management (Small Schemes Module) Regulation 2008

Date Reviewed:	16/07/2018
Reprint No:	01/07/2018
Changes:	95(6)(b)

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 95(6)(b) <i>Body Corporate and Community Management (Small Schemes Module) Regulation 2008.</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

Document Updated:	16/07/2018
Reprint:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011.</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Body Corporate and Community Management (Standard Module) Regulation 2008

Date Reviewed:	16/07/2018
Reprint No:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 161(6)(b) <i>Body Corporate and Community Management (Standard Module) Regulation 2008.</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Body Corporate and Community Management Act 1997

Date Reviewed:	16/07/2018
Reprint No:	03/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a relevant planning authority, to endorse a community management statement notation on a proposed community management statement.	Section 60(3) <i>Body Corporate and Community Management Act 1997</i>	19 March 2019	
	Chief Executive Officer	Power, as a utility service provider, to enter an agreement with a body corporate in relation to the utility charges for the scheme land.	Section 196(4) <i>Body Corporate and Community Management Act 1997</i>	19 March 2019	
	Chief Executive Officer	Power, as a utility service provider, to ask the registrar to register a charge and to remove the charge when the amount secured by the charge is paid.	Section 197 <i>Body Corporate and Community Management Act 1997</i>	19 March 2019	
	Chief Executive Officer	Power to enter the common property if necessary to exercise a power conferred under an Act.	Section 316(1) <i>Body Corporate and Community Management Act 1997</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

Date Reviewed:	16/07/2018
Reprint No:	01/01/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to consult with the chief executive about the variation application.	Section 41(1) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power, under the Planning Act to receive, assess and decide a building development application.	Section 51(2)(a) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to appoint or employ a private certifier or another building certifier.	Section 51(2)(b) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to issue a building development approval.	Section 52 <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, in carrying out functions under the <i>Building Act</i> , 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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Planning Act</i> .	Section 54 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Planning Act</i> at any stage the assessment manager considers appropriate.	Section 55 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a registered easement or statutory covenant, to consent to building work.	Section 65 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a private certifier a document acknowledging receipt of the fee mentioned in subsection 86(1)(c).	Section 87 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power, as the assessment manager, to give a reminder notice about the lapsing.	Section 95 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power, as the assessment manager, to take enforcement action against an owner contravening section 114 of the Act.	Section 117 <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a building certifier a notice ('show cause notice').	Section 206(1) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to notify the QBCC of its application to the Queensland Civil and Administrative Tribunal.	Section 210 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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).	Sections 221(2)(b) and (3) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to decide the application and give the owner an information notice about the decision.	Section 221(4) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to inspect budget accommodation buildings at least once every 3 years.	Section 228 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to require the applicant to give medical evidence to support the application.	Section 236 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to give notice of Council's decision (including an information notice about the decision).	Section 238 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to give notice of each exemption granted under Chapter 8, Part 2, Division 3 to the QBCC commissioner.	Section 239 <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give an applicant a show cause notice.	Section 242(2) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to consider any representations made under the show cause notice and give a further notice (a revocation notice) to the applicant, revoking the decision previously given.	Section 242(3) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to give to the QBCC commissioner notice of each revocation notice given.	Section 243 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to give written notice of the grant of an exemption.	Section 245C(1) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to give an information notice.	Section 245C(2) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to give the owner of the regulated pool a show cause notice.	Section 245E(2) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to give the QBCC commissioner the notices required by sections 245F(1) and 245F(2).	Section 245F <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as owner of adjoining land, where Council has carried out urgent fencing work under section 245XK of the <i>Building Act</i> 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 <i>Building Act</i> , to require the owner of the other land to contribute a share for any reasonable cost incurred for the fencing work.	Section 245XN(2) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to cancel pool safety certificate for a regulated pool.	Section 246AF(2) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to give the QBCC commissioner notice of the cancellation of the pool safety certificate for a regulated pool.	Section 246AF(3) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive officer	Power to give a show cause notice before cancelling a pool safety certificate.	Section 246AG(1) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to consider submissions and decide whether to cancel a pool safety certificate.	Section 246AG(5) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive officer	Power to give the owner notice of the decision.	Section 246AG(6) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive officer	Power to give the owner an information notice about the decision.	Section 246AG(7) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive officer	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 <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive officer	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 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a request for information from the QBCC commissioner.	Section 246AIB(2) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to, by gazette notice, designate land as a transport noise corridor.	Section 246X <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to give a notice ('enforcement notice') to the owner of a building, structure or building work.	Section 248(1) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	Power to give a person a show cause notice.	Section 248(3) <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as local government, to make a complaint for an offence against section 245G(1) of the <i>Building Act 1975</i> .	Section 256(2)(d) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Act 1975

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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) <i>Building Act 1975</i>	19 March 2019	
	Chief Executive Officer	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 <i>Building Act 1975</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Building Regulation 2006

Date Updated:	16/07/2018
Reprint No:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Building Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power to keep a register of the flood hazard areas Council designates and when each designation was made.	Section 13(4) <i>Building Regulation 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Coastal Protection and Management Act 1995

Date Reviewed:	16/07/2018
Reprint No:	3/7/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make submissions to the Minister regarding a draft coastal plan.	Section 25(2)(d) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to make a copy of a draft coastal plan available for inspection by the public.	Section 25(5) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a request from the Chief Executive to carry out particular activities necessary to implement a coastal plan.	Section 34(2) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to:- (a) make submissions to the Minister before a regulation, pursuant to section 54(1)(b), is made declaring, changing the boundaries of or abolishing a coastal management district; and (b) when making a submission, ask the Minister for a response on the submission.	Section 57 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Coastal Protection and Management Act 1995

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to appeal against the chief executive's decision to give a coastal protection notice to Council.	Section 59(5) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to appeal against the chief executive's decision to give a tidal works notice to Council.	Section 60(7) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land or as a party with an interest in the land, to:- (a) give written notice to the chief executive claiming compensation at any time during, or within 3 months after, the chief executive's occupation and use of the land; and (b) make an agreement with the chief executive concerning the amount of compensation payable.	Section 68(5), (6) and (9) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to keep available for inspection by the public any document given to Council under section 70(2)(c) or 71(2)(b).	Section 72 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Coastal Protection and Management Act 1995

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make an application to the chief executive for an allocation of quarry material in tidal water.	Section 73 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission to the chief executive about Council's views on the removal of quarry material or placement of spoil regarding an application for allocation of quarry material.	Section 75(3)(c) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power, as an allocation notice holder, to give the chief executive written notice:- a) about the quantity of quarry material removed under the allocation in a period where a condition requires it; or b) about the quantity of quarry material removed under the allocation in a quarter within 20 business days after the end of a quarter.	Section 80(2) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power, as an allocation notice holder, to apply to the chief executive to transfer all or part of the allocation to another person.	Section 82 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power, as an allocation notice holder, to apply to the chief executive officer to renew the allocation notice.	Section 83 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Coastal Protection and Management Act 1995

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an allocation notice holder, to make representations to the chief executive showing why the allocation notice should not be amended, suspended or cancelled.	Section 86(1) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power, as an allocation notice holder, to surrender the allocation.	Section 88 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to endorse a plan of subdivision with Council's acceptance of trusteeship of the reserve.	Section 115B(5)(a) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to certify a plan of subdivision which shows an artificial waterway.	Section 119(2) <i>Coastal Protection and Management Act 1995.</i>	19 March 2019	
	Chief Executive Officer	Power to maintain and keep clean each canal in its area and access channel for a canal in its area, whether or not the access channel is in its area.	Section 121 <i>Coastal Protection and Management Act 1995.</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Coastal Protection and Management Act 1995

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power:- (a) as an owner of freehold land; or (b) an occupier of land, other than freehold land, adjacent to State tidal land; or (c) as a public utility provider; or (d) as a trustee under any law or agreement, to occupy and use State tidal land to carry out tidal works in accordance with a development permit or to maintain and use infrastructure constructed as part of tidal works.	Section 123(4) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power:- (a) as an owner of freehold land adjacent to State tidal land; or (b) as an occupier of land, other than freehold land, adjacent to State tidal land ;or (c) as a public utility provider; or (d) as a trustee under any law or agreement, to ensure that tidal works are maintained in a safe condition.	Section 124 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to allow an authorised person to enter the land.	Section 134(3)(a) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Coastal Protection and Management Act 1995

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to claim compensation if Council incurs a loss or expense because of the exercise or purported exercise of a power under chapter 3, part 2, division 1 by an authorised person.	Section 136 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of an interest in land, to claim compensation if the existing use that may be made of the land is changed by a prohibition imposed by the coastal plan or the declaration of a coastal management district.	Section 150 and 152 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of an interest in land, to appeal against the decision of the chief executive regarding a claim for compensation under section 150.	Section 153(3) and (4) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to make an appeal to the Planning and Environment Court against the chief executive's decision to give Council a coastal protection or tidal works notice.	Section 159 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to bring a proceeding in the Planning and Environment Court for a declaration about a matter done, to be done or that should have been done, for chapter 2, part 3, division 2.	Section 164A <i>Coastal Protection and Management Act 1995</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Coastal Protection and Management Act 1995

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to:- (a) where the chief executive has delegated powers under the <i>Coastal Protection and Management Act 1995</i> , to exercise those powers; and (b) sub-delegate the powers delegated by the chief executive under subsection (1) to an appropriately qualified entity.	Section 165 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to elect not to be the assessment manager (in which case Council cannot be a referral agency) for an application to make a minor change to a deemed approval under section 177.	Section 190 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to elect not to be the responsible entity for a request to make a permissible change to a deemed approval under section 177.	Section 193 <i>Coastal Protection and Management Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to elect not to be the responsible entity for a change application.	Section 206(5) <i>Coastal Protection and Management Act 1995</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

Date Reviewed:	17/07/2018
Reprint No:	11/8/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an assessment manager, to determine if the application is a properly made application.	Section 1.2 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to give a confirmation notice.	Section 2.3 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to give an action notice.	Section 3.1 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to give a confirmation notice if the applicant has complied with the action notice.	Section 3.4 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to accept the application as a properly made application after giving an action notice.	Section 3.5 <i>Development Assessment Rules</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an assessment manager, to agree on a further period for giving a confirmation notice.	Section 3.6(b) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as a referral agency, to determine if the application is a properly referred application.	Section 6.2 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as a referral agency, to give a referral confirmation notice.	Section 7.1 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as a referral agency, to give the applicant an action notice	Section 8.1(a) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as a referral agency, to give a copy of the action notice to the assessment manager.	Section 8.1(b) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as a referral agency, to agree to a further period for the referral agency assessment period.	Sections 9.2(a) and (b) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessing authority, to agree to receive further information from the applicant during the development assessment process.	Section 11.2 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessing authority, to make an information request.	Section 12.1 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to agree to a further period in which to make the information request.	Section 12.2 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as a referral agency, to agree to a further period in which to make the information request.	Section 12.4 <i>Development Assessment Rules</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessing authority, to agree to a further period for the applicant to respond to the information request.	Section 13.1 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to accept properly made submissions and not properly made submissions.	Section 19.1 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to agree to a further period to consider the submissions.	Section 19.3 <i>Development Assessment Rules</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the assessment manager, to agree to a further period to assess and decide the application.	Section 22.1(a) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as the assessment manager, to:- (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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as the assessment manager, to determine whether the change:- (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 <i>Development Assessment Rules</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessing authority, despite section 11.1, to make an information request about the change.	Section 27.2 <i>Development Assessment Rules</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	Power, as a concurrence agency, to agree to a further period for the giving of an amended referral agency response.	Section 28.4(b) <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	
	Chief Executive Officer	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 <i>Development Assessment Rules</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Disaster Management Act 2003

Document Updated:	16/07/2018
Reprint:	03/07/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to establish a Local Disaster Management Group for the local government area.	Section 29 <i>Disaster Management Act 2003</i> .	19 March 2019	
	Chief Executive Officer	Power to agree to unite with one or more other local government/s for the purpose of establishing a local group.	Section 31 <i>Disaster Management Act 2003</i> .	19 March 2019	
	Chief Executive Officer	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 of the district group for the disaster district in which the Local Disaster Management Group is situated.	Section 37 <i>Disaster Management Act 2003</i> .	19 March 2019	
	Chief Executive Officer	Power to prepare a local disaster management plan for disaster management in the local government's area.	Section 57(1) <i>Disaster Management Act 2003</i> .	19 March 2019	
	Chief Executive Officer	Power to review, or renew, its local disaster management plan when local government considers it appropriate.	Section 59 <i>Disaster Management Act 2003</i> .	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Disaster Management Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to, on payment of the appropriate fee, give a person a copy of the local disaster management plan.	Section 60 <i>Disaster Management Act</i> 2003.	19 March 2019	
	Chief Executive Officer	Power to agree to unite with one or more other local governments for the purpose of preparing a local disaster management plan.	Section 61 <i>Disaster Management Act</i> 2003.	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Disaster Management Regulation 2014

Document reviewed:	16/07/2018
Regulation as at:	15/06/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to appoint a person to a district disaster management group for a disaster district.	Section 5(1) <i>Disaster Management Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	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) <i>Disaster Management Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power to nominate a person to a temporary district disaster management group.	Section 7(1) <i>Disaster Management Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power to appoint a person as a member of a local disaster management group.	Section 9(1) <i>Disaster Management Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power to appoint a chairperson and deputy chairperson of a local disaster management group.	Section 10(1) <i>Disaster Management Regulation 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Economic Development Act 2012

Date Reviewed:	16/07/2018
Reprint No:	3/7/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consult with MEDQ about a proposed declaration under section 40C(1).	Section 40B <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions to MEDQ about the proposed planning instrument change.	Section 41(5)(b) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power as the proposer to prepare a proposed planning instrument change. For the avoidance of doubt this power includes all actions and all matters required to be considered under sections 42A, 42B, 42C, 42D, 42E, 42G, 42H, 42I, 42J and 42L of the <i>Economic Development Act 2012</i>	Sections 42A, 42B, 42C, 42D, 42E, 42G, 42H, 42I, 42J and 42L <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power to agree to the making of a regulation making an interim local law.	Section 43(3) <i>Economic Development Act 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Economic Development Act 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to comply with a request by MEDQ to supply documents or information.	Section 52(3) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power to consult with MEDQ about a proposed development scheme.	Section 58(2)(a) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power as an owner of land to consent to the making of a PDA development application.	Section 82(1)(b) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions to MEDQ about a PDA development application.	Section 84(4)(d) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power as an owner of land to consent to the cancellation of a PDA development approval.	Section 98(2) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power as an owner of land to consent to the making of an amendment application.	Section 99(5) <i>Economic Development Act 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Economic Development Act 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power as a superseding public sector entity to continue to make and levy the infrastructure expenses recoupment charge.	Section 116E(3)(b) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power as a charging entity to give a charge notice.	Section 116G <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power to recover a charge that becomes owing under subsection (1).	Section 117 <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power to consult with MEDQ about a proposed infrastructure agreement likely to continue to apply to land after the land ceases to be in, or to be PDA-associated land for, a priority development area.	Section 122(2) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power as a directed entity to do everything reasonably necessary to comply with a direction given by MEDQ.	Section 127(4) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power as a directed entity to comply with a direction given by MEDQ to provide or maintain stated infrastructure in, or relating to, a stated priority development area.	Section 128(4) <i>Economic Development Act 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Economic Development Act 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to subdelegate a function or power of MEDQ delegated to Council under subsection (1) to an appropriately qualified employee Council.	Section 169(4) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power as a directed entity, in the circumstances specified in subsection (1), to comply with the direction.	Section 213(2) <i>Economic Development Act 2012</i>	19 March 2019	
	Chief Executive Officer	Power as a directed entity, in the circumstances specified in subsection (1), to comply with the direction.	Section 214(2) <i>Economic Development Act 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Electricity Act 1994

Note: This register contains the powers of Council as a road authority, public entity and street lighting customer only. It does not contain provisions which apply to Council as a consumer of electricity.

Document Updated:	16/07/2018
Reprint:	03/07/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a road authority, to enter a written agreement with an electricity entity.	Section 102(2) <i>Electricity Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a road authority, to give an electricity entity information about lines and levels for proposed roadworks.	Section 102(4) <i>Electricity Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a road authority, to consult with an electricity entity.	Section 103 <i>Electricity Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a public entity, to require an electricity entity to alter the position of the electricity entity's works in a publicly controlled place if the works could interfere with the exercise of the public entity's powers for the place.	Section 106 <i>Electricity Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a public entity, to refer a dispute with an electricity entity arising under Chapter 4, Part 4 of the Act to the Regulator.	Section 117(2) <i>Electricity Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Electricity Act 1994

Note: This register contains the powers of Council as a road authority, public entity and street lighting customer only. It does not contain provisions which apply to Council as a consumer of electricity.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a person whose interests are affected by a decision mentioned in schedule 1, to apply to the reviewer for internal review of the decision, including all steps necessary to progress the internal review (such as applying for a statement of reasons, applying to QCAT for a stay, participating in a mediation or arbitration).	Sections 214, 215, 216 and 217 <i>Electricity Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a person whose interests are affected by a decision of the regulator under section 218 to apply to QCAT for an external review of the decision.	Section 219 <i>Electricity Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Electricity Regulation 2006

Note: This register contains the powers of Council as a public entity and local government only. It does not contain provisions which apply to Council as a consumer of electricity.

Document Updated:	16/07/2018
Reprint:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a public entity, to agree on a different consultation period with an electricity entity.	Section 18(3) <i>Electricity Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a public entity, to impose reasonable requirements on an electricity entity that proposes to undertake action on a publicly controlled place.	Section 19(1) <i>Electricity Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a public entity, to require an electricity entity to provide additional warning or protection devices to safeguard the public whilst taking action on a publicly controlled place.	Section 20(2) <i>Electricity Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a public entity, to agree with an electricity entity about the restoration of a publicly controlled place that has been opened or broken up, including the power to impose reasonable conditions and requirements for the restoration.	Section 21(2) <i>Electricity Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a public entity, to agree with an electricity entity about the way maintenance work is to be carried out.	Section 22(2) <i>Electricity Regulation 2006</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Electricity Regulation 2006

Note: This register contains the powers of Council as a public entity and local government only. It does not contain provisions which apply to Council as a consumer of electricity.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government, to consult with a person about the installation of a low voltage electricity line beyond the person's property, including the power to state in writing whether or not Council has any objection to the proposal.	Section 24 <i>Electricity Regulation 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Offsets Act 2014

Document updated:	16/07/2018
Act current as at:	03/07/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make an environmental offsets policy available for inspection.	Section 12(3) <i>Environmental Offsets Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to consider a notice of election and any offset delivery plan.	Section 19(1) <i>Environmental Offsets Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to decide whether it is appropriate to deliver the environmental offset in the way stated in the notice of election, and any offset delivery plan, or whether the offset should be delivered in a different way and to give notice of the decision.	Sections 19(2) and 19(3) <i>Environmental Offsets Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to agree to amend either or both of the agreed delivery arrangement and an offset delivery plan.	Section 19(7) <i>Environmental Offsets Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Offsets Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give the notice required to be given under subsection (4).	Section 19A <i>Environmental Offsets Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to enter another agreed delivery arrangement..	Section 20 <i>Environmental Offsets Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to decide an application to remove duplicate conditions.	Section 25A <i>Environmental Offsets Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to credit amounts received by Council as a financial settlement offset to Council's trust fund.	Section 89(1) <i>Environmental Offsets Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power to transfer an amount received by Council as a financial settlement offset in one of the circumstances listed in subsection (2).	Section 89(2) <i>Environmental Offsets Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Offsets Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Offsets Act 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering agency, to decide an application to amend:- <ul style="list-style-type: none"> (a) an existing authority; (b) an authority granted, on or after commencement, as the result of an application that was made but not dealt with, before commencement, and to do all things authorised or required by section 95B following the making of the decision.	Section 95B <i>Environmental Offsets Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Offsets Regulation 2014

Document Updated:	16/07/2018
Reprint:	29/06/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Environmental Offsets Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Offsets Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a decision maker, to remove an advanced offset from the register kept under section 90 of the Act.	Section 14(7) <i>Environmental Offsets Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Offsets Regulation 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Offsets Regulation 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a relevant entity, to extend the time for applying for internal review.	Section 18(2) <i>Environmental Offsets Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Offsets Regulation 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection (Water) Policy 2009

Document Updated:	16/07/2018
Reprint:	6/12/2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, in cooperation with the chief executive, to develop a healthy waters management plan.	Section 24(2) <i>Environmental Protection (Water) Policy 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

Date Reviewed:	16/07/2018
Reprint No:	01/01/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an affected person, to make written comments to the chief executive about a TOR notice.	Sections 42 and 43 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to make a written submission about a submitted EIS.	Section 54 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to give an applicant a notice about an application that is not a properly made application.	Section 128 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to agree a further period within which the applicant must give notice under section 128	Section 129 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to give written agreement that a change to an application is a minor change.	Section 133 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to determine satisfaction that the requirements under the application stage have been complied with.	Section 136(b)(i) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to agree to extend the applicant's information request response period.	Sections 145 and 147 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to determine not to make an information request.	Section 148(b)(i) <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to determine the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.	Section 150(1)(d) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to decide to allow or not allow substantial compliance with public notice requirements.	Section 159	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to approve a standard application subject to the standard conditions for the relevant activity or authority.	Section 170 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to refuse a site- specific application or approve a site-specific application subject to conditions.	Section 172 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to issue an environmental authority..	Section 172 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to include a copy of the environmental authority in the relevant register.	Section 177 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to give an information notice to the applicant for an environmental authority.	Section 198(2) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to give an information notice about the decision to any submitter for the application.	Section 198(4) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to impose a condition on an environmental authority or draft environmental authority to which section 115 applies.	Section 203 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to make an amendment to an environmental authority:- (a) which is necessary or desirable because of a matter mentioned in section 215(2) and where the procedure required by Chapter 5, Part 6, Division 2; or (b) if the holder has agreed in writing to the amendment.	Section 215 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to set the submission period for the application by written notice.	Section 234 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to give written agreement to the continued assessment of a changed application to amend an environmental authority.	Section 237 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to:- (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	Sections 240 & 242 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to:- (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 <i>Environmental Protection Act 1994.</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994.</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to approve or refuse a surrender application.	Section 266 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to:- (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; (c) give notice of the decision; and (d) record the action in the relevant register.	Sections 278, 279, 280, 281, 282, 283 and 284 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to decide the amount and form of financial assurance required under a condition of an environmental authority.	Section 295 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to give notice of the decision under section 295(1).	Section 296 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to decide to make a claim on or realise a financial assurance and give an information notice about the decision.	Section 301 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to require a change of the amount of a financial assurance.	Section 306 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the administering authority, to recover from the holder of an environmental authority as a debt, outstanding annual fees.	Section 308 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to change an anniversary day for an environmental authority.	Section 311 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority to, in the circumstances specified in section 314(1)(a) and 314(1)(b):- (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; (b) give written notice of the proposed requirement prior to making it.	Section 314 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to ask any entity for advice, comment or information about an application made under Chapter 5.	Section 315 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions about a proposed ERA standard.	Section 318A <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to require a person to conduct or commission an environmental investigation.	Section 326B <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to ask for further information.	Section 326F <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to accept the report or refuse to accept the report and to give notice of the decision.	Section 326G <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to require a person or public authority to submit a draft transitional environmental program.	Section 332 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to submit a draft transitional environmental program to the administering authority for approval.	Section 333 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission in relation to a draft transitional environmental program.	Section 335 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to seek advice, comment or information about a TEP submission.	Section 336A <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to approve a draft transitional environmental program if there has been substantial compliance with public notice requirements.	Section 342 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to consider and approve or refuse an application to amend a transitional environmental program.	Section 344 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to withdraw the notice or remove the record.	Section 344F <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to apply to the Court for an order that section 353(1) does not apply.	Section 355 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as administering authority, to – <ul style="list-style-type: none"> • 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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as administering authority, to amend, cancel or suspend a temporary emissions licence.	Section 357J <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as holder of a temporary emissions licence, to give written agreement to the amendment of the licence.	Section 357J <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to issue an environmental protection order.	Section 358 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to decide a person has a relevant connection with a company.	Section 363AB <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to issue an environmental protection order to a related person of the company.	Section 363AC <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to issue an environmental protection order to a related person of a high risk company.	Section 363AD <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to issue a cost recovery notice to the recipient.	Section 363AI <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to claim the amount from the recipient as a debt.	Section 363AI(7) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, to give the administering authority:- (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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a prescribed responsible person, to comply with a notice issued by the administering authority pursuant to this section.	Section 394(5) <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a prescribed responsible person, to:- (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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a prescribed responsible person, to comply with a requirement of the administering authority given pursuant to this section.	Section 397 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land in a circumstance listed in subsection (1), to give the notice required by subsection (2).	Section 408 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to require a person to provide information for the enforcement or administration of this Act.	Section 451 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as owner or occupier of land, to consent to an authorised person's entry onto the land.	Section 452 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as owner or occupier of land, to consent to an authorised person's entry onto the land.	Section 454 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to issue a notice that an authorised person will enter land.	Section 454(3)(b) and (4) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the occupier of access land, to consent to an authorised person's entry onto the land.	Section 455 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to waive payment of costs of investigation or remediation work.	Section 489 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to make an application to the court for an order against a defendant for costs.	Section 501(1)(c) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to make an application to the Court to remedy or restrain an offence against this Act.	Section 505 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the administering authority, to: (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 (d) take all reasonable steps to have any proceedings in relation to the contravention discontinued.	Section 507 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the administering authority, to amend an enforceable undertaking by written agreement.	Section 510 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the administering authority, to:- (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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the administering authority, to apply to the Magistrates Court for an order if a person contravenes an enforceable undertaking.	Section 513(2) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, where the chief executive has delegated the powers as an administering authority to Council, to exercise those delegated powers.	Section 518(1) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to review a decision.	Section 521(5) <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a dissatisfied person, to apply for a review of an original decision.	Section 521 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, keep the registers listed in section 540(1) and keep them available for inspection.	Section 540, 541 and 542 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to prepare and submit a report to the chief executive.	Section 546 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to consult with the chief executive about guidelines the chief executive proposes for administering authorities.	Section 548(3) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the chief executive about guidelines the chief executive proposes.	Section 549(3) <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, in the circumstance referred to in subsection 574BA(1), to recover the administering authorities reasonable costs and expenses in performing the function.	Section 574BA <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to amend a condition about financial assurance imposed under Chapter 13 Part 7.	Section 634 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Regulation 2008

Document reviewed:	16/07/2018
Reprint:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a transporter, to give the administering authority notice of a discrepancy in information received from the generator.	Section 81J(3) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a receiver, to record the prescribed information about the waste.	Section 81K(1) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a receiver, to give a copy of the prescribed information about the waste to the administering authority.	Section 81K(2) <i>Environmental Protection Regulation 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Regulation 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a receiver, to give the administering authority notice of a discrepancy in information received from the transporter.	Section 81K(3) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a receiver, to record the prescribed information about the waste.	Section 81O(1) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a receiver, to give a copy of the prescribed information about the waste to the administering authority.	Section 81O(2) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a receiver, to give the administering authority notice of a discrepancy in information received from the transporter.	Section 81O(3) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a generator, to give the prescribed information about the waste to the administering authority.	Section 81R(2) <i>Environmental Protection Regulation 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Regulation 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a transporter, to give the administering authority notice of a discrepancy in information received from the generator.	Section 81S(2) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the administering executive for a generator identification number.	Section 81ZB <i>Environmental Protection Regulation 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Regulation 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to require an owner or occupier of relevant premises to supply waste containers other than standard general waste containers.	Section 81ZF(1)(b) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power to supply premises with standard general waste containers.	Section 81ZF(2) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power to require a waste container to be kept at a particular place at a premises.	Section 81ZH(1)(a) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Regulation 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Regulation 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a written notice about the removal of general waste.	Section 81ZJ <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Regulation 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to administer and enforce chapter 5A, part 2.	Section 81ZS <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner, operator or controller of a waste facility, to administer and enforce chapter 5A, part 3.	Section 81ZT <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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) <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Regulation 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power to administer and enforce those provisions of the Act devolved to Council.	Sections 98, 99, 100 and 101, 102 <i>Environmental Protection Regulation 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Regulation 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to recover as a debt an unpaid fee under the Act.	Section 116A <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power to administer and enforce former environmentally relevant activities devolved to Council.	Section 156 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	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 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to refund to the holder of an environmental authority an annual fee if environmental authorities are amalgamated.	Section 168 <i>Environmental Protection Regulation 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Environmental Protection Regulation 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an administering authority, to exercise the power contained in previous section 135 where the circumstances in subsection 177(1) apply.	Section 177 <i>Environmental Protection Regulation 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to exercise the power contained in previous section 136 where the circumstances in subsection 178(1) apply.	Section 178 <i>Environmental Protection Regulation 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Fire and Emergency Service Act 1990

Date Reviewed:	16/07/2018
Reprint No:	3/7/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to comply with a requirement issued by an authorised fire officer under subsection (2).	Section 58D <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a requisition notice.	Section 69 <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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 <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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 <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to implement an off-site emergency plan.	Section 101 <i>Fire and Emergency Service Act 1990</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Fire and Emergency Service Act 1990

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give written notice to the chief executive of a change of circumstances affecting an off-site emergency plan.	Section 102(1) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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 <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the commissioner about a notice under section 104G(1).	Section 104G(2) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to consult with an authorised officer about a notice under section 104I(7) or (8).	Section 104I(9) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Fire and Emergency Service Act 1990

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to furnish to the chief executive a return disclosing the particulars prescribed under a regulation relating to certain properties.	Section 109(1) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to collect annual contributions and other amounts imposed by the local government pursuant to Part 10 of the <i>Fire and Emergency Service Act</i> .	Section 111(2) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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(1) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to give the owner of a prescribed property a levy notice.	Section 112(2) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Fire and Emergency Service Act 1990

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to amend, revoke or revoke and give a new levy notice if the chief executive allows an appeal.	Section 113(6) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to decide the way in which it keeps an administration fee for performing functions under Part 10 of the <i>Fire and Emergency Service Act</i> .	Section 117(3) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to prepare and submit a return in the approved form	Section 118(4) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Fire and Emergency Service Act 1990

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to refuse or grant, subject to any conditions, an application to pay contributions by instalments.	Section 121(2) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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 <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the commissioner about the establishment of an SES unit in Council's local government area.	Section 133(2) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to nominate a person to be the local controller for an SES unit.	Section 134(2) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power as a local government affected by a disaster to request the commissioner to appoint a person as a SES coordinator.	Section 136(3) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Fire and Emergency Service Act 1990

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consult with the commissioner about the appointment of a person as a SES coordinator.	Section 136(4) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	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 <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the commissioner about the establishment of an ES unit in Council's local government area.	Section 141(2) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the commissioner about the functions of an ES unit in Council's local government area.	Section 142(3) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to nominate a person to be a ES unit coordinator.	Section 146(2) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	
	Chief Executive Officer	Power to produce to an authorised person any document or record mentioned in subsection (2)(b).	Section 152C(4) <i>Fire and Emergency Service Act 1990</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Food Act 2006

Document Updated:	16/07/2018
Reprint:	24/03/2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to administer and enforce the following provisions of the <i>Food Act 2006</i> : (a) section 39(1); (b) chapters 3 and 4; (c) chapter 6, other than section 159.	Section 23(1) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to administer and enforce sections 32, 33, 35 and 36 of the <i>Food Act 2006</i> , in conjunction with the State.	Section 24 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Food Act 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Food Act 2006</i> .	Section 28 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to consider and grant, or refuse to grant, an application for a licence to carry on a licensable food business.	Section 55 <i>Food Act 2006</i>	19 March 2019	Subject to consultation with Divisional Councillor.
	Chief Executive Officer	Power to obtain and consider the written advice of an auditor about whether a food safety program complies with section 98.	Section 56(2) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to decide whether premises are suitable for carrying on a licensable food business.	Section 58 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to require the applicant to give Council further information or documents that Council reasonably requires.	Section 59(1)(b) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to extend the time needed to make a decision about the application.	Section 62(2) <i>Food Act 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Food Act 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to issue a provisional licence, at any time prior to deciding an application for a licence.	Section 64 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to decide the term of the licence. (Note: not more than 3 years).	Section 67 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to decide the term of the provisional licence. (Note: not more than 3 months).	Section 68(1) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to impose reasonable conditions on the licence.	Section 69(1)(e) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to consider and renew, or refuse to renew, the licence for an application made under section 72(1) of the <i>Food Act 2006</i> .	Section 72(3) <i>Food Act 2006</i>	19 March 2019	Subject to consultation with Divisional Councillor.
	Chief Executive Officer	Power to consider and restore, or refuse to restore, the licence, where application has been made under section 73(1) of the <i>Food Act 2006</i> .	Section 73(3) <i>Food Act 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Food Act 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consider and amend, or refuse to amend, a licence, where application has been made under section 74(1) of the <i>Food Act 2006</i> .	Section 74(3) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to give a show cause notice.	Section 79(2) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to consider representations about a show cause notice.	Section 80(2) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to end the show cause process after considering representations made by the licensee.	Section 81 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to suspend a licence after considering representations (if any).	Section 82(2)(a) <i>Food Act 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Food Act 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to cancel a licence after considering representations (if any).	Section 82(2)(b) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to suspend a licence immediately.	Section 83(1) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to give an information notice and show cause notice, as required, before suspending a licence pursuant to section 83(1).	Section 83(2) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to consider and grant, or refuse to grant, an application for a replacement licence.	Section 97 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to consider an application and to accredit, or refuse to accredit, the food safety program.	Section 103(1) <i>Food Act 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Food Act 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power, before deciding the application, to require the applicant to give further information or documents reasonably required to decide the application.	Section 105(1) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to give an information notice to the applicant where the application is refused under section 107.	Section 107(4) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to decide that more time is needed to make a decision about the application.	Section 108(1) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power, after accrediting an applicant's food safety program, to decide how often the program must have compliance audits.	Section 109(2) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to determine changes to the frequency of compliance audits for a food safety program accredited by Council.	Section 110 <i>Food Act 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Food Act 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consider an application and approve, or refuse to approve, the amendment of an accredited food safety program.	Section 112(4) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power, before deciding the application, to require the applicant to give further information or documents reasonably required to decide the application.	Section 113(1) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power, by notice, to direct the holder of a Council accredited food safety program to amend the program.	Section 114 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to consider representations about a show cause notice.	Section 119 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power, after considering written representations by the holder of the accredited food safety program, to take no further action.	Section 120 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to cancel the accreditation of a food safety program.	Section 121 (2) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power to conduct a nonconformance audit of a food safety program.	Section 160(2) <i>Food Act 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Food Act 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to approve an improvement notice where remedying the contravention would be likely to stop the food business from operating.	Section 210(2) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as the 'reviewer', to review an original decision under Chapter 3 or Chapter 4 of the <i>Food Act 2006</i> .	Section 237 <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as reviewer, to, at any time, extend the time to apply for a review.	Section 238(2) <i>Food Act 2006</i>	19 March 2019	
	Chief Executive Officer	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 <i>Food Act 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Food Production (Safety) Act 2000

Date Updated:	16/07/2018
Reprint No:	01/07/2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to approve the appointment of an employee of Council as an authorised officer by Safe Food Production (QLD).	Section 83 <i>Food Production (Safety) Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Heavy Vehicle (Mass, Dimension and Loading) National Regulation

Note: This register covers powers of Council as a road manager only and does not include powers of Council as a driver or operator of a heavy vehicle

Date Reviewed:	16/07/2018
Reprint No:	1/7/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a road manager, to consent to the making of an HML declaration.	Sections 13(1)(b) and 14 <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant road manager for an HML declaration, to consent to the making of the declaration subject to the condition that stated intelligent access conditions are imposed on the use of a stated type of HML heavy vehicle under the higher mass limits in an area or on a route to which the declaration applies.	Section 14(3) <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant road manager for an HML declaration, to give written reasons for a decision made under subsection 14(3) to the Regulator.	Section 14(4) <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Heavy Vehicle (Mass, Dimension and Loading) National Regulation

Note: This register covers powers of Council as a road manager only and does not include powers of Council as a driver or operator of a heavy vehicle

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a relevant road manager for an HML declaration in the circumstances set out in subsection 18(1), to ask the Regulator to do one or more of the things listed in subsection 18(2).	Section 18 <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager, to consent to the granting of an HML permit.	Sections 22(1)(b) and 23 <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager, to consent to the granting of an HML permit subject to conditions.	Section 24(1)(a) <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager, to consent to amendment of an HML permit.	Section 29(4) <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Heavy Vehicle (Mass, Dimension and Loading) National Regulation

Note: This register covers powers of Council as a road manager only and does not include powers of Council as a driver or operator of a heavy vehicle

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a road manager for a HML permit, to request the regulator to amend or cancel the permit.	Section 31(2) <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager, to consent to a declaration of the regulator pursuant to section 40.	Section 41(1) <i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Heavy Vehicle National Law (Qld)

Note: This register covers powers of Council as a road manager only and does not include powers of Council as a driver or operator of a heavy vehicle

Date Updated:	16/08/2018
Reprint No:	01/07/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a road manager, to consent to the grant of a mass or dimension authority.	Section 156(1) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager, to ask the regulator for a longer period of time under section 156(1)(b).	Section 156(2) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager, to give the regulator a written statement that explains the road manager's decision and complies with section 172.	Section 156(6) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager, to notify the regulator:- (a) that a route assessment is required for the road manager deciding whether to give or not to give the consent; (b) the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.	Section 159(2) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Heavy Vehicle National Law (Qld)

Note: This register covers powers of Council as a road manager only and does not include powers of Council as a driver or operator of a heavy vehicle

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a road manager, to grant a mass or dimension authority subject to conditions.	Sections 160(1), 161(1) and 162(1) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager for a mass or dimension authority, to give the regulator a written statement that explains the road manager's decision and complies with section 172.	Sections 160(2), 161(2) and 162(2) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager for a mass or dimension authority, to give the regulator a notice objecting to the application of section 167 to the proposed replacement authority.	Section 167(2)(b) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager for a mass or dimension authority, to seek an extension of time to give a notice under section 167(2)(b).	Section 167(2)(b)(ii) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager for a mass or dimension authority, to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months.	Section 169(1) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Heavy Vehicle National Law (Qld)

Note: This register covers powers of Council as a road manager only and does not include powers of Council as a driver or operator of a heavy vehicle

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a road manager for a mass or dimension authority, to object to the renewal of the authority for a further trial period.	Section 170(3) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager for a mass or dimension authority granted by Commonwealth gazette notice, to request the regulator to amend or cancel the authority.	Section 174(2) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager for a mass or dimension authority granted by permit, to request the regulator to amend or cancel the authority.	Section 178(2) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager, to apply to the Court for a compensation order.	Section 611(2) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a public authority, to sign a certificate.	Section 612(2)(c) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	
	Chief Executive Officer	Power, as a road manager, to agree to a longer prescribed period for a review of a reviewable decision.	Section 645(6) <i>Heavy Vehicle National Law (Qld)</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Heavy Vehicle National Law Regulation 2014

Note: This register covers powers of Council as a road manager only and does not include powers of Council as a driver or operator of a heavy vehicle

Document Updated:	16/08/2018
Reprint:	11/02/2015

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a road manager, to set the fee payable for a route assessment.	Section 4(2) <i>Heavy Vehicle National Law Regulation 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Housing Act 2003

Document Updated:	16/07/2018
Reprint:	10/11/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
1.	Chief Executive Officer	Power to enter a funding agreement with the Chief Executive	Section 25(1) <i>Housing Act 2003</i>	19 March 2019	
2.	Chief Executive Officer	Power, as a funded provider, to respond to a show cause notice issued by the Chief Executive	Section 26(2)(b) <i>Housing Act 2003</i>	19 March 2019	
3.	Chief Executive Officer	Power, as a funded provider, to comply with the prescribed requirements.	Section 34 <i>Housing Act 2003</i>	19 March 2019	
4.	Chief Executive Officer	Power, as a funded provider who has received a compliance notice, to comply with the notice.	Section 35(5) <i>Housing Act 2003</i>	19 March 2019	
5.	Chief Executive Officer	Power, as an applicant that is a local government, to apply for registration on the State Register, pay the prescribed fee and comply with any requirement for information or documents issued by the Registrar.	Section 37B <i>Housing Act 2003</i>	19 March 2019	
6.	Chief Executive Officer	Power, as a registered provider, to comply with each condition applying to the registration and each applicable code provision.	Section 37D <i>Housing Act 2003</i>	19 March 2019	
7.	Chief Executive Officer	Power, as a State provider, to apply to the Registrar for the cancellation of the provider's registration.	Section 37G(1)(a) <i>Housing Act 2003</i>	POWER NOT DELEGATED	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Housing Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
8.	Chief Executive Officer	Power, as a State provider, in circumstances mentioned in subsection (1), to ensure that on or before the relevant day, each State community housing asset is transferred in accordance with subsection (3) and any conditions imposed by the chief executive.	Sections 37H(3) and (4) <i>Housing Act 2003</i>	19 March 2019	
9.	Chief Executive Officer	Power, as a registered provider, to comply with the binding instructions stated in a notice of non-compliance.	Section 38B(3) <i>Housing Act 2003</i>	19 March 2019	
10.	Chief Executive Officer	Power, as a registered provider who has received a notice of intent to cancel registration, to respond to the notice.	Section 38C(3) <i>Housing Act 2003</i>	19 March 2019	
11.	Chief Executive Officer	Power, as a registered provider, to agree with a statutory manager about the provider performing a function exercising a power.	Section 38D(7) <i>Housing Act 2003</i>	19 March 2019	
12.	Chief Executive Officer	Power, as a registered provider, to pay the expenses of a statutory manager.	Section 38E(1) <i>Housing Act 2003</i>	19 March 2019	
13.	Chief Executive Officer	Power to consent to the release of information concerning Council by the registrar.	Section 38H(b) <i>Housing Act 2003</i>	19 March 2019	
14.	Chief Executive Officer	Power, as a funded ancillary provider, to pay the amount of an administration cost.	Section 59 <i>Housing Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Housing Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
15.	Chief Executive Officer	Power to claim compensation from the Chief Executive where Council has incurred loss or damage because of the exercise or purported exercise of a power under Part 6 of the Act.	Section 62(1) <i>Housing Act 2003</i>	19 March 2019	
16.	Chief Executive Officer	Power, as an entity entitled to be given a notice under section 64, to apply to a Chief Executive for a review of the decision.	Section 65 <i>Housing Act 2003</i>	19 March 2019	
17.	Chief Executive Officer	Power to comply with a notice received from the Chief Executive of an authorised officer requiring Council to give information or documents.	Section 81(5) <i>Housing Act 2003</i>	19 March 2019	
18.	Chief Executive Officer	Power, as a registered provider, to ensure that a suitably qualified officer attends a meeting with the Registrar.	Section 81A(1) <i>Housing Act 2003</i>	19 March 2019	
19.	Chief Executive Officer	Power, where Council incurs loss or damage because of the exercise or purported exercise of a power under Part 7, to claim compensation from the Chief Executive.	Section 83 <i>Housing Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Housing Regulation 2015

Document Updated:	16/07/2018
Reprint:	01/07/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
1.	Chief Executive Officer	Power, as a funded provider, to use the funding or receipts in a way that complies with the funding agreement.	Section 7 <i>Housing Regulation 2015</i>	19 March 2019	
2.	Chief Executive Officer	Power, as a funded provider, to repay the amount to the Chief Executive.	Section 8(3) <i>Housing Regulation 2015</i>	19 March 2019	
3.	Chief Executive Officer	Power, as a funded provider, to pay the amount stated in the payment notice to the Chief Executive.	Section 9(4) <i>Housing Regulation 2015</i>	19 March 2019	
4.	Chief Executive Officer	Power, as a funded provider that receives funding for an ancillary housing service, to prepare annual financial statements and provide copies of the statements to the Chief Executive.	Section 11 <i>Housing Regulation 2015</i>	19 March 2019	
5.	Chief Executive Officer	Power, as a funded provider, to keep and implement an asset management plan for each funded property and to provide a copy of the asset management plan to the Chief Executive.	Section 12 <i>Housing Regulation 2015</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Housing Regulation 2015

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
6.	Chief Executive Officer	Power, as a funded provider that receives funding to provide a social housing service, to implement:- (a) the Social Housing Eligibility Criteria; and (b) the Allocations Policy for Funded Social Housing Providers.	Section 14(2) <i>Housing Regulation 2015</i>	19 March 2019	
7.	Chief Executive Officer	Power, as a funded provider, to accept an application from a person for a social housing service and to give the application to the Chief Executive or an approved funded provider.	Section 15(2) <i>Housing Regulation 2015</i>	19 March 2019	
8.	Chief Executive Officer	Power, as a funded provider that receives funding to provide an ancillary housing service, to keep an illegibility policy and implement the illegibility policy consistently and fairly.	Section 16(2) <i>Housing Regulation 2015</i>	19 March 2019	
9.	Chief Executive Officer	Power, as a funded provider that receives funding to provide housing for residential use, to keep a rent policy and implement the rent policy consistently and fairly	Section 17(2) <i>Housing Regulation 2015</i>	19 March 2019	
10.	Chief Executive Officer	Power, as a funded provider who receives funding to provide housing for residential use, where a tenant pays rent for the housing, to keep a record of rent calculations for the tenant stating those matters listed in subsection (4).	Section 17(4) <i>Housing Regulation 2015</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Housing Regulation 2015

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
11.	Chief Executive Officer	Power, as a funded provider that receives funding to provide a social housing service, to give the Chief Executive information about each funded property for the service and where necessary, to notify details of changes of the information.	Section 18 <i>Housing Regulation 2015</i>	19 March 2019	
12.	Chief Executive Officer	Power, as a funded provider that receives funding to provide a housing service, to comply with a notice from the Chief Executive for information.	Section 19(3) <i>Housing Regulation 2015</i>	19 March 2019	
13.	Chief Executive Officer	Power, where Council has applied to the Chief Executive to lodge a document, to comply with a requisition notice issued by the Chief Executive.	Section 26 <i>Housing Regulation 2015</i>	19 March 2019	
14.	Chief Executive Officer	Power, as an accommodation provider, to consult with the Chief Executive about the most appropriate way of transferring or otherwise disposing of the relevant asset.	Section 37(2) <i>Housing Regulation 2015</i>	19 March 2019	
15.	Chief Executive Officer	Power, as an accommodation provider, to comply with a condition imposed by the Chief Executive.	Section 37(6) <i>Housing Regulation 2015</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NEW REGISTER

Document Created:	07/08/2018
Act Current:	02/03/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, to ask or require an employee to work additional hours if the hours are reasonable under section 26.	Section 23(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree with an employee who is not covered by an applicable industrial instrument, to an averaging arrangement.	Section 25(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to decide an employee's request for flexible working arrangements with or without conditions.	Sections 28(1) and (2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to give written notice of the decision on an employee's request for flexible working arrangements.	Section 28(3) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree when an employee is to take annual leave.	Section 33(1) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, and where the employer and employee cannot agree when the employee is to take annual leave, to decide when the employee is to take the leave and give the applicable notice to the employee.	Section 33(3) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree that an employee may take annual leave before becoming entitled to it.	Section 33(4) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree to pay the employee for annual leave otherwise than in advance.	Section 35(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree that an employee may cash out a particular amount of annual leave.	Section 37(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to pay an employee for annual leave not taken on termination of employment.	Section 38(3) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree to an employee taking additional unpaid carer's leave.	Section 42(4) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree to an employee who is a short term casual taking additional unpaid carer's leave.	Section 43(3) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, to agree to an employee who is a long term casual taking additional unpaid carer's leave.	Section 44(3) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to require an employee to give a doctor's certificate or statutory declaration as evidence of the need to take carer's leave for more than 2 consecutive days.	Section 45(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to require an employee to give a statutory declaration or evidence mentioned in section 45(3)(a) to (d) as evidence of the need to take carer's leave to care for or support a person who has experienced domestic violence.	Section 45(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to require an employee to give a copy of a funeral notice or other evidence as evidence of a death resulting in the taking of bereavement leave.	Section 49(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to require an employee to give evidence to satisfy a reasonable person that the employee was taking compassionate leave because a member of the employee's family or household's life was threatened by personal illness or personal injury.	Section 49(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree to an employee taking additional unpaid bereavement leave or compassionate leave.	Section 50 <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, to agree to an employee taking unpaid cultural leave	Section 51(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree to an employee taking additional unpaid domestic and family violence leave.	Section 52(5) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, and where an employee has claimed domestic and family violence leave, to ask the employee for evidence that the employee has experienced domestic violence and needs to take leave as a result	Section 54(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to inform the employee his/her entitlements and obligations under chapter 2, part 3, division 8	Section 71(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer that has decided to implement significant change at a workplace, to advise employees on parental leave about the proposed change before it is implemented and give each employee reasonable opportunity to discuss any significant effect the change will have on the employee's position	Section 72 <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, to agree to an employee entitled to parental leave under subdivision 2, or who is taking parental leave, making more than 1 application under subsection (1) within a 12-month period in relation to a particular instance of parental leave.	Section 73(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree to an employee on parental leave, making more than 1 application under subsection (1) within a 12-month period.	Section 74(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to decide an application by an employee entitled to or taking parental leave to extend parental leave if the circumstances of section 73 exist, to discuss the application and to give written notice of that decision.	Section 76 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to decide an application by an employee on parental leave to return to work on a part-time basis pursuant to section 74, to discuss the application and to give written notice of that decision.	Section 76 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to nominate a time for the employee to resume work.	Section 78(3) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree to an employee taking paid sick leave or other paid leave whilst the employee is on unpaid parental leave.	Section 79(3) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, to agree to an employee on parental leave performing work on a keeping in touch day.	Section 80(1)(b) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree that an employee break the period of parental leave by returning to work.	Section 81 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree to an employee on parental leave shortening the period of leave.	Section 83 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to give notice to the employee of the day on which the employee must return to work and, if the employee returns to work, to cancel the rest of the parental leave.	Section 84 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer of a female employee whose present work is, because of her pregnancy or breastfeeding, a risk to the health or safety of the employee or her unborn or newborn child, to temporarily adjust the employee's working conditions or hours of work, or transfer the employee to other appropriate work.	Section 89 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer of a replacement employee, to give the replacement employee written notice of the temporary nature of the employment and the parent's right to return to work.	Section 92(1) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, to agree when an employee is to take long service leave.	Section 97(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, and where the employer and employee cannot agree when the employee is to take long service leave, to decide when the employee is to take the leave and give the applicable notice to the employee.	Section 97(3) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, where the employee is on long service leave and where the ordinary rate is increased or reduced, to pay the employee at the increased or reduced rate for the leave period to which the increased or reduced rate applies.	Section 98(4) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree on when, and the way in which, the employee will be paid for long service leave.	Section 101 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer of a casual or regular part-time employee, to agree that the employee's entitlement to long service leave may be taken in the form of its full time equivalent.	Section 104 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree in writing with the employee that the employee be paid for all or part of an entitlement to long service leave instead of taking the leave.	Section 110(2) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, upon an employee's death, to pay the employee's legal personal representative any amount payable for the employee's entitlement to long service leave that has not already been paid.	Section 111(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to ask an employee to work on a public holiday if the request is reasonable.	Section 116(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to dismiss an employee if the circumstances of section 121(1) exist.	Section 121(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer who obtains other acceptable employment for the employee or cannot pay the amount, to apply to the commission for an order reducing the amount of the redundancy pay to a stated amount the commission considers appropriate.	Section 127(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to give each employee before, or as soon as practicable after, the employee starts working for the employer, the information and documents required by section 129(1).	Section 129 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, where a magistrate has made an order about an offence against section 137(4) and that order states both alternatives of section 137(8), to decide how to comply with that order in terms of the alternatives.	Section 137(9) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an employer, to apply to the commission to:- (a) make a modern award; or (b) make an order varying a modern award.	Section 147(2)(b) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to apply to the commission to make an order revoking a modern award.	Section 150(3)(b)(iii) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person to whom a modern award applies, to apply to the commission to review the award.	Section 156(1)(b)(i) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to make a certified agreement with 1 or more employee organisations that represent, or are entitled to represent, Council's employees, or the employees of Council at the time the agreement is made.	Section 165 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to consent to the making of a bargaining award.	Section 167(a) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a proposer, to give a notice of intention to:- (a) the other proposed parties to the negotiations; (b) if the negotiations relate to a project agreement—all relevant employee organisations and the commission.	Section 169(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a recipient of a notice of intention where the negotiations:- (a) relate to a project agreement; or (b) involve a multi-employer agreement, to give written notice of Council's intention to be a party to the negotiations to the proposer and the commission.	Section 170(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer and where the circumstances of section 171(1) exist, to take reasonable steps to ensure compliance with section 171(2).	Section 171(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer and where the circumstances of section 171(1) exist, to give the relevant employee organisation a reasonable opportunity to represent the employee as required by section 171(4).	Section 171(4) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer and where the circumstances of section 172(1) exist, to negotiate with the single bargaining unit.	Section 172(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as negotiating party, to negotiate in good faith and do all things listed in subsections (2) and (3).	Section 173 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as negotiating party, where the peace obligation period has ended, to ask the commission to help the parties reach an agreement.	Section 175(1)(b) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as one of the negotiating parties, to notify the commission that the parties intend to resume negotiating without the commission's help.	Section 175(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a negotiating party, to comply with an attendance notice and negotiate on Council's behalf at a conciliation conference.	Section 176(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as one of the negotiating parties, to apply to the commission for arbitration of the matter.	Section 178(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as one of the negotiating parties, to agree matters with the other negotiating parties before or during an arbitration of the matter.	Section 181(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a negotiating party, to agree with the other negotiating parties the nominal expiry date for the arbitration determination.	Section 183(1) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a negotiating party, to apply to the commission for a scope order.	Section 184(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to an agreement, to apply to the commission to certify the agreement.	Section 189(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a proposed bargaining award, to apply to the commission to:- (a) make the bargaining award; and (b) terminate the relevant modern award.	Section 190(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person who will be covered by a proposed bargaining instrument, to take action that may be necessary to enable the commission to grant the application, including participating in a conciliation on Council's behalf.	Section 194 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a proposed bargaining instrument, to sign it on Council's behalf.	Section 196(1)(b) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer in the circumstances set out in subsection (1), to apply to the commission for a decision under subsection (3).	Section 213(3) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, on or before the nominal expiry date of a bargaining instrument, to, apply to the commission to extend the nominal expiry date.	Section 223(1) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an employer, to apply to the commission to amend a bargaining instrument.	Section 225(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an approving party, to approve an amendment to a bargaining instrument.	Section 225(2)(a)(i) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person to whom a bargaining instrument applies, to apply to the commission to amend the instrument in one of the ways set out in subsection (5) and to agree to any amendment.	Section 225(5) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a bargaining award or a proposed new party to the award, to, in the circumstances set out in subsection (1), apply to the commission to amend the bargaining award so the award applies to the proposed new party.	Section 226(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, on or before the nominal expiry date of a certified agreement or arbitration determination, to apply to the commission to terminate the agreement or determination.	Section 227(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, after the nominal expiry date of a certified agreement or arbitration determination, to apply to the commission to terminate the agreement or determination.	Section 228(1) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the person who intends to terminate the agreement or determination to give all other persons to whom the agreement or determination applies, notice of the intention.	Section 228(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to an agreement or determination that does not provide for the way it may be terminated, to agree to the agreement or determination being terminated.	Section 228(3)(b)(i) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a negotiating party for a proposed bargaining instrument, to take protected industrial action for the proposed instrument subject to the requirements of Chapter 4, Part 8.	Section 232 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer intending to take the industrial action, to give notice of the intention to all of the negotiating parties for the proposed bargaining instrument, either in writing or by taking other reasonable steps to notify employees of the intended action.	Section 236 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer taking industrial action that is the lockout of an employee, to refuse to pay the employee for the period of the lockout.	Section 237(3) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a negotiating party for a proposed bargaining instrument, to apply to the commission for an order to suspend or terminate protected industrial action for the proposed bargaining instrument being engaged in, or threatened to be engaged in.	Section 240(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a negotiating party for a proposed bargaining instrument, to apply to the commission for an order to suspend or terminate protected industrial action for the proposed bargaining instrument being engaged in, where the industrial action has threatened, is threatening or would threaten;- (a) to endanger the life, personal safety or health, or welfare of the State's population or part of it; or (b) to cause significant damage to the State's economy or an important part of it..	Section 241(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to apply to the registrar for a certificate stating that the employer need not negotiate with an employee organisation under chapter 4 because of a circumstance in section 171(5).	Section 242(2) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a party to a certified agreement or a bargaining award, to sign the affidavit prepared pursuant to subsection (2) on behalf of Council.	Section 250(3) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant party subject to a direction of the commission, to comply with the direction on behalf of Council, including signing any affidavit required under subsection (3).	Section 251(4) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to an industrial dispute, in the circumstances referred to in subsection (1), to give the registrar written notice of the dispute.	Section 261(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party directly involved in an industrial cause, to request the registrar act as mediator in the cause.	Section 263(a) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person served with an attendance notice, to attend the compulsory conference and agree to measures which attempt to prevent or settle the dispute.	Section 264(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person the subject of an order, to prepare, file and sign an affidavit under subsection (3)(c).	Section 265(3) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person served with a show cause notice, to show cause to the full bench at the stated time why Council should not be dealt with under section 266.	Section 265(7) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, to pay or refuse to pay, an employee for a period when the employee engages in a strike.	Section 268(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer against whom the strike was organised, engaged in or threatened, to make an application to the commission for an order for a contravention of section 268.	Section 269(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person who has been affected by a contravention of Chapter 8, Part 1, to apply to the commission for the commission to deal with the dispute.	Section 309(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an applicant or an employer, to attend a conciliation conference at a stated time and place and attempt to settle the matter on behalf of Council.	Section 312(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to attend a conciliation conference at a stated time and place and attempt to settle the matter on behalf of Council.	Section 318(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party, to seek further conciliation, or settle the matter, at any time before an order is made under section 321 or 322.	Section 318(5) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer that has decided to dismiss 15 or more employees for economic, technological or structural reasons, to dismiss the employees if the circumstances of section 329(1) apply and give the requisite notices.	Section 329(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to give each employee organisation the opportunity to consult on the ways listed in section 330(1).	Section 330 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to stand down an employee if the circumstances of section 333 apply	Section 333 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to apply to the commission for an authorised officer's authority under section 337 to be revoked or suspended.	Section 338(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to keep a time and wages record for each industrial instrument employee as required by section 339.	339(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer and upon request by the employee, to give the employee a certificate stating the total hours recorded under section 339(1)(d) for the employee, worked out to the previous 30 June.	Section 339(5) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to keep a time and wages record for each non-industrial instrument employee as required by section 340.	340(1) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer and upon request by the employee, to give the employee a certificate stating the total hours recorded under section 340(1)(d) for the employee, worked out to the previous 30 June.	Section 340(5) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to keep an employee register as required by section 341.	341(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, when paying an employee wages, to give the employee a written statement as required by section 343(2).	343(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, when asked by the inspector to inspect, or for electronic access to, the time and wages record, to comply with the request.	344(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, when asked by the registrar to inspect, or for electronic access to, the time and wages record, to comply with the request.	346(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, when directed by the registrar, to give the employee register or index to a stated person, at a stated reasonable time and place.	346(4) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to agree to an employee inspecting the time and wages record for that employee's particulars, as permitted by section 347(2)(a) and (b), and to give the particulars to the employee in writing.	Section 347 <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, to agree to an employee inspecting the time and wages record:- (a) more than once in any 12-month period; or (b) outside the employer's business hours; or (c) during the employee's working time.	Section 347(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to require an authorised officer to produce the officer's authorisation.	Section 348(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, where an authorised officer fails to produce the officer's authorisation, to treat the office as a trespasser.	Section 348(5) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, when asked by the authorised officer for an item in section 350(1), to comply with the request and to refuse to comply if the circumstances of section 350(3) or 350(5) exist.	Section 350 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to keep an accurate written account of the amounts received from the prime contractor, and of the way the amounts have been disbursed or disposed of.	Section 359(4) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to produce the account for inspection to an employee in the circumstances set out in subsection (a) to (c) and allow the employee to make a copy of the account.	Sections 359(5) and (6) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a prime contractor served with an attachment notice, to keep from the amounts payable, or to become payable, by the prime contractor to the employer for the contracted work, an amount sufficient to satisfy:- (a) the claim for wages stated in the notice; and (b) all further claims for wages stated in notices of attachment served on the prime contractor within 7 days after the service of the first notice.	Section 361(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a prime contractor served with an attachment notice, to pay the amount to which the notice relates to a clerk of the Magistrates Court.	Section 361(4) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a prime contractor, to pay the amount stated in the relevant order to the employee from the amounts attached and kept in the hands of the prime contractor.	Section 362(4) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a prime contractor, to ask the employee to sign a discharge for the amount paid for a claim for wages to which an order under section 362 relates.	Section 366 <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, where an employee's consent authorising a deduction to be made from wages is not written, to, before making the deduction, give the employee written acknowledgement of the consent.	Section 371(5) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to pay each employee's wages at least monthly to the employee.	Section 373(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, where the circumstances in subsection (1) apply, to immediately at the end of the 30 days, pay the wages payable to the former employee to the nearest clerk of the Magistrates Court.	Section 375(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, to recover an amount to which the employee is not entitled by deducting amounts from the employee's wages for a subsequent pay period or periods.	Section 376(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, where an employee ceases employment without giving the employer the notice required by an industrial instrument, to deduct from the employee's wages an amount stated by an industrial instrument.	Section 377 <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, to contribute, for eligible employees, to the approved superannuation fund at the level required by the relevant industrial instrument.	Section 394(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person who may be directly affected by the declaration, to apply to the commission for a declaration about an industrial matter.	Section 463(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to apply to the commission for an interpretation of an industrial instrument, other than a certified agreement or bargaining award.	Sections 467(1) and 468(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person bound by the agreement, to apply to the commission for an interpretation of a certified agreement or bargaining award.	Sections 467(1) and 468(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to an industrial cause, to agree in writing to the parties requesting the commission to assist the parties in negotiating or resolving a matter relevant to the industrial cause, whether or not the matter is within the jurisdiction of the commission and to agree to the request being amended.	Sections 469(1) and (2) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a party to an industrial cause, to agree, in writing, for the decision of the commission to bind the parties.	Section 469(4) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a dispute, to make a referral agreement with the other parties to the dispute.	Section 470(1)(b) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a dispute, in the circumstances set out in subsection (1), to apply to the commission for the commission to perform its dispute resolution functions.	Section 470(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a contract, in the circumstances set out in subsection (1), to apply to the commission for the commission to amend or declare void (wholly or partly) the contract.	Section 471(1) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a person under section 474, to apply to the commission for the commission to grant an injunction:- (a) to compel compliance with an industrial instrument, a permit or this Act; or (b) to restrain or prevent a contravention, or continuance of a contravention, of an industrial instrument, a permit or this Act.	Section 473(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to apply to the full bench for the orders set out in section 479 about a demarcation dispute.	Section 479 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person mentioned in section 485, to apply to the full bench or the commission for proceedings to be reopened.	Section 484(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to proceedings, to appoint in writing, an agent to represent Council in the proceedings.	Section 529(1)(a) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person aggrieved by a decision of the court or the full bench constituted by the president and 2 or more other members, to appeal to the Court of Appeal.	Section 554(1) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a person aggrieved by a decision of the full bench constituted by the president and 2 or more other members, to seek the leave of the Court of Appeal to appeal.	Section 554(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person aggrieved by a decision of a magistrate, to appeal to the court.	Section 556 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person aggrieved by a decision of the commission, to appeal to the court.	Section 557(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person aggrieved by a decision of the commission, to seek the leave of the court to appeal.	Section 557(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person aggrieved by a decision of the registrar, to appeal to the full bench.	Section 560(1) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person aggrieved by a decision of the registrar, to seek the leave of the full bench to appeal.	Section 560(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the industrial tribunal to allow a longer period in which to start an appeal.	Section 564(2) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a person mentioned in column 2 of schedule 3 to apply to the relevant industrial tribunal for an order in relation to a contravention, or alleged contravention, of a civil penalty provision.	Section 572 <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a person subject to a requirement from an inspector to produce a document, to comply with the requirement.	Section 912(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer subject to a written demand by an inspector under subsection (1), to comply with the demand.	Section 915(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to pay wages payment to an employee under the Act, a relevant industrial instrument or a permit, in accordance with the employee's written direction.	Section 928(1)(b) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer in a workplace where an industrial instrument applies, to display a copy of the industrial instrument as required by section 934(2).	Section 934(2) <i>Industrial Relations Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, where a person whose employment with the employer has been terminated has asked for a certificate described in section 935(1), to give the certificate.	Section 935(2) <i>Industrial Relations Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Industrial Relations Regulation 2018

NEW REGISTER

Document Created:	07/08/2018
Act Current:	01/03/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the employer, when working out continuous service under section 123(1) of the <i>Industrial Relations Act 2016</i> , to notify the employee that another absence from work breaks the employee's continuous service	Section 4(1)(c) <i>Industrial Relations Regulation 2018</i>	19 March 2019	
	Chief Executive Officer	Power, as the employer, when working out continuous service under section 123(1) of the <i>Industrial Relations Act 2016</i> , to withdraw a notice to the employee given under section 4(1)(c)	Section 4(5)(b) <i>Industrial Relations Regulation 2018</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

Date Reviewed:	16/07/2018
Reprint No:	05/06/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as agency, to transfer an individual's personal information to an entity outside Australia under certain circumstances.	Section 33 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to enter into a service arrangement with an entity other than an agency to provide services.	Section 34 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to give access to a document created after the application for access is received.	Section 47 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to search for a document on a backup system if it considers the search is appropriate.	Section 49 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as agency, to contact the person and tell them how the application does not comply with a relevant application requirement.	Section 53(2) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to give prescribed written notice of the decision.	Section 53(6) <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	<p>Power, as agency, to refuse to deal with an access application if:</p> <p>(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</p> <p>(b) reasonable efforts have been made to inform the applicant that the application:</p> <p>(i) can not be made under the <i>Information Privacy Act</i>; and</p> <p>(ii) should be made under the <i>Right to Information Act</i>; and</p> <p>(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.</p>	<p>Section 54 <i>Information Privacy Act 2009</i></p>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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. Note: more than one request can be made (section 55(2) <i>Information Privacy Act</i>)	Section 55(1) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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.	Section 55(3) <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	<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> <p>(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</p> <p>(b) the information is exempt information or contrary to public interest information.</p>	Section 56(1) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	<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) <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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>).	Section 59 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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.	Section 60(1) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to give the applicant: (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) <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as agency, to give a prescribed written notice to an applicant, for an access application, of: (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) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as agency, after considering an amendment application, to decide whether amendment of the document is permitted.	Section 70 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to give an applicant for an amendment application a prescribed written notice of the decision on the application.	Section 73(1) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to waive an access charge.	Sections 80, 81 and 82 <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to extend the period in which an applicant may access a document.	Section 84(2) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to give access to a copy of a document from which the exempt information has been deleted.	Section 89 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to conduct a particular further search or to conduct further searches directed by the information commissioner.	Section 115 <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Information Privacy Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as agency, to apply to the information commissioner for declaration that a person is a vexatious applicant.	Section 127 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as agency, to ask the information commissioner to extend the time within which to take action stated in a compliance notice.	Section 159 <i>Information Privacy Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Information Privacy Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Labour Hire Licensing Act 2017

NEW REGISTER

Document Created:	30/07/2018
Act Current:	16/04/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply for a licence to provide labour hire services.	Section 13(1) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to apply for renewal of the licence before it expires.	Section 18(1) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to withdraw an application for renewal of a licence.	Section 18(3)(b) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power to apply for restoration of the licence after it has expired.	Section 19(1) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to give a written response to a show cause notice that proposes to cancel the licence.	Section 23(2) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to return a suspended or cancelled licence to the chief executive.	Section 25(1) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Labour Hire Licensing Act 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a licensee, to surrender the licence.	Section 26(1) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to comply with conditions imposed on a licence.	Section 29 <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to give a written response to a proposed condition or variation of a licence.	Section 30(1)(c) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to give the chief executive a report that complies with sections 31 and 32.	Section 31(1) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to apply to the chief executive to remove and appoint nominated officers for the licence.	Section 35 <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to substitute a nominated officer for a limited period if the circumstances of section 36(1) exist.	Section 36 <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to apply to the chief executive to extend the appointment of a substitute nominated officer.	Section 37 <i>Labour Hire Licensing Act 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Labour Hire Licensing Act 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a licensee, to produce a copy of the licence for inspection by an inspector, worker or other person on request.	Section 38 <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to give the chief executive notice of a prescribed change in circumstances of the licensee.	Section 40 <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an applicant, to give the chief executive information the chief executive reasonably requires to decide the application.	Section 41(2) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an applicant, to consent to the chief executive entering and inspecting Council's place of business for the purpose of ascertaining whether Council is a fit and proper person to provide labour hire services.	Section 42(3)(b) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to give the chief executive the information required in a notice given under section 43.	Section 43 <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an occupier, to consent to entry of Council's premises by an inspector and to sign an acknowledgement of the consent.	Section 60(1) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an occupier, to comply with a help requirement given by an inspector.	Section 69(2) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Labour Hire Licensing Act 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner of a seized thing, to apply to the chief executive for its return.	Section 79(3) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of a seized thing, to agree, in writing, to the transfer of the ownership of the thing to the State.	Section 82(b) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power to claim compensation from the State if loss is incurred because of the exercise, or purported exercise of a power by or for an inspector.	Section 87(1) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a person who has been given or is entitled to be given an information notice for a decision, to apply for review of the decision.	Section 93(1) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an interested person, to apply for review of a decision listed in section 93(2).	Section 93(2) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an applicant mentioned in section 93(1), to apply to QCAT for a stay of the decision.	Section 96(2) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an organisation given a QCAT information notice, to apply to QCAT for a review of the decision.	Section 98(1) <i>Labour Hire Licensing Act 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

Date Reviewed:	16/07/2018
Reprint No:	31/03/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as owner of land having a non-tidal boundary (watercourse) (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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an applicant under section 13B(1), to appeal against the refusal of the application.	Section 13B(6) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an applicant under section 23A(1), to appeal against the Minister's decision.	Section 23A(6) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as registered owner of the deed of grant or lessee of a freeholding 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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to appeal against the Minister's determination of the unimproved value of land to be sold under section 24(1) of the <i>Land Act 1994</i> .	Section 25(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee or registered owner, to buy a forest entitlement area under sections 24 and 25.	Section 26B(2) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, to apply to the Minister for the dedication of a reserve.	Section 31C(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to give notice of the intention to apply for the dedication of a reserve.	Sections 31C(2) and 31C(3) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee, to apply to the Minister to change the boundary of a reserve or the purpose of a reserve.	Section 31D(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee, to consult with the Minister in response to a proposed State lease over a reserve.	Section 32 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Minister to revoke the dedication of all or part of a reserve.	Section 34(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee of an operational reserve, to apply for a deed of grant over the reserve.	Section 34I(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee, to apply for an additional community purpose or to amalgamate land with common purposes.	Section 38A(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee, to apply for the cancellation of a deed of grant in trust under section 38.	Section 38A(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee, to give notice of the intention to apply under section 38A.	Sections 38A(3) and 38A(4) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to accept appointment as trustee.	Section 44 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee, to advise the chief executive of change in details.	Section 45 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee, to comply with the administrative, accounting function and other directions provided by Minister.	Sections 46, 47, 48 and 49 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to take all necessary action for the maintenance and management of trust land.	Sections 52(1) <i>Land Act 1994</i> .	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i> .	19 March 2019	
	Chief Executive Officer	Power, as trustee, to apply to surrender all or part of a deed of grant in trust.	Section 55A(1) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i> .	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i> .	19 March 2019	
	Chief Executive Officer	Power to seek the Minister's approval to amend a trustee lease.	Section 57A(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to appeal against the Minister's decision to refuse to allow a transfer, mortgage or sublease of a trustee lease.	Section 58(7) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee, to issue a trustee permit to use all or part of the trust land.	Section 60(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to lodge a trustee permit in the appropriate register.	Section 60(3) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to seek consent to group trust land reserved for similar purposes together.	Section 62 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant person, to apply for approval to lease, sublease or sub-sublease trust land even if an authority is in force.	Section 64(4) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee of a deed of grant in trust, to mortgage a deed of grant in trust issued prior the commencement of the <i>Land Act 1994</i> , subject to the Minister's approval under section 67(4).	Section 67(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to mortgage a deed of grant in trust issued after the commencement of the <i>Land Act 1994</i> subject to section 67(3)(a) and (b) and the Minister's approval under section 67(4).	Section 67(3) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to ask the Minister that a cemetery on trust land be closed to further burials.	Section 81(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to ask the Minister to re-open a cemetery previously closed for further burials.	Section 81(4) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply for land to be dedicated as a road for public use.	Section 94(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Minister to permanently close a road.	Section 99(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Minister to temporarily close a road.	Section 99(3) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an adjoining owner of land who makes an application to permanently close a road pursuant to section 99(1) of the <i>Land Act 1994</i> , to ask that the land be amalgamated with the adjoining owner's adjoining land upon its closure.	Section 99(4) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to object to a road closure application in response to a public notice.	Section 100 <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a road licensee, to surrender all or part of a road licence.	Section 105(3) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as registered owner, to appeal against any conditions the Minister imposes under section 420I.	Section 109A(3) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as trustee or lessee, to appeal against any conditions the Minister imposes under section 420I.	Section 109B(4) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply for an interest in land that may be granted without competition.	Section 120A(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee, to apply to the Minister that a lease be used for additional or fewer purposes.	Section 154 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee, to apply for extension of a term lease (40 years).	Section 155A(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee, to apply for extension of a term lease (50 years).	Section 155B(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee, to apply for extension of a term lease (75 years).	Section 155BA(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee, to apply for an offer of a new lease (a renewal application).	Section 158 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a lessee under a rolling term lease, to apply to the Minister for an extension of the term.	Section 164C(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee, to apply for approval to subdivide the lease.	Section 176(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to appeal against the Minister's decision to refuse an application for approval to subdivide a lease.	Section 176E <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee of 2 or more leases, to apply to the Minister for approval to amalgamate the leases.	Section 176K(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief executive an opinion in respect of a proposed road closure.	Section 176N <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply for a permit to occupy unallocated State land, a reserve or a road.	Section 177A(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an applicant for a permit, to enter an agreement with an adjoining owner about the maintenance of a fence.	Section 179 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant entity, to apply to surrender or cancel a permit to occupy.	Section 180A <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a permittee, to remove improvements with the chief executive's written approval.	Section 180H(2) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as lessee, licensee or permittee, to give the Minister the information asked for about the lease, licence or permit.	Section 201 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee, licensee or permittee, to apply to change an imposed condition of the lease, licence or permit.	Section 210 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions to the Minister in response to a warning notice.	Section 214A <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a lessee or licensee to whom a remedial action notice has been given, to comply with the notice.	Section 214D <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as owner of lawful improvements on a lease or part of lease resumed under the division, to claim compensation.	Section 225(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee, to appeal against the Minister's decision on compensation payable.	Section 226(5) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as owner of lawful improvements on all or part of a reservation resumed, to claim compensation.	Section 230(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as owner, to appeal against the Minister's decision on compensation payable.	Section 232(5) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to apply to the Minister to sell a lease.	Section 240G <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee of a forfeited lease, to apply to remove the lessee's improvements on the lease.	Section 243(1A) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee of a forfeited lease, to remove the improvements with the written approval of the Minister.	Section 243(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a transferee or the person in whose favour the interest is to be created, to authorise a legal practitioner to sign a document transferring a lease, sublease or licence or creating an interest in a lease or sublease on Council's behalf.	Section 288(1)(b) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to lodge a standard terms document and amend the standard terms document by lodging a further document.	Sections 318 & 319 <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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(3) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to surrender freehold land on terms agreed between the Minister and the registered owner and with the Minister's written approval.	Section 327 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a registered owner, to apply to the Minister to surrender freehold land.	Section 327B <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a lessee, to apply to the Minister to surrender all or part of a lease.	Section 327C(1) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as lessee, to give notice of the intention to surrender a lease.	Section 329(1) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to seek the Minister's approval to sublease a lease issued under the Act.	Sections 332(1) and 332(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to appeal against the Minister's refusal to approve the sublease of a lease issued under the Act.	Section 332(6) and <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to seek the Minister's approval to amend a sublease.	Section 336 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as party to a sublease, to ask the chief executive to refer the dispute to mediation.	Section 339B <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission in response to a notice received under the Act about a proposed application.	Section 420CB <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a request from the Chief Executive for information listed in sections 420E(1)(a) and 420E(1)(b).	Section 420E <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Minister for a review of a decision.	Section 423 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to appeal to the Court against a decision.	Section 427 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to make a local law stating use conditions that apply to a declared beach area.	Section 431T <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the Minister about whether Council wishes to be the manager of a declared beach area.	Section 431U(2) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to remove the licensee's improvements on the licence with the written approval of the Minister.	Section 481J(2) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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 <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	
	Chief Executive Officer	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) <i>Land Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Title Act 1994

NEW REGISTER

Document Created:	30/07/2018
Act Current:	01/01/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a person served with a written notice by the registrar, to give public notice of a request listed in subsection (1) and to satisfy the registrar that the public notification has been given.	Section 18 <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to undertake the searches and obtain copies of the documents described in section 35(1)	Section 35(1) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the registered owner, to ask the registrar to issue a certificate of title	Section 42(1) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the registered owner, to agree to a plan of subdivision and dedicating the public use land	Section 50(1)(b) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant planning body, to approve a plan of subdivision	Section 50(1)(h) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the registered proprietor whose interests are affected by the plan, to consent to a plan of subdivision	Section 50(1)(j) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the registered owner of a lot, to dedicate the lot as a road for public use	Section 54(1) <i>Land Title Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Title Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the relevant planning body, to approve a dedication notice to dedicate a lot as a road for public use	Section 54(3) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the registered owner, to sign a building management statement for registration	Section 54B(1) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the registered owner, to sign an instrument of amendment for a building management statement	Section 54E(2) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the registered owner of all lots to which a building management statement applies, to ask the registrar to extinguish the building management statement	Section 54G <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the registered owner, to sign an instrument of extinguishment or partial extinguishment for a building management statement	Section 54H(3) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the registered owner of a lot with two or more registered owners, to request the registrar create separate a indefeasible title for the interest of each owner	Section 57 <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a registered owner subject to a joint tenancy, to unilaterally sever the joint tenancy	Section 59(1) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a registered owner subject to a joint tenancy, to give notice of the severing of the joint tenancy in the way prescribed by subsection (2).	Section 59(2) <i>Land Title Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Title Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to register an instrument of transfer for the transfer of a lot or interest to or from Council.	Section 60(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to register an instrument of lease for the lease of a lot, or part of a lot, to or from Council.	Section 64 <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to register an instrument of amendment of a lease to or from Council.	Section 67(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as the relevant local government, to approve the instrument of lease where it is for reconfiguring a lot within the meaning of the <i>Planning Act 2016</i>	Section 65(3A) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as a lessor under a registered lease who has lawfully re-entered and taken possession under the lease, to lodge a request for the registrar to register the re-entry	Section 68(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as a lessor or lessee under a registered lease, to execute and register an instrument of surrender of the lease	Section 69(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as a sublessee, to consent to the surrender of the lease	Section 69(2) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to register an instrument of easement benefiting or burdening land owned by Council.	Section 82(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Title Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the registered owner, lessee, person entitled to the land or public utility provider, to sign an instrument of easement for particular easements	Section 83(1)(b) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as the relevant local government, to approve the plan of survey for the creation of an easement giving access to a lot from a constructed road where it is the reconfiguring of a lot under the <i>Planning Act 2016</i>	Section 83(2) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as the registered owner of a lot burdened by an easement in favour of a public utility provider that is not a public thoroughfare easement, to recover from the public utility provider a reasonable contribution towards the cost of keeping the part of the lot affected by the easement in a condition appropriate for enjoyment of the easement	Section 85B(2) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the registered owner of the lot benefited and the lot burdened by an easement, to ask the registrar to extinguish the easement	Section 87 <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to register an instrument of surrender of an easement benefiting or burdening land owned by Council	Section 90(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to sign an instrument of surrender of an easement	Section 90(2) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Title Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a lessee or sublessee of a lot benefited by an easement, to consent to surrender of the easement	Section 90(3) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to register an instrument of amendment of an easement benefiting or burdening land owned by Council	Section 91(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as a local government and covenantee, to register an instrument of covenant	Section 97A <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval of the relevant subdivision
	Chief Executive Officer	Power, as a local government and covenantee, to register an instrument of amendment of a covenant	Section 97C <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as a local government and covenantee, to sign and register an instrument of surrender of a covenant	Section 97D <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to register an instrument of profit a prendre benefiting or burdening land owned by Council	Section 97E <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as the registered owner of the lot benefited and the lot burdened by a profit a pendre, to ask the registrar to extinguish the profit a pondre	Section 97I <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to register an instrument of amendment of a profit a prendre benefiting or burdening land owned by Council	Section 97K <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to register an instrument of release of a profit a prendre benefiting or burdening land owned by Council	Section 97L <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Title Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to register instrument of carbon abatement interest for a lot owned by Council or over which Council has an interest	Section 97O <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as a holder of a registered interest in land affected by a proposed grant of a carbon abatement interest, to consent to the proposed grant	Section 97P(c) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to register instrument of amendment of a carbon abatement interest for a lot owned by Council or over which Council has an interest	Section 97S(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to register instrument of surrender of a carbon abatement interest for a lot owned by Council or over which Council has an interest	Section 97U(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to apply to be registered as owner of a lot as an adverse possessor	Section 99(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power to withdraw an application to be registered as owner of a lot as an adverse possessor and request that all documents lodged in support of the claim be returned	Section 100 <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as a person claiming an interest in a lot the subject of an adverse possession claim, to lodge a caveat	Section 104 <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Title Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a caveator given a written notice under subsection (1), to:- (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice, in the way the registrar requires, to the registrar that the proceeding has started	Section106(2) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power, as a caveator that does not agree to the registration of the applicant for a lesser interest in the lot, to:- (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice, in the way the registrar requires, to the registrar that the proceeding has started	Sections107(2) and (3) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power, as an applicant, to sign the plan of subdivision as if the applicant were the registered owner of the relevant lot	Section108A <i>Land Title Act 1994</i>	19 March 2019	Subject to Council approval
	Chief Executive Officer	Power, as the registered owner holding the interest in the lot as trustee, to lodge an instrument of transfer to register the interest as being held as trustee	Section 110(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power, as a person who is beneficially entitled under a will to a lot or an interest in a lot of a deceased registered proprietor, to apply to the registrar to be registered as proprietor of the lot	Section 112(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Title Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a person mentioned in section 114(1), to apply to the Supreme Court for an order to be registered as proprietor of the lot	Section 114(2) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power to lodge a caveat	Section 122 <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power to withdraw a caveat	Section 125 <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power, as a caveatee, to serve on the caveator a notice requiring the caveator to start a proceeding in a court of competent jurisdiction to establish the interest claimed under the caveat and to notify the registrar of service of the notice.	Sections 126(2) and (3) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power, as a caveator served with a notice under subsection (2), to:- (a) start a proceeding in a court of competent jurisdiction to establish the interest claimed under the caveat; and (b) notify the registrar that a proceeding has been started and the identity of the proceeding.	Section 126(4) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power, as a caveatee, to apply to the Supreme Court for an order that a caveat be removed	Section 127(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power to lodge a request to cancel a caveat.	Section 128(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Title Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to seek the leave of a court of competent jurisdiction to lodge a further caveat.	Section 129(2) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power to deposit a priority notice for a lot	Section 139(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power to deposit a request to extend a priority notice	Section 141(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power to deposit a request to withdraw a priority notice	Section 143(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power, as an affected person for a lot to which a priority notice applies, to apply to the Supreme Court for an order that the priority notice be removed	Section 144(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power to deposit a request to cancel a priority notice	Section 145(1)(a) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power, as the depositor of a priority notice, to request a correction to the priority notice	Section 149(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power to comply with a requisition given to Council by the registrar	Section 156(3) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the registrar to relodge an instrument that the registrar has permitted to be withdrawn	Section 159(4) <i>Land Title Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Title Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to comply with a requirement of the registrar to deposit an instrument for correction or cancellation	Section 160 <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a requirement of the registrar to lodge a plan of survey for the lot	Section 165 <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to lodge a standard terms document and amend a standard terms document on Council's behalf	Section 169(1) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to request the registrar to withdraw a standard terms document on Council's behalf	Section 172(1) <i>Land Title Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a person affected by a correction, to apply to the Supreme Court for an order that the correction be amended or set aside	Section 186(2) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor
	Chief Executive Officer	Power, as a person with an entitlement to compensation under section 188 or 188A, to apply to the Supreme Court for an order:- (a) for compensation to be paid by the State; (b) directing the registrar to take stated action.	Section 188B(1) <i>Land Title Act 1994</i>	19 March 2019	Subject to consultation with the Mayor

REGISTER OF DELEGATIONS COUNCIL TO CEO

Land Valuation Act 2010

Document Updated:	16/07/2018
Reprint:	03/07/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consult with the valuer-general about a proposed decision not to make an annual valuation of land.	Section 74 <i>Land Valuation Act 2010</i>	19 March 2019	
	Chief Executive Officer	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 <i>Land Valuation Act 2010</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Liquor Act 1992

Date Updated:	16/07/2018
Reprint No:	19/04/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply, as provided under the QCAT Act, to the tribunal for a review of a decision of a commissioner.	Section 30 <i>Liquor Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to apply appeal a decision of the tribunal to the Court of Appeal.	Section 35 <i>Liquor Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to consent to the making of an application for an adult entertainment permit or to abstain from consenting to the application.	Section 105B <i>Liquor Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to make comments in regard to the grant of an adult entertainment permit.	Section 107D(2) <i>Liquor Act 1992</i>	19 March 2019	
	Chief Executive Officer	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) <i>Liquor Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Liquor Act 1992

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Liquor Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to comment about an application relating to a restricted area.	Section 117A <i>Liquor Act 1992</i>	19 March 2019	
	Chief Executive Officer	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 <i>Liquor Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to make comment in regard to the grant of an application generally.	Section 121(1)(c) <i>Liquor Act 1992</i>	19 March 2019	
	Chief Executive Officer	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) <i>Liquor Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Liquor Act 1992

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Liquor Act 1992</i>	19 March 2019	
	Chief Executive Officer	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) <i>Liquor Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to display a notice regarding a designation at or near each entrance to a place within a restricted area.	Section 173M(1) <i>Liquor Act 1992</i>	19 March 2019	
9	Chief Executive Officer	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) <i>Liquor Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

Document Reviewed:	08/08/2018
Reprint:	20/07/2018
Changes:	150DL, 150DU

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to conduct a joint government activity.	Section 10 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to:- (a) review whether each of its divisions has a reasonable proportion of electors; and (b) give the electoral commissioner and the Minister written notice of the results of the review no later than 1 March in the year before the quadrennial elections.	Section 16 <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with Council.
	Chief Executive Officer	Power to make submissions to the change commission in response to a request for submissions in relation to a proposed local government change.	Section 19 <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with Council.
	Chief Executive Officer	Power to decide the local government's process for making a local law consistent with Chapter 3, Part 1 of the <i>Local Government Act 2009</i> .	Section 29 <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consult with relevant government entities about the overall State interest in a proposed local law.	Section 29A(3) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to conduct a public benefit assessment of a new significant business activity	Section 46(2) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to prepare a report on the public benefit assessment in accordance with section 46(5) of the <i>Local Government Act 2009</i> .	Section 46(5) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to apply a code of competitive conduct to a business activity.	Section 47 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Divisional Councillor.
	Chief Executive Officer	Power to give the owner of land a notice of intention to acquire land.	Section 61 <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Divisional Councillor.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Divisional Councillor.
	Chief Executive Officer	Power to decide a claim for compensation for a notice of intention to acquire land.	Section 62 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to acquire land after service of notice of intention to acquire instead of paying compensation for injurious affection.	Section 64 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to assess compensation for acquisition of land.	Section 64 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to serve notice of decision not to proceed to acquire land the subject of a notice of intention to acquire.	Section 65(3) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to withdraw notice of intention to acquire land.	Section 65(4) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to acquire land that adjoins a road for use as a footpath.	Section 67 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Divisional Councillor.
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Divisional Councillor.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Divisional Councillor.
	Chief Executive Officer	Power to publish notice of closing of road.	Section 69(3) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to do everything necessary to stop traffic using the road after it is closed.	Section 69(4) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Divisional Councillor.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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> .	Sections 70(3) and (4) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to agree the amount of compensation payable under section 71 of the <i>Local Government Act 2009</i> .	Section 71(4) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, in the circumstances set out in subsection 72(1), to assess impact of the activity on the road.	Section 72(3) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to give the entity conducting an activity a direction about the use of the road to lessen the impact or to require the entity to carry out works to lessen the impact or to pay an amount as compensation for the impact.	Section 72(3)(a) and (b) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to recover an amount of compensation payable under subsection 72(3)(b)(ii) in a court.	Section 72(5) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to categorise the roads in the local government area according to the surface of the road.	Section 73 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to approve the carrying out of works on a road or interference with a road or its operation subject to conditions.	Section 75 <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Divisional Councillor.
	Chief Executive Officer	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 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to give a notice requiring the owner of a property to perform sewerage installation works.	Section 78 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to provide a ferry service across a water course under section 80B of the <i>Local Government Act 2009</i> including the leasing of the right to provide the ferry service.	Section 80B <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Minister for approval to make a major policy decision during the caretaker period for an election for the local government.	Section 90B <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to lodge documents with the Registrar of Titles for release of the charge if overdue rates and charges are paid.	Section 95 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to establish an efficient and effective internal audit function.	Section 105(1) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to maintain public liability insurance and professional indemnity insurance.	Section 107(1) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a contract of insurance with WorkCover Queensland or another insurer to cover its councillors.	Section 107(3) <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give the public notice of the disbursement of funds not provided for in the local government's budget.	Section 110 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to give or to attempt to give an occupier of a property a written notice that informs the occupier of the local government's intention to enter the property.	Section 133 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to assess, agree and pay compensation for damage or loss incurred by a person because of the exercise, or purported exercise, of a power under division 1 part 2 chapter 5 of the <i>Local Government Act 2009</i> .	Section 137 <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Divisional Councillor.
	Chief Executive Officer	Power to authorise an employee or agent of the local government to act as a local government worker.	Section 138(5) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to give each local government worker an identity card.	Section 138A(1) <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a reasonable entry notice, as defined by section 138AA(4), to the occupier of a property that a local government worker may enter the property and take action required under a remedial notice.	Section 142(2) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to recover as a debt the amount that the local government properly and reasonably incurs in taking the action from the person who failed to take the action.	Section 142(4) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to recover a debt payable under section 142 of the <i>Local Government Act 2009</i> as if the debt were an overdue rate.	Section 142 (7) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to give reasonable entry notice, as defined by section 138AA(4), to the owner and the occupier of rateable land of entry by a local government worker to search for and remove materials.	Section 143 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to agree and to pay the amount of compensation payable to a person who incurs damage or loss during the course of the exercise, or purported exercise, of a power under division 2, part 2, chapter 5 of the <i>Local Government Act 2009</i> .	Section 147 <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Divisional Councillor.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to request the conduct tribunal to:- (a) investigate the suspected inappropriate conduct of a councillor referred to the local government, by the assessor, to be dealt with by the local government; and (b) make recommendations to the local government about dealing with the conduct.	Section 150DL <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to pay the costs of the conduct tribunal in relation to the conduct tribunal:- (a) conducting a hearing about the misconduct of a councillor under part 3, division 6; or (b) at the request of the local government, investigating the suspected inappropriate conduct of a councillor and making recommendations to the local government about dealing with the conduct	Section 150DU <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to give written notice of a complaint about the conduct or performance of a councillor to the chief executive officer.	Section 176B(2) <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to employ local government employees and to agree to the terms and conditions of an employee's employment (including any variation to those terms).	Section 196(2) <i>Local Government Act 2009</i>	19 March 2019	This power does not include the power to appoint employees which is separately dealt with under sections 196(3) and 196(4) of the Act.
	Chief Executive Officer	Power to agree with other local governments about the joint employment of a local government employee.	Section 198 <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with Council.
	Chief Executive Officer	Power, as a prescribed employee's employer, to pay superannuation contributions payable for the employee into LGIASuper.	Section 219(1) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to give a copy of the agreement made under subsection 220(2) to the relevant trustee.	Section 221(4) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to enter into an arrangement with a councillor under which – (a) the councillor agrees to forgo a percentage or amount of the remuneration that the councillor is entitled to as a councillor; and (b) the local government agrees to contribute the percentage or amount to the superannuation scheme for the councillor.	Section 226(4) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission as a local governing body within the meaning of the Local Government (Financial Assistance) Act to assist the Local Government Grants Commission to make a decision about funding under the Local Government (Financial Assistance) Act.	Section 228(4) <i>Local Government Act 2009</i>	19 March 2019	Subject to consultation with the Mayor.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to sign a document on behalf of a local government as a delegate of the local government.	Section 236 <i>Local Government Act 2009</i>	19 March 2019	Mayor to execute documents on behalf of Council in instances where creating, amending or surrendering interests in land, unless not reasonably practicable, then the Chief Executive Officer.
	Chief Executive Officer	Power to effect substituted service.	Section 239 <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to authorise an employee in any legal proceedings – (a) to give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.	Section 240(1) <i>Local Government Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to do anything that is necessary or convenient for performing the responsibilities of the local government under a Local Government Act.	Section 262 <i>Local Government Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

Document Updated:	17/07/2018
Reprint:	18/02/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to decide the amount of a fee for a request of an extract or certified copy of a local law from the local government's register of local laws.	Section 14(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to identify and assess each new significant business activity for possible reform involving full cost pricing, commercialising, or corporatizing the activity.	Section 18 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to decide what to charge for goods or services provided in conducting a significant business activity in accordance with section 22 <i>Local Government Regulation 2012</i> .	Section 22 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to conduct a 2-part charge assessment for providing water services	Section 41(1)(a) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to ensure the public can inspect a copy of the report given to Council under section 52.	Section 53 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to give notice of the resolution to the	Section 55(4)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		entities listed in the subsection.	<i>Local Government Regulation 2012</i>		
	Chief Executive Officer	Power to establish a register of business activities to which the competitive neutrality principle applies.	Section 56(1) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power in relation to a mall to do any of the following: (a) anything necessary or desirable for developing, managing, maintaining (including cleaning), promoting or using a mall; (b) permit the use of any part of the mall on conditions it considers appropriate; (c) anything incidental to its powers mentioned in (a) or (b).	Section 58 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to construct, maintain, manage and regulate the use of: (a) harbours for small vessels in or over tidal waters; and (b) jetties, breakwaters and ramps in or over tidal waters; and to occupy and use foreshore, tidal land or tidal waters to undertake work in exercising those	Section 59 <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		powers.			
	Chief Executive Officer	Power to take all necessary steps for: (a) construction on, maintenance of or improvement of the land; and (b) regulation of the use of the land, where the land is subject to a public thoroughfare easement.	Section 63 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to enter into arrangements necessary to perform the joint responsibility of the local government where a road or other work is to be, or has been, built: (a) along the boundary between two or more local government areas; and (b) partly in each of the areas.	Section 64 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to identify, in any way considered appropriate, parcels of rateable land to which a minimum amount of general rates apply.	Section 77(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to identify, in any way considered appropriate, the rating category to which each parcel of rateable land in the local government area belongs. Nb. this section is only required where Council	Section 81(4) <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		is levying differential general rates.			
	Chief Executive Officer	Power to decide what rating category the land referred to in subsection (1) should be in. Nb. this section is only required where Council is levying differential general rates.	Section 82(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to ensure that each relevant rate notice is accompanied by, or contains, a rating category statement. Nb. this section is only required where Council is levying differential general rates.	Section 88(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	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)) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to allow a longer period within which an owner of rateable land must give an objection notice.	Section 90(5)(b) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, in the circumstances referred to in subsection (1), to pay unspent special rates or charges to the current owners of the land on which the special rates or charges were levied.	Section 96(2) <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		Nb. this section is only required where Council is levying special or charges rates.			
	Chief Executive Officer	Power, in the circumstances referred to in subsection (1), to pay unspent special rates or charges to the current owners of the land on which the special rates or charges were levied. Nb. this section is only required where Council is levying special or charges rates.	Section 97(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to levy rates or charges by a rate notice.	Sections 104, 105, 106 107 and 108 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to determine a period considered appropriate for the issue of a rate notice.	Section 107(1) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, where land becomes, or stops being, rateable land, to adjust the rates so that the rates are calculated only on the period when the land was rateable land.	Section 110 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, if the value of the land changes under the Land Valuation Act, to adjust the rates so that the rates are calculated on the new value of the land for the period that starts on the day	Section 111 <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		the change takes affect.			
	Chief Executive Officer	Power, if the land is given a rating category, including a change of rating category, to adjust the general rates so that the rates are calculated on the new or changed rating category for the period that starts on the day the land was given the new or changed rating category.	Section 112 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, if the land becomes, or stops being, land on which the local government may levy special rates or charges, to adjust the rates or charges so that the rates or charges are calculated on period when the land was land on which the local government could levy special rates or charges.	Section 113 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, if the land becomes, or stops being, land on which the local government may levy special rates or charges, to adjust the rates or charges so that the rates or charges are calculated on period when the land was land on which the local government could levy special rates or charges.	Section 114 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, refund the overpaid amount of rates or charges or recover the amount of rates or charges owing if the rates or charges are paid	Section 115 <i>Local Government</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		before they are adjusted.	<i>Regulation 2012</i>		
	Chief Executive Officer	Power to accept an application from a ratepayer made under subsection (1)(a).	Section 122(3) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to be satisfied that a ratepayer is eligible for a concession granted pursuant to a resolution made under subsection (1)(b).	Section 122(4) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, in the circumstances referred to in subsection (1), to refund the amount of the rebated rates or charges to the ratepayer.	Section 124(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to still allow a discount where satisfied that the ratepayer has been prevented, by circumstances beyond their control, from paying the rates or charges in time to get the discount.	Section 130(10) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	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 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to decide: (a) the rate of interest payable; (b) the day from which interest is, payable on overdue rates or charges; and	Section 133 <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		(c) the manner of the calculation of interest.			
	Chief Executive Officer	Power to recover overdue rates or charges by bringing Court proceedings for a debt.	Section 134 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to give the State or government entity that has an interest in the land under a State encumbrance a notice of the local government's intention to sell the land.	Section 138 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, where Council has by resolution decided to sell the land, to give all interested parties a notice of intention to sell the land.	Section 140(3) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to carry out the procedures that a local government must follow to sell land for overdue rates or charges.	Section 142 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to set a reserve price for the sale by auction of land for overdue rates and charges.	Section 143(1) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	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) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to give the registrar of titles a general	Section 144(2)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		request form if land is taken to have been sold at auction to Council.	<i>Local Government Regulation 2012</i>		
	Chief Executive Officer	Power, in the circumstances set out in subsection (1), to give the registrar of titles an appropriate form.	Section 145(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to use the proceeds of sale of the land for the purposes and in the order specified.	Section 146 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, where Council has by resolution decided to acquire the land, to give all interested parties a notice of intention to acquire the land.	Section 149(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, in the circumstances set out in subsection (1), to start the procedures to acquire the land.	Sections 150(2) and 151 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to decide any other information considered appropriate for inclusion in a land record.	Section 154(2)(e) <i>Local Government Regulation 2012</i>	19 March 2019	Subject to consultation with Council.
	Chief Executive Officer	Power to record the details of the new owner in the land record.	Section 162 <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to keep a written record, in the way required by subsection (2), which states the matters identified in subsection (1).	Section 164 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to give a grant to a community organisation in the public interest and consistent with the local government's community grants policy.	Section 194 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to spend money on entertainment or hospitality consistent with the local government's entertainment and hospitality policy.	Section 196(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to spend money on advertising to provide information or education that is in the public interest and consistent with the local government's advertising spending policy.	Section 197(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to allow the public to inspect and purchase copies of the documents referred to in subsection (1).	Section 199(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to:- 1. establish a trust fund; 2. deposit trust money in a financial institution account; and	Section 200 <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		3. reconcile the assets of the trust fund with the liabilities of the trust fund.			
	Chief Executive Officer	Power to transfer money to or from a trust fund in accordance with section 201 <i>Local Government Regulation 2012</i>	Section 201 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to publish an availability notice.	Section 202(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to publish a notice after an amount has been allocated from a councillor's discretionary funds.	Section 202(7) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to establish separate accounting records for Council's:- (a) operations; and (b) its trust fund.	Section 203 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to prepare a financial report.	Section 204 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to:- (a) prepare an internal audit plan; (b) carry out an internal audit; (c) prepare a progress report for the	Section 207 <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		internal audit; (d) assess compliance with the internal audit plan; and (e) give the documents referred to in subsection (3) to the audit committee.			
	Chief Executive Officer	Power to appoint the members of the audit committee.	Section 210 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to give the financial statements referred to in subsections (1) and (2) to the auditor-general.	Section 212 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to give the department's chief executive a notice stating that the local government has paid notional GST for the previous financial year.	Section 215 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to set the value limit for valuable non-current assets other than land.	Section 224(7)(b) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to invite written quotes for a medium-sized contractual arrangement.	Section 225(1) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to decide to accept a quote or to decide	Section 225(3)	19 March 2019	Notification to Council by way of Closed

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		not to accept any of the quotes it receives for a medium-sized contractual arrangement.	and (4) <i>Local Government Regulation 2012</i>		Business Information Report to next available Ordinary Meeting.
	Chief Executive Officer	Power to invite written tenders for a large-size contractual arrangement.	Section 226 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to invite written tenders for a valuable non-current asset contract or to offer a non-current asset for sale by auction.	Section 227 <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to invite expressions of interest, prepare a shortlist and invite written tenders pursuant to section 228 <i>Local Government Regulation 2012</i> .	Section 228(2)(b) <i>Local Government Regulation 2012</i>	19 March 2019	The local government: (a) decides, by resolution, that it would be in the public interest to invite expressions of interest before inviting written tenders; and (b) records its reasons for making the resolution in the minutes of the meeting at which the resolution was made.
	Chief Executive Officer	Power to decide to accept a tender or not to accept any tenders it receives.	Section 228(8) and (9) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a medium-sized contractual arrangement or large-sized contractual arrangement in accordance with a quote or tender consideration plan adopted by local government resolution.	Section 230(1) <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to enter into a medium-sized contractual arrangement or large-sized contractual arrangement for services with a person on an approved contractor list.	Section 231(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to put together an approved contractor list.	Section 231(4) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a contract for a medium-sized contractual arrangement or large-sized contractual arrangement for the supply of goods or services with a supplier from a register of pre-qualified suppliers.	Section 232(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to establish a register of pre-qualified suppliers of particular goods or services by inviting tenders.	Section 232(3) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a medium-sized contractual arrangement or large-sized contractual arrangement for goods or services with a preferred supplier under a preferred supplier arrangement.	Section 233(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to establish a preferred supplier arrangement by inviting tenders.	Section 233(3) to (8) <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>Regulation 2012</i>		
	Chief Executive Officer	Power to enter into a contract for goods and services under an LGA arrangement.	Section 234(1) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a medium-sized contractual arrangement or large-sized contractual arrangement in circumstances specified in section 235 <i>Local Government Regulation 2012</i> .	Section 235 <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to dispose of a valuable non-current asset other than by tender or auction in circumstances specified in section 236 <i>Local Government Regulation 2012</i> .	Section 236 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to publish and display relevant details of a contractual arrangement worth \$200,000.00 or more (exclusive of GST).	Section 237 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, in the circumstance identified in subsection (1), to make a submission to the tribunal for approval to pay a councillor an amount of remuneration of more than the maximum amount.	Section 248(2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to notify of the adoption of an expenses reimbursement policy in the way specified in section 251.	Section 251 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to give written notice of each meeting or adjourned meeting of Council to each councillor.	Section 258 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to allow a councillor to take part in a meeting by teleconferencing.	Section 276(2) <i>Local Government Regulation 2012</i>	19 March 2019	The Mayor's power is limited to Councillors and the Chief Executive Officer's power is limited to employees.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to publish the notice mentioned in subsection (1).	Sections 277(1) and (2) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to display in a conspicuous place in Council's public office a notice of the days and time when Council meetings will be held and committee meetings will be held.	Sections 277(3) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to publish the list of items to be discussed at a meeting, including details or documents relating to an item, on the local government's website.	Section 277(6) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, as a former employer, to pay the new employer an amount for the number days of long service leave that the person is entitled to take because of the person's period of employment with the former employer.	Sections 287(1) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power, as a former employer, to provide the new employer with the information specified in subsection (3).	Sections 287(3) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to make available a copy of the register of interests of councillors available for inspection by the public at Council's public	Sections 295 <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Local Government Regulation 2012

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		office and on its website.			
	Chief Executive Officer	Power to do all things specified in subsection (4) in relation to Council's complaints management process and administrative action complaints.	Section 306(4) <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to make a reasonable allocation of its administrative and overhead costs to each relevant activity, having regard to all of a local government's relevant activities.	Schedule 4 section 5 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to decide an amount for depreciation of an asset used in conducting a relevant activity that is appropriate in the circumstances.	Schedule 4 section 7 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to work out tax equivalents for Commonwealth or State taxes a local government is not liable to pay as a local government in accordance with schedule 4 section 8 <i>Local Government Regulation 2012</i> .	Schedule 4 section 8 <i>Local Government Regulation 2012</i>	19 March 2019	
	Chief Executive Officer	Power to decide the amount for the return on capital used by a local government in conducting a relevant activity in accordance with schedule 4 section 10 <i>Local Government Regulation 2012</i> .	Schedule 4 section 10 <i>Local Government Regulation 2012</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral and Energy Resources (Common Provisions) Act 2014

Document Updated:	16/07/2018
Reprint:	21/06/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
1.	Chief Executive Officer	Power, as a public land authority, to agree in writing to a longer entry period.	Section 57(3) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
2.	Chief Executive Officer	Power, as a public land authority, to impose reasonable and relevant conditions on the resource authority holder about the entry to the public land or the carrying out of the authorised activity.	Section 59(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
3.	Chief Executive Officer	Power, as a public land authority, to vary any condition it has imposed.	Section 59(7) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
4.	Chief Executive Officer	Power, as a public land authority, to give the holder an information notice about the imposition of a condition or the varying of a condition.	Section 59(8) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
5.	Chief Executive Officer	Power, as a public land authority for land, to give a waiver of entry notice.	Section 60(1) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	Subject to Council approval

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral and Energy Resources (Common Provisions) Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
6.	Chief Executive Officer	Power, as a public road authority, to sign a compensation agreement for the use of a public road for a notifiable road use.	Section 63(1)(b)(i) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
7.	Chief Executive Officer	Power, as a public road authority, to give written consent to the carrying out of a notifiable road use on a public road.	Section 63(1)(b)(ii) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
8.	Chief Executive Officer	Power, as a public road authority for a public road, to give a road use direction.	Section 64(1) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
9.	Chief Executive Officer	Power, as a public road authority for a public road to give an information notice about the decision to give a road use direction.	Section 64(4)(b) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
10.	Chief Executive Officer	Power, as an owner of restricted land, to give written consent to the resource authority holder carrying out the activity and to impose conditions on the consent.	Section 70 <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral and Energy Resources (Common Provisions) Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
11.	Chief Executive Officer	Power, as an owner or occupier of land, to apply to the Land Court for an order declaring the following:- (a) whether particular land is restricted land for a resource authority or the Mineral Resources Act, Schedule 1, section 2; and (b) whether a particular activity is a prescribed activity for a resource authority.	Section 72(1) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
12.	Chief Executive Officer	Power, as an eligible claimant, to enter a conduct and compensation agreement with the resource authority holder.	Section 83(1) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
13.	Chief Executive Officer	Power, as an eligible claimant, to use all reasonable endeavours to negotiate a conduct and compensation agreement or a deferral agreement.	Section 85(1) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
14.	Chief Executive Officer	Power, as an eligible claimant, to agree to a longer negotiation period.	Section 85(2)(b) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
15.	Chief Executive Officer	Power, as an eligible claimant, to enter an opt-out agreement.	Section 85(4) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral and Energy Resources (Common Provisions) Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
16.	Chief Executive Officer	Power, as a party to a conduct and compensation agreement or a deferral agreement, to terminate the agreement by giving notice to the other party during the cooling off period.	Section 87(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
17.	Chief Executive Officer	Power, as an eligible claimant, to give an election notice.	Section 88(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
18.	Chief Executive Officer	Power, where Council has given or received an election notice calling for a conference, to participate in the conference, to agree to a longer period for the conference, to negotiate an agreement about the concerns the subject of the conference and to sign the agreement.	Section 89 <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
19.	Chief Executive Officer	Power, where Council has given or received an election notice calling for an ADR, to participate in the ADR, to agree to a longer period for the ADR, to negotiate an agreement about the concerns the subject of the ADR and to sign the agreement.	Section 90 <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
20.	Chief Executive Officer	Power, as a party who attended a conference or ADR, to apply to the Land Court for an order requiring the non-attending party to pay the attending party's reasonable costs of attending.	Section 91(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Mineral and Energy Resources (Common Provisions) Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
21.	Chief Executive Officer	Power, as a public road authority for a public road, to enter a road compensation agreement.	Section 94(1) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
22.	Chief Executive Officer	Power, as an eligible party, to apply to the Land Court for it to decide:- (a) the resource authority holder's compensation liability to the claimant; or (b) the resource authority holder's future compensation and liability to the claimant for an authorised activity for the resource authority proposed to be carried out or for the holder; or (c) a matter mentioned in section 83(1)(a) or (b).	Section 96(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
23.	Chief Executive Officer	Power, as a public road authority, to apply to the Land Court for the Court to decide a resource authority holder's compensation liability.	Section 100(1) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	
24.	Chief Executive Officer	Power, as a public road authority or an eligible claimant, to apply to the Land Court for a review of the original compensation.	Section 101(2) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Mineral and Energy Resources (Common Provisions) Act 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
25.	Chief Executive Officer	Power, as a relevant entity, to give the chief executive a copy of a notice or consent given by or to Council under chapter 3.	Section 205(1) <i>Mineral and Energy Resources (Common Provisions) Act 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral Resources Act 1989

Date Reviewed:	16/07/2018
Reprint No:	21/06/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make a note on each relevant map in Council's planning scheme.	Section 4B(3) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief executive a written notice for the taking of land for which mining interests are extinguished.	Section 10AAA(9) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the decision-maker about the granting of a new mining tenement for an area that includes acquired land.	Section 10AAC(1) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a reserve, to give written consent, with or without conditions, to a parcel prospecting permit holder entering the surface of the reserve.	Sections 19(1) and 20 <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of occupied land, to give written consent, with or without conditions, to a district prospecting permit holder entering the surface of the land.	Sections 19(2) and 20 <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of occupied land, to give written consent, with or without conditions, to a prospecting permit holder entering the land for hand mining.	Sections 19(3) and 20 <i>Mineral Resources Act 1989</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral Resources Act 1989

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of land, to apply to the chief executive to rectify the damage referred to in subsection (1) that has been caused by any activity allegedly authorised under a prospecting permit in respect of the land.	Section 26(3) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land, to give written approval to the chief executive for the refund of security for a parcel prospecting permit.	Section 26(9) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land where a person purports to enter the land under authority of a prospecting permit, to report to the chief executive that a person is not authorised to enter or be upon the land or is not complying with any condition of the prospecting permit or of any provision of the Act.	Section 34(1) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land where a person purports to be upon the land under authority of a prospecting permit, to require the person to produce the prospecting permit or a written authorisation in a form acceptable to the chief executive from the holder of the prospecting permit authorising the person to enter or be upon that land for prospecting purposes.	Section 46(1) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of occupied land, to give written consent to a person entitled to enter the land under a prospecting permit to enter the land at night.	Section 47(1) <i>Mineral Resources Act 1989</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral Resources Act 1989

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of occupied land, to give written consent to a person entitled to enter the land under a parcel prospecting permit to enter the land at night.	Section 47(2) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant owner of restricted land, to give written consent to an application for a mining claim on the land.	Section 51(2) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land that is a reserve, to consent to the granting of a mining claim over the land.	Section 54(a) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land that is affected by an application for a mining claim, to make a written request to the chief executive for a conference.	Section 65(1)(a) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power to attend a section 65 conference and to reach agreement about something discussed at the conference.	Sections 66 and 69 <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of relevant land and/or as a relevant local government, to lodge a written objection in the approved form to an application for a mining claim and to serve a copy of the objection on the applicant.	Section 71 <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power to withdraw an objection to a mining claim by giving written notice to the entities specified in subsection (1).	Section 71A <i>Mineral Resources Act 1989</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral Resources Act 1989

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner of land the subject of the application and of any surface access to that land, to agree with the applicant for a mining claim about the amount of compensation to be paid to Council.	Section 85(1)(a) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land the subject of the application and of any surface access to that land, to apply in writing to the chief executive to have the Land Court determine the amount of compensation and the terms, conditions and times of payment thereof.	Section 85(5) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as a party aggrieved by a determination of the Land Court made under section 85, to appeal to the Land Appeal Court against the Land Court's decision.	Section 86 <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as an appellant pursuant to section 86, to lodge the security in the decided form and amount.	Section 86A(5) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land that is a reserve, to give the Minister the land owner's views about further prospecting or exploration on the land.	Section 124(2) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land where a person purports to be upon the land under authority of an exploration permit, to require the person to produce the exploration permit or a written authorisation in a form acceptable to the chief executive from the holder of the exploration permit authorising the person to enter or be upon that land for exploration purposes.	Section 167(1) <i>Mineral Resources Act 1989</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral Resources Act 1989

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of land in the area of a mineral development licence, to certify that there is no actual damage to the land that should be rectified	Section 190(8)(a) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land where a person purports to be upon the land under authority of a mineral development licence, to require the person to produce the mineral development licence or a written authorisation in a form acceptable to the chief executive from the holder of the mineral development licence authorising the person to enter or be upon that land for any purposes authorised thereunder.	Section 216(1) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land, to consent to a mining lease holder making an application to conduct drilling and other activities on land not included in the surface area covered under the lease.	Section 237(2)(d)(i) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of restricted land, to consent to the making of an application for a mining lease over the land.	Section 238(1)(a) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power to lodge an objection to an application for grant of a mining lease.	Sections 260(1) and (2) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power to serve a copy of the objection lodged against an application for grant of a mining lease on the applicant.	Section 260(4) <i>Mineral Resources Act 1989</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral Resources Act 1989

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to withdraw an objection lodged against an application for grant of a mining lease.	Section 261(1) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land that is a reserve, to give written consent to the grant of a mining lease over the surface area of the reserve.	Section 271A(2)(a) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land the subject of an application to grant or renew a mining lease and of any surface access to that land, to agree with the applicant for the lease about the amount of compensation to be paid to Council.	Sections 279(1)(a) and (3) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land the subject of a mining lease where no part of the surface area of that land is included in the lease, to agree with the holder of the lease about the amount of compensation to be paid as compensation for any damage caused to the surface of the land.	Sections 280 <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as a person who could be a party to an agreement under sections 279 or 280, to apply in writing to the chief executive to have the Land Court determine the amount of compensation and the terms, conditions and times of payment thereof.	Section 281(1) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as a party aggrieved by a determination of the Land Court made under section 281, to appeal to the Land Appeal Court against the decision.	Section 282(1) <i>Mineral Resources Act 1989</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral Resources Act 1989

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an appellant pursuant to section 282, to lodge the security in the decided form and amount.	Section 282A(5) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land in relation to a lease mentioned in section 279(1)(a) or 280(1) to agree in writing to amend the original compensation.	Section 283A(2) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land in relation to a lease mentioned in section 279(1)(a) or 280(1) to apply, in the circumstances identified in subsection (1), to the Land Court to review the original compensation.	Section 283B(2) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the recipient of a notice given by the Minister pursuant to section 335G, to attend and take part in the conference and reach agreement on issues discussed at the conference.	Sections 335H and 335L <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land, to enter a compensation agreement.	Section 345(2) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power, as a person who could be a party to a compensation agreement, apply in writing to the chief executive to have the Land Court decide the amount of compensation and the terms, conditions and times of its payment	Section 345(4) <i>Mineral Resources Act 1989</i>	19 March 2019	
	Chief Executive Officer	Power as the owner of restricted land to consent, with or without conditions, to the entry of the land under section 386V.	Schedule 1, Section 2(1)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mineral Resources Act 1989

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power as the owner of occupied land to consent, with or without conditions, to the entry of the land under section 386V at night.	Schedule 1, Section 3(1)	19 March 2019	
	Chief Executive Officer	Power as the owner of a reserve to give written consent to the entry of the surface of the reserve under section 386V.	Schedule 1, Section 4	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Act 1999

Date Reviewed:	16/07/2018
Reprint No:	30/6/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as an operator of a mine, to comply with the operator's obligations contained in subsections (1) and (2).	Section 38 <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated notice of:- (a) the operator's name and address; and (b) the name of and description of the land comprising the mine or part of the mine.	Section 47(1)(a) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated a facility description for the mine.	Section 47(1)(b) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated notice of the day operations are to start.	Section 47(3) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Act 1999

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated notice of the appointments specified in subsection (4).	Section 47(4) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator of a mine, to give the inspector for the region in which the mine is situated written particulars of the land added or omitted.	Section 47(4) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator of a mine, to appoint a person to act as the site senior executive during the absence.	Section 52(1) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator of a mine that has been abandoned, to give the chief inspector plans showing the extent of operations undertaken at the mine.	Section 58(3) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator of a mine, to keep a mine record and make it available for inspection.	Section 59 <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Act 1999

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as a former operator, to give the new operator the mine record for the mine.	Section 59(5) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator of a mine that has been abandoned, to ensure that the abandoned mine is safe and made secure.	Section 61(1) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person in control or temporarily in control of a mine, to give the representative reasonable help in the exercise of powers under subsection (1).	Section 116(2) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person with an obligation under the Act with access to the documents, to produce the documents.	Section 116(3) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as an occupier, to consent to the entry of a place by an officer and sign an acknowledgement of the consent.	Section 131(3) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Act 1999

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as a person required to give reasonable help under section 136(3)(f), to comply with the requirement..	Section 137 <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person of whom the requirement is made, to comply with the requirement.	Section 143(3) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as the owner of a thing that has been seized and not returned, to apply to the chief inspector for its return.	Section 146(2) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person of whom a document production requirement has been made, to comply with the requirement.	Section 152 <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person of whom a document certification requirement has been made, to comply with the requirement.	Section 153 <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Act 1999

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as a person to whom a directive is given, to comply with the directive.	Section 171(2) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person who has received a directive, to apply under Part 9, Subdivision 4 for the directive to be reviewed. For avoidance of doubt, the power delegated includes (without limitation) the power to take all actions as detailed in sections 172, 173, 174 and 175.	Sections 172, 173, 174 and 175 <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person required to give primary information under subsection (1), to comply with the requirement.	Section 195A(3) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power to appeal to the Industrial Court. For avoidance of doubt, the power delegated includes (without limitation) the power to take all actions as detailed in sections 223 and 224.	Sections 223 and 224, <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person dissatisfied with a decision of an industrial magistrate in proceedings brought under subsection 234(1), to appeal to the Industrial Court.	Section 234 <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Mining and Quarrying Safety and Health Act 1999

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as an operator, to advise a subsequent worker that the original worker exercised rights under subsection (1).	Section 253(4) <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person with obligation under the Act, to make a representation to an inspector or inspection officer.	Section 254 <i>Mining and Quarrying Safety and Health Act 1999</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Regulation 2017

Date Reviewed:	16/07/2018
Reprint No:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as an operator, to ensure hazard identification for the mine's operations is done during the operations' planning and design.	Section 6(2) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person who has an obligation under the Act to manage risk at a mine, to apply hazard controls in the order identified in subsection (1).	Section 8(1) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a responsible person for a mine, to pay a safety and health fee.	Section 11C(1) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a responsible person for a mine, to give the chief executive a safety and health census.	Section 11D(1) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Regulation 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as a responsible person for a mine, to make submissions to the chief executive.	Section 11E(3) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a responsible person for a mine, to pay the amount of the safety and health fee stated in the invoice.	Section 11E(6) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator, to ensure:- (a) switchgear used at the mine allows for reliable circuit interruption, under fault conditions, at all points in the mine's electrical distribution system; and (b) each electrical circuit at the mine is protected against overload, short circuit and earth fault under all operating conditions to effectively:- (i) interrupt the electricity supply; and (ii) isolate faults.	Section 22 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Regulation 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as an operator, to ensure that the electricity supply to the plant identified in section 23 is capable of interruption from an accessible position remote from the plant.	Section 23 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator, to ensure:- (a) each automatic, programmable or computerised electrical control system at the mine operates safely under all operating conditions, including power supply instability or failure; and (b) the emergency stopping systems and safety alarms at the mine remain effective if there is a fault or failure in a system mentioned in paragraph (a).	Section 24 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator, to ensure each earthing system at the mine is installed and maintained at sufficiently low impedance and has sufficient capacity to ensure:- (a) reliable operation of electrical protective systems and devices; and (b) adequate protection against contact with conductive parts that have become live under fault conditions.	Section 25 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Regulation 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as an operator, to ensure the mine has earth leakage protection for each electrical circuit exceeding extra low voltage that:- (a) is in a portable, transportable or mobile apparatus; or (b) has an outlet for, or supplies electricity to, a trailing cable or flexible lead.	Section 26 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator, to ensure each item of electrical equipment used at the mine has a full current isolation facility in a location that is easily accessible by a person required to carry out the isolation.	Section 27(1) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator, to ensure the isolator is clearly marked or labelled and compatible with the mine's isolation and lock-out procedures.	Section 27(2) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator, to ensure electrical equipment exceeding extra low voltage used at the mine has a device or feature for preventing a person inadvertently contacting live parts of the equipment.	Section 29 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator, to ensure the prospective touch voltage at the mine is limited to a level necessary to achieve an acceptable level of risk.	Section 30 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Regulation 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as an operator, to ensure voltage rise in an electrical installation at the mine caused by lightning strike, static electricity, voltage surges and other transient voltages is limited to a level necessary to achieve an acceptable level of risk	Section 31 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator of a mine mentioned in subsection (2), to provide adequate resources at the mine to ensure the effectiveness and implementation of the emergency response plan.	Section 35(3) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person who has an obligation under the Act to manage risk in relation to ground control at a mine during the mine's design, operation or abandonment, to ensure appropriate measures are taken to prevent or control local and area failures in ground integrity.	Section 44 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person who has an obligation under the Act to manage risk at a mine in relation to the mine layout, design and construction, to ensure the layout, design and construction is carried out having regard to the matters listed in section 45.	Section 45 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person who has an obligation under the Act to manage risk at a mine in relation to the design and construction of the mine's roads, to ensure the specification for the design and construction enables the safe movement of vehicles about the mine.	Section 46 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Mining and Quarrying Safety and Health Regulation 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as a person who has an obligation under the Act to manage risk in relation to ventilation at a mine, to ensure appropriate measures are taken to ensure the ventilating air in a place where a person may be present at the mine is of a sufficient volume, velocity and quality to achieve a healthy atmosphere.	Section 48 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person who has an obligation under the Act to manage risk in relation to storing and handling hazardous substances or dangerous goods, to ensure they are handled and stored in the manner prescribed under section 56.	Section 56 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person who has an obligation under the Act to manage risk in relation to selecting explosives for use at the mine, to ensure the explosives comply with the requirements of section 65.	Section 65 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person who has an obligation under the Act to manage risk at a mine in relation to the selection and design of plant, to ensure that the selection and design of plant complies with the requirements of sections 100, 101 and 102.	Sections 100, 101 and 102 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Mining and Quarrying Safety and Health Regulation 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as an operator, to ensure plant used or intended for use, at the mine is manufactured, constructed, stored, transported and installed in accordance with any applicable specifications and instructions.	Section 104(1) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator, to ensure for fixed plant:- (a) the plant is installed in a location and environment that is compatible with the plant and its use; and (b) the mine layout incorporates appropriate facilities and adequate space for:- (i) access to and egress from the plant during emergencies; and (ii) the plant's operation, monitoring servicing and maintenance.	Section 104(2) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator, to ensure plant is commission in its operating environment at the mine before it is used to ensure those matters listed in subsections (1) and (2).	Section 105 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a person who has an obligation under the Act to manage risk at a mine in relation to the operation of plant, to ensure the plant is not operated in a way prescribed in section 106.	Section 106 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Mining and Quarrying Safety and Health Regulation 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as a person who has an obligation under the Act to manage risk at a mine in relation to the monitoring of plant, to ensure the plant is monitored in accordance with section 108.	Section 108 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as an operator, to ensure plant in use at the mine is serviced and maintained in accordance with section 109.	Section 109 <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	
	The Chief Executive Officer	Power, as a worker's employer, to pay for the worker's health surveillance and health surveillance reports.	Section 131(6) <i>Mining and Quarrying Safety and Health Regulation 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Nature Conservation (Administration) Regulation 2006

Document Updated:	16/07/2018
Reprint:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply for the grant of a relevant authority and to do all things necessary to process the application to obtain a decision.	Sections 23, 24, 26, 27, 27A, 28 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power to apply for the amendment of a relevant authority.	Section 47 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power to make representations in response to a notice issued by the Chief Executive pursuant to this section.	Section 49 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power to make representations in response to a notice issued by the Chief Executive pursuant to this section.	Section 54 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power to return a relevant authority to the chief executive.	Sections 55(2), 56(2) and 57 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Nature Conservation (Administration) Regulation 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to the Chief Executive for replacement of a damaged, destroyed, lost or stolen relevant authority.	Section 64 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power to surrender a relevant authority to the Chief Executive.	Section 65 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power to apply for internal review of a reviewable decision and to do all things necessary to process the application to obtain a decision.	Sections 100 and 102 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a person who is given, or is entitled to be given, a notice under section 101(3) about a decision, to apply to QCAT for external review of the decision.	Section 103 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power to give a return of operations to the chief executive..	Section 132 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power to keep a copy of a return of operations given to the chief executive..	Section 134 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Nature Conservation (Administration) Regulation 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give the chief executive a notice stating a return of operations has been stolen, lost, destroyed or damaged.	Section 135 <i>Nature Conservation (Administration) Regulation 2006</i>	19 March 2019	

Please note that this register only includes powers associated with an application for a relevant authority. It does not include powers associated with the making of a commercial agreement

REGISTER OF DELEGATIONS COUNCIL TO CEO

Nature Conservation (Wildlife Management) Regulation 2006

Document Updated:	16/07/2018
Reprint:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government, to:- (a) destroy a flying-fox roost; (b) drive away, or attempt to drive away, a flying-fox from a flying-fox roost; or (c) disturb a flying fox in a flying-fox roost., in an urban flying-fox management area.	Section 41A <i>Nature Conservation (Wildlife Management) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a damage mitigation permit, to give a return of operations for the permit to the chief executive.	Section 188 <i>Nature Conservation (Wildlife Management) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a flying-fox roost management permit, to give a return of operations for the permit to the chief executive.	Section 188G <i>Nature Conservation (Wildlife Management) Regulation 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Nature Conservation (Wildlife Management) Regulation 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government, to give the Chief Executive information about:- (a) an area zoned for use for residential or commercial purposes under the local government's planning scheme; and (b) ask the chief executive to amend the urban flying-fox management area map to include the area.	Section 379(2) <i>Nature Conservation (Wildlife Management) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to respond to a request from the Chief Executive pursuant to this section.	Section 383(2)(a) <i>Nature Conservation (Wildlife Management) Regulation 2006</i>	19 March 2019	

Please note that this register only includes those powers which Councils have in relation to the management of flying-foxes under the Regulation. It does not include powers to apply for the various other permits/authorities contained in the Regulation

REGISTER OF DELEGATIONS COUNCIL TO CEO

Nature Conservation Act 1992

Document Updated:	16/07/2018
Reprint:	03/07/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a landholder, to make a submission to the Minister about the proposed declaration of a nature refuge.	Section 44(4) <i>Nature Conservation Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as a landholder, to enter a conservation agreement with the Minister about the declaration of a nature refuge.	Sections 45(1) and 48(1) <i>Nature Conservation Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as a landholder, to request the cancellation of a conservation agreement.	Section 47(2) <i>Nature Conservation Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as a landholder, to make an objection to a proposed compulsory declaration of a nature refuge.	Section 49(2)(c) <i>Nature Conservation Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as a landholder, to claim compensation for injurious affection arising out of the declaration of a nature refuge under section 49 of the Act.	Section 67(5) <i>Nature Conservation Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Nature Conservation Act 1992

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government, to prepare a statement of management intent for protected wildlife required by the Minister and publish it on Council's website.	Section 100K <i>Nature Conservation Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as a landholder of land subject to an interim conservation order, to claim compensation.	Section 108(1) <i>Nature Conservation Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as a landholder, to make a submission about a draft management plan.	Section 115A(3)(c) <i>Nature Conservation Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as a landholder, to claim compensation for injurious affection arising where:- <ul style="list-style-type: none"> (a) a regulation is made, or a conservation plan is approved, for an area identified under the regulation or plan as, or including, a critical habitat or an area of major interest; and (b) a landholder's interest in land in the area is injuriously affected by a restriction or prohibition imposed under the regulation or plan on the landholder's existing use of the land. 	Section 137A(5) <i>Nature Conservation Act 1992</i>	19 March 2019	

Please note that this register only includes those powers which Councils have as landholders or regulatory bodies under the Act. It does not include powers to apply for the various permits/authorities contained in the Act

REGISTER OF DELEGATIONS COUNCIL TO CEO

Peaceful Assembly Act 1992

Document reviewed:	16/07/2018
Reprint:	08/11/2013

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power to nominate an officer of Council as a “representative”.	Section 4 <i>Peaceful Assembly Act 1992</i>	19 March 2019	
	The Chief Executive Officer	Power, as a local authority, to give a notice under subsection (2)(b) and impose conditions in the notice.	Sections 10(2)(b) and 11 <i>Peaceful Assembly Act 1992</i>	19 March 2019	
	The Chief Executive Officer	Power, as an owner or occupier, to give a notice under subsection (2)(c).	Section 10(2)(c) <i>Peaceful Assembly Act 1992</i>	19 March 2019	
	The Chief Executive Officer	Power, as a relevant authority, to consult under subsections (4) or (5).	Sections 11(4) or (5) <i>Peaceful Assembly Act 1992</i>	19 March 2019	
	The Chief Executive Officer	Power, as a relevant authority, to apply to a Magistrates Court for an order refusing to authorise the holding of the assembly.	Section 12 <i>Peaceful Assembly Act 1992</i>	19 March 2019	
	The Chief Executive Officer	Power, as a relevant authority, to consult with each interested person.	Section 13(1)(c) <i>Peaceful Assembly Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Peaceful Assembly Act 1992

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	The Chief Executive Officer	Power, as a relevant authority, to engage in a mediation process.	Section 13(1)(d) <i>Peaceful Assembly Act 1992</i>	19 March 2019	
	The Chief Executive Officer	Power, in the circumstances provided in subsection (3), to:- (a) fix a reasonable time and place for holding the consultations; and (b) cause a notice of the time and place to be published in a newspaper circulating in the area in which the assembly is proposed to be held.	Section 13(3) <i>Peaceful Assembly Act 1992</i>	19 March 2019	
	The Chief Executive Officer	Power, as a relevant authority, to notify the organiser in writing that it does not oppose the holding of the assembly.	Section 15(1) <i>Peaceful Assembly Act 1992</i>	19 March 2019	
	The Chief Executive Officer	Power, as a relevant authority, to participate in a mediation process.	Section 15(2) <i>Peaceful Assembly Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

Date Reviewed:	17/07/2018
Reprint No:	09/05/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make submissions to the Minister about the making or amending of a State Planning instrument.	Section 10 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to give notice of a proposed planning scheme or proposed amendment to the chief executive and follow the process for making or amending a planning scheme. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 18, 20 and 26 and as required under a notice give by the chief executive or in the Minister's rules.	Sections 18, 20 and 26 <i>Planning Act 2016</i>	19 March 2019	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
	Chief Executive Officer	Power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works in the tidal area for Council's local government area	Section 19 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to follow the process for the making or amending of an LGIP as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 21 and 26 and as required in the Minister's rules.	Sections 21 and 26 <i>Planning Act 2016</i>	19 March 2019	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to follow the process for the making or amending of a planning scheme policy as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 22 and 26 and as required in the Minister's rules.	Sections 22 and 26 <i>Planning Act 2016</i>	19 March 2019	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
	Chief Executive Officer	Power to follow the process for the making or amending of a TLPI as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 23 and 26 and as required in the Minister's rules.	Sections 23 and 26 <i>Planning Act 2016</i>	19 March 2019	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
	Chief Executive Officer	Power to follow the process for repealing a TLPI or planning scheme policy. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 24.	Section 24 <i>Planning Act 2016</i>	19 March 2019	This delegation does not include the power to decide to repeal the TLPI or planning scheme policy which is required to be exercised by Council pursuant to a resolution of Council (see subsection (1)).
	Chief Executive Officer	Power to review a planning scheme and a LGIP and follow the process for the review as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 25 and 26 and as required in the Minister's rules.	Sections 25 and 26 <i>Planning Act 2016</i>	19 March 2019	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to decide whether or not to agree to a superseded planning scheme request and give notice of the decision.	Section 29 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to decide a compensation claim. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters detailed in sections 32 and 33.	Sections 32 and 33 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to make or amend a designation and follow the process in the designation process rules. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters detailed in sections 35, 36, 37, 38 and the designation process rules.	Sections 35, 36, 37 and 38 <i>Planning Act 2016</i>	19 March 2019	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
	Chief Executive Officer	Power, as an affected party, to make submissions about the proposal to the Minister.	Section 37(4) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to extend the duration of a designation. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 39.	Section 39 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to repeal a designation made by Council. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 40 and 41.	Sections 40 and 41 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of an interest in designated premises, to request a designator to repeal a designation made by the designator on the basis that the designation is causing the owner hardship.	Section 41(1) <i>Planning Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to include a note about the making, amendment, extension or repeal of a designation in Council's planning scheme. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 42.	Section 42 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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 <i>Planning Act 2016</i> . 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, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 of the <i>Planning Act 2016</i> .	Sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to keep a list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	Section 48(3)(b) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to enter an agreement with a person on Council's list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	Section 48(3)(d) <i>Planning Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of premises, to give written consent to the making of the development application.	Section 51(2)	19 March 2019	
	Chief Executive Officer	Power to act as a “referral agency” for all development applications and cancellation applications received by Council as a referral agency under Chapter 3 of the <i>Planning Act 2016</i> . 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 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 of the <i>Planning Act 2016</i> .	Sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85 100, 107 and 109 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the Minister about making or amending the instrument mentioned in subsection (8)(c).	Section 64(9)	19 March 2019	
	Chief Executive Officer	Power to act as a “responsible entity” for all change applications received by Council as a responsible entity under Chapter 3 of the <i>Planning Act 2016</i> . 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 <i>Planning Act 2016</i> .	Sections 79, 80, 81, 82, 83, 93 and 100, 105, 107 and 109 <i>Planning Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to act as an “affected entity” for all change applications received by Council as an affected entity under Chapter 3 of the <i>Planning Act 2016</i> . 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 <i>Planning Act 2016</i> .	Section 80 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land, to give written consent to the cancellation application.	Section 84(3)(b)(i) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a public utility, to give written consent to the cancellation application.	Section 84(3)(b)(iii) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of land, to give written consent to the extension application.	Section 86(2)(b)(ii) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to note an approval referred to in subsection (1) on Council’s planning scheme and give notice of the approval to the chief executive.	Section 89 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a direction given by the Minister.	Section 93(2) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions in response to a proposed call in notice received by Council.	Section 102 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the decision-maker, to give the Minister reasonable help.	Section 105(3) <i>Planning Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a participating local government for a distributor-retailer, to enter a break-up agreement about the charges break-up and publish a copy of the agreement on the local government's website.	Section 115 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to carry out the steps required after making a charges resolution.	Section 118 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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 <i>Planning Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to impose an extra payment condition. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 130, 131, 132, 133, 134 and 135.	Sections 130, 131, 132, 133, 134 and 135 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power in the circumstances referred to in subsection (1) to, by notice given to the applicant, amend the infrastructure charges notice.	Section 137 <i>Planning Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government, to consider and decide a conversion application. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 140, 141 and 142	Sections 140, 141 and 142 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to impose a development condition about non-trunk infrastructure.	Section 145 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power in the circumstances referred to in subsection (1) to:- <ul style="list-style-type: none"> (a) pay the amount of the levied charge to the State infrastructure provider; and (b) agree with the State infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levied charge will be paid. 	Section 149 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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 <i>Planning Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an enforcement authority, to give a show cause notice.	Section 167 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an enforcement authority, to give an enforcement notice.	Section 168 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to consult with a private certifier before giving an enforcement notice.	Section 169 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to give notice of the giving or withdrawal of an enforcement notice to the chief executive.	Section 170 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to bring offence proceedings for an offence against the Act.	Section 174 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to consent to proceedings being brought on behalf of the corporation.	Section 175(1)(a) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an enforcement authority in an offence proceeding, to apply for an order for the payment of the expenses.	Section 178(1)(b) <i>Planning Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to the start proceedings in the P&E Court for an enforcement order.	Section 180 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.	Section 181(4) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an enforcement authority in an offence proceeding, to apply for a disposal order.	Section 214 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power as an appellant to start an appeal.	Sections 229(2) and 230 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power as a respondent or co-respondent to be heard in an appeal.	Section 229(4) <i>Planning Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, where an appeal is only about a referral agency's response, to apply to the tribunal or P&E Court to withdraw from the appeal.	Section 229(5) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to elect to be a co-respondent in an appeal.	Section 230(6) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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, <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to give the registrar information that the registrar reasonably requires for the proceedings.	Section 246(2) <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to appear as a party to a tribunal proceeding.	Section 248 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions to the tribunal.	Section 249 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to give notice to the Registrar once a tribunal's direction or order has been complied with.	Section 257 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to give an applicant the planning and development certificate applied for.	Section 265 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to note the registration of premises on Council's planning scheme.	Section 267(13) <i>Planning Act 2016</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Planning Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Planning Act 2016</i>	19 March 2019	
	Chief Executive Officer	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) <i>Planning Act 2016</i>	19 March 2019	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning and Environment Court Act 2016

Document Reviewed:	17/07/2018
Reprint No:	04/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to start a declaratory proceeding.	Section 11(1) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the assessment manager, to start a declaratory proceeding for a matter done, to be done or that should have been done in relation to the call in.	Section 12(2) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a P&E Court proceeding, to participate in an ADR process.	Section 16 <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party, to confer with the ADR registrar about the way to conduct the P&E Court proceeding.	Section 16(3) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a P&E Court proceeding, to agree to the resolution of all or part of the dispute in an ADR process.	Section 18(1) <i>Planning and Environment Court Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning and Environment Court Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a party to a P&E Court proceeding who has agreed on resolution of the dispute, to sign the resolution agreement.	Section 18(1) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a P&E Court proceeding, to apply to the P&E Court for an order giving effect to an agreement reached as a result of an ADR process.	Section 20(1) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a P&E Court proceeding, to agree to the ADR registrar disclosing information acquired as part of the ADR process.	Section 21(2)(a) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a P&E Court proceeding for which the ADR registrar is exercising, or has exercised, a power, to apply for a court review.	Section 26(2) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a P&E Court proceeding, to consent in writing to the ADR registrar making an order or direction in the proceeding.	Section 27(1)(a) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to consent to a person starting a declaratory proceeding or a proceeding for an enforcement order under the Planning Act on behalf of Council.	Section 41(2)(a) <i>Planning and Environment Court Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning and Environment Court Act 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to pay the expenses, including legal costs, incurred by the representative in relation to the proceeding.	Section 41(3) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a P&E Court proceeding, to appeal a decision in the proceeding.	Section 63(1) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Court of Appeal for leave to appeal.	Section 64(1) <i>Planning and Environment Court Act 2016</i>	19 March 2019	
	Chief Executive Officer	Power to file and serve a Notice of Appeal following the granting of leave by the Court of Appeal.	Section 64(2) <i>Planning and Environment Court Act 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Regulation 2017

Document Reviewed:	17/07/2018
Reprint:	02/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to extend the period mentioned in subparagraph (a).	Section 12(b) <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to make the requested decision.	Schedule 11, Section 10(1) <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to give notice of the decision.	Schedule 11, Section 10(2) <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to give notice of the decision, including the reasons for the decision.	Schedule 11 , Section 10(3) <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power, where the request complies with the criteria stated in section 2, to approve the request.	Schedule 18, Section 3(1) <i>Planning Regulation 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Regulation 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give notice of the approval to the person making the request.	Schedule 18, Section 3(2) <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power to keep the documents listed in subsection (1) available for inspection and purchase.	Schedule 22, Section 1 <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power to keep the documents listed in subsection (1) available for inspection only.	Schedule 22, Section 2 <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power to publish the documents listed in subsections (1) and (4) on Council's website.	Schedule 22, Section 3 <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to keep the documents listed in subsections (1) and (2) available for inspection and purchase.	Schedule 22, Section 5 <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to keep the documents listed in subsection (1) available for inspection only.	Schedule 22, Section 6 <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to publish the documents listed in subsections (1) and (4) on Council's website.	Schedule 22, Section 7 <i>Planning Regulation 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Regulation 2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a referral agency, to keep the documents listed in subsections (a) to (d) available for inspection and purchase.	Schedule 22, Section 8 <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	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 <i>Planning Regulation 2017</i>	19 March 2019	
	Chief Executive Officer	Power, as a referral agency, to publish the documents listed in subsections (a) to (d) on Council's website.	Schedule 22, Section 10 <i>Planning Regulation 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2018

Date Reviewed:	1316/07/2018
Reprint No:	10/11/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant service provider, to give written consent before a compliance permit or certificate is issued.	Section 84(5) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to give a copy of a compliance permit to:	Section 85(8)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2002

NB: The *Plumbing and Drainage Act 2018* contains the current regime for plumbing and drainage matters. Regard should be had to the *Plumbing and Drainage Act 2002* for particular matters, depending on the transitional provisions that apply in the *Plumbing and Drainage Act 2018*.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		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.	<i>Plumbing and Drainage Act 2002</i>		
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2002

NB: The *Plumbing and Drainage Act 2018* contains the current regime for plumbing and drainage matters. Regard should be had to the *Plumbing and Drainage Act 2002* for particular matters, depending on the transitional provisions that apply in the *Plumbing and Drainage Act 2018*.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to give a copy of a compliance certificate to: a) The owner of premises to which the 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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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	Section 86A(4), (5) and (8) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2002

NB: The *Plumbing and Drainage Act 2018* contains the current regime for plumbing and drainage matters. Regard should be had to the *Plumbing and Drainage Act 2002* for particular matters, depending on the transitional provisions that apply in the *Plumbing and Drainage Act 2018*.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		certificate or refuse to give the compliance certificate and issue an information notice.			
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to replace a compliance certificate with a certificate that has different conditions for the ongoing operation, maintenance or testing of a relevant greywater use facility or on-site sewerage facility.	Section 86D <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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 greywater use facility or on-site sewerage facility.	Section 86E <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to amend any compliance certificate for work for testing purposes if it is necessary or	Section 86G <i>Plumbing and</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2002

NB: The *Plumbing and Drainage Act 2018* contains the current regime for plumbing and drainage matters. Regard should be had to the *Plumbing and Drainage Act 2002* for particular matters, depending on the transitional provisions that apply in the *Plumbing and Drainage Act 2018*.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		desirable due to changes in a relevant chief executive's approval.	<i>Drainage Act 2002</i>		
	Chief Executive Officer	Power, as a relevant entity, to give the Plumbing Industry Council notice of the completion of notifiable work.	Section 87(3)(a) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to assess notifiable work that has been completed following the giving of a notice pursuant to section 87(3)(a).	Section 87(8) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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</i>	Section 107(1) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2002

NB: The *Plumbing and Drainage Act 2018* contains the current regime for plumbing and drainage matters. Regard should be had to the *Plumbing and Drainage Act 2002* for particular matters, depending on the transitional provisions that apply in the *Plumbing and Drainage Act 2018*.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		<i>and Drainage Act 2002.</i>			
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to issue an identity card to each inspector appointed under section 107 of the <i>Plumbing and Drainage Act 2002</i> .	Section 109 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to issue an enforcement notice to the owner of premises requiring the owner to do a stated thing.	Section 116(1) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to issue an enforcement notice to a person who has performed plumbing or drainage work requiring the person to do a	Section 116(2) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2002

NB: The *Plumbing and Drainage Act 2018* contains the current regime for plumbing and drainage matters. Regard should be had to the *Plumbing and Drainage Act 2002* for particular matters, depending on the transitional provisions that apply in the *Plumbing and Drainage Act 2018*.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		stated thing.			
	Chief Executive Officer	Power to give an enforcement notice to the owner or occupier of the premises to install a backflow prevention device.	Section 117(2)(a) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to authorise a person to dismantle or take away all or part of a grey-water treatment plant.	Section 127A <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to authorise a person to dismantle or take away all or part of an on-site sewerage facility.	Section 128 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2002

NB: The *Plumbing and Drainage Act 2018* contains the current regime for plumbing and drainage matters. Regard should be had to the *Plumbing and Drainage Act 2002* for particular matters, depending on the transitional provisions that apply in the *Plumbing and Drainage Act 2018*.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to approve the disposal of the contents of a greywater treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.	Section 128OA <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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) <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to keep a copy of each compliance document and make compliance documents available for inspection and purchase.	Section 143 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	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 <i>Plumbing and Drainage Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to monitor greywater use facilities in Council's local government area.	Section 143B <i>Plumbing and</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2002

NB: The *Plumbing and Drainage Act 2018* contains the current regime for plumbing and drainage matters. Regard should be had to the *Plumbing and Drainage Act 2002* for particular matters, depending on the transitional provisions that apply in the *Plumbing and Drainage Act 2018*.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>Drainage Act 2002</i>		
	Chief Executive Officer	Power to monitor an on-site sewerage facility installed for testing purposes in seweraged areas in Council's local government area.	Section 143C <i>Plumbing and Drainage Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to be satisfied that a person has the qualifications and experience to act as an authorised person.	Section 139(1)	19 March 2019	
	Chief Executive Officer	Power to appoint an authorised person	Section 139(1)	19 March 2019	
	Chief Executive Officer	Power to: (a) Advise the commissioner of appointments; and (b) Give the commissioner a list of the local government's inspectors.	Section 142	19 March 2019	
	Chief Executive Officer	Power to give an enforcement notice in the circumstances contemplated by subsection (1).	Section 143(1)	19 March 2019	
	Chief Executive Officer	Power to give an enforcement notice in the circumstances contemplated by subsection (2).	Section 143(2)	19 March 2019	
	Chief Executive Officer	Power to give an enforcement notice in the circumstances contemplated by subsection (3).	Section 143(3)	19 March 2019	
	Chief Executive Officer	Power to give a show cause notice.	Section 144(2)	19 March 2019	
	Chief Executive Officer	Power to: (a) Do anything reasonably necessary to ensure the notice is complied with; and	Section 149(2)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Plumbing and Drainage Act 2018

		(b) Recover reasonable costs and expenses in doing so.			
--	--	--	--	--	--

PRACTICE NOTES

1. These amendments have been introduced by the new *Plumbing and Drainage Act 2018*, which was assented to on 11 September 2018.
2. Pursuant to section 2 of the *Plumbing and Drainage Act 2018* it does not come into effect in totality until a day to be fixed by proclamation. Some sections have commenced as follows:
 - (a) Part 9, division 1A (but not section 176F(2)). Part 9 relates to the amendment of other Acts;
 - (b) Sections 192A to 192K, 193A to 193G and 196(3) to (6). These sections appear to no longer be in the *Plumbing and Drainage Act 2018*; and
 - (c) Schedule 2, amendments of the *Building Industry Fairness (Security of Payment) Act 2017*.
3. Council should continue to maintain its registers applicable to the *Plumbing and Drainage Act 2002*.

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

Document reviewed:	16/07/2018
Reprint:	01/07/2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to administer and enforce the Act for Council's area.	Section 9 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to consider all applications for licences, and determine whether to grant or refuse the application.	Section 33 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to grant an application for a licence only if Council is satisfied— (a) the applicant is a suitable person to hold a licence; and (b) the premises at which the higher risk personal appearance services are to be provided are suitable for providing the services.	Section 34 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to impose conditions on a licence.	Sections 38(2) and 41(1)(c) <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to decide the earlier ending date of a licence.	Section 40 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to consider all applications for renewals of licences, and determine whether to grant or refuse the application for renewal.	Section 44 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consider all applications for amendments to licences, and determine whether to grant or refuse the application to amend the licence.	Section 47 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to issue a 'show cause notice'.	Section 52 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to suspend a licence immediately if Council believes— <ul style="list-style-type: none"> (a) a ground exists to suspend or cancel the licence; and (b) 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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to consider all applications for a replacement licence, and determine whether to grant or refuse the application for the replacement licence.	Section 62 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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) <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to appoint authorised persons.	Section 70 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to apply conditions to an authorised person's powers under the Act by giving the person a signed notice.	Section 72 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to issue an identity card to an authorised person.	Section 74 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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) <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to, upon request, review an original decision and make a determination according to section 122 of the Act.	Part 7, Division 1 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to deal with a thing forfeited to Council, including destroying the thing.	Section 140 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to commence proceedings against a person who has committed an offence against the Act.	Section 143 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to approve forms to be used in the administration and enforcement of the Act.	Section 147 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

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

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Public Health (Infection Control for Personal Appearance Services) Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Public Health Act 2005

Document Updated:	16/07/2018
Reprint:	01/01/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	Power, as an issuing authority, to apply to a magistrate for an order enforcing a public health order (an enforcement order).	Section 24(2) <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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) <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health Act 2005</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Public Health Act 2005

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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) <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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) <i>Public Health Act 2005</i>	19 March 2019	

¹ Excludes SE Qld Councils

REGISTER OF DELEGATIONS COUNCIL TO CEO

Public Health Act 2005

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a person in charge of an education and care service or QEC approved service to take any of the actions mentioned in subsection 160B(1).	Section 160B <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	Power, as a person in charge of an education and care service or QEC approved service to take any of the actions mentioned in subsection 160C(1).	Section 160C <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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) <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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) <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health Act 2005</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Public Health Act 2005

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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) <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	Power to deal with a thing forfeited as Council considers appropriate, including destroying the thing.	Section 446 <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	Power to recover contribution from a prescribed person.	Section 454B(3) <i>Public Health Act 2005</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Public Health Act 2005

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to comply with the indemnity conditions in relation to each asbestos-related event to which the official conduct relates.	Section 454C(2) <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	Power to give notice of the proceeding to the State.	Section 454CA(2) <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	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 <i>Public Health Act 2005</i>	19 March 2019	
	Chief Executive Officer	Power to keep the records prescribed in subsections 454I(1), (2) for each asbestos-related event.	Section 454I <i>Public Health Act 2005</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Public Health Regulation 2005

Document Updated:	16/07/2018
Reprint:	30/6/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to administer and enforce Part 1A, Divisions 1, 2 and 3.	Sections 2C, 2M, and 2T <i>Public Health Regulation 2005</i>	19 March 2019	
	Chief Executive Officer	Power to approve a site for the disposal of asbestos waste.	Section 2I(2)(c) <i>Public Health Regulation 2005</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Public Interest Disclosure Act 2010

Document Updated:	16/07/2018
Reprint:	01/03/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Public Interest Disclosure Act 2010</i>	19 March 2019	
	Chief Executive Officer	Power to refer a disclosure to another public sector entity in certain circumstances.	Section 31(1) and (2) <i>Public Interest Disclosure Act 2010</i>	19 March 2019	
	Chief Executive Officer	Power to give a person making a disclosure, or an entity referring a disclosure, reasonable information about the disclosure.	Section 32(1) and (2) <i>Public Interest Disclosure Act 2010</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Public Records Acts 2002

Document Updated:	16/07/2018
Reprint:	03/05/2013

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make and keep records of Council's activities.	Section 7(1)(a) <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to have regard to any relevant policy, standards and guidelines made by the archivist about the making and keeping of public records.	Section 7(2) <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to ensure the safe custody and preservation of Council's records.	Section 8(1) <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to give written notice to the State archivist of the existence of a public record in Council's possession which is more than 25 years old.	Section 10(1)(a) <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to give a public record in Council's possession, which is more than 25 years old, to the State archivist.	Section 10(1)(b) <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to give a public record in Council's possession, which is 25 years old or less, to the State archivist.	Section 11(2) <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to take action to ensure that a public record remains able to be produced or made available.	Section 14(2) <i>Public Records Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Public Records Acts 2002

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give written notice to the State archivist of a restricted access period for a public record.	Section 16 <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power as a responsible public authority to give the State archivist a written notice stating— (i) the public authority has classified a record which has a restricted access period as a record to which unrestricted access is allowed; or (ii) access to a record which has a restricted access period may be given on conditions stated in the notice.	Section 18(2)(b) <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power as a responsible public authority to give the State archivist written notice of a change to the restricted access notice for a record.	Section 19(2) <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power as a responsible public authority to refer a dispute about a restricted access notice for a public record to the committee.	Section 19(4) <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the State archivist for, or consent to, an authorisation for the disposal of particular public records or classes of public records.	Section 26(1) <i>Public Records Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to make an arrangement with the State archivist for the storage of public records.	Section 28 <i>Public Records Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Public Records Acts 2002

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power as a public authority to make a written application to the committee for a review of a decision by made by the archivist refusing to authorise the disposal of particular public records or classes of public records.	Section 39(1) <i>Public Records Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Queensland Heritage Act 1992

Date Reviewed:	16/07/2018
Reprint No:	3/7/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to the Chief Executive to have a place entered or removed from the Queensland Heritage Register including all powers authorised or required by Part 4 of the Act for the purpose of making the application and having the place entered in or removed from the Register.	Sections 36, 36A, 43, 46, 48 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to make a heritage submission (including power to agree to a later day for making the submission).	Sections 41 and 42 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to make written representations to the chief executive about the place the subject of an application under Part 4 of the Act.	Section 43 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to make oral representations to the Heritage Council about the recommendation.	Section 46(2)(a) <i>Queensland Heritage Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Queensland Heritage Act 1992

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner, to make a written response to the Heritage Council about the recommendation.	Section 46(2)(b) <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner, to consult with the chief executive about a proposed destroyed place recommendation.	Section 46A(1)(c) <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to make written representations to the Heritage Council about the place the subject of an application under Part 4 of the Act.	Section 48 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to request and make oral representations to the Heritage Council about the recommendation.	Sections 49 and 50 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner, to give the Council a heritage response to the heritage recommendation.	Section 50A <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner, to agree in writing with the Council on a later day by which the heritage response must be given.	Section 50B(3) <i>Queensland Heritage Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Queensland Heritage Act 1992

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of a place the subject of a heritage recommendation to agree to extend the day for making the decision.	Section 52 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a place, to apply to the chief executive to have the place excluded from entry into the Queensland heritage register as a State heritage place including all powers authorised or required by Part 4 of the Act for the purpose of making the application and having the place excluded.	Section 56B <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a place referred to in subsection (1), to give notice to the chief executive before a prescribed application is made for the place.	Section 58 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a place in the circumstances referred to in subsections (1) or (3), to advise the chief executive of a development approval and within the relevant period advise the chief executive of the relevant application.	Section 59 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission about development the State proposes to carry out on a Queensland heritage place.	Section 71 <i>Queensland Heritage Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Queensland Heritage Act 1992

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a relevant person for a Queensland heritage place, to apply to the chief executive for an exemption certificate to carry out development mentioned in subsection (3) on the place including all powers authorised or required by Part 6, Division 2 to obtain the exemption.	Sections 72 and 73 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a heritage agreement for a Queensland heritage place and to agree to the changing or ending of a heritage agreement.	Section 80 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as owner, to consent to the entering of a heritage agreement for a Queensland heritage place and to agree to the changing or ending of a heritage agreement.	Sections 80(1)(b) and 80(2)(b) <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a heritage agreement, to apply to the Planning and Environment Court for the orders required to secure compliance with the agreement.	Section 82 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a Queensland heritage place, to comply with a repair and maintenance notice.	Section 84(6) <i>Queensland Heritage Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Queensland Heritage Act 1992

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give the chief executive notice of the discovery of an archaeological artefact or underwater cultural heritage artefact.	Section 89 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for compensation for a loss suffered because of the exercise of a power under section 92 including all powers authorised or required by Part 9, Division 2 to obtain compensation.	Sections 94 and 95 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to apply to QCAT for an external review of a compensation decision.	Section 98 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for a permit to enter a protected area including all powers authorised or required by Part 10, Division 1 to obtain the permit.	Sections 105 and 106 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a show cause notice in relation to a proposal to cancel a permit to enter a protected area.	Section 110 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power to appeal to the Planning & Environment Court in relation to those matters listed in subsection (1).	Section 111 <i>Queensland Heritage Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Queensland Heritage Act 1992

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power as a local government to keep a local heritage register for its area including all powers authorised or required by Part 11, Divisions 1, 1A, 2, 3 and 5, other than section 119, to keep the register. ##Please note that Part 11 does not apply to those local governments identified in section 199##.	Sections 112, 112B, 113, 114, 116, 117, 118, 120, 122 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as a person identified in subsection (1), to appeal to the Planning & Environment Court against the decision.	Section 161 <i>Queensland Heritage Act 1992</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to provide any information or assistance that the Minister or chief executive reasonably requires for the purposes of the Act.	Section 165 <i>Queensland Heritage Act 1992</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Queensland Reconstruction Authority Act 2011

Date Reviewed:	16/07/2018
Reprint No:	3/7/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to request the Minister to declare a project for proposed development to be a declared project.	Section 42(5) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to agree about the declaration of acquisition land.	Section 43(7) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to request the Minister to declare a part of the State to be a reconstruction area and/or acquisition land.	Section 43(8) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a decision-maker for a prescribed decision, to comply with a progression notice given by the authority.	Section 49 <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a decision-maker for a prescribed decision, to comply with a notice to decide given by the authority.	Section 50 <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Queensland Reconstruction Authority Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a decision-maker for a prescribed decision, to give the authority all reasonable assistance or materials it requires.	Section 53(1) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a decision-maker for a prescribed decision, to give the authority a written report containing the information prescribed in subsection 53(2).	Section 53(2) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to give the authority a written recommendation to impose a condition for infrastructure.	Section 53(4) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a referral agency for a relevant application, to assess the application having regard to the development scheme and give the weight considered appropriate to any amendment or replacement of the development scheme.	Sections 80(2) and 80(6) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Queensland Reconstruction Authority Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an assessment manager for a relevant application, to assess the application against the matters stated in the development scheme as assessment benchmarks for the Planning Act and give the weight considered appropriate to any amendment or replacement of the development scheme.	Sections 80(3) and 80(6) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a responsible entity for a change application, to assess the application against the development scheme and give the weight considered appropriate to any amendment or replacement of the development scheme.	Section 81 <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to comply with the requirements under the Planning Act about giving public access to development approvals, as if the notice were a development approval.	Section 92(3) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to request the Minister to direct the local government to take particular action about a local planning instrument.	Section 111(2) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Queensland Reconstruction Authority Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make submissions to the Minister about a proposal to direct the local government to take particular action about a local planning instrument.	Section 111(3) <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a direction of the Minister given under section 112.	Section 112 <i>Queensland Reconstruction Authority Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Services (Accreditation) Act 2002

Date Reviewed:	16/07/2018
Reprint No:	01/01/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF DELEGATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, on application by a person conducting, or proposing to conduct, a residential service in premises, to assess and determine whether a building complies with the prescribed building requirements.	Section 29(1) and (3) <i>Residential Services (Accreditation) Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power, where a building complies with the prescribed building requirements, to issue a building compliance notice.	Section 29(1) and Schedule 2 <i>Residential Services (Accreditation) Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to approve the form to be used for an application under section 29(1) <i>Residential Services (Accreditation) Act 2002</i> .	Section 29(2)(a) <i>Residential Services (Accreditation) Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power, where a building does not comply with the prescribed building requirements, to give notice of the decision stating those matters required by section 29(4).	Section 29(4) and Schedule 2 <i>Residential Services (Accreditation) Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to issue a notice stating the extent to which the premises comply with the prescribed building	Section 189(3)(a) <i>Residential Services</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Services (Accreditation) Act 2002

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE OF DELEGATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		requirements.	<i>(Accreditation) Act 2002</i>		

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

Document created:	16/07/2018
Regulation current as at:	01/01/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
1	Chief Executive Officer	Powers to give a prospective tenant for a residential tenancy the documents prepared for section 61 (the written residential tenancy agreement).	Section 58(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to prepare a residential tenancy agreement in the way required by section 61.	Section 61 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
2	Chief Executive Officer	Power to give to the tenant a residential tenancy agreement prepared for section 61 for signing.	Section 62(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to sign a residential tenancy agreement signed by the tenant and to return a copy signed by both parties to the tenant.	Section 62(3) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal if the Council as lessor reasonably believes the tenant has contravened section 62(2).	Section 64(3) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to prepare, in the approved form, a condition report for premises and any inclusions, to sign the report, and to give a copy of the report to the tenant.	Section 65(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to sign the copy of a condition report received from the tenant at the end of the tenancy or, if not agree with the report, to show the parts of the report that are disagreed with by marking the copy in an appropriate way, and to make a copy of the report and return it to the tenant at the tenant's given forwarding address.	Section 66(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give to a tenant an information statement in the approved form containing information for the benefit of the tenant, by the period specified in section 67.	Section 67 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give to the tenant a copy of the park rules in a moveable dwelling park and a copy of the rules as changed.	Section 68(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a tenant a copy of bylaws applicable to the occupation of premises under the <i>Body Corporate and Community Management Act 1997</i> or <i>Building and Group Titles Act 1980</i> .	Section 69 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to prepare a rooming accommodation agreement in the way required by section 77.	Section 77 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give the document prepared for section 77 to the resident for signing.	Section 78(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to sign a rooming accommodation agreement signed by the resident and to return a copy signed by both parties to the resident.	Section 78(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to prepare, in the approved form, a condition report for the room and the facilities in the room, to sign the report and to give a copy of the report to the resident.	Section 81(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give the tenant a written notice stating an approved way, or a different approved way, as the way in which rent is required, or is proposed, to be paid.	Section 83(3) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree in writing to payments of rent being made in the way stated in a written notice received from the tenant.	Section 83(3) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give the tenant a written notice that gives the tenant a choice of at least 2 approved ways for payment of rent under section 83(4)(a) to (f) and advises about costs associated with the approved way.	Section 84(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice stating a place, or a different place, as the place at which rent is required to be paid.	Section 85(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give and sign a receipt for payment of rent.	Section 88 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make a written record of the payment of rent.	Section 88(5) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give written notice of a proposal to increase rent for a periodic agreement or a fixed term agreement during the term of the agreement.	Section 91(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice stating an approved way, or a different approved way, to pay rent under a rooming accommodation agreement.	Section 98(3) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree in writing to payments of rent under a rooming accommodation agreement being made in the way stated in a written notice given by a resident.	Section 98(3) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a resident a written notice for the payment of rent that gives the resident a choice of at least 2 approved ways and advises about costs associated with the approved ways.	Section 99(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a written notice stating a place, or a different place, as the place where rent is required to be paid.	Section 100(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a receipt for the payment of rent.	Section 102 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to make a written record of the payment of rent paid.	Section 102(5) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice stating the amount of increased rent under a rooming accommodation agreement and the day from which the increased rent is payable.	Section 105(3) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree on the amount and time for the decrease of rent for matters including loss of amenity or service.	Section 106 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to agree to a reduction in rent because of the resident's absence.	Section 107 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to pay a rental bond to the Residential Tenancies Authority and to give the Authority a notice, in the approved form, about the rental bond.	Section 116(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	If rental bond instalments are payable under a residential tenancy agreement, the power to pay the rental bond to the Residential Tenancies Authority once all rental bond instalments have been received and to give the Authority a notice, in the approved form about the instalments.	Section 117 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	If rental bond instalments are payable under a rooming accommodation agreement, the power to pay the rental bond to the Residential Tenancies Authority once all rental bond instalments have been received or within 3 months after receiving the rental bond instalment, and to give the authority a notice, in the approved form about the instalments.	Section 118 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to pay to the Residential Tenancies Authority an amount equal to the maximum rental bond for the agreement if financial protection against breach of the agreement by the tenant is given to Council.	Section 119 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Residential Tenancies Authority for payment of a rental bond.	Section 125 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to make a dispute resolution request to the Residential Tenancies Authority about an application for payment of a rental bond.	Section 136 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order about the payment of a rental bond and give the residential tenancy authority a written notice informing it of the application.	Sections 136(3)(c)(iv)(A) or Section 136(4)(c)(iv)(A) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give the Residential Tenancies Authority a written application requesting it to extend the 7 day period by not more than 3 days.	Section 136(5) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to withdraw an application to the Residential Tenancies Authority for the payment of a rental bond.	Section 140 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to sign and give a receipt for a rental bond.	Section 145 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give written notice to the tenant to increase the rental bond if the rent payable under the agreement increases.	Section 154 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal disputing the amount being treated as a rental bond.	Section 155(3) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to require a prospective tenant to pay a key deposit.	Section 156 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a receipt for a key deposit that was paid by a prospective tenant.	Section 157 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to refund a key deposit in full when the key is returned.	Section 158 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to require a prospective tenant to pay a holding deposit for a tenancy of premises.	Section 159 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a receipt for a holding deposit.	Section 160 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to refund the holding deposit to the prospective tenant within 3 days after notification that the prospective tenant intends not to exercise the option.	Section 161(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to agree a reduced rent amount attributable to a service or facility becoming unavailable for use by the tenant.	Section 168(3) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written statement to the tenant showing each service or facility for which an amount of rent is attributable and the amount attributed to the service or facility.	Section 168(4) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for a decision about: (a) the amount of the lessor's outgoings for a service charge payable by the tenant; or (b) the amount of the reduced rent payable under the agreement because a service or facility ceases to be available for use by the tenant.	Section 169(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to enter premises on a ground specified in section 192(1), to take all steps necessary to allow for the entry, and to exercise all the powers of Council upon making the entry.	Sections 192, 193, 194, 195, 196, 197, 198, 199 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal to enter the premises under order of the tribunal, and to comply with the rules of entry as changed by the tribunal.	Section 201 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to ask the tenant the tenant's name or place of employment.	Section 205 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to ask the tenant in writing to state the tenant's new residential address.	Section 205(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice to the tenant stating the lessor's and/or the lessor's agent's name and address for service including any change of such details.	Section 206 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree to the tenant attaching a fixture or making a structural change to the premises including the power to set the terms upon which the agreement is given.	Sections 207 and 208 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to waive the breach by a tenant attaching a fixture or making a structural change to the premises without the lessor's agreement and to treat the fixture or change as an improvement to the premises for the lessor's benefit.	Section 209 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to supply and maintain the locks and keys that are necessary to ensure the premises are reasonably secure.	Section 210 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to change a lock to the premises or to agree to the tenant changing a lock to the premises.	Section 211 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree to not being given a key for a lock to the premises changed by the tenant.	Section 211(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal about a lock or key for the premises.	Section 213(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to nominate a nominated repairer and to provide written notice to the tenant stating the nominated repairer and to give written notice of any change in a nominated repairer.	Section 216 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to a tribunal for an order about the reimbursement or payment of an amount for emergency repairs to the tenant.	Section 220(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a notice to relocate to another site in the moveable dwelling park to the tenant.	Section 223 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order about the relocation of a tenant to another site in the moveable dwelling park.	Section 227 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to make rules about the use, enjoyment, control and management of a moveable dwelling park owned by Council.	Section 228 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a notice proposing a change to a park rule to residents of the park.	Section 229 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power as an owner of a moveable dwelling park to set up a park liaisons committee to consider objections received to the proposal to change a park rule.	Section 231 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to be Council's nominee on the park liaison committee.	Section 231(3)(b) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a non-resolution notice to each of the objectors objecting to a change of a park rule.	Section 231(6) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order declaring the proposal to change a park rule to be reasonable or unreasonable.	Section 233(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree in writing to the transfer or subletting of the tenant's interest under an agreement.	Section 237(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to agree in writing to the transfer or subletting of all or a part of the tenant's interests under the agreement.	Section 238(2)(a) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to require the tenant to pay an amount equivalent to the reasonable expenses incurred by the lessor in agreeing to the transfer or subletting.	Section 240 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to require a tenant to pay a fee for the sale or attempted sale of a caravan on the premises.	Section 241(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice of a tenancy to a buyer to whom Council proposes to transfer the Council's interests in the premises.	Section 242(1)(a) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice of the transfer (the attornment notice) to the tenant if the lessor's interest is transferred.	Section 242(1)(b) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to be heard on an application by a person occupying the premises to be recognised as a tenant under an agreement.	Section 243(7) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to be heard before a tribunal on an application by a person to be recognised as the tenant or a co-tenant under an agreement instead of the person's domestic associate.	Section 245(8) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to be heard before a tribunal on the application of an occupant for an order to be recognised as the tenant, or a co-tenant under an agreement instead of the tenant or co-tenant.	Section 246(6) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree about cleaning common areas for a common area used by the resident and a minority of other residents of the provider.	Section 247(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice to the resident stating the provider's name and address for service or the provider's agent's name and address for service and a notice detailing any changes to those details.	Section 248(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to supply and maintain the locks that are necessary to ensure the resident's room is reasonably secure.	Section 250(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree to change or repair a lock at the request of a resident.	Section 251 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order relating to a lock or key mentioned in section 250.	Section 252 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree to the resident attaching a fixture, or making a structural change, to rental premises including setting the terms of the agreement.	Section 254 and 255 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to waive a breach by a resident who attaches a fixture or makes a structural change to rental premises without the provider's agreement, or to treat the fixture or change as an improvement to the rental premises for the provider's benefit.	Section 256(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to enter a resident's room, for any reason, if the resident agrees.	Section 257(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to enter a resident's room, at a reasonable time, to inspect the room and to give notice of the entry.	Section 258(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give at least 24 hours prior written notice of a proposed entry to a resident's room for a purpose mentioned in the section.	Section 259 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to enter a resident's room without notice for one of the reasons set out in section 260.	Section 260 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to make an application to a tribunal for an order to enter the resident's room, which entry may be subject to rules of entry as changed by the tribunal.	Section 264 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make house rules for rental purposes for any of the matters specified in section 268(1).	Section 268(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice of proposed rule change for rental premises.	Section 270(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice withdrawing the proposed rule change.	Section 271 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice to residents stating that at least the prescribed number of residents have objected to the rule change and that the proposed change will not take effect on the proposed commencement date.	Section 272(4)(b) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order declaring the proposed rule change to be reasonable.	Section 273(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a written notice of the tribunal's decision regarding an application under section 273 to each resident of the rental premises.	Section 273(7) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice of the tribunal's decision on an application by a resident for an order declaring an existing house rule to be unreasonable to each resident of the rental premises.	Section 274(7) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a person a copy of the house rules for the premises.	Section 275 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to display a copy of the house rules at a place in the rental premises where it is likely to be seen by the residents.	Section 276 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to end a residential tenancy agreement by written agreement with the tenant.	Section 277(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a notice to leave the premises to the tenant.	Section 277(3) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree with the tenant's personal representative or relative on a day for the residential tenancy agreement to end.	Section 277(7)(c) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a tenant a notice to remedy breach.	Section 280 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a notice to leave the premises to a tenant because of any of the reasons set out in sections 281 to 291 (inclusive).	Section 281(1), 282(1), 283(2), 284(1), 285(2), 286(1), 287(2), 288(1), 289(2), 290(2), 290A(1) and 291(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to a tribunal for a termination order because of any of the reasons set out in sections 293 to 297A (inclusive).	Sections 293, 294, 295, 296, 296A, 297, 297A, 298 and 299 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an interim order to restrain tenant from causing further damage or injury.	Section 300 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to remedy a lessor's breach following receipt of a notice to remedy breach from the tenant.	Section 303 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to withdraw a notice to leave for unremedied breach.	Section 333(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree to the tenant withdrawing a notice of intention to leave the premises.	Section 334(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to the tribunal for a termination order without giving a notice to leave the premises to the tenant.	Section 335(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give an abandonment termination notice to the tenant terminating the agreement.	Section 355(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order about the abandonment by the tenant of the premises.	Section 357(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order requiring the tenant to pay compensation for the tenant remaining in possession and an occupation fee.	Section 358 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order for compensation following the giving of an abandonment termination notice.	Section 359 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to take all reasonable steps to mitigate loss or expense incurred because of the matters set out in section 362(1).	Section 362 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to sell tenant's goods left on premises or dispose of them in another way.	Sections 363(2) and 363(4) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to pay any balance from the sale of goods of a former tenant to the public trustee.	Sections 363(8) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order for an entitlement to receive an amount in the fund kept under the <i>Public Trustee Act 1978</i> .	Section 363(10) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give documents left on the premises in the ways prescribed under section 364.	Section 364 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to agree with a resident, by written agreement, to end a rooming accommodation agreement.	Section 366(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to end a rooming accommodation agreement by giving a notice under Part 2.	Section 366 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to agree with a resident's personal representative or relative on a day for a rooming accommodation agreement to end.	Section 366(7)(c) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order deciding the day a rooming accommodation ends due to the death of a sole resident.	Section 366(7)(d) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a resident notice requiring the resident to remedy a breach of a rooming accommodation agreement.	Section 368(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a resident a notice requiring the resident to leave the rental premises because of failure to remedy breach.	Section 369(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to withdraw a notice requiring the resident to leave the rental premises because of failure to remedy breach.	Section 369(5) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a written notice requiring the resident to leave the rental premises immediately because of a serious breach.	Section 370(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a resident a notice requiring the resident to leave the rental premises if premises destroyed etc.	Section 371 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give a notice terminating a periodic or fixed term agreement without ground.	Section 372 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give a resident a notice requiring the resident to leave the premises if resident's employment ends or entitlement to occupy under employment ends.	Section 374(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to use necessary and reasonable force to remove a resident and the resident's property from rental premises if the resident refuses to leave the premises and the circumstances specified in section 375(1) apply.	Section 375(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for a termination order for repeated breaches by resident.	Section 376(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order terminating a fixed term agreement because of excessive hardship.	Section 377(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to remedy a provider's breach following receipt of a notice requiring remedy of breach from the resident.	Section 378 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to the tribunal for a termination order without giving a notice to leave the rental premises to the resident.	Section 388(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to make reasonable efforts to contact a former resident about property left at the rental premises.	Section 392(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to deal a with personal document or money in the ways stated in the section.	Section 392 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to sell property left at the rental premises that is not a personal document or money, or to dispose of it in another way.	Sections 393(2), 393(4) and 393(5) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply the proceeds from the sale of property under section 393 in the ways stated in the section.	Sections 393(7) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to a tribunal to make an order conferring an entitlement to receive funds paid to the public trustee under section 392 or section 393.	Section 395(4) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to make a dispute resolution request to the Residential Tenancies Authority and to take all steps necessary to participate in the conciliation, withdraw from a conciliation and agree to the terms of a conciliation agreement.	Sections 402, 404, 405, 406, 408 and 410 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to make an application to the tribunal for an order declaring that a stated agreement is, or is not, a residential tenancy agreement or a rooming accommodation agreement to which the Act applies.	Section 418 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order about a breach of a term of a residential tenancy agreement or a rooming accommodation agreement.	Section 419(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order about a disputed ground stated in a notice to remedy breach or notice of intention to leave premises given to Council as the lessor by the tenant (other than a notice of intention to leave without ground).	Section 424(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to a tribunal for an order about a disputed ground stated in a notice to remedy breach or a notice of intention to leave premises (other than a notice of intention to leave without ground).	Section 425(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order about a general dispute between parties to a residential tenancy agreement or rooming accommodation agreement.	Section 429(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to be heard before the tribunal on an application regarding a dispute between cotenants or coresidents about a rental bond for an agreement.	Section 430(2) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to claim compensation for a loss or expense incurred because of the exercise or purported exercise of a power under Chapter 7, Part 2.	Section 449 <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a tribunal for an order excluding a person from a moveable dwelling park because of the person's behaviour in the park.	Section 455(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Residential Tenancies and Rooming Accommodation Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to list a person on a tenancy database in the circumstances referred to in section 459(1) and for the reasons prescribed under a regulation.	Section 459(1) <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Where Council is a community housing provider as defined by section 527B, power to give written notice to the tenant to give an acceptable behaviour agreement undertaking.	Section 527D <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Where Council is a community housing provider, power to apply to the tribunal for a termination order relating to either a failure to enter into acceptable behaviour agreement or a serious or persistent breach of acceptable behaviour agreement.	Section 527E <i>Residential Tenancies and Rooming Accommodation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Right to Information Act 2009

Document reviewed:	16/07/2018
Reprint:	13/09/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to disclose information under a publication scheme, without limiting another way Council may disclose information.	Section 22 <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to give access to a document created after the application is received but before notice is given under section 54.	Section 27(2) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to search for a document from a backup system if Council considers the search appropriate.	Section 29(2) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to appoint an appropriately qualified healthcare professional to make a healthcare decision in relation to an access application.	Section 30(5)(b) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an agency, to participate in an external review.	Section 89(1) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Right to Information Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Right to Information Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a reasonable request from the Commissioner for further assistance with an external review.	Section 96(1) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to make oral or written submissions to the Commissioner in an external review.	Section 97(2)(b) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to seek the approval of the Commissioner for Council to be represented by another person in an external review and to appoint the representative.	Section 97(3) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a preliminary inquiry from the Commissioner.	Section 98 <i>Right to Information Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Right to Information Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give the applicant for external review and the commissioner an additional statement containing further and better particulars of the reasons for the decision.	Section 99(1) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to give the commissioner full and free access at all reasonable times to the documents of the agency or Minister concerned, including documents protected by legal professional privilege.	Section 100 <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to give the commissioner a written transcript of the words recorded or contained in a document and a written document created using equipment that is usually available to Council for retrieving or collating stored information.	Sections 101(2) and (3) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to conduct a particular further search, or further searches, for a document when required to by the commissioner.	Section 102 <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a notice issued by the commissioner pursuant to this section.	Section 103 <i>Right to Information Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS – COUNCIL TO CEO

Right to Information Act 2009

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an agency, to apply to the information commissioner for the declaration of an applicant as a vexatious applicant.	Section 114(1) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	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) <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 <i>Right to Information Act 2009</i>	19 March 2019	
	Chief Executive Officer	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, section 1(3) <i>Right to Information Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

River Improvement Trust Act 1940

Document created:	16/07/2018
Regulation current as at:	22/11/2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to, either singly or jointly, apply to the Minister for the establishment, change or abolition of a river improvement trust area.	Section 3(3) <i>River Improvement Trust Act 1940</i>	19 March 2019	
	Chief Executive Officer	Power to appoint a councillor to a river improvement trust.	Sections 5(1)(a), 5(1A)(a) and 5(2) <i>River Improvement Trust Act 1940</i>	19 March 2019	
	Chief Executive Officer	Power to decide the term of appointment for a councillor appointed pursuant to subsection (1)(a) or (2).	Section 5(3) <i>River Improvement Trust Act 1940</i>	19 March 2019	
	Chief Executive Officer	Power to appoint a councillor to a river improvement trust where the office becomes vacant.	Section 5A(1) <i>River Improvement Trust Act 1940</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

River Improvement Trust Act 1940

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to comply with a notice from the Minister requiring Council to appoint a councillor to a vacant office.	Section 5A(2) <i>River Improvement Trust Act 1940</i>	19 March 2019	
	Chief Executive Officer	Power to give the Minister the local government's views on the recommendation of an appointment to the Governor in Council.	Section 5A(5B) <i>River Improvement Trust Act 1940</i>	19 March 2019	
	Chief Executive Officer	Power to remove a person from office as a member of a trust.	Section 5K <i>River Improvement Trust Act 1940</i>	19 March 2019	
	Chief Executive Officer	Power to consent for the trust to appoint the chief executive officer to be its secretary.	Section 6(1A) <i>River Improvement Trust Act 1940</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a written arrangement with a trust to use the accounts and the accounting systems of Council.	Section 12A <i>River Improvement Trust Act 1940</i>	19 March 2019	
	Chief Executive Officer	Power to pay to the trust the amount of revenue estimated by the trust in the budget adopted by it for such year.	Section 14A(1A) <i>River Improvement Trust Act 1940</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

River Improvement Trust Act 1940

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to negotiate and agree for each financial year the amount to contribute to the trust and to pay the amount to the trust.	Section 14A(1B) <i>River Improvement Trust Act 1940</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Safety in Recreational Water Activities Act 2011

Document Updated:	16/07/2018
Reprint:	23/10/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
1.	Chief Executive Officer	Power, as a person who conducts a business or undertaking that provides recreational water activities, to ensure that the regulator is notified immediately after becoming aware that a notifiable incident arising out of the conduct of the business has occurred.	Section 29. <i>Safety in Recreational Water Activities Act 2011</i>	19 March 2019	
2.	Chief Executive Officer	Power, as a person conducting a business or undertaking that provides recreational water activities, to keep a record of each notifiable incident for at least 5 years from the day that notice of the incident is given to the regulator.	Section 29(7) <i>Safety in Recreational Water Activities Act 2011</i>	19 March 2019	
3.	Chief Executive Officer	Power as a person with management or control of a place at which a notifiable incident has occurred, to ensure, so far as is reasonably practicable, that the site where the incident occurred is not disturbed until an inspector arrives or otherwise directs.	Section 30 <i>Safety in Recreational Water Activities Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Standard Plumbing and Drainage Regulation 2003

Date Reviewed:	16/07/2018
Reprint No:	27/10/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to request a reasonable number of copies of a plan the subject of a compliance request.	Section 14(6) <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	Power to request other information that the local government requires in relation to the testing of a proposed greywater use facility.	Section 14B(c)(ii)	19 March 2019	
	Chief Executive Officer	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)	19 March 2019	
	Chief Executive Officer	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 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	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 a compliance permit to perform regulated work.	Section 18 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Standard Plumbing and Drainage Regulation 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to test or commission plumbing or drainage the subject of compliance assessable work carried out in a remote area.	Section 27 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	Power to agree to assess, and assess, notifiable work for compliance with the regulation.	Section 29A <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	Power to give a rectification notice and an information notice about the decision to give the rectification notice.	Section 29B(2) and 29B(6) <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Standard Plumbing and Drainage Regulation 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to determine whether an item (that an inspector is satisfied is unsuitable for a particular use) may: (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 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	Power to decide that a supply pipe for premises or a premises group can not give an efficient water supply for the premises or premises group.	Section 34(1) <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	Power to require for a supply pipe for a premises: (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) <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Standard Plumbing and Drainage Regulation 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	Power to implement and maintain a program for the registration, maintenance and testing of testable backflow prevention devices.	Section 38 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Standard Plumbing and Drainage Regulation 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to approve the design and location of a grease arrestor.	Section 39 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	Power to approve air-cooling equipment's connection to a supply pipe.	Section 41 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	Power to approve hydraulic powered equipment's connection to a supply pipe.	Section 44 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	Power to approve a water closet pan, urinal or another fixture below the level of the sewer or on-site sewerage facility.	Section 47 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Standard Plumbing and Drainage Regulation 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	Power to determine the qualifications, skills and experience that an individual should have to be competent to assess plumbing and drainage work.	Section 53 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Standard Plumbing and Drainage Regulation 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

State Penalties Enforcement Act 1999

Date Reviewed:	16/07/2018
Reprint No:	16/03/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as administering authority, to approve a form for an infringement notice.	Section 15(1) <i>State Penalties Enforcement Act 1999</i>	19 March 2019	
	Chief Executive Officer	Power, as administering authority, to approve (or refuse where the conditions in this section have not been complied with) an application for payment of a fine by instalments.	Section 23 <i>State Penalties Enforcement Act 1999</i>	19 March 2019	
	Chief Executive Officer	Power, as administering authority, to submit particulars required for registration of approval of instalment payments with the State Penalties Enforcement Registry.	Section 24(1) <i>State Penalties Enforcement Act 1999</i>	19 March 2019	
	Chief Executive Officer	Power, as administering authority, to withdraw an infringement notice at any time before the fine is satisfied in full.	Section 28(1) <i>State Penalties Enforcement Act 1999</i>	19 March 2019	
	Chief Executive Officer	Power, as administering authority, to give the State Penalties Enforcement Registry a default certificate for registration in respect of any recipient of an infringement notice who has not taken action	Section 33(1) <i>State Penalties Enforcement Act 1999</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

State Penalties Enforcement Act 1999

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		within the time period provided by the infringement notice.			
	Chief Executive Officer	Power, as administering authority, to (a) commence proceedings against an applicant for an offence; or (b) accept payment of the fine in full; or (c) issue a fresh infringement notice where the registrar has cancelled an enforcement notice and referred the matter back to Council.	Section 57(5) <i>State Penalties Enforcement Act 1999</i>	19 March 2019	
	Chief Executive Officer	Power, as an administering authority, to state any matter in subsection (2) is evidence of the matter.	Section 157(2) <i>State Penalties Enforcement Act 1999</i>	19 March 2019	
	Chief Executive Officer	Power to approve forms for use as infringement notices.	Section 162 <i>State Penalties Enforcement Act 1999</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Statutory Bodies Financial Arrangements Act 1982

Document Reviewed:	16/07/2018
Reprint:	23/09/2013

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a statutory body, to operate a deposit and withdrawal account with a financial institution.	Section 31(1) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	Power, as a statutory body, to seek the approval of the Treasurer to operate a deposit and withdrawal account with an overdraft facility.	Section 31(2) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	Power, as a statutory body, to borrow money and to seek the treasurer's approval for the borrowing.	Section 34(1) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	Power, as a statutory body, to, (a) create an encumbrance; and (b) otherwise transfer property, or assign income, by way of security, and to seek the treasurer's approval for same.	Section 35(3) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Statutory Bodies Financial Arrangements Act 1982

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer (Please note that this power applies to <u>all</u> Councils <u>except</u> for Brisbane City, Cairns Regional, Gold Coast City, Ipswich City, Logan City, Moreton Bay Regional and Sunshine Coast Regional Councils.)	Power, as a statutory body, to exercise category 1 investment powers.	Sections 42 and 44 <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer (Please note that this power applies to Cairns Regional, Gold Coast City, Ipswich City, Logan City, Moreton Bay Regional and Sunshine Coast Regional Councils <u>only</u> .)	Power, as a statutory body, to exercise category 2 investment powers.	Sections 42 and 45 <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer (Please note that this power applies to Brisbane City Council <u>only</u> .)	Power, as a statutory body, to exercise category 3 investment powers.	Section 46 <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Statutory Bodies Financial Arrangements Act 1982

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	Power, as a statutory body, to:- (a) obtain the Treasurer's approval for continuing with an investment arrangement referred to in section 52(1); or (b) liquidate an investment arrangement referred to in section 52(1).	Section 52(2) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer (Please note that this power applies to Brisbane City and Gold Coast City Councils <u>only</u> .)	Power, as a statutory body, to enter a derivative transaction.	Section 53(1) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer (Please note that this power applies to Brisbane City and Gold Coast City Councils <u>only</u> .)	Power, as a statutory body, to appoint a person as an agent for Part 7, Division 1 and obtain the treasurer's approval for the appointment.	Section 53(1)(b) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Statutory Bodies Financial Arrangements Act 1982

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer (Please note that this power applies to Brisbane City and Gold Coast City Councils <u>only</u> .)	Power, as a statutory body, to obtain the treasurer's approval for the entering of a derivative transaction.	Section 53(2) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer (Please note that this power applies to Brisbane City and Gold Coast City Councils <u>only</u> .)	Power, as a statutory body, to give the treasurer a report about a derivative transaction and give a copy of the report to the Minister that administers the <i>Local Government Act 2009</i> .	Sections 55 and 56 <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	Power, as a statutory body, to appoint a person as a funds manager and obtain the treasurer's approval for the appointment.	Section 59 <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	Power, as a statutory body, to enter a type 1 financial arrangement and obtain the treasurer's approval for the arrangement.	Section 60A <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	Power, as a statutory body to which section 61 applies, to enter a type 2 financial arrangement and obtain the treasurer's approval for the arrangement.	Section 61A <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Statutory Bodies Financial Arrangements Act 1982

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a statutory body, to sign documents for a financial arrangement under the Act.	Section 62(1) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	Power, as a statutory body, to obtain the treasurer's approval before signing for a financial arrangement that:- (a) creates an encumbrance; or (b) otherwise transfers Council's property, or assigns Council's income, by way of security.	Section 62(2) <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	Power, as a statutory body, to apply to the treasurer for approval of the exercise of a power under the Act.	Section 71 <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	Power, as a statutory body, to respond to a request from the Treasurer for a document or information the Treasurer considers necessary for considering Council's application under section 71 of the Act.	Section 72 <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	
	Chief Executive Officer	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 <i>Statutory Bodies Financial Arrangements Act 1982</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Stock Route Management Act 2002

Date Updated:	16/07/2018
Reprint No:	01/07/2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to prepare a stock route network management plan.	Sections 105 to 109 inclusive <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to review, or renew, its stock route network management plan when the chief executive officer of the local government considers it appropriate.	Section 113 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power, as an issuing entity, to give notice that a person may apply for a permit for the land.	Section 116(2)(c)(ii) <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to by written notice, ask the applicant of a stock route permit to give further reasonable information or documents about the application by the reasonable date stated in the notice and refuse the application if the applicant does	Section 117 <i>Stock Route Management Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Stock Route Management Act 2002

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		not comply.			
	Chief Executive Officer	Power to grant or refuse an application for a stock route agistment permit.	Section 118 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to grant or refuse an application to renew a stock route agistment permit.	Section 123 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to impose on a stock route agistment permit the reasonable conditions it decides.	Section 126 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to amend the conditions of a stock route agistment permit.	Section 127 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to cancel a stock route agistment permit.	Section 128 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to require the holder of a stock route agistment permit to return the permit.	Section 130 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to ask the applicant to give the further reasonable information or documents about the application, and to	Section 135 <i>Stock Route Management Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Stock Route Management Act 2002

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		refuse the application if the applicant does not comply.	<i>Act 2002</i>		
	Chief Executive Officer	Power to grant or refuse an application for a stock route travel permit.	<i>Section 136 Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to require a stock route travel permit holder who gives a notice of the correct particular to return the permit.	<i>Section 141 Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to impose on a stock route travel permit the reasonable conditions it decides.	<i>Section 142 Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to amend a stock route travel permit.	<i>Section 143 Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to cancel a stock route travel permit.	<i>Section 144 Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to require the holder of a stock route travel permit to return the permit for an amendment under a decision made under certain sections of the Act.	<i>Section 146 Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to consider it necessary to build a	<i>Section 148 Stock</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Stock Route Management Act 2002

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		stock-proof fence on the boundary of land adjoining a stock route network.	<i>Route Management Act 2002</i>		
	Chief Executive Officer	Power to issue a fencing notice.	Section 149 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to give a mustering notice.	Section 156 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to manager and conserve pasture on its stock route network.	Section 160 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to require an owner to reduce the number of stock on the land.	Section 161(2) <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to consent to the burning or removal of pasture.	Section 180 <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the Minister about the performance of the function or obligation under the <i>Stock Route Management Act 2002</i> .	Section 184(3) <i>Stock Route Management Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Stock Route Management Act 2002

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to take action to comply with any notice given by the Minister in relation to the administration and enforcement of the <i>Stock Route Management Act 2002</i> .	Section 184(5) <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to pay the amount to the chief executive in the stated period.	Section 187(5) <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to pay half of the amounts referred to in subsection (1) to the department.	Section 187A <i>Stock Route Management Act 2002</i>	19 March 2019	
	Chief Executive Officer	Power to provide any information that the Minister may require in relation to: (a) details of amounts payable to Council under the <i>Stock Route Management Act 2002</i> ; and (b) functions or powers performed or exercised or required to be performed or exercised by Council under the <i>Stock Route Management Act 2002</i> .	Section 188 <i>Stock Route Management Act 2002</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Strong and Sustainable Resource Communities Act 2017

NEW REGISTER

Document Created:	30/07/2018
Act Current:	30/03/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consult with the owner of a large resource project preparing an operational workforce management plan	Section 7(3) <i>Strong and Sustainable Resource Communities Act 2017</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the owner of, or proponent for, a large resource project described in section 9(1) about the social impact assessment prepared under section 9(2)	Section 9(5) <i>Strong and Sustainable Resource Communities Act 2017</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Summary Offences Act 2005

Document Updated:	16/07/2018
Reprint:	1/3/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to authorise a person to busk in a public place.	Section 8(2)(b) <i>Summary Offences Act 2005</i>	19 March 2019	
	Chief Executive Officer	Power to recover from the owner of a place, as a debt, any damages, including costs, paid by Council under section 32(2), if the breach of duty by the owner that caused the injury to ,or death of, a local graffiti removal officer amounts to gross negligence.	Section 32(3) <i>Summary Offences Act 2005</i>	19 March 2019	
	Chief Executive Officer	Power to make an agreement with the owner of a place in relation to the fee payable by Council to the owner for the removal of public graffiti by the owner.	Section 33(2) <i>Summary Offences Act 2005</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Summary Offences Regulation 2006

Document Reviewed:	16/07/2018
Reprint:	01/09/2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consult with an entity that intends to make an application for an area of public land to be prescribed as motorbike control land about the proposal.	Section 10(1)(a) <i>Summary Offences Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as entity having a legitimate interest in the area, to consult with a government entity for the purposes of reviewing the number and location of prescribed areas of motorbike control land.	Section 14(3) <i>Summary Offences Regulation 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Survey and Mapping Infrastructure Act 2003

Document Updated:	16/07/2018
Reprint:	06/12/2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner or occupier of land, to consent to a surveyor placing a permanent survey mark on the land.	Section 21(2) <i>Survey and Mapping Infrastructure Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Survey and Mapping Infrastructure Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Survey and Mapping Infrastructure Act 2003</i>	19 March 2019	
	Chief Executive Officer	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 <i>Survey and Mapping Infrastructure Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Survey and Mapping Infrastructure Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Survey and Mapping Infrastructure Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a public authority, to provide the chief executive with information about the boundaries of an administrative area.	Section 49 <i>Survey and Mapping Infrastructure Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government, to amend a planning scheme to reflect a designated region's regional plan.	Section 39 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to consult with the Minister about the establishment of a regional planning committee.	Section 41(5)(c) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to accept or refuse a request made under section 95, including extending the request period by 10 days.	Section 96 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to issue a written notice of Council's decision under section 96.	Section 97 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to decide application request for extension of time made under section 98(2), and give written notice of that decision.	Section 98(2) and (4) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to publish in a local newspaper and government gazette notice of a repealed temporary planning scheme.	Section 123(3) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to publish in a local newspaper and government gazette notice of a	Section 124(3) <i>Sustainable</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		repealed planning scheme policy.	<i>Planning Act 2009</i>		
	Chief Executive Officer	Power, as a local government, to make submissions to the Minister about the proposed exercise of the State's power, after being given written notice under section 125.	Section 125(3)(b) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to facilitate the designation of land for community infrastructure under Chapter 5 of the Act. For avoidance of doubt, the power delegated includes (without limitation) the power to take all actions as detailed in sections 206, 212, 213, 216, 223, 224, 225, 226 and 227.	Sections 206, 212, 213, 216, 223, 224, 225, 226 and 227 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government or owner of any land to which the proposed designation applies, to make a submission to the Minister in relation to a Ministerial designation of land.	Section 207 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to enter a Ministerial designation of land in its planning scheme.	Section 211 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive officer	Power, as a local government, to facilitate the repeal of a designation made by Council. For the	Sections 218, 219 and 221 <i>Sustainable</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		avoidance of doubt, the power delegated includes (without limitation) the power to take all actions as detailed in sections 218, 219 and 221.	<i>Planning Act 2009</i>		
	Chief Executive Officer	Power to act as the “assessment manager” for all applications received by Council under Chapter 6 of the <i>Sustainable Planning Act 2009</i> . For avoidance of doubt, the power delegated includes (without limitation) the power to take all actions of an assessment manager as detailed in sections 256, 259, 260, 261, 262, 266, 267, 268, 272, 274, 276, 277, 279, 280, 286, 297, 303, 304, 305, 309, 310, 313, 314, 315, 316, 317, 318, 324, 325, 327, 328, 331, 334, 337, 339, 348, 350, 352, 354, 355, 357, 362, 363, 368, 371, 373, 374, 375, 376, 378, 381, 383, 386, 387, 389, 417, 418, 419, 428, 433 and 434 of the <i>Sustainable Planning Act 2009</i> .	Sections 256, 259, 260, 261, 262, 266, 267, 268, 272, 274, 276, 277, 279, 280, 286, 297, 303, 304, 305, 309, 310, 313, 314, 315, 316, 317, 318, 324, 325, 327, 328, 331, 334, 337, 339, 348, 350, 352, 354, 355, 357, 362, 363, 368, 371, 373, 374, 375, 376, 378, 381, 383, 386, 387, 389, 417, 418, 419, 428, 433 and 434 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to act as a “referral agency”, “concurrence	Sections 256, 271,	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		agency” or “advice agency” for all applications referred to Council under Chapter 6, Part 3 of the <i>Sustainable Planning Act 2009</i> . For avoidance of doubt, the power delegated includes (without limitation) the power to take all actions of a “referral agency” or a “concurrence agency” or an “advice agency” as detailed in sections 256, 271, 276, 277, 279, 281, 282, 284, 285, 287, 288, 290, 291, 292, 348, 368, 371, 373, 374, 375, 376, 378, 385, 420 and 434 of the <i>Sustainable Planning Act 2009</i> .	276, 277, 279, 281, 282, 284, 285, 287, 288, 290, 291, 292, 348, 368, 371, 373, 374, 375, 376, 378, 385, 420 and 434 <i>Sustainable Planning Act 2009</i>		
	Chief Executive Officer	Power, as an owner of the land, to consent to the making of a development application.	Sections 260(1)(e) and 263 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an entity the Minister considers appropriate, to consult with the Minister in relation to a making or amending the standard conditions.	Section 332 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to give an applicant an new infrastructure charges notice under section 633, regulated infrastructure charges notice under section 643 or adopted infrastructure charges notice	Section 364 <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		under section 648F to replace the original notice.			
	Chief Executive Officer	Power, as an owner of the land, to consent to a request to change the development approval.	Section 371 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of the land, to consent to an application to cancel a development approval.	Section 379(1) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of the land, to consent to an application to extend a period mentioned in section 341.	Section 383(3)(d) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to note an approval on its planning scheme and give notice of that approval to the chief executive of the department.	Section 391 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to carry out compliance assessment.	Section 399 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to assess and give the compliance assessor written notice of Council's response regarding the aspects of a development requiring compliance assessment that must be	Section 402 <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		referred to the local government.			
	Chief Executive Officer	Power, as a compliance assessor, to decide a request, give an action notice, give a compliance permit with conditions (if any) and give a compliance certificate with conditions (if any).	Sections 405, 407 and 408 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a compliance assessor, to respond to a request to withdraw or change an action notice.	Section 412 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a compliance assessor, to decide a request to change a compliance permit or compliance certificate.	Section 413 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to commence proceedings in the Planning and Environment Court for declarations and orders.	Section 456 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power as an advice agency, where Council, in its advice agency response, told the assessment manager to treat the response as a properly made submission, to appeal to the Planning and Environment Court.	Section 464 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a proceeding decided by a	Section 479	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		building and development committee, to appeal to the Planning and Environment Court against the decision.	<i>Sustainable Planning Act 2009</i>		
	Chief Executive Officer	Power, as assessment manager, to apply to the court to withdraw from an appeal, if the appeal is only about a concurrence agency's response.	Section 485(6) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, concurrence agency or referral agency for the development application, to elect to become a co-respondent in an appeal.	Section 485(8) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a second entity required to be given notice of an appeal under section 484, to elect to be a co-respondent.	Section 487 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a proceeding, to apply for a review of a decision, direction or act of the ADR registrar.	Section 491B(6) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a proceeding, to appeal a decision to the Court of Appeal.	Section 498 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to bring a	Section 510	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		proceeding before a building and development committee for a declaration about whether the application is a properly made application.	<i>Sustainable Planning Act 2009</i>		
	Chief Executive Officer	Power, as a compliance assessor, to bring a proceeding before a building and development committee about whether the request for compliance assessment has lapsed under this Act.	Section 512 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a responsible entity, to bring a proceeding before a building and development committee about whether a proposed change to the approval is a permissible change.	Section 513 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a person entitled to bring a proceeding for declarations or as a person entitled to start an appeal before a building and development committee, to request the proceeding be fast-tracked.	Sections 515 and 537 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an entity that gave a notice under section 373, to appeal to a building and development committee against a decision on a request to make a permissible change to the development approval.	Sections 521 and 530 <i>Sustainable Planning Act 2009.</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an advice agency, to appeal to a building and development committee about the giving of a development approval.	Section 528 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to apply to withdraw from the appeal if the appeal is only about a concurrence agency response.	Section 543 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an entity required under section 541 or 542 to be given notice of the appeal, to elect to be a co-respondent.	Section 547(3)(b) <i>Sustainable Planning Act 2009.</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to provide all material requested by the registrar.	Section 551 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to an appeal or proceedings, to agree to have the matter decided on the basis of written submissions.	Section 558(b) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessing authority, to give a show cause notice.	Section 588 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessing authority, to give an enforcement notice.	Section 590 <i>Sustainable</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>Planning Act 2009</i>		
	Chief Executive Officer	Power to bring proceedings in the Magistrates Court on a complaint to prosecute a person for an offence against Chapter 7, Part 3 of the Act.	Section 597 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to bring proceedings in the Planning and Environment Court for an enforcement order, an interim enforcement order, or to cancel or change an enforcement order or interim enforcement order.	Section 601 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief executive officer	Power, as assessing authority, where the Planning and Environment Court has convicted a person of an offence against this Act, to apply to the court for an order against the person for the payment of the costs and expenses incurred in taking a sample or conducting an inspection, test measurement or analysis during the investigation of the offence.	Section 614 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a participating local government for a distributor-retailer, to agree with a distributor-retailer about the breakup of adopted charges. ²	Section 632 <i>Sustainable Planning Act 2009</i>	19 March 2019	

² Note that the breakup agreement will be effective only where the local government does not have a charges resolution or where the breakup agreement is reflected in the local government's charges resolution

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government giving a development approval where there is an adopted charge that applies for providing trunk infrastructure for the development, to give an infrastructure charges notice.	Section 635 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government giving a change approval or an extension approval where there is an adopted charge that applies for providing trunk infrastructure for the development, to give a new infrastructure charges notice.	Section 626(1)(d) and 635 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to state, in an infrastructure charges notice for development other than reconfiguring a lot, building work or making a material change of use, the day the adopted charge is payable.	Section 638(1)(d) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government that gave an infrastructure charges notice, to agree with a person to whom an infrastructure charges notice has been given, about:- c) whether the charge may be paid other than as required under section 638, including whether	Section 639 <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		it may be paid by instalments; and/or d) whether infrastructure may be provided instead of paying all or part of the charge.			
	Chief Executive Officer	Power, as a local government, to consider submissions made on an infrastructure charges notice and, if the submissions are agreed, issue a new infrastructure charges notice.	Section 643(1) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government with a LGIP that identifies adequate trunk infrastructure to service the subject premises, to impose a condition on a development approval requiring either or both of the following to be provided at a stated time: c) the identified infrastructure; and/or d) different trunk infrastructure delivering the same desired standard of service.	Section 646 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government with a LGIP that does not identify adequate trunk infrastructure to service the subject premises, to impose a condition on a development approval requiring development infrastructure necessary to service the premises to be provided at a stated time.	Section 647 <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government, to impose a condition requiring payment of additional trunk infrastructure costs.	Section 650 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to agree with an applicant about the payment time for an additional payment condition imposed under section 650(1).	Section 651(2) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government that has received a conversion application, to give a notice to the applicant requiring the applicant to give information reasonably needed to decide the conversion application.	Section 660(3) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government within 20 business days of deciding, on a conversion application, to convert non-trunk infrastructure to trunk infrastructure, to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.	Section 662(3) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	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 664(2) <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government, to impose a condition on a development approval about non-trunk infrastructure.	Section 665 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to enter an infrastructure agreement.	Chapter 8 Part 4 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a public sector entity, to enter an agreement about: a) providing or funding infrastructure; or b) refunding payments made towards the cost of providing or funding infrastructure.	Section 677 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to sell land it holds on trust in fee simple for public parks infrastructure or local community facilities.	Section 678 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government where trunk infrastructure is not identified because paragraphs (a), (b) and (c) of the definition of trunk infrastructure in section 627 do not apply, to impose a condition on a development approval for the supply of development infrastructure for a	Section 679 <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		purpose mentioned in section 665(2).			
	Chief Executive Officer	Power, upon receipt of a notice under section 680ZD, to note the registration on Council's planning scheme, and any new planning scheme Council makes before the registration ends.	Section 680ZE <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to make comments in relation to draft terms of reference for an environmental impact statement.	Section 691(8) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, upon receiving a copy of the draft terms of reference for an environmental impact statement, to make the copy available for inspection and purchase until the last day for making comments.	Section 691(10) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to make comments in relation to draft environmental impact statement.	Section 694 and 695 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, upon receiving a copy of the draft environmental impact statement, to make the copy available for inspection and purchase until the last day for making comments.	Section 694(7) <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government, to decide claims for compensation.	Sections 709 and 710 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as local government, to seek approval of the Governor in Council to take land, under the Acquisition Act.	Section 714 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager or relevant entity for a request for compliance assessment, to enter land to undertake works.	Section 715 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager or other entity, where a person has incurred loss or damage because of the exercise of powers under section 715, to decide a claim for compensation and recover, from the applicant or person who requested compliance assessment, the amount of compensation paid that is not attributable to Council's negligence.	Section 716 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions in response to public notification of a development for public housing.	Section 721 <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an entity required to keep a document available for inspection and purchase, to charge a person for supplying copy of the document or part of the document.	Section 723(3) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to decide that section 724(1) does not apply where reasonably satisfied that the documents mentioned in section 724(1)(y) to (zd) contain— (a) sensitive security information; or (b) information of a purely private nature about an individual, including, for example, someone's residential address.	Section 724(5) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to decide that section 726(1) does not apply where reasonably satisfied that the documents mentioned in section 726(1) contain sensitive security information.	Sections 726(3) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager, to decide that section 728(1) does not apply where reasonably satisfied that the documents mentioned in section 728(1) contain sensitive security information.	Section 728(3) <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an assessment manager, to decide that section 729(1) does not apply where reasonably satisfied that the documents mentioned in section 729(1)(l) or (m)— (a) sensitive security information; or (b) information of a purely private nature about an individual, including, for example, someone's residential address.	Section 729(5) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a compliance assessor, to decide that section 734(1) does not apply where reasonably satisfied that the documents mentioned in section 734(1) contain— (a) sensitive security information; or (b) information of a purely private nature about an individual, including, for example, someone's residential address.	Section 734(3) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to publish information and documents on Council's website.	Section 736 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to decide that section	Section 736(5)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		736(1) and (2) do not apply where reasonably the information contains sensitive security information.	<i>Sustainable Planning Act 2009</i>		
	Chief Executive Officer	Power, as a local government, to issue a planning and development certificate.	Section 741 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions in response to public notification of a development application under Chapter 9 Part 7.	Section 751 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an entity considered appropriate by the Minister, to consult with the Minister in relation to the guidelines the Minister may make under section 759.	Section 759 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as an entity considered appropriate by the chief executive, to consult with the chief executive in relation to guidelines the chief executive may make under section 760.	Section 760 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government that has a declared master planned area in its local government area, to take the action required by subsection 761A(2) (where Council's planning scheme is <u>not</u> an IPA planning scheme) or 761A(3) (where Council's	Section 761A <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		planning scheme is an IPA planning scheme).			
	Chief Executive Officer	Power, as a local government or an assessment manager, to continue to decide a claim made under sections 5.4.2, 5.4.3, 5.4.5 or 5.5.3 of the repealed IPA.	Section 842 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to impose conditions on a development approval about infrastructure.	Section 848 <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to continue to decide an iconic places development application to which section 873(3) applies and give a decision notice for the application.	Section 873(4)(b) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government for the application, to appeal to the Planning and Environment Court, as if Council had been a submitter for an iconic places development application to which sections 461 to 464 apply.	Section 875(3) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government that has started the process for preparing a PIP under section 627 as it was before the SPICOLAA came into effect, to continue to prepare and make the PIP as if the	Section 976A <i>Sustainable Planning Act 2009</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Sustainable Planning Act 2009

Nb. This Act was repealed on 3 July 2017. These powers only remain relevant where Council is processing a development application under SPA pursuant to transitional provisions contained in the *Planning Act 2016* or another Act.

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		SPICOLAA had not commenced.			
	Chief Executive Officer	Power, as a local government that has given a notice mentioned in section 977(1) in relation to a development approval (e.g. an adopted infrastructure charges notice), to, where a request to change the development approval under section 369 is made, amend the notice.	Section 977(3) <i>Sustainable Planning Act 2009</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government that has a planning scheme that does not include an LGIP and before 4 July 2014, did not include a PIP, to:- (a) give an infrastructure charges notice under section 635; and (b) impose condition about trunk infrastructure under section 646, 647 or 650.	Section 996 <i>Sustainable Planning Act 2009</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Sustainable Planning Regulation 2009

Register deleted as no delegable powers remain in the Regulation

REGISTER OF DELEGATIONS COUNCIL TO CEO

Tobacco and Other Smoking Products Act 1998

Date Reviewed:	16/07/2018
Reprint No:	01/01/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an occupier of an enclosed space, to give directions to stop persons from smoking in the enclosed space.	Section 26U(1) <i>Tobacco and Other Smoking Products Act 1998</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the Department about a proposed local law under section 26ZPA.	Section 26ZPB <i>Tobacco and Other Smoking Products Act 1998</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a request for information from the chief executive about a local law made under section 26ZPA.	Section 26ZPC <i>Tobacco and Other Smoking Products Act 1998</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Tobacco and Other Smoking Products Act 1998

Chief Executive Officer	Power to administer and enforce Part 2BB, divisions 4 to 8 and Part 2C, division 3 of the Act.	Sections 26ZU and 26ZV <i>Tobacco and Other Smoking Products Act 1998</i>	19 March 2019	
Chief Executive Officer	Power to respond to a request for information from the chief executive about the local government's administration and enforcement.	Section 26ZW <i>Tobacco and Other Smoking Products Act 1998</i>	19 March 2019	
Chief Executive Officer	Power, as an occupier of a place, to give consent to an authorised person to enter the place.	Section 33(1)(a) <i>Tobacco and Other Smoking Products Act 1998</i>	19 March 2019	
Chief Executive Officer	Power, as an occupier of a place, to sign an acknowledgement confirming that consent to enter the place was given to an authorised person.	Section 34(3) <i>Tobacco and other Smoking Products Act 1998</i>	19 March 2019	
Chief Executive Officer	Power, as an owner of a seized thing, to inspect the thing seized by an authorised person and, if it is a document, to copy it.	Section 44B(1) <i>Tobacco and Other Smoking Products Act 1998</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Torres Strait Islander Cultural Heritage Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, in the circumstances set out in subsection (1), to take all reasonable and practicable steps to ensure that the human remains are taken into the custody of the chief executive.	Section 17(2)	19 March 2019	
	Chief Executive Officer	Power, in the circumstances set out in subsection (1), to advise the chief executive of the existence and location of the human remains and give the chief executive all details that the chief executive reasonably requires.	Section 18(2)	19 March 2019	
	Chief Executive Officer	Power, as a person who carries out an activity, to take all reasonable and practicable measures to ensure the activity does not harm Torres Strait Islander cultural heritage.	Section 23(1)	19 March 2019	
	Chief Executive Officer	Power to consult with the Minister about cultural heritage duty of care guidelines.	Section 28(2)	19 March 2019	
	Chief Executive Officer	Power, as a person who is involved in putting an approved cultural heritage management plan into effect, to take all reasonable steps to ensure the chief executive is advised about all Torres Strait Islander cultural heritage revealed to exist because of any activity carried out	Section 30(1)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Torres Strait Islander Cultural Heritage Act 2003

		under the plan.			
Chief Executive Officer		Power, as a person who carries out an activity, to advise the chief executive of Torres Strait Islander cultural heritage revealed to exist because of the activity.	Section 31(1)	19 March 2019	
Chief Executive Officer		Power to be a sponsor for a cultural heritage study.	Section 53(1)	19 March 2019	
Chief Executive Officer		Power to consult with the Minister about cultural heritage study guidelines.	Section 54(3)(c)	19 March 2019	
Chief Executive Officer		Power, as sponsor for a cultural heritage study, to give a written notice (proposed study).	Section 56(1)	19 March 2019	
Chief Executive Officer		Power, as sponsor for a cultural heritage study, to publish a public notice (proposed study).	Section 61(2)	19 March 2019	
Chief Executive Officer		Power, as sponsor for a cultural heritage study, to carry out the study in a manner consistent with the matters specified in section 67.	Section 67	19 March 2019	
Chief Executive Officer		Power, as sponsor for a cultural heritage study, to engage persons as cultural heritage assessors.	Section 68(1)	19 March 2019	
Chief Executive Officer		Power, as sponsor for a cultural heritage study, to comply with a reasonable request of an endorsed party.	Section 68(3)	19 March 2019	
Chief Executive Officer		Power, as sponsor for a cultural heritage study, to take reasonable steps to consult with each endorsed party.	Section 70(1)	19 March 2019	
Chief Executive Officer		Power, as owner or occupier of land, to consult with a sponsor about obtaining access.	Section 70(3)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Torres Strait Islander Cultural Heritage Act 2003

	Chief Executive Officer	Power, as sponsor for a cultural heritage study, to consult with an owner or occupier of land about obtaining access.	Section 70(3)	19 March 2019	
	Chief Executive Officer	Power, as sponsor for a cultural heritage study, to be satisfied that: (a) The study has been completed to the extent that is reasonably practicable in the circumstances; and (b) The study's findings are in order for recording in the register.	Section 71(1)	19 March 2019	
	Chief Executive Officer	Power, as sponsor for a cultural heritage study, to give the cultural heritage study to the chief executive.	Section 71(1)	19 March 2019	
	Chief Executive Officer	Power, as land user of land, to consult with chief executive.	Section 72(1)(c)(iv)	19 March 2019	
	Chief Executive Officer	Power, as local government, to consult with chief executive.	Section 72(1)(c)(v)	19 March 2019	
	Chief Executive Officer	Power to object to the Land Court to: (c) the chief executive's recording in the register of the findings of a cultural heritage study; and (d) the chief executive's refusal to record in the register the findings of a cultural heritage study.	Section 76	19 March 2019	
	Chief Executive Officer	Power to sponsor a cultural heritage management plan.	Section 82	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Torres Strait Islander Cultural Heritage Act 2003

Chief Executive Officer	Power to develop and gain approval of a cultural heritage management plan.	Section 83	19 March 2019	
Chief Executive Officer	Power to consult with Minister about cultural heritage management plan guidelines.	Section 85(3)(c)	19 March 2019	
Chief Executive Officer	Power to impose conditions.	Section 87(2)(b)	19 March 2019	
Chief Executive Officer	Power to impose conditions.	Section 88(2)(b)	19 March 2019	
Chief Executive Officer	Power, as sponsor for a cultural heritage management plan, to give a written notice (proposed study).	Section 91(1)	19 March 2019	
Chief Executive Officer	Power, as sponsor for a cultural heritage management plan, to publish a public notice (proposed study).	Section 96(2)	19 March 2019	
Chief Executive Officer	Power, as sponsor for a cultural heritage management plan, to do the things specified in section 103.	Section 103	19 March 2019	
Chief Executive Officer	Power, as sponsor for a cultural heritage management plan, to negotiate with each endorsed party, and make every reasonable effort to reach agreement, about the provisions of the plan.	Section 105(1)	19 March 2019	
Chief Executive Officer	Power, as a consultation party, to ask the Land Court to provide mediation of a dispute.	Section 106(2)	19 March 2019	
Chief Executive Officer	Power, as sponsor of a cultural heritage management plan, to give the plan to the chief executive, in prescribed circumstances.	Section 107(1)	19 March 2019	
Chief Executive Officer	Power, as sponsor of a cultural heritage management plan, to object to the Land Court	Section 111(1)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Torres Strait Islander Cultural Heritage Act 2003

		to the chief executive's refusal to approve the plan.			
Chief Executive Officer		Power, as sponsor of a cultural heritage management plan, to refer the plan to the Land Court if authorised by a mediator.	Section 112(2)	19 March 2019	
Chief Executive Officer		Power, as sponsor of a cultural heritage management plan, to refer the plan to the Land Court and ask the Land Court to approve the plan.	Section 113(2)	19 March 2019	
Chief Executive Officer		Power, as sponsor of a cultural heritage management plan, to identify the names and contact details of all other parties to the objection or referral.	Section 114(1)	19 March 2019	
Chief Executive Officer		Power, as sponsor of a cultural heritage management plan, to give the Land Court a document containing the things specified in subclause (1).	Section 115(1)	19 March 2019	
Chief Executive Officer		Power, as consultation party, to agree that the plan be approved.	Section 115(5)	19 March 2019	
Chief Executive Officer		Power, as sponsor of a cultural heritage management plan, to give the plan, as agreed to, to the chief executive.	Section 115(5)	19 March 2019	
Chief Executive Officer		Power to consult with owner or occupier of land about obtaining necessary access.	Section 153(1)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure (Public Marine Facilities) Regulation 2011

Document Updated:	16/07/2018
Reprint:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to manage the public marine facilities listed in schedule 1.	Section 5, 7, and Schedule 1 <i>Transport Infrastructure (Public Marine Facilities) Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a manager of a public marine facility, to give written approval for the use of the facility for a commercial purpose.	Section 6(b)(i) <i>Transport Infrastructure (Public Marine Facilities) Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a manager of a non-State managed boat harbour, to pay to the chief executive the fees stated in schedule 3 for each mooring in the boat harbour.	Section 79 <i>Transport Infrastructure (Public Marine Facilities) Regulation 2011</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Transport Infrastructure (Public Marine Facilities) Regulation 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a manager of a non-State managed boat harbour, to ask the chief executive to enter into another arrangement for the payment of fees under section 79.	Section 81(2) <i>Transport Infrastructure (Public Marine Facilities) Regulation 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure (Rail) Regulation 2006

Date Updated:	16/07/2018
Reprint No:	1/9/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	<p>Power, as a railway manager, to give permission to persons with regards to the following:-</p> <ul style="list-style-type: none"> (a) playing a musical instrument or operating sound equipment on a railway; or (b) publicly and personally selling anything, seeking business or conducting a survey on a railway; or (c) operating a gate at a railway crossing in a way other than opening, closing and securing the gate; or (d) going onto a railway track; or (e) loading luggage onto rolling stock; or (f) do an act or make an omission contrary to all or any of sections 26 to 30. 	<p>Sections 6(2)(b), 14(2), 16(5), 17(c), 25(2)(b) and 31</p> <p><i>Transport Infrastructure (Rail) Regulation 2006</i></p>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure (Rail) Regulation 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a railway manager, to:- (a) supply alcohol to persons on a railway; or (b) give permission to person to drink alcohol on a railway; and (c) to set aside an area for persons to drink alcohol.	Section 8(1) <i>Transport Infrastructure (Rail) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to direct a person displaying coloured light on or near a railway, and which interferes with the safe operation of the railway, to remove or screen the light.	Section 10 (1) <i>Transport Infrastructure (Rail) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to provide an entrance or exit for a railway for the purpose of entering or exiting the railway.	Section 11(1) <i>Transport Infrastructure (Rail) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to take reasonable and necessary steps to move property abandoned or left on a railway.	Section 18 <i>Transport Infrastructure (Rail) Regulation 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure (Rail) Regulation 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a railway manager, to recover Council's reasonable expenses of moving property abandoned or left on a railway, securely storing the property and publishing any newspaper notice for it from the person in charge of the property or the property's owner.	Section 21 <i>Transport Infrastructure (Rail) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power to provide written directions to a railway manager or operator regarding the release of property abandoned or left on a railway.	Section 22 <i>Transport Infrastructure (Rail) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to dispose of property Council reasonably considers to have been abandoned.	Section 23 <i>Transport Infrastructure (Rail) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to waive part or all of the expenses reasonably incurred by Council in moving and disposing of property abandoned or left on a railway.	Section 23(6) <i>Transport Infrastructure (Rail) Regulation 2006</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to impose relevant conditions on a permission provided under section 31.	Section 32 <i>Transport Infrastructure (Rail) Regulation 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure (Rail) Regulation 2006

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a railway manager, to deal with property moved under part 3 of the now repealed <i>Transport Infrastructure (Rail) Regulation 1996</i> as if the repealed regulation had not been repealed.	Section 42 <i>Transport Infrastructure (Rail) Regulation 2006</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

Document reviewed:	16/07/2018
Reprint:	16/03/2018
Changes:	99AA, 101A

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consult with the chief executive concerning the development of a roads implementation program if the chief executive believes that Council would be affected by the program.	Section 11(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the chief executive concerning the development of a rail implementation program if the chief executive believes that Council would be affected by the program.	Section 14(3)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the chief executive concerning the development of implementation programs for miscellaneous transport infrastructure if the chief executive believes that Council would be affected by the programs.	Section 17(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to prepare and make submissions to the Minister in relation to any declaration, or revocation of a declaration that a road or route, or part of road or route, is a State-controlled road.	Section 25(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to:- (a) consult with, and make submissions to, the Minister before a declaration is made making a road or route, or part of a road or route, that crosses rail corridor land and continues on the other side of the rail corridor land a State-controlled road; (b) construct, maintain and operate a railway on a declared common area in a way not inconsistent with its use as a State-controlled road; (c) make an agreement with the chief executive regarding the State-controlled road on the common area.	Section 26 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to prepare and make submissions to the Minister in relation to any declaration or revocation of declaration that the whole or a part of a State-controlled road is a motorway.	Section 27(3)(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to enter into contracts with the chief executive in respect of road works, other works or the operation of State-controlled roads within and outside Council's local government area.	Section 29 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to make a sharing arrangement with the chief executive for the costs of:- <ul style="list-style-type: none"> (a) acquisition of land for transport infrastructure; (b) road works on a State-controlled road; (c) other works that contribute to the effectiveness and efficiency of the road network; or (d) the operation of a State-controlled road; including all necessary preliminary costs associated with acquisition, works, or operation.	Section 32 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to provide written approval agreeing to allow the chief executive to enter, and occupy or use the land to undertake road works after service of notice for temporary occupation and use of land.	Section 36(1) and (4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner of land, to give notice to the chief executive claiming compensation for physical damage caused by the temporary entry, occupation, or use, or for the taking or consumption of material.	Section 37 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into agreements with the chief executive in relation to funding for road works on Council's roads.	Section 40 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a financial arrangement with the chief executive for improvements to State-controlled roads that would be beneficial to Council's road network.	Section 41 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to obtain the chief executive's written approval for consent to carry out road works or make changes to the management of a Council road if conditions under subsection (1) apply and exceptions under subsections (2) or (5) do not apply.	Section 42 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply and enforce conditions to proposed road works or changes to the management of a Council road.	Section 42(5) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to obtain the chief executive's written consent to the erection, alteration or operation of an advertising sign or device that would be:- (a) visible from a motorway; (b) beyond the boundaries of the motorway; and (c) reasonably likely to create a traffic hazard; and on conditions that comply with fixed criteria.	Section 43 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply conditions to the erection, alteration or operation of an advertising sign or device.	Section 43(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to exercise all the powers Council may exercise for a local government road in its area in relation to State-controlled roads in its area.	Section 45 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of ancillary works and encroachments, to enter into an agreement with the chief executive for a contribution towards the cost of the alteration, relocation, making safe or removal of the ancillary works and encroachments.	Section 52(6) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make submissions to the chief executive concerning a proposal to publish a gazette notice to make, amend or revoke a declaration or to make, amend or replace a policy for limited access roads.	Section 55 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to make an application to the chief executive to make a written decision stating any of the matters provided in sub-subsections (a)-(k) concerning access between 1 or more State-controlled roads and particular adjacent land which Council has an interest in.	Section 62(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to ask the chief executive, in writing, to give Council a copy of any decision in force under section 62(1) for land that Council has an interest in.	Section 67A <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner or occupier of land, to enter into an agreement with the chief executive for:- (a) the supply by the chief executive of, or a contribution towards the supply by the chief executive of, alternative road access works between a State-controlled road and Council's land or between Council's land and another road; or (b) the carrying out, or contributions towards the carrying out of, other works in relation to Council's land.	Section 72(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to recover, as a debt from the chief executive, compensation for the diminution in land value because of the prohibition or change made to the access between a State-controlled road and Council's land.	Section 73(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into an agreement with the chief executive for the supply of roadside service centres, roadside rest facilities and other roadside businesses adjacent to or near State-controlled roads.	Section 76 <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of a public utility plant, to give the chief executive written notice of Council's intention to take action mentioned in section 80 on a State controlled road.	Section 81 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a public utility plant (whether existing or proposed), to arrange with the chief executive for the sharing of the costs, including preliminary costs, of all or any of the following:- <ul style="list-style-type: none"> (a) acquisition of land associated with the plant; or (b) construction, augmentation alteration or maintenance of the plant; or (c) construction of road works affected by the plant. 	Section 83 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to consult with, and make submissions to, the Minister about an intended declaration under section 84A.	Section 84B(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a railway manager for a rail corridor land that has been declared to be part of a common area, to construct, maintain and operate a railway on the common area in a way not inconsistent with its use as a toll road.	Section 84B(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager for rail corridor land that has been declared to be part of a common area, to enter into an agreement with chief executive, or the lease holder for the particular State toll road corridor land, regarding the following:- <ul style="list-style-type: none"> (a) responsibility for maintaining a toll road, and the transport infrastructure relating to a toll road, on the common area; and (b) responsibility for the cost of removing road transport infrastructure from the common area and restoring the railway. 	Section 84B(5) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to claim compensation regarding land, in which Council has an interest but has been declared to be State toll road corridor land under section 84A, under the <i>Acquisition of land Act 1967</i> , section 12(5A) and (5B), and part 4 as if the interest were land taken by the State under that Act.	Section 84D <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a railway manager, to:- (a) consult with, and make submissions to, the Minister regarding the construction, maintenance or operation of a road, or part of a road, that crosses rail corridor land and continues on the other side of the rail corridor land; (b) construct, maintain and operate a railway on the common area in a way not inconsistent with its use as a franchised road; (c) enter into an agreement with the franchisee regarding the franchised road on the common area.	Section 85A <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a toll road operator, to recover, as a debt, from the driver the amount of any unpaid toll or user administration charge, subject to any applicable agreement made by Council.	Section 94(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a toll road operator, to enter into an agreement with a person regarding the liability of a designated vehicle's driver for the toll payable at a toll plaza.	Section 95(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a toll road operator, to give the registered operator of a vehicle a written notice requiring the registered operator, within the prescribed time for the notice— (a) to pay Council the deferred toll amount; or (b) to give Council the registered operator's statutory declaration containing the required information.	Section 99 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a toll road operator, to give a single notice to a registered operator for notices under section 99 and 105ZH.	Section 99AA <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a toll road operator, to give written notice, in the approved form, under this section if Council has not received a deferred toll amount and it considers, on reasonable grounds, that a person other than the vehicle's registered operator has information that could help the toll road operator establish the name and address of the driver.	Section 100 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to give a statutory declaration complying with subsection (3).	Sections 100(2) and 105ZJ(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a toll road operator, to give a written notice, in the approved form, under this section if Council has not received a deferred toll amount and it considers, on reasonable grounds, that Council has correctly identified the person who was the driver.	Section 101 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a toll road operator, to give a single notice to a person for notices under section 101 and 105ZK.	Section 101A <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to disclose, allow access to, record or use personal information under certain circumstances.	Sections 104(2) and 105ZN(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to exercise all the powers of Council, including applying for the Minister's consent for a local government tollway, under Part 8 (Local Government Tollways). ³	Chapter 6, Part 8 <i>Transport Infrastructure Act 1994</i>	19 March 2019	See footnote: Specific powers under this Part will need to be specified in the register if the powers are sub-delegated to a Council officer.

³ Specific powers under this Part will need to be specified in the register if the powers are sub-delegated to a Council officer.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power— (a) as a railway manger, to consult with, and make submissions to, the Minister about an intended declaration under section 105H; (b) to construct, maintain and operate a railway on a declared common area in a way not inconsistent with its use as a local government tollway; (c) to make an agreement with the chief executive regarding the local government tollway on the common area.	Section 105I <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a lease or sublease with another local government or person, respectively, concerning the use of local government tollway corridor land for a tollway.	Section 105J(9) and (10) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a person with an interest in land declared to be a local government tollway corridor land under section 105H, to claim compensation under the <i>Acquisition of Land Act 1967</i> , section 12(5A) and (5B) and part 4 as if the interest were land taken by the State under that Act.	Section 105JA(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a public utility provider, to do the following on local government tollway corridor	Section 105N <i>Transport</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		land— (a) build, replace or take away, or alter, other than for maintenance or repair, its public utility plant; (b) maintain or repair, or alter, for maintenance or repair, its public utility plant; (c) take reasonable steps to stop obstruction or potential obstruction to, or interference or potential interference with, its public utility plant; (d) seek written agreement from the local government for whom the declaration of the local government tollway corridor land was made; (e) in the interests of public safety, carry out urgent maintenance of its public utility plant on local government tollway corridor land without the written agreement of the local government.	<i>Infrastructure Act 1994</i>		
	Chief Executive Officer	Power, as a public utility provider, to ask another local government for information about lines and levels for planned local government tollway infrastructure on local government tollway corridor	Section 105O(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		land.			
	Chief Executive Officer	Power, as a public utility provider, to make an agreement with a local government regarding the reduction in cost of replacing or reconstructing a public utility plant.	Section 105X(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a local government tollway franchise agreement with another local government.	Section 105Y <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to allow the chief executive to enter the land by giving written consent to the chief executive.	Section 109A(4)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for a rail feasibility investigator's authority for an area of land.	Section 110 <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power:- (a) as an owner or occupier of land, to consent to an investigator or an associated person to enter onto land; or (b) as an authorised investigator, to enter land, with the owner's or occupier's consent; for the purpose of investigating the land's potential and suitability as a rail corridor.	Section 114(3)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an authorised investigator, to allow an associated person to act under the investigator's authority.	Section 115(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to ask person who has entered, is entering, or is about to enter Council's land under an authority for the person's identification or about the person's authority to enter Council's land.	Sections 115(4) and 408(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an authorised investigator, to do anything necessary or desirable to minimise damage to the land or inconvenience to the land's owner or occupier.	Section 117(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to:-	Section 118 (1)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		<ul style="list-style-type: none"> (a) claim compensation from the relevant person for the loss or damage arising out of an entry onto land, any use made of the land, anything brought onto the land, or anything done or left on the land in connection with the relevant person's authority; (b) require the relevant person to carry out works to rectify, within a reasonable time, the damage after the relevant person has finished investigating the land under the authority; or (c) require the relevant person to carry out works to rectify the damage and claim compensation from the investigator for any loss or damage not rectified. 	<i>Transport Infrastructure Act 1994</i>		

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power:- (a) as an owner or occupier of land, to make an agreement with the relevant person with regards to the amount of compensation; or (b) as an authorised investigator, to make an agreement with owner or occupier of the land with regards to the amount of compensation.	Section 118(4)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land, to agree to allow an applicant for accreditation as a railway manager and/or operator to access the land where the railway is constructed or is proposed to be constructed.	Section 126(2)(d)(i) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to agree to allow the chief executive or an accredited person to take or use the material on Council's land.	Section 165(c) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	<p>Power, as an owner or occupier of land, to give written notice to the chief executive or an accredited person regarding:-</p> <ul style="list-style-type: none"> (a) a claim for compensation for the loss or damage caused by the entry or railway works carried out on Council's land; (b) a claim for compensation for the taking or use of materials; (c) a requirement that the accredited person carry out works in restitution for the damage; or (d) a requirement that the accredited person carry out works in restitution for the damage and a claim for compensation for any loss or damage not restituted. 	Section 166(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to seek the chief executive's written approval to carry out works near a railway.	Section 168 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to make an agreement with an authorised person to allow the authorised person to enter Council's land and inspect railway works.	Section 168(7)(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a railway manager, to— (a) temporarily close or regulate a railway crossing if satisfied it is necessary because of an immediate threat to— (i) the safety of the railway; or (ii) the public using it or who may use it; (b) construct a substitute crossing if Council decides to close or regulate a crossing.	Section 169 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an occupier of a place, to consent to the entry of a rail safety officer into the place.	Section 178(1)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an occupier of a place, to sign an acknowledgement of Council's consent to allow a rail safety officer to enter the place.	Section 179(3) and (5) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to enter into a sublease with the chief executive for rail corridor land or non-rail corridor land.	Section 240(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a railway manager, to make an agreement with the chief executive to renew a sublease for a section of rail corridor land before or immediately after its expiry.	Section 240B(2A) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to make an agreement with the chief executive, or commence proceedings in a court, for compensation to be paid to Council because of the revocation of an unregistered right in a railway manager's sublease for a section of rail corridor land.	Section 240B (5)-(7) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a sublease with the chief executive for a section of non-rail corridor land.	Section 240D <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land, to seek and negotiate with the railway manager a right of access across a proposed railway if Council's land is adjacent to the relevant land or Council has access over the relevant land.	Section 240E(2) and (3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a railway manager or as an owner of land, to ask the chief executive, if an agreement regarding right of access cannot be made, to decide whether a right of access across the proposed railway should be granted.	Section 240E(5) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager or an owner of land, to give the chief executive the information the chief executive requires in deciding whether to grant a right of access across the proposed railway.	Section 240E(7) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager of a rail corridor land or as a right of access holder, to agree to cancel the right of access to the land.	Section 240F(3)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager of a rail corridor land or as an owner of land, to enter into an agreement in relation to the compensation payable for the cancellation of a right of access across a rail corridor land.	Section 240F(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land, to commence proceedings in the Land Court for compensation.	Section 240F(6) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a railway manager, to grant a sublicence in relation to an easement described in schedule 4 to a railway operator.	Section 241(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to— (a) alter the rail transport infrastructure; and (b) manage the railway using the rail transport infrastructure, whether or not altered; and (c) operate, or authorise a railway operator to operate, rolling stock on the railway.	Sections 244(2)(b) and 244A(2)(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power:- (a) as a railway manager for rail corridor land or future railway land, to construct, maintain and operate a railway on the common area in a way not inconsistent with its use as a relevant road; (b) to construct, maintain and operate a local government tollway corridor land within a declared common area in a way not inconsistent with its use as a railway	Section 249(3)(a) and (b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	<p>Power:-</p> <p>(a) to make an agreement with the railway manager for a railway within a common area; or</p> <p>(b) as a railway manager, to make an agreement with a relevant person for a relevant road within a common area;</p> <p>regarding the costs of removing rail transport infrastructure from the common area and restoring the relevant road.</p>	Section 249(5) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	<p>Power:-</p> <p>(a) as a railway manager, to:-</p> <p>(i) in constructing or managing a railway, to alter the level of a road or require the authority responsible for the road to alter its level;</p> <p>(ii) make an agreement with the authority responsible for the road with regards to the responsibility for the payment of all reasonable expenses incurred in altering the road level;</p> <p>(iii) make an agreement with a person, whose land is directly affected by the</p>	Section 250 <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		<p style="text-align: center;">road alteration, regarding the amount of compensation payable to the person;</p> <p>(iv) if an agreement cannot be reached with the person directly affected by the road alteration, make an application to a court with jurisdiction to make a decision on the amount of compensation; or</p> <p>(b) as an authority responsible for a road, to make an agreement with the railway manager with regards to the responsibility for the payment of all reasonable expenses incurred in altering the road level; or</p> <p>(c) as an occupier or owner of land that has been directly affected by the road alteration, to:-</p> <p style="padding-left: 20px;">(i) make an agreement with the railway manager regarding the amount of compensation payable to Council;</p> <p style="padding-left: 20px;">(ii) make an application to a court with jurisdiction to make a decision on the amount of compensation.</p>			

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to construct, maintain and operate a road on rail corridor land or non-rail corridor land, if permitted by the chief executive, by way of a bridge or other structure that allows the road to go over or pass under the relevant infrastructure on the land, or a crossing at the same level as the relevant infrastructure.	Section 253(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager of rail corridor land or as a sublessee of non-rail corridor land, to consult with the chief executive before the chief executive makes a decision on proposed relevant infrastructure on rail corridor land or non-rail corridor land.	Section 253(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager of rail corridor land or as a sublessee of non-rail corridor land, to continue to use the land and the airspace above the land, other than any land and airspace excluded by a condition of the permission.	Section 253(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to enter into an agreement with the chief executive concerning the maintenance of a road and a bridge, structure or crossing constructed on rail corridor land or non-rail corridor land, as well as the costs of removing the bridge, structure or crossing when the road is no longer in use and the subsequent restoration of the relevant infrastructure on the land.	Section 253(7) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	<p>Power:-</p> <ul style="list-style-type: none"> (a) as a railway manager, to give written approval to a person seeking to interfere with the railway; or (b) to seek written approval from a railway's manager to interfere with the railway; and (c) to interfere with a railway provided that the interference is:- <ul style="list-style-type: none"> (i) with the railway manager's written approval; (ii) permitted or authorised under a right of access under sections 240E or 253, or under the <i>Transport (Rail Safety) Act 2010</i>; or (iii) otherwise approved, authorised or permitted under this Act or another Act. 	Section 255(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to require, by written notice, a person who has contravened section 255(1) to rectify the interference within a stated reasonable time, or to rectify the interference if the person fails to comply with the requirement.	Section 256 <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make an application to the chief executive to make a change to the management of a local government road if the change would require work on a railway or would have a significant adverse impact on the safety and operational integrity of a railway or future railway.	Section 258A <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to construct and maintain a fence of substantially similar quality to any fence around the neighbouring land when the railway was constructed in order to satisfy its obligation under subsection (2)(b).	Section 260(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land next to existing railway, or as a railway manager of the existing railway, to enter into an agreement for compensation for railway works with the railway manager or the owner or occupier of the land, respectively.	Section 260(4)(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	<p>Power:-</p> <p>(a) as an owner or occupier of land adjacent to an existing railway, to carry out further works at Council's expense, with the railway manager's agreement, if Council considers that the works carried out under section 260 are insufficient for the convenient use of the land; or</p> <p>(b) as a railway manager of an existing railway:-</p> <p>(i) to agree to the further works proposed to be carried out by the owner or occupier of land adjacent to the existing railway at its expense;</p> <p>(ii) to require, by written notice given to the owner or occupier, the further works to be carried out under the supervision of a person nominated by Council and according to plans and specifications approved by Council.</p>	Section 260(6) and (7) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner or occupier of land adjacent to an existing railway, to cross the existing railway with Council's, and its employees' and agents', vehicles and livestock until the railway manager carries out the works pursuant to subsection (2), unless Council has received compensation for the works.	Section 260(9) and (11) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to give written notice to the chief executive, at least 2 months before a preserved train path is allocated to a person, stating details of the proposed allocation.	Section 266A(2)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to make a submission against the imposition of a penalty pursuant to section 266C(2) in the way stated in the proposed penalty notice.	Section 266D <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to appeal a penalty notice to the Supreme Court against the chief executive's decision to impose a penalty.	Section 266F <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to exercise all the powers and functions of a port authority under Chapter 8 if Council is given management of a port under Chapter 8.	Section 273 <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power— (a) as a port lessor, port lessee or port manager of the Port of Brisbane, to impose charges in relation to port services and port facilities; (b) as a port user, to make an agreement with the port lessor, port lessee or port manager regarding subsection (1).	Section 279A <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port lessor, port lessee or port manager of the Port of Brisbane, to enter into a port agreement with the Minister about charges imposed pursuant to section 279A.	Section 279B <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port lessor, port lessee or port manager of the Port of Brisbane, to— (a) decide a reasonable time for payment of a charge imposed pursuant to section 279A and a reasonable interest rate to be applied to any unpaid amount; and (b) recover a charge, or part of a charge, and any interest payable in relation to the charge, as a debt payable to Council.	Section 281C <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port lessor, port lessee or port manager	Section 281F	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		<p>of the Port of Brisbane, to</p> <ul style="list-style-type: none"> (a) by written notice, require a person to give Council a security deposit as a security for a liability or debt incurred, or that may be incurred, by it under chapter 8, part 3A in relation the payment of a charge or damage caused, or that may be caused, to port facilities; (b) appropriate, or partly appropriate, a security deposit to meet the liability or indebtedness of the person if the liability or debt is unpaid after becoming due; (c) by written notice, require the person to give Council a further security deposit subsequent to the appropriation, or part appropriation, of a security deposit; and (d) by written notice, require the person to give Council a security deposit in a greater amount, or in a different form, or both, if Council considers that the person's liability or indebtedness, or potential liability or indebtedness, to Council under chapter 8, part 3A should be more adequately guaranteed. 	<p><i>Transport Infrastructure Act 1994</i></p>		

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a port lessor of the Port of Brisbane, to display or publish a port notice to control activities or conduct in its port area if Council reasonably considers the activities or conduct may— <ul style="list-style-type: none"> (a) affect the port’s operation; or (b) cause damage to the port authority’s strategic port land or Brisbane core port land; or (c) cause damage to the environment. 	Section 282 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port lessor of the Port of Brisbane, to display or publish a port notice requiring a person or class of persons to produce to the port lessor or port lessor’s delegate, information relevant to the matters listed in sub-subsections (a)-(e).	Section 282AA <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a port lessor of the Port of Brisbane, to control by port notice— <ul style="list-style-type: none"> (a) the movement or mooring of ships at its port facilities; or (b) the movement or mooring of ships if the movement or mooring may affect the port's operation; or (c) activities on or by ships moored at its port facilities or in its port if the activities may affect the port's operation. 	Section 282A <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port lessor of the Port of Brisbane, to control, by port notice, the movement, handling or storage of goods loaded, waiting to be loaded, unloaded or transhipped to or from ships at its port facilities.	Section 282C <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port lessor of the Port of Brisbane, to control, by port notice, the movement of persons at its facilities including, for example, where the movement of members of the public, or another identified group, is restricted or prohibited.	Section 282D <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a port lessor of the Port of Brisbane, to control by port notice the parking or stopping of vehicles at or on its port facilities, strategic port land or Brisbane core port land including, for example, by indicating a place where parking or stopping of a vehicle is restricted or prohibited.	Section 282E <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port lessor of the Port of Brisbane, to control by port notice the movement, stopping or parking of rolling stock at its port facilities including, for example, by indicating where parking of rolling stock is restricted or prohibited.	Section 282F <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port lessor of the Port of Brisbane, to appoint a person as an authorised officer for Council.	Section 282K <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port operator, to consult with the Minister before the Minister gives a direction under subsection (2).	Section 283ZJ <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manager for a development application for development on Brisbane core port land under the <i>Sustainable Planning Act 2009</i> , to impose a condition on the development approval	Section 283ZZ <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		for the application requiring a contribution only in relation to the following infrastructure provided by the Brisbane City Council or a service provider— (a) drainage; (b) public transport; (c) roads; (d) sewerage and water supply headworks.			
	Chief Executive Officer	Power to apply to the planning chief executive for a planning and development certificate for premises on Brisbane core port land.	Section 283ZZB <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an assessment manger for a development application for development on land that becomes Brisbane core port land, to give the application to the planning chief executive and respond to any request for information from the planning chief executive.	Section 283ZZJ <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port lessor, port lessee or port manager of the Port of Brisbane, to grant a licence to enter and use port land, if leased by Council under the <i>Land Act 1994</i> , or trade lease of land, if subleased to Council.	Section 283ZZN <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make written submissions in respect of a statement of proposal under section 285A or draft plan under section 285B made by a port authority over land in or adjoining Council's area.	Section 285C <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to a port authority for approval to perform a controlled activity in a port authority's port area.	Section 289C <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, if Council's interests are affected by a decision mentioned in section 289F(1), to ask the port authority to review the decision or, pursuant to the <i>Transport Planning and Coordination Act 1994</i> , part 5, division 2, make an application to the Queensland Civil and Administrative Tribunal to have the original decision stayed.	Section 289G <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port operator, to have abandoned property found at the port facility moved to a place Council considers appropriate.	Section 289I(2)(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to seek the return of abandoned property from a port authority or port operator.	Section 289J <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a port operator, to sell property that has remained unclaimed 28 days after the publication of a notice under section 289I about the abandoned property.	Section 289K <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port operator, to sell abandoned property if it is perishable and it is impracticable for Council to keep it having regard to its nature and condition.	Section 289L <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port operator, to dispose of abandoned property that is insufficient value property in the way Council considers appropriate.	Section 289N <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a port lessor of the Port of Brisbane, to delegate a function under Chapter 8, other than under part 3A, to a port lessee or port manager.	Section 289Z <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power:- (a) as a port lessor of the Port of Brisbane, to appoint an entity as a port manager for the Port of Brisbane; or (b) as a port lessee— (i) to seek written approval from the port lessor to appoint an entity as a port manager for the Port of Brisbane; and (ii) with the written approval of the port lessor, appoint an entity as a port manager for the Port of Brisbane.	Section 289ZA <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to give permission to a person proposing to enter Council's land for purposes other than for the performance of urgent remedial work to facilitate or maintain the operation of busway transport infrastructure.	Section 299(4)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner or occupier of land, to claim compensation from the chief executive for loss or damage caused by the entry, occupation, or use, including by the taking or consumption of materials, of Council's land by the chief executive or a person authorised by the chief executive for purposes relating to busway transport infrastructure.	Section 300(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to commence proceedings in the Land Court against the chief executive for compensation in the absence of a prior agreement between Council and the chief executive for compensation.	Section 300(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a sublease with the State for an established busway, or a proposed busway, on busway land, including the power to negotiate, and agree upon, the terms of the sublease.	Section 303AA <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to seek a licence from the chief executive in relation to busway land or busway transport infrastructure for any of the following purpose:- <ul style="list-style-type: none"> (a) construction, maintenance or operation of any thing on the land; (b) the use of the land or infrastructure for any purpose; (c) maintenance, management or operation of the land or infrastructure. 	Section 303AB(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, in relation to a licence granted under section 303AB(1), to:- <ul style="list-style-type: none"> (a) surrender the licence; and (b) mortgage, sublicense or transfer the licence with the consent of the chief executive. 	Section 303AB(3A) and (4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	<p>Power, as an owner or occupier of busway land or busway transport infrastructure that is subject to a licence granted under section 303AB, to:-</p> <ul style="list-style-type: none"> (a) claim compensation from the chief executive for loss or damage caused by a relevant activity, including by the taking or consumption of materials; and (b) enter into an agreement with the chief executive about the payment of compensation; or (c) in the absence of an agreement about the payment of compensation, commence proceedings in the Land Court for payment of compensation. 	Section 303AC(2) and (4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to construct, maintain and operate a non-State controlled road on a busway common area.	Section 303B(d) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to:- (a) consult with the chief executive concerning the nature and extent of the alteration of the level of the road for busway transport infrastructure works, or the management or operation of a busway, before the alteration is commenced; and (b) make an agreement regarding the amount payable to Council for costs incurred by Council in altering the road level.	Section 305(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to construct, maintain, and operate a road located on busway land, if permitted by the chief executive, by way of a bridge or other structure that allows traffic to pass over or under the level at which buses use the busway land.	Section 307(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to make an agreement with the chief executive concerning the maintenance of a road and a bridge or other structure located on busway land, and the costs of removing the bridge or other structure once it is no longer in use and the subsequent restoration of the busway land.	Section 307(5) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	<p>Power to enter into a contract with the chief executive for the following:–</p> <ul style="list-style-type: none"> (a) carrying out busway transport infrastructure works on a busway or on land that is intended to become a busway; or (b) carrying out other works that contribute to the effectiveness and efficiency of the busway network; or (c) carrying out the operation of a busway; or (d) which powers of Council are to be exercised by the chief executive and which powers are to be exercised by Council for the busway – <p>even though the contracted works or operations, as stated in (a), (b) or (c), relate to areas outside Council's area.</p>	Section 308 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land adjacent to a busway, to make a request to the chief executive for work to be carried out on the land and enter into a contract with the chief executive for the chief executive to carry out works on the land.	Section 308(5) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to enter into an arrangement with the chief executive for the sharing of costs, including preliminary costs, of— (a) acquiring land for busway transport infrastructure; or (b) busway transport infrastructure works on a busway; or (c) other works that contribute to the effectiveness and efficiency of the busway network; or (d) the operation of a busway.	Section 308(10) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to obtain the chief executive's written approval if Council intends to approve the erection, alteration or operation of any advertising sign or device that is visible from a busway and may reasonably create a traffic hazard, and the conditions applied by Council to the erection, alteration or operation of the sign or device do not comply with the chief executive's permission criteria.	Section 309 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a public utility provider, to do the following things on busway land:- (a) build, replace or take away, or alter, other	Section 318(1) <i>Transport Infrastructure Act</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		<p>than for maintenance or repair, its public utility plant;</p> <p>(b) maintain or repair, or alter, for maintenance or repair, its public utility plant;</p> <p>(c) take reasonable steps to stop obstruction or potential obstruction to, or interference or potential interference with, its public utility plant.</p>	<i>1994</i>		
	Chief Executive Officer	Power, as a public utility provider, to seek written agreement from the chief executive for Council to do the things mentioned in subsection (1).	Section 318(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	<p>Power, as a public utility provider, to carry out urgent maintenance of its public utility plant on busway land without the written agreement of the chief executive, if acting in the interests of public safety and Council:-</p> <p>(a) makes all reasonable attempts to obtain the chief executive's oral agreement to the carrying out of the maintenance; and</p> <p>(b) whether or not the chief executive's oral agreement is obtained, acts as quickly as possible to advise the chief executive of the</p>	Section 318(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		details of the maintenance being carried out.			
	Chief Executive Officer	Power, as a public utility provider, to make a request to the chief executive to give Council information about lines and levels for planned busway transport infrastructure on busway land necessary to enable Council to minimise possible adverse effects of the establishment of the infrastructure on Council's works.	Section 319 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a public utility provider, to enter into an agreement with the chief executive for the reduction of the cost to the chief executive for the replacement or reconstruction of a public utility plant owned by Council on busway land.	Section 328(2)(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to seek compensation from the chief executive for interference caused to land in which Council has an interest, or Council occupied land, by the establishment of busway transport infrastructure on busway land.	Sections 332, 333 and 335 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to enter into an agreement with the chief executive, with regards to the establishment or proposed establishment of busway transport infrastructure on	Section 334(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		busway land, for:- (a) the supply by the chief executive, or a contribution by the chief executive towards the supply, of works for alternative access for Council's land; or (b) the carrying out, or a contribution towards carrying out, of other works in relation to Council's land for the purpose of access for Council's land.			
	Chief Executive Officer	Power to:- (a) enter into an agreement with the chief executive concerning the period upon which an agreement for compensation is to be entered into between the parties; (b) enter into an agreement with the chief executive for compensation within 60 days of the compensation application or within an agreed period; and (c) make an application to the Land Court for compensation.	Section 335(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for accreditation as the busway manager for a busway.	Section 335AC <i>Transport Infrastructure Act</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>1994</i>		
	Chief Executive Officer	Power, as a busway manager, to apply to the chief executive for an amendment of the conditions of Council's accreditation as a busway manager.	Section 335AJ <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a busway manager, to show the chief executive officer that Council's accreditation should not be suspended or cancelled.	Sections 335AL(2)(e) and 335AM(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a busway manager, to surrender Council's accreditation by written notice given to the chief executive.	Section 335AO <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for authorisation as an authorised busway user for a busway.	Section 337 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of a thing seized by a busway safety officer, to inspect the seized thing and, if it is a document, to copy it.	Section 346V <i>Transport Infrastructure Act</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>1994</i>		
	Chief Executive Officer	Power to claim compensation from the State if Council incurs loss or expense because of the exercise, or purported exercise, of a power under relevant busway legislation, including, for example in complying with a requirement made of Council under chapter 9, part 6.	Section 346Z <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to give permission to the chief executive, or a person authorised by the chief executive, to enter, occupy, or use Council's land in order to perform work other than urgent remedial work to facilitate or maintain the operation of light rail transport infrastructure.	Section 350(4)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to make a claim for compensation from the chief executive for loss or damage caused by the entry, occupation, or use, including by the taking or consumption of materials, of Council's land by the chief executive or a person authorised by the chief executive for purposes relating to light rail transport infrastructure.	Section 351(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to	Section 351(4)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		commence proceedings in the Land Court against the chief executive for compensation in the absence of a prior agreement between Council and the chief executive for compensation.	<i>Transport Infrastructure Act 1994</i>		
	Chief Executive Officer	Power, as a light rail manager, to:- (a) enter into a sublease with the State for an established light rail, or a proposed light rail, on light rail land, including the power to negotiate, and agree upon, the terms of the sublease, such as an option to renew; and (b) if Council attaches light rail transport infrastructure to the land subject of the original sublease, and subsequent subleases, enter into an agreement with the chief executive concerning ownership of the infrastructure.	Section 355 <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to seek a licence from the chief executive in relation to light rail land or light rail transport infrastructure for any of the following purposes— <ul style="list-style-type: none"> (a) construction, maintenance or operation of anything on the land; (b) the use of the land or infrastructure for any purpose, including, for example, a commercial or retail purpose; (c) maintenance, management or operation of the land or infrastructure. 	Section 355A(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, in relation to a licence granted under section 355A(1), to:- <ul style="list-style-type: none"> (a) surrender the licence; and (b) mortgage, sublicense or transfer the licence with the consent of the chief executive. 	Section 355A(3A) and (4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	<p>Power, as an owner or occupier of light rail land or light rail transport infrastructure that is subject to a licence granted under section 355A, to:-</p> <ul style="list-style-type: none"> (a) claim compensation from the chief executive for loss or damage caused by a relevant activity, including by the taking or consumption of materials; and (b) enter into an agreement with the chief executive about the payment of compensation; or (c) in the absence of an agreement about the payment of compensation, commence proceedings in the Land Court for payment of compensation. 	Section 355B(2) and (4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to:- (a) consult with the chief executive concerning the nature and extent of the alteration of the level of the road for light rail transport infrastructure works, or the management or operation of a light rail, before the alteration is commenced; and (b) make an agreement regarding the amount payable to Council for costs incurred by Council in altering the road level.	Section 357(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to construct, maintain, and operate a road located on light rail land, if permitted by the chief executive, which consists of a bridge or other structure to allow traffic to pass over the level at which light rail vehicles use the light rail land or a structure that allows traffic to pass under the level that light rail vehicles use the light rail land.	Section 358(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a light rail manager, to consult with the chief executive before the chief executive makes a decision regarding whether to give permission under subsection (1).	Section 358(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make an agreement with the chief executive in relation to the following:- (a) maintenance of a road and a bridge or other structure located on light rail land; (b) the costs of removing the bridge, or other structure, once it is no longer in use; and (c) restoring the light rail land following the removal of the bridge or other structure.	Section 358(6) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a light rail manager, to consult with the chief executive before a designation under subsection (1) is made.	Section 359(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the chief executive before the chief executive includes any directions in the gazette notice designating light rail land as light rail land that is to be used as a road under the control of Council.	Section 359(6) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a light rail manager, to consult with the chief executive before a designation under subsection (1) is made.	Section 360(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a contract with the chief	Section 360A	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		<p>executive for the following:-</p> <ul style="list-style-type: none"> (a) carrying out light rail transport infrastructure works on a light rail or on land that is intended to become a light rail; or (b) carrying out works on land affected by a light rail or proposed light rail, including, for example, road works on a road; or (c) carrying out other works that contribute to the effectiveness and efficiency of the light rail network; or (d) carrying out the operation of a light rail; or (e) carrying out the operation of a public passenger service using light rail transport infrastructure; or (f) which powers of Council are to be exercised by the chief executive and which are to be exercised by Council for the light rail – <p>even though the contracted works or operations, as stated in (a)-(e), relate to areas outside Council's area.</p>	<p><i>Transport Infrastructure Act 1994</i></p>		

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner of land adjacent to a light rail, to make a request to the chief executive for work to be carried out on the land and enter into a contract with the chief executive for the chief executive to carry out works on the land.	Section 360A(5) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into an arrangement with the chief executive for the sharing of costs, including preliminary costs, of:- <ul style="list-style-type: none"> (a) acquiring land for light rail transport infrastructure; or (b) light rail transport infrastructure works on a on a light rail or land that is intended to become a light rail; or (c) works on land affected by a light rail or a proposed light rail, including, for example, road works on a road; or (d) other works that contribute to the effectiveness and efficiency of the light rail network; or (e) the operation of a light rail; or (f) the operation of a public passenger service using light rail transport infrastructure. 	Section 360A(10) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a light rail manager, to:- (a) give written approval to allow a person to interfere with light rail transport infrastructure or light rail transport infrastructure works; and (b) consult with the chief executive before approval is given.	Section 362(1)(a) and (4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a light rail manager, to give a written notice to a person who has interfered with light rail transport infrastructure, or light rail transport infrastructure works, requiring the person to rectify the interference, following consultation with the chief executive.	Section 363(2) and (3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a light rail manager, to:- (a) rectify an interference with light rail transport infrastructure or light rail transport infrastructure works; and (b) recover the reasonable costs of rectifying the interference as a debt from the person who was given written notice of the interference.	Section 363(6) and (8) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a public utility provider, to do the	Section 366(1)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		following on light rail land:- (a) build, replace or take away, or alter, other than for maintenance or repair, its public utility plant; (b) maintain or repair, or alter, for maintenance or repair, its public utility plant; (c) take reasonable steps to stop obstruction or potential obstruction to, or interference or potential interference with, its public utility plant.	<i>Transport Infrastructure Act 1994</i>		
	Chief Executive Officer	Power, regarding the matters mentioned in subsection (1) of the section:- (a) as a public utility provider, to seek written agreement from each light rail authority for the light rail land for Council to undertake the activities; or (b) as a light rail authority, to agree in writing to activities a public utility provider seeks to undertake.	Section 366(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a public utility provider, to carry out urgent maintenance of its public utility plant on light rail land without written agreement of each light rail authority for the light rail land, if acting in	Section 366(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		<p>the interests of public safety and if Council:-</p> <p>(a) makes all reasonable attempts to obtain each authority's oral agreement to the carrying out of the maintenance; and</p> <p>(b) whether or not each authority's oral agreement is obtained, acts as quickly as possible to advise each authority of the details of the maintenance being carried out.</p>			
	Chief Executive Officer	Power, as a public utility provider, to make a request to the chief executive to give Council information about lines and levels for planned light rail transport infrastructure on light rail land necessary to enable Council to minimise possible adverse effects of the establishment of the infrastructure on Council's works.	Section 367 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a light rail authority for light rail land, to consult with a public utility provider regarding a proposal by the provider to replace the whole or a substantial proportion of its public utility plant on light rail land.	Section 368 <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a light rail authority, to require a public utility provider, at the provider's cost and within the time stated in a written notice, to take action to remedy an action undertaken by the provider pursuant to section 366(1) of the Act:- <ul style="list-style-type: none"> (a) without the written or oral agreement of Council; or (b) in a way inconsistent with an agreement between Council and the provider. 	Section 369(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a light rail authority, to arrange for action the authority considers necessary to remedy the action undertaken by a public utility provider pursuant to section 366(1), should the provider fail to comply with subsection (2) notice.	Section 369(5) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a light rail authority, to ask a public utility provider owning public utility plant located on light rail land to give information defining the location of the plant.	Section 371(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a light rail authority, to agree to be liable for any damage to public utility plants located on light rail land.	Sections 372, 373 and 374 <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, regarding replacement or reconstruction of a public utility plant on light rail land:- (a) as a light rail manager, to enter into an agreement with a public utility provider for the reduction of the cost to Council of the replacement or reconstruction of public utility plant owned by the provider; or (b) as a public utility provider, to enter into an agreement with a light rail authority for the reduction of the cost to the authority of the replacement or reconstruction of a public utility plant owned by Council.	Section 376(2)(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a light rail manager, to give permission to a person to be on light rail, light rail land, light rail transport infrastructure or light rail transport infrastructure works site.	Section 377 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a light rail franchise agreement with the Minister.	Section 377B <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give the Minister a written notice claiming that part of a light rail franchise agreement or an amendment to the agreement should be treated as confidential on the grounds of commercial confidentiality.	Section 377D(2)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to:- (a) apply to the chief executive for compensation for compensable taking of overhead wiring easement or compensable overhead wiring damage; or (b) make an agreement with the chief executive to:- (i) allow a longer period during which a compensation application can be settled; or (ii) settle a compensation application; or (c) apply to the Land Court for the compensation.	Section 377R <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to seek compensation from the chief executive for an interference with access to land, in which Council has an interest, caused by the establishment of light rail transport infrastructure.	Sections 380 and 383(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner or occupier of land, to enter into an agreement with the chief executive, with regards to the establishment or proposed establishment of light rail transport infrastructure on light rail land, for:- <ul style="list-style-type: none"> (c) the supply by the chief executive, or a contribution by the chief executive towards the supply, of works for alternative access for Council's land; or (d) the carrying out, or a contribution towards carrying out, of other works in relation to Council's land for the purpose of access for Council's land. 	Section 382(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into an agreement with the chief executive with regards to the period of time during which an agreement for compensation can be made for an act done under chapter 10, part 4, division 5.	Section 383(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Land Court to decide a compensation claim under subsection (1).	Section 383(3)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an affected person, to enter into negotiations with the person proposing a development under Chapters 9 or 10 with regards to the entry to Council land.	Section 403(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for an investigator's authority for the land.	Section 403(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an affected person, to consult with the chief executive about the proposed entry onto Council's land by a person proposing a development under Chapters 9 or 10.	Section 404(1)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power:- (a) as an affected person, to give written consent to an investigator or an associated person of the investigator to enter Council's land; or (b) as an authorised investigator, to enter land with the affected person's written consent.	Section 407(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an authorised investigator, to allow an associated person of Council to act under Council's authority.	Section 408(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an affected person, to ask an individual who has entered, is entering or is about to enter Council's land under an investigator's authority for identification or about the individual's authority to enter the land.	Section 408(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an investigator under chapter 11, to do anything necessary or desirable to minimise the damage or inconvenience to an affected person's land.	Section 410(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an affected person, to require the investigator, once the investigator has finished investigating, to rectify loss or damage suffered by Council as a consequence of:- <ul style="list-style-type: none"> (a) the investigator entering the land; (b) the use made of the land by the investigator; (c) anything brought onto the land by the investigator; or (d) anything done or left on the land by the investigator under its authority. 	Section 411(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an affected person, to give the investigator a compensation notice for the loss or damage to Council's land that was not rectified.	Section 411(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an affected person or as an investigator under chapter 11, to:- <ul style="list-style-type: none"> (a) make an agreement with the other party in relation to the compensation payable as a result of the failure to rectify the affected person's land; or (b) make an application to the Land Court to decide the compensation amount. 	Section 412(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an operational licensee, to:- <ul style="list-style-type: none"> (a) apply for an approval by a responsible entity to construct, maintain, use or operate miscellaneous transport infrastructure stated in the licensee's operational licence across, over or under an intersecting area and (b) subject to any approval conditions, construct, maintain, use or operate the miscellaneous transport infrastructure identified in the application across, over or under the area. 	Section 420 <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a responsible entity for an intersecting area, to grant or refuse an approval for an application by a licensee to construct, maintain, use, or operate miscellaneous transport infrastructure stated in the licensee's operational licence across, over, or under an intersecting area.	Section 420(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an operational licensee, to apply in writing to the Minister for an approval under section 420 should the responsible entity refuse the application or fail to grant the application within 20 business days after the application is made.	Section 422 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to impose reasonable conditions on an approval given to a licensee's application made by Council or the Minister.	Section 423 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to jointly, with a licensee applicant, appoint an independent arbitrator to resolve a dispute concerning approval conditions.	Section 426(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make an application to the Minister and the Minister administering the <i>Sustainable Planning Act 2009</i> , if Council and the licensee applicant do not appoint an arbitrator within 10 business days of the giving of a dispute notice, to appoint an independent arbitrator to resolve a dispute concerning approval conditions.	Section 426(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an operational licensee, to make an agreement with the State regarding the ownership of miscellaneous transport infrastructure.	Section 431 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to commence proceedings against a licensee to claim an amount incurred by Council for the cost, damage, liability, or loss because of the existence, construction, maintenance, use or operation of the miscellaneous transport infrastructure by the licensee.	Section 432(3) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to give permission to the chief executive, or a person authorised by the chief executive, to occupy or use Council's land for the purposes of Chapter 12.	Section 434 <i>Transport Infrastructure act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner of land, to claim compensation from the chief executive for physical damage caused to Council's land by the entry, occupation, use, or for the taking or consumption of materials from the land under Chapter 12.	Section 435 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for an exemption from complying with a provision of a regulation about transporting dangerous goods by rail	Section 443(1) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to help, or attempt to help, in a situation in which an accident or emergency involving dangerous goods happens or is likely to happen.	Section 458 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to consent to Council's appointment as a manager of a public marine facility.	Section 459(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the manager of a public marine facility, to exercise all its functions, powers and obligations under the <i>Local Government Act 2009</i> , and do anything Council considers necessary or convenient for the facility's effective and efficient management.	Section 462 <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the manager of a public marine facility, to impose fees for the use of the facility, whether as a condition of an approval to use the facility or otherwise, and recover the fee as a debt owing to Council.	Section 466 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the manager of a public marine facility, to resign.	Section 467 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as the manager of a public marine facility, to remove, within 3 months of its resignation or the revocation of the appointment, any improvements to the facility added by Council that do not form an integral part of the facility.	Section 468 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an occupier of a place, to give consent to an authorised person under Chapter 15 to enter the place.	Section 475I <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an occupier of a place, to sign an acknowledgement of the consent given to an authorised person under Chapter 15 to enter the place.	Section 475J(3) and (5) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make submissions to the chief executive in relation to a proposed declaration of a transport interface management area.	Section 475ZI(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter into a transport interface agreement for a transport interface.	Section 475ZJ <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to provide written agreement to a person authorised by the chief executive to enter the land and inspect Council works that threaten, or are likely to threaten, the safety or operational integrity of transport infrastructure.	Section 476B(7)(b) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner or occupier of land, to undertake the following concerning the entry onto Council land pursuant to section 476B(7):- (a) claim compensation for loss or damage caused by the entry on Council land; or (b) claim compensation for the taking or use of materials; or (c) require the chief executive to carry out works in restitution for the damage; or (d) require the chief executive to carry out works in restitution for the damage and then claim compensation for any loss or damage not restituted.	Section 476C(2) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner or occupier of land, to enter into an agreement with the chief executive with regards to the amount of compensation to be claimed by Council pursuant to subsection (2).	Section 476C(4)(a) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to appeal to the Minister against a notice requiring Council to give to the chief executive, or to a specified person, information on a particular issue relevant to the discharge of functions or the exercise of powers under the Act or the <i>Sustainable Planning Act 2009</i> .	Section 477(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a relevant entity under this section and lease holder under the <i>Land Act 1994</i> of port land or land relating to a declared project that has been subleased to a person, to grant a concurrent sublease of all or part of the land to another person for all or part of the term of the lease.	Section 477C <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant entity under this section and lease holder of land under the <i>Land Act 1994</i> in relation to a declared project, to grant a licence to enter and use the land.	Section 477E <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a holder, or proposed holder, of a licence to construct or establish transport infrastructure under the Act, to:- (a) seek consent from the chief executive allowing Council to submit a compliance management plan; and (b) submit a compliance management plan addressing 1 or more compliance matters for the licence.	Section 477G <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to retain penalties received or recovered by Council in relation to Council's tolling enforcement.	Section 480(4) <i>Transport Infrastructure Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Infrastructure Act 1994

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the manager of a public marine facility, to retain fees or other amounts recovered by Council pursuant to section 466 and not paid into the consolidated fund.	Section 480(8) <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to ask the chief executive to review a decision described in schedule 3 that has affected Council's interests.	Section 485 <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Queensland Civil and Administrative Tribunal ("QCAT"), as provided under the <i>QCAT Act</i> , for a review of the chief executive's decision on a review under section 485.	Section 485A <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power to enter an appeal to the Planning and Environment Court against the chief executive's decision on a review under section 485.	Section 485B <i>Transport Infrastructure Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power, as a railway manager, to make an agreement with the chief executive regarding the period in which it must give the chief executive a written notice identifying the preserved train paths relating to Council's railway.	Section 576(2)(b) <i>Transport Infrastructure Act 1994.</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Operations (Marine Pollution) Act 1995

Date Reviewed:	16/08/2018
Reprint No:	1/9/2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to consult with the State, the port authority or port operator, if required, in preparing a response to a discharge or probable discharge of pollutant into coastal waters.	Section 93(5) <i>Transport Operations (Marine Pollution) Act 1995</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Operations (Marine Safety) Act 1994

Document reviewed:	16/08/2018
Reprint:	25/08/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power as a public authority to make a submission on a proposal to prepare a draft standard.	219C(4) <i>Transport Operations (Marine Safety) Act 1994</i>	19 March 2019	
	Chief Executive Officer	Power as a public authority to make a submission on a draft standard.	219E(3) <i>Transport Operations (Marine Safety) Act 1994</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Operations (Marine Safety) Regulation 2016

Document reviewed:	16/07/2018
Reprint:	25/08/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give the general manager a proposal for an area (a proposed area) to be a marine zone under section 177 of the <i>Transport Operations (Marine Safety) Regulation 2016</i> .	Section 179(1) <i>Transport Operations (Marine Safety) Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the proposing entity, if it is a government entity, about a proposal under section 179 of the <i>Transport Operations (Marine Safety) Regulation 2016</i> .	Section 180(1)(a)(iii) <i>Transport Operations (Marine Safety) Regulation 2004</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Operations (Road Use Management) Act 1995

Document Updated:	16/07/2018
Reprint:	18/06/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	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 <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to install official traffic signs where reasonably satisfied that there is a danger, hindrance, obstruction to traffic or other emergency.	Section 71 <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	
	Chief Executive Officer	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) <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Operations (Road Use Management) Act 1995

Chief Executive Officer	Power to remove unauthorised traffic signs.	Section 75(1) <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	
Chief Executive Officer	Power to commence proceedings against a person who has injured one of Council's official traffic signs.	Section 76(1) <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	
Chief Executive Officer	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 <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	
Chief Executive Officer	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) <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	
Chief Executive Officer	Power to regulate parking by installing official traffic signs indicating how parking is regulated.	Section 102(1) <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Transport Operations (Road Use Management) Act 1995

	Chief Executive Officer	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 <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	
	Chief Executive Officer	Power to install a parking meter or parkatarea 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) <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	
	Chief Executive Officer	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) <i>Transport Operations (Road Use Management) Act 1995</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Trusts Act 1973

Document Reviewed:	16/07/2018
Reprint No:	24/11/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, where appointed trustee for certain purposes, to administer trust property.	Section 116 <i>Trusts Act 1973</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Waste Reduction and Recycling Act 2011

Date Reviewed:	16/07/2018
Reprint No:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	<i>Waste Reduction and Recycling Act 2011</i>	<p>NOTE: The State (via DERM as it was previously known) has delegated certain powers of the chief executive to local governments under section 263(1)(b) of the <i>Waste Reduction and Recycling Act 2011</i> This has been done via:</p> <ul style="list-style-type: none"> • the <i>Waste Reduction and Recycling (Local Government) Delegation (No. 1) 2015</i>. <p>The delegations specifically include the power to sub-delegate to an “appropriately qualified entity”</p>			
	Chief Executive Officer	Power, as the operator of a waste disposal site required to hold an environmental authority for the disposal of more than 10000t of waste in a year at the site to install prescribed under a regulation, to install and keep in proper working order, a weighbridge (Nb. this obligation does not come into operation until the day provided in section 8(2) of the Regulation).	Section 43 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as the operator of a waste disposal site at which a weighbridge is installed, to measure and record waste.	Section 44 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Waste Reduction and Recycling Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the operator of a waste disposal site, to prepare a waste data return for each reporting period.	Section 52 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for accreditation as scheme manager for a voluntary product stewardship scheme.	Section 89 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a participant in an accredited stewardship scheme, to amend the scheme by agreement with all other participants in the scheme.	Section 95 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as scheme manager of an accredited stewardship scheme that the minister is proposing to revoke, to make written submissions to show why the proposed action to revoke the accreditation should not be taken.	Section 97 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to give a notice to an adult person.	Section 110 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	As this power relates to Chapter 5, Part 2 of the Act.
	Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to give a notice to an adult person.	Section 111 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	As this power relates to Chapter 5, Part 2 of the Act.
	Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to direct a responsible entity to collect material from premises.	Section 112 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	As this power relates to Chapter 5, Part 2 of the Act.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Waste Reduction and Recycling Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government, to prepare and implement a waste reduction and recycling plan (Nb. this obligation does not commence until 30 June 2015).	Section 123 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to make written submissions where the chief executive intends to prepare a waste reduction and recycling plan for the local government to address an aspect that is relevant to the local government.	Section 128 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to give the chief executive a report about the operation, in the financial year, of all the local government's waste reduction and recycling plans in force in its local government area (Nb. this obligation does not commence until 2 months after 30 June 2015).	Section 147 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a reporting entity, to give the chief executive a report about the entity's receiving, sorting, recycling, treatment or disposal of waste in the financial year.	Section 152 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission about a potential end of waste code	Section 160 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Waste Reduction and Recycling Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make a submission about a draft end of waste code	Section 165 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply to amend an end of waste code	Section 168 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a request from the chief executive for further information on an amendment application and agree to extend the stated period.	Section 170 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, in relation to an end of waste code which the chief executive proposes to amend, cancel or suspend, to make written submissions about the proposed action.	Section 172 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief executive a notice stating that Council intends to become a registered resource producer for the code.	Section 173B <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a notice issued by the chief executive.	Section 173D <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a request for advice, comment or information about the operation of an end of waste code issued by the chief executive.	Section 173H <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for an end of	Section 173I <i>Waste</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Waste Reduction and Recycling Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		waste approval for 1 kind of waste.	<i>Reduction and Recycling Act 2011</i>		
	Chief Executive Officer	Power to respond to a request from the chief executive for further information or documents required to decide the end of waste approval application and to agree to extend the stated period.	Section 173J <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to comply with the conditions of an end of waste approval.	Section 173P <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive to extend an end of waste approval.	Section 173Q <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive to amend or transfer an end of waste approval.	Section 173S <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a request from the chief executive for further information or documents required to decide the amendment application and to agree to extend the stated period.	Section 173T <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a notice recieved from the chief executive proposing to amend, cancel or suspend an end of waste approval.	Section 173Y(3)(f) <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to surrender an end of waste approval by	Section 173ZA <i>Waste</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Waste Reduction and Recycling Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		giving notice to the chief executive.	<i>Reduction and Recycling Act 2011</i>		
	Chief Executive Officer	Power to respond to a notice from the chief executive requiring information about an end of waste approval.	Section 173ZB <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief executive advice, comment or information about the operation of Chapter 8, Part 3.	Section 173ZC <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, where given, or entitled to be given, an information notice for a decision, to apply to the chief executive for an internal review of the decision.	Section 175 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to, as delegate of the chief executive administering the Act, apply for an internal review of the decision.	Section 175 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	As this power relates to sections 248(2) and 253(3) of the Act.
	Chief Executive Officer	Power to, as delegate of the chief executive administering the Act, extend the time for making an internal review application.	Section 176(2) <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	As this power relates to sections 248(2) and 253(3) of the Act.
	Chief Executive Officer	Power, where an internal review application has been made, to apply for a stay of the original decision.	Section 177 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to, as delegate of the chief executive administering the Act, conduct an internal review	Section 178 <i>Waste Reduction and</i>	19 March 2019	As this power relates to sections 248(2) and 253(3) of the Act.

REGISTER OF DELEGATIONS COUNCIL TO CEO

Waste Reduction and Recycling Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		of the original decision and decide the internal review application.	<i>Recycling Act 2011</i>		
	Chief Executive Officer	Power to, as delegate of the chief executive administering the Act, give notice of an internal review decision.	Section 179 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	As this power relates to sections 248(2) and 253(3) of the Act.
	Chief Executive Officer	Power, where given, or entitled to be given, a QCAT information notice under section 179 of the <i>Waste Reduction and Recycling Act 2011</i> , to apply to QCAT, under the QCAT Act, for external review of the decision.	Section 180 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to appoint a person as an authorised person.	Section 183 <i>Waste Reduction and Recycling Act 2011</i> and	19 March 2019	Any appointment of an authorised person must be subject to the limitation that an authorised person can only exercise the powers in section 117 and Chapter 10 of the Act in relation to the following offences: <ul style="list-style-type: none"> - Chapter 5, Parts 1, 2 and 3, Division 1 and 2 of the Act; - Section 251(a);

REGISTER OF DELEGATIONS COUNCIL TO CEO

Waste Reduction and Recycling Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
					<ul style="list-style-type: none"> - Section 251(c); - Section 254; and - Section 264.
	Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to issue an identity card to an authorised person.	Section 187 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to give a show cause notice.	Section 246 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	As this power relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2) and 112(2) of the Act.
	Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to give a compliance notice.	Sections 248 and 249 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	As this power relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2) and 112(2) of the Act.
	Chief Executive Officer	Power, as delegate of the chief executive administering the Act, to give a notice requiring the person to commission a waste audit and to provide a waste report on the audit.	Sections 253 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	As this power relates to section 104 of the Act.
	Chief Executive Officer	Power to bring a proceeding in a Magistrates Court for an order to remedy or restrain an offence against the Act. or a threatened or anticipated offence against the Act.	Sections 261 <i>Waste Reduction and Recycling Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Waste Reduction and Recycling Regulation 2011

Date Reviewed:	16/07/2018
Reprint No:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, where Council has, by resolution, designated areas to conduct general waste or green waste collection, to decide the frequency of general waste or green waste collection in designated areas. ##NOTE: this power expires on 01 July 2018. If Council conducts general waste or green waste collection as a significant business activity, see the <i>Local Government Act 2009</i> . ##	Section 7(b) <i>Waste Reduction and Recycling Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to give the information required by sections 41Q(2) and 41Q(3) to the Chief Executive	Section 41Q <i>Waste Reduction and Recycling Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to give the information required by sections 41ZL(1) and 41ZL(2) to the Chief Executive.	Section 41ZL <i>Waste Reduction and Recycling Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to prepare an emergency plan and keep it up to date.	Section 41ZM <i>Waste Reduction and Recycling Regulation</i>	19 March 2019	

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Waste Reduction and Recycling Regulation 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>2011</i>		

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

Date Reviewed:	17/07/2018
Reprint No:	02/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a service provider directed to impose water restrictions under section 25D, to provide the Minister with a response stating the way it intends to ensure the restrictions are complied with.	Section 25C(d)(iii) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider directed to achieve outcomes, to provide the Minister with a response stating: <ol style="list-style-type: none"> 1. its intended actions to achieve those outcomes; and 2. if the actions include restrictions; how it intends to ensure compliance with the restrictions. 	Section 25C(d)(v) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to comply with a direction given under a water supply emergency declaration.	Section 25E <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a service provider and to the extent stated in a declaration or regulation, to recover, as a debt due, from Council's customers or other service providers: <ul style="list-style-type: none"> (a) contributions made by the State; and (b) costs in section 25O(1) <i>Water Act 2000</i> to the extent approved by the Minister; and (c) the rate of return. 	Section 25O <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to apply to the Minister for compensation for loss or damage because of actions taken under Chapter 1A, Part 1 <i>Water Act 2000</i> and to provide other relevant information required by the Minister.	Section 25R <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider who has made an application under section 25R, to provide the information the Minister requires to decide the application.	Section 25T <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to comply with a notice requiring information issued by the chief executive.	Section 25Y <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to apply for written approval to restrict the use of subartesian water by a customer of the water service provider in an	Section 25ZA(1) <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		area if the water is taken, other than for stock purposes, for a purpose mentioned in subsections 25ZA(1)(a) or (b).			
	Chief Executive Officer	Power, as a service provider, to respond to a request for further information about the application from the chief executive.	Section 25ZA(3) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider outside the SEQ region or a designated region, with the written approval of the chief executive, to impose a restriction on the use of subartesian water.	Section 25ZE <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a person who is completing works that have been started, to give the chief executive notice about the works by the day stated in the moratorium notice.	Section 30(3)(d) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land, to stop construction of the work by the completion day and apply to the Minister for an extension of the completion day.	Section 33(2) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as person who is authorised, or has an entitlement to take or interfere with water, to provide information requested by the chief executive under section 35.	Section 35 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land, to give the chief executive an owner's notice.	Section 36 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to respond to a notice of public consultation on a proposed water plan.	Section 44 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission on a draft water plan.	Section 46 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission in response to a notice of the Minister's intention to postpone the expiry of a water plan.	Section 54 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions in response to a notice of the making of a draft water use plan.	Section 61 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to consult with the chief executive about the amendment or replacement of a water management protocol.	Section 69(2)(c) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions in response to a notice of the making of a draft water entitlement notice.	Section 72 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to take water for any of the purposes referred to in section 93.	Section 93 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to interfere with water for any of the purposes referred to in section 94.	Section 94 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power as owner of land to take water for stock or domestic purposes.	Section 96 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to take overland flow water that is not more than the volume necessary to satisfy the requirements of;- (a) an environmental authority; or (b) a development permit for carrying out an environmentally relevant activity.	Section 97(1) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to interfere with the flow water by impoundment if the interference is not more than is necessary to satisfy the requirements of an environmental authority.	Section 97(2) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a constructing authority or water service provider, to take water to operate public showers or toilets.	Section 99(1) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a constructing authority, to take water to construct or maintain infrastructure.	Section 99(2) <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, subject to any relevant alteration or limitation prescribed under a moratorium notice, water plan or a regulation under section 1046 to:- <ul style="list-style-type: none"> (a) take water to carry out an activity prescribed by regulation; (b) take overland flow water; (c) take or interfere with underground water; (d) take water that has been collected in a dam other than a dam across a watercourse or lake. 	Section 101(1) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to, in a water plan area, subject to any relevant alteration or limitation prescribed under a moratorium notice:- <ul style="list-style-type: none"> (a) take water up to a volume stated in the water plan for the area; (b) take water if doing so is necessary to carry out an activity stated in the water plan for the area; (c) interfere with water to the extent stated in the water plan for the area. 	Section 102(1) <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to, where there is no water plan or where the water plan for the area does not provide for the taking or interfering with water up to a volume stated in the plan, subject to any relevant alteration or limitation prescribed under a moratorium notice:- (a) take water up to a volume prescribed by regulation; (b) interfere with water to the extent prescribed by regulation.	Section 102(3) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land, to take water from a watercourse, lake or spring for stock or domestic purposes in the circumstances described in subsections (a) or (b).	Section 103 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of a parcel or parcels of land, to apply for a water licence for the parcel or parcels.	Section 107 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a prescribed entity, to apply for a water licence for taking water or interfering with the flow of water.	Section 107(4) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an entity mentioned in subsection (1), to apply for a transmission water licence.	Section 108 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to comply with a requirement for additional information received from the chief executive and to verify the information by statutory declaration.	Section 111 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to give public notice of an application for a water licence in compliance with a notice received from the chief executive.	Section 112(3), (4) & (5) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief executive evidence of the publication.	Section 112(6) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to apply for 1 or more dealings with a water licence, take all steps to progress the application and give notice of the application (if required).	Sections 121, 122, 123, 126 and 127 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to apply to have a water licence reinstated.	Section 125 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a requirement for additional information received from the chief executive and to verify the information by statutory declaration.	Section 128 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a show cause notice issued by the chief executive pursuant to subsection (3).	Section 134 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to surrender a water licence.	Section 136 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to apply for a water permit for an activity.	Section 137 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a allocation holder and as a resource operations licence holder to enter a supply contract for the allocation.	Section 147(4) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, licence holder, to require the allocation holder to give reasonable security for supplying and storing the allocation.	Section 149 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a requirement from the chief executive to give additional information about the correction and to verify the information by statutory declaration.	Section 151 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a licence holder in a circumstance prescribed in subsection (1), to agree that the obligation on the water allocation holder to pay a charge has been satisfied.	Section 154(2) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a licence holder in a circumstance prescribed in subsection (1), to give notice in the approved form to the chief executive of an agreement reached under subsection (2).	Section 154(3) <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an allocation holder in a circumstance prescribed in subsection (1), to give a disclosure statement and acknowledgement notice for the water allocation before entering a contract for the transfer or lease of the water allocation.	Section 155 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a water allocation holder who proposes to transfer or lease a water allocation not managed under a resource operations licence, to give the chief executive notice of the proposed transfer or lease.	Section 157 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a water allocation holder, to apply to the chief executive for a water allocation dealing, other than a transfer or lease, under the water allocation dealing rules and to take all steps to comply with the rules.	Section 159 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a water allocation holder, given a certificate under sections 157 or 159 to lodge it with the registrar.	Section 161 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a water allocation holder, to surrender the water allocation by agreement with the chief executive.	Section 162(1) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a licence, to consent to the surrender of the water allocation with or without conditions.	Section 162(2) <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the holder of a resource operations licence or distribution operations licence, to otherwise agree with the chief executive about the liability for fees under the supply contract or distribution arrangements.	Section 162(3) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of water allocation, to respond to a show cause notice as to why the allocation should not be forfeited.	Section 164(2) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a person having an entitlement to exercise a power of sale in relation to a water allocation, to give notice of the proposed exercise of the power to any person having a registered interest in the water allocation.	Section 166(5) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a person having an entitlement to exercise a power of sale in relation to a water allocation, to apply an amount received on the sale of the water allocation in the way mentioned in section 164(7).	Section 166(6) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to search and obtain copies of documents in the water allocations register and pay any fees associated with the request.	Section 175 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a nominator, to give the chief executive notice in the approved form nominating a nominee to be the holder of a distribution operations licence.	Section 178 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an entity mentioned in section 176(2) to apply for a resource operations licence for existing or proposed water infrastructure.	Section 181(1) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an entity mentioned in section 177(2) to apply for a distribution operations licence for existing or proposed water infrastructure.	Section 181(2) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a resource operations licence or a distribution operations licence, to consult with the chief executive about a proposed amendment of the licence.	Section 183(3) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a resource operations licence or a distribution operations licence, to apply to the chief executive to amend the licence and pay any fee associated with the application.	Section 184 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a resource operations licence or a distribution operations licence, to agree with the chief executive about the amendment of the licence.	Section 186 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the holder of a resource operations licence or the holder of a distribution operations licence or the current infrastructure owner, to apply to the chief executive to transfer the licence and pay any fee associated with the application.	Section 187 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the current infrastructure owner or incoming owner, to give written consent to the application to transfer.	Section 188 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a requirement of the chief executive to give additional information about the application and to verify the information by statutory declaration.	Section 189 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a resource operations licence or a distribution operations licence, to apply to the chief executive to amalgamate the licence with another licence in the same water supply scheme and pay any fee associated with the application.	Section 193 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as allocation licence holder, to respond to a show cause notice issued by the chief executive about the proposed cancellation of the licence.	Section 195 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the holder of a resource operations licence or a distribution operations licence, to agree with the chief executive that the licence is no longer required and that it can be cancelled.	Section 196 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a resource operations licence or a distribution operations licence, to prepare the operations manual and submit it together with the sufficient information to the chief executive for approval.	Section 197 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a resource operations licence or a distribution operations licence, to publish the approved operations manual on Council's website.	Section 198(3) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a resource operations licence or a distribution operations licence, to apply to the chief executive to have those parts of the operations manual that were not approved referred to a referral panel.	Section 199(3) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a resource operations licence or a distribution operations licence, to apply to the chief executive to amend or replace an operations manual.	Section 200(1) <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the holder of a relevant licence, to apply to the chief executive to amend the relevant licence.	Section 200(4) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of the licence, to publish a statement of the changes made to the operations manual.	Section 200(6) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, in the circumstances prescribed in subsections (1) or (3), to review the operations manual and apply to the chief executive to amend it.	Section 201 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an entity referred to in subsection (1), to give an authorised person free and uninterrupted access to the water infrastructure to which the licence applies and any records relating to the water infrastructure.	Section 203(2) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to apply for an operations licence.	Section 206 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a requirement of the chief executive to give additional information about the application and to verify the information by statutory declaration.	Section 207 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive to amend an operations licence.	Section 211 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the holder of an operations licence, to respond to a show cause notice issued by the chief executive about the proposed amendment or cancellation of the licence.	Section 212 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of an operations licence, to consent to a different day being stated in the operations licence.	Section 213(4) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee or a new water entitlement holder, in circumstances where subsection (2) applies, to consent to the amendment including the new holder instead of the previous holder.	Section 213(5) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to apply to transfer the operations licence and pay any fee associated with the application.	Section 215 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a licensee, to surrender an operations licence by giving the chief executive a notice of surrender	Section 216 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the chief executive for a permit to excavate or place fill in a watercourse, lake or spring.	Section 218 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power as the registered owner of land to consent to the making of an application for a permit to excavate or place fill in a watercourse, lake or spring.	Section 218(3) <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to comply with a requirement of the chief executive to give additional information about the application and to verify the information by statutory declaration.	Section 219 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a permittee, to respond to a show cause notice issued by the chief executive about the proposed amendment or cancellation of a riverine protection permit.	Section 222 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land to comply with a notice issued by the chief executive pursuant to subsection (3).	Section 225(5) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to apply for an allocation of quarry material.	Section 227 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a requirement of the chief executive to give additional information about the application, to pay the chief executive the reasonable amount and to verify the information by statutory declaration.	Section 228 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an allocation notice holder, to apply to transfer all or part of the allocation to another person and pay any fee associated with the application.	Section 235 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an allocation notice holder, to apply to renew the allocation notice before it expires.	Section 236 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an allocation holder, to respond to a show cause notice issued by the chief executive about the proposed amendment, suspension or cancellation of the allocation notice.	Section 237 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an allocation holder, to surrender the allocation notice by giving the chief executive a notice of surrender.	Section 239 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an allocation holder, to pay the royalty or price payable for quarry material removed under the allocation notice.	Section 240 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to make written submissions in response to a notice published pursuant to section 345 of the <i>Water Act 2000</i>	Section 345 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to prepare a draft water security program	Section 354 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to prepare a revised draft water security program	Section 357(4) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to decide not to prepare a revised draft water security program	Section 357(6) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to finalise a water security program	Section 358 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to review a water security program	Section 359 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to amend a water security program	Section 360 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a bulk water party, to amend a bulk water supply agreement	Section 360H <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a bulk water party to an amended bulk water supply agreement, to respond to Minister's notice under section 360I	Section 360I <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a code regulated entity to make submissions to the Minister about the making or amending of the bulk water code	Section 360U <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission to the responsible entity about a proposed underground water impact report or final report and give a copy of the submission to the chief executive.	Section 382 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of land, to comply with any reasonable request by the holder made under subsection (1).	Section 404 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner of a water bore the holder reasonably believes has an impaired capacity, to negotiate and enter into an agreement with the holder about the matters listed in subsection (2).	Section 406 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of a water bore, to comply with any reasonable request by the tenure holder made under subsection (1).	Section 416 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of a water bore for which a responsible tenure holder has undertaken a bore assessment under division 2, to negotiate and enter into make good agreement for the bore.	Section 423 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of a water bore who has entered a make good agreement for the bore, to terminate the agreement within the cooling off period by giving written notice to the responsible tenure holder for the water bore.	Section 423A <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a make good agreement, in the circumstances specified in subsection (1), to:- (a) give a notice under subsection (2); and (b) negotiate a variation of a make good agreement for the water bore.	Section 424 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a party to a dispute referred to in section 425 to give the other party, and where necessary the chief executive, an election notice.	Section 426 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a dispute referred to in section 425, to ask for and agree to a longer period to finish the conference or ADR.	Section 427(4) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a dispute referred to in section 425, to attend a conference.	Section 429(1) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a dispute referred to in section 425, to seek the authorised officer's approval for someone else to be present at the conference.	Section 429(3) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a dispute referred to in section 425, to agree to the other party being represented by a lawyer.	Section 429(4) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a party who attended the conference where the other party did not attend, to apply to the Land Court for Council's costs.	Section 430 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to a dispute referred to in section 425, to negotiate an agreement about the matters the subject of the conference and to sign the agreement on Council's behalf.	Section 433 <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as party to the dispute or who attended the conference or ADR under section 425 of the <i>Water Act 2000</i> , to apply to the Land Court to decide the matter the subject of the election notice issued under section 425 of the <i>Water Act 2000</i> .	Section 434(3) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as an owner of a water bore, to comply with a requirement of the chief executive to give the information referred to in subsection (2).	Section 454 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission in response to a proposal to amend the establishment regulation for a water authority.	Section 556 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to make a submission in response to a proposal to change the composition of the board of a water authority.	Section 598A <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a landholder who receives a notice from the chief executive, to make a submission regarding a proposed amalgamation or dissolution of water authorities.	Section 692 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant registered owner of land in the authority area, to enter a closed water activity agreement.	Section 695A <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to agree in writing with the water authority to a proposed transfer by the water authority to the local government of all or part of the authority's functions and on how to implement the proposed transfer.	Section 700A(1)(a)(i) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, together with a water authority, to notify the Minister of their agreement about the proposed transfer and on how it is to be implemented and ask for the Minister's approval of the proposed transfer.	Section 700A(1)(b) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a requirement of the Minister made under this subsection.	Section 700A(2) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as interested person who has been given an information notice or compliance notice by the chief executive, to apply for an internal review of the original decision to give the notice.	Section 862 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as interested person who applied for an internal review under section 862 of the <i>Water Act 2000</i> , to appeal against, or apply for a review of, the review decision.	Section 877 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as less of the leased land, to provide written consent to arrangements about the route the person may use across the lessee's land for the removal of the quarry material.	Section 966(2)(a) <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make submissions to the chief executive in response to a show cause notice issued pursuant to section 972H(2) and to comply with any notice issued pursuant to section 972H(3).	Sections 972H(2) and (3) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions to the chief executive in response to a show cause notice issued pursuant to section 972I(1) and to comply with any notice issued pursuant to section 972I(2).	Sections 972I(1) and (2) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to make submissions to the chief executive in response to a show cause notice issued pursuant to section 972J(2) and to comply with any notice issued pursuant to section 972J(3).	Sections 972J(2) and (3) <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power to give a claim for compensation under Chapter 8, Part 3 to the chief executive.	Section 988 <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, if one of the stated authorities, to have a supply contract with SEQ Water for Council's water entitlement.	Section 992C <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Act 2000

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an owner of land to which the expired licence attached, to apply to the chief executive:- (a) to reinstate the licence and make a validating declaration; or (b) to replace the licence and make a validating declaration.	Section 1273A <i>Water Act 2000</i>	19 March 2019	
	Chief Executive Officer	Power, as holder of the new licence, to request the chief executive to make a validating declaration in relation to the licence.	Section 1273B <i>Water Act 2000</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Fluoridation Act 2008

Document Reviewed:	16/07/2018
Reprint date:	01/11/2013

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to decide that fluoride be added to the water supply and to give the requisite notice (if applicable) to the water supplier.	Section 7(1) and (2) <i>Water Fluoridation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to decide that fluoride not be added to the water supply and to give the requisite notice (if applicable) to the water supplier.	Section 7(3) and (4) <i>Water Fluoridation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief executive notice stating the Council has made a fluoridation decision and to publish that notice.	Section 13(2) <i>Water Fluoridation Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief executive a fluoridation notice and to publish that notice.	Section 13(3) <i>Water Fluoridation Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Regulation 2016

Date Reviewed:	17/07/2018
Reprint No:	01/07/2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, in relation to an original licence, to apply to the chief executive for a transfer, amendment or amalgamation and to pay the application fee.	Section 34 <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of the original licence, to swear the statutory declaration required in subsection (3)(b)(i)	Section 34(3)(b)(i) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an interested entity, to provide written consent to the proposed transfer, amendment or amalgamation.	Section 34(3)(b)(ii) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as an applicant under section 34, to give the chief executive a transfer notice.	Section 37 <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power, as the holder of a water allocation, to apply to the chief executive for a seasonal water assignment for the water allocation for the water year in which the application is made and to pay the application fee.	Section 58(1) <i>Water Regulation 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Regulation 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the holder of a seasonal water assignment notice, to apply to the chief executive for a seasonal water assignment for the seasonal water assignment notice for the water year in which the application is made and to pay the application fee.	Section 58(2) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a notice issued by the chief executive under subsection (2).	Section 64(2) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief executive evidence of the publication.	Section 64(5)(a) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief additional information required under subsection (1) and to verify the information by statutory declaration.	Section 65 <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power, where Council has made an application under section 63, to pay the estimated cost to the chief executive.	Section 66(3) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a meter notice issued by the chief executive.	Section 108 <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to arrange for a validation inspection to be carried out on a meter and to give a copy of the validation certificate to the chief executive.	Section 112 <i>Water Regulation 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Regulation 2016

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to comply with a notice from the chief executive requiring Council to read a meter and provide the meter reading to the chief executive.	Section 113(3) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to pay a meter operating charge to the chief executive.	Section 115 <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to pay a meter use charge to the chief executive.	Section 116 <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to give the chief executive a notice that Council has decided to stop using an approved meter.	Section 117(1) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to pay the metering exit charge.	Section 117(3) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power, after receiving a transfer notice, to give written notice to the chief executive that Council is refusing to accept the transfer	Section 119(3) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power as a licensee to pay the water licence fee stated in the notice received from the chief executive.	Section 131(2)(b) <i>Water Regulation 2016</i>	19 March 2019	
	Chief Executive Officer	Power to pay a charged levied by a notice received from the chief executive pursuant to this section.	Section 134(1)(d) <i>Water Regulation 2016</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

Date Reviewed:	16/07/2018
Reprint No:	3/7/2017

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a responsible entity, to respond to a notice to give information received from the regulator.	Section 13 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government that owns infrastructure for supplying water or sewerage services, to apply for registration as a service provider.	Sections 20 and 21(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as an applicant under section 20 of the <i>Water Supply (Safety and Reliability) Act 2008</i> , to give additional information to the regulator about the application.	Section 21(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to apply to change the service provider's details of registration in the service provider register.	Section 23 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a service provider, to review the service provider's registration details in the service provider register and notify the regulator of any changes in the details.	Section 23A <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a current infrastructure owner, to give to the regulator notice of the transfer of the ownership of infrastructure for the relevant service or notice of transfer of the registration as service provider for the relevant service.	Section 25A <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, to respond to the regulator's request to give additional information about a transfer notice.	Section 25A(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to give notice to the regulator that the service provider is likely to stop supplying a registered service.	Section 26(2) and 26(7)(b) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to respond to a request by the regulator for additional information about a possible stoppage.	Section 26(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as service provider, to give notice to the regulator that the service provider has stopped supplying a registered service.	Section 26(8) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to apply to the regulator to cancel the registration as a service provider if the service provider is not supplying, and does not intend to start supplying, the service for which the provider is registered.	Section 28 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as applicant, to respond to a request by the regulator for additional information about a cancellation of registration as a service provider.	Section 28(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to give a person a notice requiring them to provide a reason why Council should not disconnect their unauthorised connection.	Section 33(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to consider a response provided to a notice issued pursuant to section 33(2).	Section 33(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as service provider, to recover from a person, as a debt, Council's costs in disconnecting the unauthorised connection, and the value of any service used by the person through the connection.	Section 33(4) (b) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to give a person a notice requiring them to rectify equipment or remove vegetation or other things.	Section 34(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to recover from an owner as a debt, Council's costs in doing the work required to be done in a notice issued under section 34(2) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 34(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to install or approve the installation of a meter and to decide the position of the meter, on infrastructure supplying water to premises.	Section 35 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to give a person an entry notice.	Section 36(2)(b) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as service provider, to recover from a person as a debt, the amount of the loss or reasonable cost of repairing damage to Council's infrastructure caused by the person.	Section 40(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as water service provider, to restrict: <ul style="list-style-type: none"> (a) the volume of water taken by or supplied to a customer or type of customer; or (b) the hours when water may be used on premises for stated purposes; or (c) the way water may be used on premises. 	Section 41(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a water service provider, to give notice of a service provider water restriction imposed by the service provider to anyone affected by it.	Section 43(1)	19 March 2019	
	Chief Executive Officer	Power, as a water service provider, to shut off water supply to premises for the time reasonably necessary to perform work on the infrastructure.	Section 44(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a water service provider, to give notice of shut off of water supply to anyone likely to be affected by it.	Sections 44(2) and 44(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to shut off water supply without notice if there is: (a) a serious risk to public health; (b) likelihood of serious injury to persons or damage to property; or (c) another emergency.	Section 44(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to appoint an authorised person.	Section 45 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to issue an identity card to an authorised person.	Section 46 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to give a customer, or type of customer, a written notice to prepare a plan and to give it to Council within a reasonable period.	Section 52(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as service provider, to require the customer to give additional information about the plan within a reasonable period, for deciding whether or not to approve a water efficiency management plan.	Section 54(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to approve or refuse a water efficiency management plan.	Section 54(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to give an information notice.	Section 54(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, where the water efficiency management plan is not approved, to extend the 20 business day period within which the customer must amend the plan to address the reasons for the decision and give the revised plan to Council under section 54(4) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 54(5) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as service provider, to recover from the customer, as a debt, an application fee for the approval of a water efficiency management plan.	Section 54(7) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to give the chief executive:- <ul style="list-style-type: none"> a) a copy of an approved water efficiency management plan; or b) information about a plan that has not yet been approved; or c) a report summarising progress by the water service provider's customers in achieving water savings and efficiencies. 	Section 56(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to comply with a written direction of the Chief Executive	Section 57(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a service provider, to give a customer a written notice requiring the customer to:- a) amend the plan and give it to the water service provider within the reasonable period stated by the water service provider; or b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable period stated by the water service provider.	Section 58(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to approve a request to amend an approved water efficiency management plan or a request that a new water efficiency management plan be prepared.	Section 59 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to give a customer a notice to comply with a water efficiency management plan.	Section 60 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to require a customer to review a water efficiency management plan.	Section 61 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a drinking water service provider, to prepare a drinking water quality management plan.	Section 95 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a drinking water service provider, to provide information requested by the regulator.	Section 96 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a drinking water service provider, to amend, with the agreement of the Regulator, a drinking water quality management plan.	Section 99A <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a drinking water service provider, to apply to amend a drinking water quality management plan.	Section 100 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as drinking water service provider, to make submissions in response to a show cause notice issued by the regulator regarding proposed amendments to the drinking water quality management plan.	Section 101 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as drinking water service provider, to comply with a notice issued by the regulator pursuant to section 101(3)(a) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 101(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as drinking water service provider, to notify the regulator any noncompliance with the water quality criteria relating to the service and the circumstances that gave rise to the noncompliance.	Section 102 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as drinking water service provider that obtains water for the drinking water service from a water storage or other infrastructure not part of a water service for which there is a drinking water quality management plan, to give notice to the owner of the water storage or other infrastructure asking for information reasonably required about the quality of the water.	Section 103 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to review a drinking water quality management plan, in accordance with the notice given by the regulator under section 99..	Section 106(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a service provider, to amend a drinking water quality management plan to reflect the changes to the operation of the water service and to apply to the regulator to approve the amended plan.	Section 107(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to arrange for the preparation of a drinking water quality management plan audit report and to give it to the regulator.	Section 108 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to arrange for the preparation of a performance audit report and to give it to the regulator.	Section 108A <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to comply with an information notice given by the regulator pursuant to section 110(6) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 110(7) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to give access to the service provider's infrastructure and records relating to the infrastructure to the auditor and any person employed or authorised by the auditor.	Section 112 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a service provider who does not have service contract with all of its customers, to prepare a proposed customer service standard and publish it.	Section 115(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider who does not have service contract with all of its customers, to consider all submission made in response to the proposed customer service standard and prepare a final customer service standard.	Section 115(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to revise a customer service standard if required to by the regulator under section 118 of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 119 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to review a customer service standard.	Section 120 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a relevant service provider, to prepare a drinking water quality management plan report for each financial year after a financial year in which a relevant service provider's drinking water quality management plan has been approved and give a copy to the regulator.	Section 142(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant service provider, to prepare a performance report for each financial year and give a copy to the regulator.	Section 142A(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant service provider, to prepare a system operating plan report for each financial year and give a copy to the regulator.	Section 142B(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider providing a retail water service, to fix a meter and/or seal to a private fire fighting system.	Section 144(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to give notice of the making or amendment of a declaration under section 161 of the <i>Water Supply (Safety and Reliability) Act 2008</i> and to make the notice available for inspection and purchase.	Section 162 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to:- a) keep a map of the service area; b) update the map, at least annually.	Section 163 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to recover from a customer the reasonable costs of complying with its obligations under section 164 of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 165 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to impose conditions on the installation of water storage tanks and pumps, where the customer wants to connect to Council's water supply services.	Section 166(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as service provider, to advise the owner of premises of any work the service provider considers reasonably necessary to be carried out on the premises and any reasonable connection fee to enable the premises to be connected to the service provider's infrastructure.	Section 167(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to issue a notice to the owner of premises in Council's service area, requiring the owner to carry out works for connecting the premises to a registered service.	Section 168 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to issue a notice to an owner or occupier, requiring them to stop contravening a restriction or pay the rate or charge for the service.	Section 169(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to reduce the water supply to premises to the minimum level necessary for health and sanitation purposes, where the circumstances described in section 169(1) of the <i>Water Supply (Safety and Reliability) Act 2008</i> apply.	Section 169(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as sewerage service provider, to give a person a trade waste approval or a seepage water approval with or without conditions.	Sections 180 and 181 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as sewerage service provider, to suspend or cancel a trade waste approval or seepage water approval.	Section 182 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	Complying with section 183 of the <i>Water Supply (Safety and Reliability) Act 2008</i>
	Chief Executive Officer	Power, as sewerage service provider, to immediately suspend or cancel a trade waste approval or seepage water approval if urgent action is necessary in the interests of public health or safety, to prevent environmental harm, or to prevent damage to the sewerage system or the sewerage service provider has been given a regulator notice prohibiting the sewerage service provider from giving the trade waste approval or seepage water approval.	Section 184 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as sewerage service provider, to, by notice given to the approval holder, amend the approval to ensure it is consistent with the conditions mentioned in section 185(1)(a) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 185 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as service provider, to give or refuse written consent for a person to connect or disconnect from Council's infrastructure.	Section 191 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to give or refuse written consent for a person to interfere with Council's infrastructure.	Section 192(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to give or refuse written consent for a person to: <ul style="list-style-type: none"> (a) build over; (b) interfere with access to; (c) increase or reduce the cover over; or (d) change the surface of land in a way causing ponding of water over an access chamber for; Council's infrastructure.	Section 192(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as service provider, to give or refuse written consent for a person to discharge water from an ornamental pond, swimming pool or filtration system of a swimming pool into Council's infrastructure.	Section 193(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as service provider, to give or refuse written consent for a person to take water from Council's infrastructure.	Section 195 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant entity for a recycled water scheme to apply for registration of the scheme.	Section 196AA <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant entity for a recycled water scheme, other than a CSG recycled water scheme, to give additional information about an application under section 196AA to the regulator and to verify the information in a statutory declaration.	Section 196AB <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant entity for a recycled water scheme, other than a CSG recycled water scheme, to change the details of the registration that are recorded in the register.	Section 196AD <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a relevant entity for a recycled water scheme, other than a CSG recycled water scheme, to apply to cancel the registration if recycled water is no longer supplied under the scheme.	Section 196AE <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity of a recycled water scheme, to apply to the regulator for approval of a recycled water management plan for the scheme.	Section 202 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity of a recycled water scheme, to respond to the regulator's request for additional information or to verify any information by statutory declaration.	Section 203 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a recycled water provider for a single-entity recycled water scheme, to give the regulator notice of the stoppage or proposed stoppage of production or supply of recycled water.	Section 208(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a recycled water provider for a single-entity recycled water scheme, to stop supply of recycled water to the entity if the entity is using the water other than in a way or for the purpose provided for under the recycled water management plan.	Section 208(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a scheme manager for a multiple-entity recycled water scheme, to give the regulator notice of the recycled water provider's stoppage or proposed stoppage of production or supply of recycled water.	Section 208(5) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a recycled water provider for a multiple-entity recycled water scheme, to stop supply of recycled water to an entity if the entity is using the water other than in a way or for the purpose provided for under the recycled water management plan.	Section 208(6) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity for recycled water scheme, to amend the recycled water management plan with the regulator's agreement.	Section 209 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a recycled water provider for a single-entity recycled water scheme, to make a submission in response to the regulator's show cause notice issued under section 210(2) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 210(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a recycled water provider for a single-entity recycled water scheme, to amend a recycled water management plan in the way required by a notice issued by the regulator under section 210(3) of the <i>Water Supply (Safety and Reliability) Act 2008</i> and to give a copy of the amended plan to the regulator.	Section 210(3)(a) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the scheme manager or declared entity for a multiple-entity recycled water scheme, to make a submission in response to the regulator's show cause notice issued under section 211(2) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 211(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a scheme manager or declared entity for a multiple-entity recycled water scheme, to amend the manager's scheme manager plan or the entity's scheme provider plan in the way required by a notice issued by the regulator under section 211(3) of the <i>Water Supply (Safety and Reliability) Act 2008</i> and to give a copy of the amended plan to the regulator.	Sections 211(3)(a) and 211(5) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a r entity for the recycled water scheme to apply to the regulator for approval of an amendment to a recycled water management plan.	Sections 212 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the responsible entity, scheme manager or declared entity for a recycled water scheme, to make submissions in response to the regulator's show cause notice issued under section 213(2)(a) or (b) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 213(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity for a recycled water management plan that has been suspended under Chapter 3 Part 2 of the <i>Water Supply (Safety and Reliability) Act 2008</i> , to apply to the regulator for approval to resume supply of recycled water under the scheme.	Section 215(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity for a recycled water management plan that has been suspended under Chapter 3 Part 2 of the <i>Water Supply (Safety and Reliability) Act 2008</i> , to comply with a direction of the regulator pursuant to section 215(4)(c) or (d) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Sections 215(4)(c) and 215(4)(d) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a recycled water provider for a recycled water scheme that is not a critical recycled water scheme, to notify the regulator of a proposal to permanently stop the supply of water under the scheme.	Section 230(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant entity for a critical recycled water scheme, to notify the regulator of a proposal to permanently stop the supply of water under the scheme.	Section 230(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity for the recycled water scheme, to provide information or to verify information by statutory declaration as required by the regulator under section 230(6) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 230(6) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant entity for a recycled water scheme, to notify the regulator of a stoppage in the supply of recycled water under the scheme.	Section 230(9) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the relevant entity for the recycled water scheme that augments the supply of drinking water, to apply to the regulator for approval of a validation program.	Section 237 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity for the recycled water scheme that augments the supply of drinking water, to provide information or information verified by statutory declaration as required by the regulator under section 238(1) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Section 238(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity for the recycled water scheme that augments the supply of drinking water, to apply to the regulator to amend the approved validation program.	Section 242 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a recycled water provider for a single-entity recycled water scheme to review the approved recycled water management plan for the scheme.	Section 258(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a scheme manager for a multiple-entity recycled water scheme to arrange for a review of the approved recycled water management plan for the scheme	Section 258(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a recycled water provider for a single-entity recycled water scheme to amend the approved recycled water management plan for the scheme and apply to the regulator for approval of the amended plan.	Section 259(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a scheme manager for a multiple-entity recycled water scheme to amend the manager's scheme manager plan for the scheme.	Section 259(3)(a) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a declared entity for a multiple-entity recycled water scheme to amend the entity's scheme provider plan for the scheme.	Section 259(3)(b) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a scheme manager for a multiple-entity recycled water scheme to apply to the regulator for approval of the amended recycled water management plan for the scheme.	Section 259(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a recycled water provider for a single-entity recycled water scheme or a scheme manager for a multiple-entity recycled water scheme, to arrange for an internal audit report and give it to the regulator.	Sections 260(1) and 260(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a recycled water provider for a single-entity recycled water scheme or a scheme manager for a multiple-entity recycled water scheme, to arrange for an audit report and give it to the regulator.	Sections 261(1) and 261(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as recycled water service provider for a single-entity recycled water scheme, to respond to the regulator's show cause notice about a proposed spot audit.	Section 262(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the scheme manager or declared entity for a multiple-entity recycled water scheme, to respond to the regulator's show cause notice about a proposed spot audit.	Section 262(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the responsible entity, to comply with the regulator's notice issued pursuant to section 262(8) of the <i>Water Supply (Safety and Reliability) Act 2008</i> .	Sections 262(8) and 262(9) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity and any declared entity for a recycled water scheme, to give the auditor, and any person employed or authorised by the auditor, free and uninterrupted access to the infrastructure forming part of the scheme and any records relating to the infrastructure.	Sections 265 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as an alerting entity, to inform the regulator and the responsible entity for the non-compliance that the quality of recycled water produced or supplied under the recycled water scheme for the entity does not comply with the water quality criteria for the recycled water relevant to the scheme.	Sections 270(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a responsible entity for the non-compliance, to give the regulator notice of the following:- <ul style="list-style-type: none"> a) the noncompliance and the circumstances that gave rise to the noncompliance; b) any action taken, or to be taken, by the entity to correct the noncompliance; c) the measures the entity will take to prevent the noncompliance in the future. 	Sections 270(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as an alerting entity, to inform the regulator and the responsible entity for the prescribed incident about a prescribed incident.	Sections 271(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a responsible entity for the non-compliance, to give the regulator notice of the following:- <ul style="list-style-type: none"> a) the prescribed incident and the circumstances that gave rise to the prescribed incident; b) any action taken, or to be taken, by the entity relating to the prescribed incident; c) the measures the entity will take to prevent the prescribed incident in the future. 	Sections 271(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a relevant entity for a recycled water scheme, to prepare an annual report about the scheme and give it to the regulator.	Section 273 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a relevant entity for a recycled water scheme to augment a supply of drinking water, or a relevant entity for a recycled water scheme to premises by way of a dual reticulation system, to prepare and make publicly available a public report about the scheme.	Section 274 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as recycled water provider or another entity, to respond to a notice issued by the regulator pursuant to this section.	Section 302 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a recycled water provider, or other entity for a multiple-entity recycled water scheme, to make submissions regarding the regulator's intention to make a declaration that the recycled water scheme is a critical recycled water scheme.	Section 303 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the relevant entity for a critical recycled water scheme, to ask the regulator to review the making of the declaration that the scheme is a critical recycled water scheme, after one year since the declaration was made.	Section 306 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as sewerage service provider, to comply with a regulator notice.	Section 330 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a sewerage service provider, to give the regulator a report about the actions taken to comply with a regulator notice.	Section 331 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a recycled water provider or other declared entity, to give the scheme manager, information the scheme manager reasonably requires to comply with the scheme manager's obligations under the Act.	Section 333 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a dam, to have it failure impact assessed, give it to the chief executive and pay the prescribed fee.	Sections 343, 344 and 345 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of a dam, to pay the cost of preparing and certifying a failure impact assessment where required under section 348.	Sections 348 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a dam owner, to give the chief executive additional information about a failure impact assessment.	Section 349(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a dam owner, to comply with an information notice issued by the chief executive pursuant to this section and return the recertified assessment to the chief executive.	Section 351 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a dam owner, to comply with an information notice issued by the chief executive pursuant to this section.	Section 352 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of a referable dam, to prepare an emergency action plan for the dam and comply with the requirements of Chapter 4, Part 1, Division 2A, Subdivision 3 when preparing the plan.	Sections 352F, 352H and 352HA <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government, to assess an emergency action plan for consistency with its disaster management plan, consult with the local group for the plan and give the owner of the dam a notice.	Section 352HB <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a referable dam, to comply with a notice issued by the chief executive pursuant to this section.	Section 352L <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a referable dam, to keep a copy of the approved emergency action plan for the dam and make it available to an individual:- (a) who has a function under the plan; or (b) who, under the plan, is named and required to be personally notified of a dam hazard event or emergency event.	Section 352N <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of a referable dam, to comply with a notice issued by the chief executive pursuant to this section.	Section 352O <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a referable dam, to review an emergency action plan for the dam, give the chief executive a notice stating whether or not the owner proposes an amendment of the plan because of the review and if so, a copy of the amended plan.	Section 352P <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a referable dam, to apply to the chief executive to correct a minor error or make a change, that is not a change of substance, in an emergency action plan for the dam.	Section 352Q <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a referable dam, to apply to the chief executive for a change of substance to an emergency action plan for the dam.	Section 352R(1) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of a referable dam, to comply with a notice issued by the chief executive pursuant to this section.	Section 352R(2)(c) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a referable dam, to prepare a new emergency action plan for the dam and give it to the chief executive for approval.	Section 352S <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a referable dam, to prepare an emergency event report in compliance with Chapter 4, Part 1, Division 2A, Subdivision 9 and give it to the chief executive.	Section 352T <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a referable dam, to comply with a notice issued by the chief executive pursuant to this section.	Section 352U <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a referable dam, to provide the chief executive with information that will help the chief executive to decide what safety conditions are to apply to the dam.	Section 353 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the owner of a referable dam, to by written agreement, extend the period within which the chief executive must decide safety conditions for the dam.	Section 354(3)(b) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a referable dam, to provide the chief executive with information that will help the chief executive to decide what changes should be made to the safety conditions and development conditions that apply to the dam.	Section 356 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a compliance notice issued by the chief executive pursuant to this section.	Section 359 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a dam owner, to give the chief executive the authorisation request information.	Section 379 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a dam owner, to record the authorisation request information in writing and give it to the chief executive where the circumstances in section 381(1) or (2) are satisfied.	Section 381(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a dam owner, to publish a copy of a notice given to the owner under subsection (2) in the gazette.	Section 390(5) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a dam to which a resource operations licence applies, to, in the circumstances set out in subsection (1), reduce the full supply level of the dam to the reduced full supply level and given notice of the reduced full supply level.	Section 399B <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the owner of a dam operating at a reduced full supply level under section 399B for more than 1 year, to give a report to the entities prescribed in subsection (2).	Section 399C <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to prepare an improvement plan in response to an improvement notice issued by the regulator.	Sections 446(2) and 447 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a show cause notice issued by the regulator pursuant to this section.	Section 446(3) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to comply with a direction issued by the regulator pursuant to this section 448.	Sections 448 and 449 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power to start a proceeding referred to in section 475(1) in the District Court and to give a copy of the proceeding to the regulator.	Section 475 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as an interested person for an original decision, to apply for an internal review of the decision.	Section 512 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as the recipient of a submitter notice on an internal review application, to make written submissions on the application.	Section 513(4) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the applicant on an internal review application, to apply for the stay of an original decision to the relevant entity listed in section 516(2).	Section 516(2) <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as an interested person for the original decision, to appeal against or apply for an external review of an internal review decision.	Section 517 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as an interested person for a review decision about an original decision the subject of an information notice or a compliance notice mentioned in section 510(1)(b), other than an original decision that is a decision relating to a matter involving drinking water or recycled water, to give the authority under the <i>Queensland Competition Authority Act 1997</i> a notice applying for arbitration on the decision.	Section 524 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Water Supply (Safety and Reliability) Act 2008

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as water service provider, to make guidelines for persons about preparing a water efficiency management plan.	Section 573 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to keep available for inspection and purchase the documents referred to in the section.	Section 575 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as a service provider, to publish each of the documents referred to in the section.	Section 575A <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity for a recycled water scheme, to keep available for inspection and purchase the documents referred to in the section.	Section 576 <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	
	Chief Executive Officer	Power, as the relevant entity for a recycled water scheme, to publish the annual report prepared under section 273.	Section 576A <i>Water Supply (Safety and Reliability) Act 2008</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Act 2011

Document Reviewed:	17/07/2018
Reprint:	01/07/2017
Changes:	71(7), 103A, 103F, 112

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to notify the regulator after becoming aware a notifiable incident has occurred	Section 38 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to consult with workers who are, or are likely to be, directly affected by a matter relating to work health or safety	Section 47 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to facilitate the conduct of an election for 1 or more health and safety representatives to represent workers	Sections 51 to 54 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to make an application to the commission to disqualify a health and safety representative.	Section 65 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to comply with the general obligations of a person conducting a business or undertaking provided in section 70.	Section 70 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to refuse on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a workgroup.	Section 71(5) <i>Work Health and Safety Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as person conducting a business or undertaking, to refuse to grant access to information mentioned in section 70(1)(c) if the information is confidential commercial information.	Section 71(7) <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to ask the regulator to appoint an inspector to decide the matter.	Section 72(5) <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power as a person conducting a business or undertaking to comply with subsections (a) to (c).	Section 74 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to establish a health and safety committee.	Sections 75 to 78 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a party to an issue, to resolve the issue in accordance with an agreed procedure or the default procedure.	Section 80 and 81 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to ask the regulator to appoint an inspector to assist in resolving the issue.	Section 82(2) <i>Work Health and Safety Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to direct the worker to carry out suitable alternative work at the same or another workplace.	Section 87 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising from a cessation of work.	Section 89 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to give a copy of the provisional improvement notice to the regulator.	Section 97A <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to give the industrial registrar written notice of the dispute.	Section 102B <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to appeal a decision of the Commission given under Part 5, Division 7A.	Section 102G <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a person conducting a business or undertaking, to appoint a work health and safety officer for that business or undertaking.	Section 103A <i>Work Health and Safety Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a person conducting a business or undertaking, to instruct a work health and safety officer to take reasonable action to eliminate or minimise risks to health and safety.	Section 103F <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Magistrates Court for an order under section 112 about engaging in or inducing discriminatory or coercive conduct.	Section 112 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Commission to revoke a WHS entry permit.	Section 138 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to appeal a decision of the commission.	Section 140 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.	Section 141 <i>Work Health and Safety Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply to the Commission for it to deal with the dispute.	Section 142(4) <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to appeal a decision of the Commission.	Section 142A <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the regulator for the return of a seized thing.	Section 180 <i>Work Health and Safety Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to demand that the regulator allow the CEO to inspect a seized thing and if the seized thing is a document to make copies of it.	Section 181 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to claim compensation from the State.	Section 184 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to make a written undertaking (a WHS undertaking) in connection with a matter relating to a contravention or alleged contravention of the <i>Work Health and Safety Act</i> .	Section 216 <i>Work Health and Safety Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a person who has made a WHS undertaking, to at any time, with the agreement of the regulator, withdraw the undertaking or vary the undertaking.	Section 221 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as an eligible person in relation to a reviewable decision to apply to the regulator for an internal review of the decision.	Section 224 <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as an eligible person to apply to the external review body for review of a reviewable decision made by the regulator or a decision made, or taken to have been made, on an internal review.	Section 229 to 229E <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to appeal a decision of the commission.	Section 229F <i>Work Health and Safety Act 2011</i>	19 March 2019	
	Chief Executive Officer	Power to, in the circumstances provided in subsections (1) or (1A), make a written request to the regulator that a prosecution be brought.	Sections 231(1) and (1A) <i>Work Health and Safety Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Act 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to, in the circumstances provided in subsection (3), request the regulator to refer the matter to the director of public prosecutions.	Section 231(3) <i>Work Health and Safety Act 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Regulation 2011

Document Reviewed:	17/07/2018
Reprint:	01/07/2017
Changes:	31B

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an approved RTO, to grant a person a certificate of authority.	Section 31B <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a person conducting a business or undertaking at a workplace, to prepare, maintain and implement an emergency plan.	Section 43 <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a person conducting a business or undertaking at a workplace, to maintain a written record of the evidence provided under subsections (1), (2) and (3).	Section 85(4) <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the regulator for a licence to carry out demolition work.	Section 144B <i>Work Health and Safety Regulation 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Regulation 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to make a submission to the regulator in relation to a proposed refusal	Section 144I <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a holder of a licence to carry out demolition work, to make a submission to the regulator in relation to a proposed amendment to a licence.	Section 144P <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a holder of a licence to carry out demolition work to apply to the regulator to amend the licence.	Section 144Q(1) <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power after receiving a written notice of intention to refuse an application to amend the licence from the regulator, to make a submission to the regulator in relation to the proposed refusal.	Section 144Q(2) <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the regulator for a replacement document.	Section 144U <i>Work Health and Safety Regulation 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Regulation 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a holder of a licence to carry out demolition work to voluntarily surrender the licence document to the regulator.	Section 144V <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a holder of a licence to carry out demolition work, to apply to the regulator for renewal of the licence.	Sections 144VA, 144VB <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a holder of a licence to carry out demolition work to make a submission to the regulator in relation to the proposed suspension, cancellation and/or disqualification.	Section 144Y <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a person with management or control of an item of plant stated in schedule 5, part 2, to apply to the regulator for the registration of that item of plant.	Section 265 <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to respond to a notice from the regulator on a proposal to refuse registration of an item of plant stated in schedule 5, part 2.	Section 270(1)(b) <i>Work Health and Safety Regulation 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Regulation 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to respond to a notice from the regulator on a proposal to cancel the registration of an item of plant stated in schedule 5, part 2.	Section 288C <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to return the registration document for an item of plant stated in schedule 5, part 2 to the regulator.	Section 288D <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a person conducting a business or undertaking, to obtain the current safety data sheet for a hazardous chemical used at a workplace	Section 344 <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as a person conducting a business or undertaking, to prepare and maintain a register of hazardous chemical used at a workplace	Section 346 <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply in writing to the regulator for authorisation to use, handle or store a prohibited carcinogen or restricted carcinogen	Section 383 <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to ensure that all asbestos or asbestos contaminated material at a workplace is identified by a competent person.	Section 422(1) <i>Work Health and Safety Regulation 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Regulation 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to ensure that the presence and location of all asbestos or asbestos contaminated material at a workplace is clearly indicated and if practicable labelled.	Section 424 <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to prepare, maintain and review an asbestos register for each workplace.	Sections 425(1) and 426 <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to prepare, maintain and review an asbestos management plan for each workplace.	Sections 429 and 430 <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as an eligible person in relation to a reviewable decision set out in section 676 of the <i>Work Health and Safety Regulation</i> , to apply to the regulator for an internal review of a decision.	Section 678(1) <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power, as an eligible person in relation to a reviewable decision under section 89(5), 118(5), 256(5), 269(5) or 497(5) of the <i>Work Health and Safety Regulation</i> to apply to the regulator for an internal review of the decision.	Section 678(2) <i>Work Health and Safety Regulation 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Work Health and Safety Regulation 2011

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an eligible person to apply to QCAT for an external review of reviewable decision made by the regulator or of a decision made, or taken to have been made, on an internal review.	Section 683 <i>Work Health and Safety Regulation 2011</i>	19 March 2019	
	Chief Executive Officer	Power to apply for an exemption from compliance with any provision of the <i>Work Health and Safety Regulation</i> .	Section 684 <i>Work Health and Safety Regulation 2011</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

Date Reviewed:	16/07/2018
Reprint No:	01/01/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an employer, to insure and keep insured all Council's employees and Councillors.	Section 48 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to pay a premium notice issued by WorkCover.	Section 54(7) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to pay a reassessment premium notice issued by WorkCover.	Section 56(5) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to apply to WorkCover for a waiver or reduction of a penalty for contravening section 48.	Section 57(3) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to object to a default	Section 58(6)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		assessment issued by WorkCover.	<i>Workers' Compensation and Rehabilitation Act 2003</i>		
	Chief Executive Officer	Power, as an employer, to pay a default assessment notice issued by WorkCover.	Section 58(10) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to apply to WorkCover for a waiver or reduction of an additional premium.	Section 64(2) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer who is not a self-insurer, and who is or is required to be insured under a WorkCover policy, to pay the weekly payment of compensation payable to an injured worker during the excess period.	Section 66(2) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to apply to WorkCover for a waiver or reduction of a penalty provided in section 66(6).	Section 66(7) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a local government self-insurer, to cover councillors under the self-insurer's licence.	Section 68A(1) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government self-insurer, to notify the councillors and the Regulator of its decision to cover councillors under the self-insurer's licence.	Section 68A(3) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to apply to the Regulator to be licensed as a self-insurer, as described in Chapter 2, Part 4.	Sections 69 and 70 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a prospective self-insurer, to make a submission to the Regulator about a decision to refuse an application to be licensed as a self-insurer.	Section 77(3) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as self-insurer, to apply to renew a self-insurer licence or to notify the Regulator that Council intends not to apply for renewal.	Section 79 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as self-insurer, to make a submission to the Regulator about a decision to refuse an application to renew a self-insurer licence.	Section 80(3) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to pay the annual levy to the Regulator.	Section 81 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to comply with the conditions imposed on the licence under the Regulation and by the Regulator.	Section 83 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to lodge security with the Regulator before the issue or renewal of a self-insurer licence.	Section 84 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to obtain a contract of reinsurance of liabilities and lodge the contract with the Regulator.	Section 86 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to exercise all of the powers identified in section 92 in relation to the self-insurer's workers.	Section 92 <i>Workers' Compensation and Rehabilitation Act</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>2003</i>		
	Chief Executive Officer	Power, as a local government self-insurer, to exercise all of the powers identified in section 92A in relation to councillors covered by the self-insurer's licence.	Section 92A <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a local government self-insurer, to keep the documents identified in sections 93 and 93A.	Sections 93 and 93A <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to comply with a notice to give documents issued by the Regulator under this section.	Section 94 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to respond to a written notice issued by the Regulator under this section.	Section 96 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to send a written notice to the Regulator seeking to cancel a self-insurer licence.	Section 97 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as former self-insurer, to request the	Section 100(2)	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		Regulator to allow Council to continue to exercise the powers referred to in sections 92 and/or 92A.	<i>Workers' Compensation and Rehabilitation Act 2003</i>		
	Chief Executive Officer	Power, as a former self-insurer, to request the return of the balance of the section 84 security from the Regulator.	Section 103 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to ask the Regulator to approve the amount provided for in the industrial instrument for the purposes of section 107B of the <i>Workers' Compensation and Rehabilitation Act 2003</i> .	Section 107E(2) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to appeal the Regulator's decision to refuse to approve the amount provided for in the industrial instrument under Chapter 13 of the <i>Workers' Compensation and Rehabilitation Act 2003</i> .	Section 107E(6) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to pay compensation for an injury sustained by a worker.	Section 109(1) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer who is not a self-insurer, to pay compensation for an injury sustained by a	Section 109(4) <i>Workers'</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		worker where the worker has made an application for compensation under section 132 and Council has complied with section 133A.	<i>Compensation and Rehabilitation Act 2003</i>		
	Chief Executive Officer	Power, as an employer, to apply to WorkCover for a waiver or reduction of a penalty provided in section 109A.	Section 109A(4) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, other than a self-insurer, whose worker sustains an injury for which compensation may be payable, to complete a report in the approved form and send it to the nearest WorkCover office.	Section 133 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, other than a self-insurer, to give WorkCover written notice in the approved form if:- (a) a worker asks the employer for compensation for an injury sustained by the worker; or (b) the employer pays the worker an amount, either in compensation or instead of compensation, that is payable by the employer or WorkCover under the Act for an injury sustained by the worker.	Section 133A <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to pay compensation to an injured worker for the day the worker stops work	Section 144 <i>Workers' Compensation and</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		because of the injury.	<i>Rehabilitation Act 2003</i>		
	Chief Executive Officer	Power, as an employer, to pay the amount of the first charge or the whole of the damages to the insurer.	Section 207B(4) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to appoint a Rehabilitation and Return to Work Coordinator where the employer meets the criteria prescribed under a regulation.	Section 226 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to prepare and have in place a workplace rehabilitation policy and procedure, and review those policies and procedures every 3 years.	Section 227 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to assist or provide an injured worker with rehabilitation.	Section 228(1) and 228(2) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer other than a self-insurer, to provide written evidence to WorkCover that it is not practicable to provide a worker with suitable duties.	Section 228(3) <i>Workers' Compensation and Rehabilitation Act</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>2003</i>		
	Chief Executive Officer	Power, as an employer other than a self-insurer, to apply to WorkCover for a waiver or reduction of a penalty provided in section 229.	Section 229(4) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer against whom negligence is alleged, to cooperate fully with and give WorkCover all information and access to documents in relation to the claim.	Section 280 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer against whom a proceeding for damages has been brought, to conduct the proceedings and/or settle the claim.	Section 300(6) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, other than a self-insurer, against whom a proceeding for damages has been brought, to execute all documents and do everything that WorkCover considers reasonably necessary to allow the proceedings to be conducted by it.	Section 300(7) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to comply with the requirement of an authorised person to give information or produce documents required under section 532C.	Section 532C <i>Workers' Compensation and Rehabilitation Act</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
			<i>2003</i>		
	Chief Executive Officer	Power, as an employer or contractor, to keep the documents about workers, and contracts for the performance of work, prescribed under a regulation.	Section 532D <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer who is not a self-insurer, to give WorkCover information the employer has in relation to a person defrauding, or attempting to defraud, WorkCover, or in relation to a person stating anything, or giving a document containing information, to WorkCover or a registered person that the person knows is false or misleading in a material particular.	Section 536(3) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer who is a self-insurer, to give the Regulator information the employer has in relation to a person defrauding, or attempting to defraud, the self-insurer, or in relation to a person stating anything, or giving a document containing information, to the self-insurer or a registered person that the person knows is false or misleading in a material particular.	Section 536(4) <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to apply for a review of a decision identified in section 540(1) of the <i>Workers' Compensation and Rehabilitation Act 2003</i> and to take all steps necessary to conduct the application and to appear at the hearing.	Section 541 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	<p>Power to appeal to an appeal body against the following decisions of the Regulator or the insurer:</p> <p>(a) a review decision, other than a decision to return a matter to a decision-maker under section 545 of the <i>Workers' Compensation and Rehabilitation Act 2003</i>; and</p> <p>(b) a decision under Chapter 3 or Chapter 4 of the <i>Workers' Compensation and Rehabilitation Act 2003</i> that is not a decision mentioned in section 540(1) (a non-reviewable decision),</p> <p>and to take all steps necessary to file and serve the notice of appeal and conduct the appeal, to appear at any conference in the proceeding and to appear at the hearing.</p>	Section 549, 550, 552A and 554 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power to seek the consent of the other party or the leave of the appeal body for Council to be represented by a lawyer at a conference under section 552A or at the hearing of an appeal.	552B <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Act 2003

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power to appeal against a decision of the Regulator identified in section 567 of the <i>Workers' Compensation and Rehabilitation Act 2003</i> and to take all steps necessary to file and serve the notice of appeal and conduct the appeal, to appear at any conference in the proceeding and to appear at the hearing.	Section 568 <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a prospective employer, to request in writing that a prospective worker disclose to Council the worker's pre-existing injury or medical condition, if any.	Section 571B <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	
	Chief Executive Officer	Power, as a principal contractor for a construction project to, by written notice, to ask the relevant contractor for a copy of a required document.	Section 576C <i>Workers' Compensation and Rehabilitation Act 2003</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Regulation 2014

Document updated:	08/08/2018
Regulation current as at:	01/07/2018

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as an employer other than a self-insurer, to submit to WorkCover a declaration of wages.	Section 8(2) <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer other than a self-insurer, to enter a payment plan with WorkCover.	Section 10(2)(d) <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a former employer, to give written notice to WorkCover.	Section 13(3) <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to appoint an actuary to calculate an amount of outstanding liability for section 87 of the Act.	Section 26 <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer, to agree with WorkCover on a calculation of an outstanding liability for	Section 31 <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Regulation 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
		section 87 of the Act, based on a joint summary report prepared by actuaries under section 30 of the <i>Workers' Compensation and Rehabilitation Regulation 2003</i> .	<i>Rehabilitation Regulation 2014</i>		
	Chief Executive Officer	Power, as an employer, to advise the Regulator that WorkCover and the employer do not agree on the outstanding liability amount.	Section 32 <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a former self-insurer, to appoint an actuary to calculate an amount of liability for section 102 of the Act.	Section 46 <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a former self-insurer, to give the information, in the approved form, necessary to enable the actuaries to complete the calculation.	Section 47 <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a former self-insurer, to agree with WorkCover on the amount of the calculation for section 102 of the Act.	Section 51 <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a former self-insurer, to advise the Regulator that WorkCover and the former self-insurer do not agree on the self-insurer's liability amount.	Section 52 <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Workers' Compensation and Rehabilitation Regulation 2014

NO.	DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	DATE AND NUMBER OF RESOLUTION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Chief Executive Officer	Power, as a self-insurer, to give the Regulator and the approved actuary, in the form approved by the Regulator, the self-insurer's data.	Section 56 <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as a self-insurer, to agree with the Regulator about the self-insurer's estimated claims liability.	Section 62 <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	
	Chief Executive Officer	Power, as an employer of employees to appoint 1 rehabilitation and return to work coordinator for more than one workplace.	Section 115(3) <i>Workers' Compensation and Rehabilitation Regulation 2014</i>	19 March 2019	

TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING

DATE: February 2021
SUBJECT ITEM: Torres Strait Islander Flag licensing
AUTHOR: Julia Maurus, Manager Legal Services
PRESENTER: Peter Krebs, Senior Legal Counsel

RECOMMENDATION

1. *That Council make decisions on requests to reproduce the image of the Torres Strait Islander flag on a monthly basis as a standing agenda item administered by the Department of Community Services; and*
2. *That pursuant to section 257 of the Local Government Act 2009 Council delegate to the Mayor the power to decide urgent Torres Strait Islander flag licensing requests, as required.*
3. *That Council grant a royalty-free licence to the following to reproduce the image of the Torres Strait Islander flag, subject to the standard conditions:*
 - a. *Australian Museum (Sydney NSW)*
 - b. *Sorren Thomas, Indigenous Representative for the Medical Association of Notre Dame University, Sydney (MANDUS)*
 - c. *Clothing The Gap*
4. *That Council decline to grant a licence to Sorren Thomas, Indigenous Representative for the Medical Association of Notre Dame University, Sydney (MANDUS), to adapt and modify the design of the Torres Strait Islander flag.*
5. *That Council decline to grant a licence to Clothing The Gap to adapt and modify the design of the Torres Strait Islander flag.*

PURPOSE

This report seeks a policy decision from Council on how requests to use the image of the Torres Strait Islander flag should be handled and processed.

BACKGROUND

Council appeared before the Senate Select Committee on the Aboriginal Flag on 24 September 2020 to provide information about the Torres Strait Islander flag. Following is an extract of Mayor Mosby's statement to the Committee:

The Torres Strait Islander flag was designed by the late Bernard Namok Snr, as a winning entry in a design competition, which was held as part of a Cultural Revival Workshop in 1992.

The competition was run by the Island Coordinating Council. In March 2008, the Torres Strait Island Regional Council replaced the Island Coordinating Council. In 1992, our flag was also recognised by the Aboriginal and Torres Strait Islander Commission (ATSIC) and given equal prominence with the Australian Aboriginal Flag, and then recognised as an official Flag of Australia under the Flags Act 1953 (Cth), by proclamation on 14 July 1995.

Bernard Snr's design represents our unique region and culture, and stands for the unity and identity of all Torres Strait Islanders.

Our flag, like the Aboriginal flag, has since become a strong symbol of identity for our people. Regardless of where our people may be, our flag unifies us in our communities, our homelands and region, our unique environment, our Ailan Kastom, and our beliefs.

It is for these reasons that our Council chooses not to seek reimbursement for flag usage from our people and communities, as our flag is so interwoven into our identity as Torres Strait Islanders.

This also extends to the usage of our flag by the wider Australian public.

Our communities celebrate the anniversary of the Torres Strait Islander Flag's conception annually on the 29th of May, which as of last year, is now officially recognised as a gazetted public holiday for the Torres Strait region.

Council's Process for Copyright:

We welcome organisations and individuals wanting to fly our flag, and those organisations and individuals do not require permission to do so.

Council does, however, grant permission for requests made to reproduce the Torres Strait Islander Flag subject to the following conditions;

- where appropriate, recognition is given to the original designer, the late Mr Bernard Namok Snr,*
- the original PMS colours are used, and*
- permission must be received in writing from Council, prior to its use.*

Council does not currently seek financial reimbursement for the use of or to reproduce the Torres Strait Islander Flag, as this would be counterproductive to the purpose of driving wider national acknowledgement and celebration of our island identity and culture.

OFFICER COMMENT

The Senate Select Committee on the Aboriginal Flag tabled its report in October 2020.

Attached are the following documents:

1. TSIRC letter to Senate Select Committee dated 30 September 2020
2. Report of the Senate Select Committee
3. Current flag permission requests awaiting response from Council

In the past, the Executive Manager of Community Services signed off on fee-free licensing of the image of the Torres Strait Islander flag, with the administration of the process managed by Legal Services. Following the Council restructure, these requests have been handled by the COO, with administrative assistance from Legal Services.

As a peppercorn licence, there was no financial delegation required to authorise these licences, and the permission requests were therefore signed off under the general local government signing power (*Local Government Act* section 236 “Who is authorised to sign local government documents”) that was sub-delegated to head managers in the sub-delegations register authorised by the CEO on 22 August 2019.

In light of Council’s recent directions on delegated decision-making, it is necessary to formalise the decision-making process for the licensing of the image of the Torres Strait Islander flag.

Options include:

1. Council reserve decision-making power to itself, but delegate power to the Mayor and/or the CEO for urgent matters.
2. Council delegate decision-making power to the Mayor.
3. Council delegate decision-making power to the CEO with or without conditions, and allow the CEO to sub-delegate.
4. Council could also require a regular (e.g. annual) report on flag licensing.

Considerations:

1. Is it appropriate for flag licensing decisions to be made by a non-Indigenous Council employee, in the absence of any policy guidance? (This issue was raised by A/COO.)
2. Should Council also have a written flag licensing policy, along the lines of the information that Council submitted to the Senate Select Committee?

The current permission requests are included as **Attachment 3**, and proposed resolutions 3, 4 and 5 are the recommended responses to these permission requests.

CONSULTATION

Chief Executive Officer
Manager Legal Services
A/COO

LINKS WITH STRATEGIC PLANS

TSIRC Corporate Plan 2020–2025

Delivery Pillar: People

Outcome 1: We preserve cultural heritage, history and place.

- 1.2: Advocacy for the protection of artist rights and cultural ownership within the arts.

Delivery Pillar: People

Outcome 4: We are a transparent, open and engaging council.

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

STATUTORY REQUIREMENTS

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

Copyright Act 1968 (Cth)

FINANCE AND RISK

Capital Cost

NIL

Operating Cost

NIL

Risk Assessment

Political and cultural – who is the most appropriate decision-maker, given the cultural significance of the Torres Strait Islander flag?

SUSTAINABILITY

Operational efficiency.

CONCLUSION

As presented.



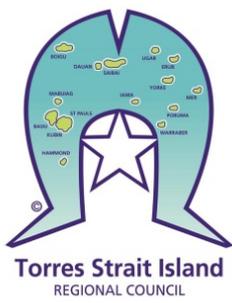
Ilario Sabatino
A/CEO



Julia Maurus
Manager Legal Services

ATTACHMENTS:

1. TSIRC letter to Senate Select Committee dated 30 September 2020
2. Report of the Senate Select Committee
3. Current flag permission requests awaiting response from Council



TORRES STRAIT ISLAND REGIONAL COUNCIL

Lot 12 Francis Road Hammond Island QLD 4875
Phone: (07) 4034 5775 Email: corporate.affairs@tsirc.qld.gov.au

PO Box 7336 Cairns QLD 4870
ABN 15 292 645 165

Our Ref: CAE:MM-SCAF

Issued by email:
aboriginal.flag.sen@aph.gov.au

Select Committee on the Aboriginal Flag
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

30/09/2020

Responses to questions taken on notice during Select Committee on the Aboriginal Flag - Public Hearing (24/09/20)

Dear Chair, and Committee Members,

Please find below, the responses to questions taken on notice during my appearance before the Committee last Thursday (24/09/20);

1. Senator Dodson: "How many applications to the council would there be in a year for the use of the flag?"

Please find the table below showing actual applications received;

Year	2014	2015	2016	2017	2018	2019	2020
Per Month	2	3	5	4	5	6	5
Total	33	46	65	58	61	76	47 (YTD)

All applications received to date have been endorsed. The applications vary in nature, however commonly fit within the following categories;

- a. Individual artists
- b. Education, incl. schools, universities, training organisations, childcare and individual students
- c. State or Commonwealth agencies
- d. Commercial businesses, incl. international entities and tourism
- e. Sporting code entities
- f. Healthcare, incl. hospitals and aged care
- g. Security firms
- h. Professional services, incl. legal and superannuation
- i. Social media entities
- j. Miscellaneous publications

2. Senator Dodson: *“Has there been any communication with your council from the Australian government on how the Torres Strait Islands flag is administered or managed?”*

Apart from this Committee’s request, there has been no formal communication or enquiry lodged that Council is aware of.

3. Senator McCarthy (Chair): *“Are you able to name those international companies to the inquiry?”*

Council is not in a position to name these entities.

4. Senator Davey: *“Would you be able to give an estimate of how many man-hours go towards granting these approvals—noting that it seems to be a very streamlined approval process?”*

A conservative estimate of Council’s resourcing requirement to this process, on a weekly basis, would be as follows;

Council Department:	Function Performed:	Weekly Resource Estimate:
Legal Services	Application receipt, processing & administration	60-120min.
Corporate Affairs	General enquiries (phone, and online channels)	35min.
Divisional Offices	General enquiries (community-based / in-person)	15-20min.

In the event of a copyright breach coming to Council’s attention, our Legal Services Department would then undertake an additional 30-60min to prepare a letter to address the matter.

Should the Committee require any further information, please contact Council’s Head of Corporate Affairs - Mr. Luke Ranga by phone: 07 4034 5756 or email: luke.ranga@tsirc.qld.gov.au.

Yours faithfully,



Cr. Phillemon Mosby
Mayor

The Senate

Select Committee on the
Aboriginal Flag

Select Committee on the Aboriginal Flag

October 2020

© Commonwealth of Australia

ISBN 978-1-76093-126-1 (Printed Version)

ISBN 978-1-76093-126-1 (HTML Version)

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 4.0 International License.



The details of this licence are available on the Creative Commons website:
<https://creativecommons.org/licenses/by-nc-nd/4.0/>.

Foreword

As a Yanyuwa and Garrawa woman, and as Chair of the Senate Select Committee on the Aboriginal Flag, it is culturally important to follow what we say in Yanyuwa, is the wurrama (authority) of the Aboriginal flag.

In Yanyuwa culture, decisions are made collectively about kin, country and the wurrama by the Jungkayi (guardian) and the Ngimarringki (Traditional Owner) with the aim of peaceful outcomes for the people.

The cultural context is also respectfully seen from a Yawuru viewpoint with my Labor colleague in Western Australia Senator Pat Dodson.

It is also seen from a Gunnai-Gunditjmara cultural viewpoint with Greens Senator Lidia Thorpe, who joins this committee as her first task as the new Senator for Victoria.

This cultural view was naturally immersed in this Senate inquiry, along with the processes of the Australian Parliament, as we tried to navigate a respectful way through this serious dilemma between First Nations people and the copyrights of the creator of the Aboriginal flag, Mr Harold Thomas.

The committee considered it important to hear Mr Thomas' views, as an Aboriginal artist and the copyright holder of the Aboriginal flag. To that end, the committee did reach out to Mr Thomas and invite him to make a written submission or appear at a public hearing. Mr Thomas declined those invitations and alerted the committee to confidential negotiations underway with the Commonwealth government.

Deputy Chair Senator Perin Davey (NSW) joined us in determining a way forward through this inquiry, along with Senator Andrew Bragg (NSW), Senator Matt O'Sullivan (WA), Senator Amanda Stoker (QLD), Senator Sue Lines (WA) and Senator Rachel Siewert (WA).

My sincere thanks go to all who provided evidence to the committee, in written submissions and as witnesses at hearings. Thank you also to the committee secretariat and my staff, Martha Tattersall and Mandy Taylor.

The responsibility of this inquiry weighed greatly. The 50th anniversary of the Aboriginal flag is in July 2021: will it be a celebration or a commemoration?

Senator Malarndirri McCarthy
Chair

Members

Chair

Senator Malarndirri McCarthy

ALP, NT

Deputy Chair

Senator Perin Davey

NATS, NSW

Members

Senator Andrew Bragg

LP, NSW

Senator Patrick Dodson

ALP, WA

Senator Matt O'Sullivan

LP, WA

Senator Amanda Stoker

LP, QLD

Senator Lidia Thorpe

AG, VIC

Participating members

Senator Sue Lines

ALP, WA

Senator Rachel Siewert

AG, WA

Secretariat

Sophie Dunstone, Committee Secretary

Margie Morrison, Principal Research Officer

Sofia Moffett, Research Officer

Sara Lailey, Parliamentary Graduate

Brooke Gay, Administrative Officer

Suite S1.61

Parliament House

CANBERRA ACT 2600

Telephone: (02) 6277 3560

Fax: (02) 6277 5794

Email: aboriginal.flag.sen@aph.gov.au

Contents

Foreword.....	iii
Members	v
Recommendations.....	ix
Chapter 1—Introduction.....	1
Chapter 2—The birth and significance of the Aboriginal flag	13
Chapter 3—The Aboriginal flag in contemporary Australia.....	35
Chapter 4—The current dispute.....	51
Chapter 5—The future of the Aboriginal flag.....	73
Chapter 6—Committee view.....	93
Additional comments from Senator Andrew Bragg.....	95
Additional comments from the Australian Labor Party	97
Additional comments from the Australian Greens	99
Appendix 1—Submissions, additional information, answers to question on notice, tabled documents and published correspondence	101
Appendix 2—Public Hearings	105

Recommendations

Recommendation 1

- 6.4 The committee recommends that the Commonwealth government does not compulsorily acquire the copyright for the Aboriginal flag under section 51(xxxi) of the *Australian Constitution*.

Recommendation 2

- 6.8 The committee recommends that, in the negotiations underway with Mr Harold Thomas and the current licensees, the Commonwealth government aims to achieve a model for the future use of the Aboriginal flag by members of the community that is independent from government, that involves and consults with Aboriginal people, and that ensures that the body selected bears responsibility for:
- maintaining the integrity of the Aboriginal flag;
 - upholding the dignity of the Aboriginal flag; and
 - making decisions about the Aboriginal flag's use.
- 6.9 Subject to the rights of Mr Thomas, a parliamentary committee may be of assistance in framing the structure of a body that could have custodial oversight of the Australian Aboriginal Flag.

Chapter 1

Introduction

Referral and conduct of the inquiry

1.1 On 3 September 2020, the Senate established the Select Committee on the Aboriginal Flag to inquire into and report on current and former copyright and licensing arrangements for the Aboriginal flag design, with particular reference to:

- (a) who benefits from payments for the use of the Aboriginal Flag design and the impact on Aboriginal organisations, Aboriginal communities and the broader Australian community of the current copyright and licensing arrangements;
- (b) options available to the Government to enable the Aboriginal Flag design to be freely used by the Australian community, including:
 - (i) negotiated outcomes with licence and/or copyright holders;
 - (ii) the compulsory acquisition of licences and/or copyright,
 - (iii) ways to protect the rights and interests of the flag's legally recognised creator Mr Harold Thomas; and
- (c) any other matters relevant to the enduring and fair use of the Aboriginal Flag design by the Aboriginal and Australian community.¹

1.2 The committee received 74 submissions which, together with responses to questions on notice and other information accepted by the committee, are listed at Appendix 1.

1.3 The committee took evidence over six days of public hearings in Canberra as follows:

- Monday, 14 September;
- Wednesday, 16 September;
- Tuesday, 22 September;
- Wednesday, 23 September;
- Thursday, 24 September; and
- Friday, 25 September 2020.

1.4 The witnesses who appeared at these hearings are listed at Appendix 2.

Current negotiations

1.5 The committee was advised that the Commonwealth government has entered into negotiations with the copyright holder and licensees for the Aboriginal flag for the purpose of providing the Australian community, particularly the

¹ *Journals of the Senate*, No. 66, 3 September 2020, p. 2324.

Aboriginal community, with the ability to freely use the flag.² While details of those negotiations are unknown to the committee, conclusions and recommendations in this report are made on the basis that negotiations are currently ongoing.

Acknowledgements

1.6 The committee thanks individuals and organisations that contributed to the inquiry, and takes this opportunity to express its gratitude to those who took the time to share their experiences with the committee.

Note on references

1.7 References to *Committee Hansard* are to the proof transcripts. Page numbers may differ between proof and official transcripts.

Structure and scope of this report

1.8 This report comprises 6 chapters:

- Chapter 1 outlines the conduct of the inquiry, the legal framework for copyright law in Australia and details the national flags of Australia;
- Chapter 2 discusses the birth and significance of the Aboriginal flag;
- Chapter 3 considers the Aboriginal flag in contemporary Australia;
- Chapter 4 details the current dispute around use of the Aboriginal flag;
- Chapter 5 discusses options for the future; and
- Chapter 6 provides the committee's comments and recommendations.

Legal framework for copyright law in Australia

1.9 In Australia, copyright is a bundle of rights which automatically attracts to works, including artistic, literary, dramatic or musical works and computer programs.³ As explained by the Australian Copyright Council (Copyright Council):

Copyright is automatic in Australia, so there's no system of registration here. Once a work is reduced into what's called material form—once paint is on a canvass, a book is written down or recorded in some way—copyright exists. It's only when someone purports to use it and there's a conflict in the evidentiary circumstances in which the work came about that it gets called into question.⁴

² The Hon Ken Wyatt AM MP, Minister for Indigenous Australians, correspondence received 11 September 2020.

³ *Copyright Act 1968* (Cth) (Copyright Act), s. 31.

⁴ Ms Eileen Camilleri, Chief Executive Officer, Australian Copyright Council, *Committee Hansard*, 22 September 2020, p. 4.

1.10 Copyright consists of moral and economic rights under the *Copyright Act 1968* (Cth) (Copyright Act). Moral rights vest exclusively in the creator of the work and are not transferable or assignable. They include the right:

- to be attributed (or credited) for their work;
- not to have their work falsely attributed; and
- not to have their work treated in a derogatory way.⁵

1.11 Economic rights exist separately to moral rights. Section 31 of the Copyright Act identifies these rights in relation to artistic work as the exclusive right:

- (iv) to reproduce the work in a material form;
- (v) to publish the work;
- (vi) to communicate the work to the public.⁶

1.12 Section 33 states that copyright in original works subsists for 70 years after the calendar year in which the author of the work died.

1.13 Under section 196, copyright may be partially or totally assigned to a person other than the work's creator, or may be licensed by the owner to another.⁷

1.14 The Copyright Council explained that licences may be:

- (i) **Exclusive.** The licensee (that is, the person/entity that receives the licence) is the only person/entity that may use the copyright material in the ways outlined in the licence. Like assignments, these must be in writing to be legally effective.
- (ii) **Non-exclusive.** These licences allow for multiple licensees to use the copyright material in the same way. These licences need not be in writing.
- (iii) **Implied.** These licences to use copyright material are implied from all the circumstances of a situation.⁸

1.15 Mr Michael Green SC explained:

If a copyright owner has granted a licence to someone else exclusively, they can't retract that licence without, of course, breaching that exclusive licence, and that can be a difficulty as well...[I]t's possible to do something quite specifically, and you can divide copyright by location or all other manner of things within the Commonwealth.⁹

1.16 The Copyright Act contains a number of exceptions to copyright, including use by educational institutions and fair dealing exceptions 'that permit use by

⁵ Australian Copyright Council, *Moral Rights*, (Information Sheet G043v15) October 2019, https://www.copyright.org.au/acc_prod/ACC/Information_Sheets/Moral_Rights.aspx. See also, sections 193, 195AC and 195AI of the Copyright Act.

⁶ Copyright Act, ss. 31(b).

⁷ Copyright Act, s. 196.

⁸ Australian Copyright Council, *Submission 30*, p. 2.

⁹ Mr Michael Green SC, *Committee Hansard*, 14 September 2020, p. 10.

anyone for particular purposes'.¹⁰ With regard to the latter, Dr Fady Aoun identified a number of these purposes, including research or study (section 40), criticism or review (section 41), parody or satire (section 41A), reporting the news (section 42) or for the purposes of judicial proceeding or professional advice (section 43).¹¹

National flags of Australia

1.17 The *Flags Act 1953* (Cth) (Flags Act) was enacted to declare the Australian National Flag¹² and to provide for the declaration of other flags of Australia by the Governor-General.¹³ It empowers the Governor-General to (a) authorise a person, body or authority to use¹⁴ and (b) make rules for the guidance of persons using¹⁵ a flag of Australia declared under the Flags Act.

1.18 Australian flags include the Aboriginal flag, Torres Strait Islander flag and many ensigns used in defence and civilian organisations.¹⁶

Australian flag

1.19 The Australian flag, designed by Australians and first flown on 3 September 1901, has status as Australia's chief national symbol and belongs equally to all Australians.

1.20 Before federation, the Australian colonies flew the Union Jack and other British flags. In 1901, the Commonwealth government held an international competition to design two flags: one for official and naval purposes and the other for merchant ships.¹⁷ There were 32,823 entries and five nearly-identical entries were awarded equal first.¹⁸

1.21 The five joint winners came from different parts of the community and they shared a £200 prize.¹⁹ On 3 September 1901, then Prime Minister, the Rt Hon

¹⁰ Australian Copyright Council, *Submission 30*, p. 2.

¹¹ Dr Fady Aoun, *Submission 34*, [p. 3].

¹² *Flags Act 1953* (Cth) (Flags Act) s. 3.

¹³ Flags Act s. 5.

¹⁴ Flags Act s. 6.

¹⁵ Flags Act s. 7.

¹⁶ Department of Prime Minister and Cabinet, *Australian Flags*, <https://www.pmc.gov.au/government/australian-national-symbols/australian-flags> (accessed 5 October 2020).

¹⁷ Department of Prime Minister and Cabinet, *Australian Flags*, 3rd edition, Commonwealth of Australia, 2006, p. 39.

¹⁸ Department of Prime Minister and Cabinet, *Australian Flags*, 3rd edition, Commonwealth of Australia, 2006, p. 40.

¹⁹ Department of Prime Minister and Cabinet, *Australian Flags*, 3rd edition, Commonwealth of Australia, 2006, p. 40.

Sir Edmund Barton announced the five joint winners of the competition and the key elements of their designs were used to create the new Australian flag.²⁰

- 1.22 The flag selected contained the Union Jack, the Commonwealth Star and the Southern Cross on a blue background; this flag became known as the blue ensign.²¹ The design selected for use by the merchant navy was known as the red ensign and was identical except for the red background colour of the flag. The blue and red ensigns were gazetted in 1903.²² Small changes have been made to the original design on three occasions in 1903, 1906 and 1911.²³
- 1.23 From 1903, the blue ensign has held primacy as the official flag of Australia, a status further enshrined by proclamation as the Australian National Flag in the Flags Act. As the highest flag of the nation, the Australian National Flag represents all Australians and is treated accordingly. Prior to the passage of the Flags Act, no legislative action had been taken to set down the precise form of the blue ensign or the circumstances in which it should be used.²⁴
- 1.24 Any person may fly the Australian flag; however, there are guidelines in place requiring that the flag should be treated with the 'respect and dignity it deserves as the nation's most important national symbol'.²⁵
- 1.25 The Department of Prime Minister and Cabinet advised there are three circumstances for which approvals from the government are required for the use of the Australian flag: in relation to importing products with the flag, applying for trademarks or registering designs. While there are guidelines and protocols for how the flag should be reproduced, this can occur without paying any licence fee or copyright royalty.²⁶

Commercial use of the Australian flag

²⁰ Department of Prime Minister and Cabinet, *Australian National Flag*, <https://www.pmc.gov.au/government/australian-national-flag> (accessed 5 October 2020).

²¹ Department of Prime Minister and Cabinet, *Australian Flags*, 3rd edition, Commonwealth of Australia, 2006, p. 40.

²² Department of Prime Minister and Cabinet, *Australian Flags*, 3rd edition, Commonwealth of Australia, 2006, p. 40.

²³ AusFlag, *Flag History*, <https://www.ausflag.com.au/history.asp> (accessed 28 September 2020).

²⁴ J Norberry, 'Flags Amendment Bill 1996', *Bills Digest*, 18, 1996–97, Department of the Parliamentary Library, Canberra, 13 August 1996, p. 2.

²⁵ Department of the Prime Minister and Cabinet, Excerpt from *Australian flags* – Part 2: The protocols for the appropriate use and the flying of the flag, <https://www.pmc.gov.au/sites/default/files/publications/australian-flags-excerpt.pdf> (accessed 30 September 2020).

²⁶ Mr John Reid, First Assistant Secretary, Government Division, Department of the Prime Minister and Cabinet, *Committee Hansard*, 16 September 2020, p. 8.

- 1.26 Guidelines issued by the Department of Prime Minister and Cabinet state that the Australian flag, or a representation of the flag, may be used for commercial or advertising purposes without formal permission, subject to the following guidelines:
- the flag should be used in a dignified manner and reproduced completely and accurately;
 - the flag should not be defaced by overprinting with words or illustration;
 - the flag should not be covered by other objects in displays; and
 - all symbolic parts of the flag should be identifiable.
- 1.27 Anyone seeking to import items bearing an image of the Australian flag must have approval from an authorised officer at the Department of Prime Minister and Cabinet. This approval must be produced to the Australian Border Force at or before the time of import.²⁷

Aboriginal flag

- 1.28 The Aboriginal flag was designed and created by Mr Harold Thomas, an Aboriginal artist from the Northern Territory. The flag was first raised on National Aborigines Day in Victoria Square, Adelaide, on 12 July 1971.²⁸
- 1.29 In July 1995, the Aboriginal flag was proclaimed to be an official flag of Australia under the Flags Act. In 1997, the Federal Court of Australia officially recognised Mr Thomas as the author of the flag.²⁹
- 1.30 Permission is not required to fly the Aboriginal flag. However, the Aboriginal flag is protected under the Copyright Act and can only be reproduced in accordance with this legislation or with the permission of Mr Thomas.
- 1.31 Further details about the use, reproduction and copyright associated with the Aboriginal flag are considered throughout this report.

Torres Strait Islander flag

- 1.32 The Torres Strait Islander flag was designed by the late Mr Bernard Namok Snr in January 1992. The flag's design represents the 'unique region and culture':

²⁷ Department of the Prime Minister and Cabinet, Excerpt from *Australian flags* – Part 2: The protocols for the appropriate use and the flying of the flag, <https://www.pmc.gov.au/sites/default/files/publications/australian-flags-excerpt.pdf> (accessed 30 September 2020).

²⁸ Department of Prime Minister and Cabinet, *Australian Flags*, <https://www.pmc.gov.au/government/australian-national-symbols/australian-flags> (accessed 5 October 2020).

²⁹ Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), *The Aboriginal flag*, <https://aiatsis.gov.au/aboriginal-flag> (accessed 5 October 2020).

It stands for the unity and identity of all Torres Strait Islanders. The two green lines represent the land. The blue represents the sea. The black represents our community, the people of the Torres Strait. The centre symbol is a headdress. The five pointed star represents the five clusters of the Torres Strait, as well as the seafaring navigation. White is representative of peace.³⁰

- 1.33 Mr Namok Snr's design was the winning entry in a competition held as part of a Cultural Revival Workshop, organised by the Island Coordinating Council (ICC), a Queensland statutory body representing the community councils of the Torres Strait.³¹ One of the conditions of the flag competition was that the successful applicant would assign copyright to the ICC.³²
- 1.34 The Torres Strait Islander flag was adopted at an ICC meeting on 24 March 1992 and was recognised by Aboriginal and Torres Strait Islander Commission (ATSIC) in 1992 and given equal prominence with the Aboriginal flag. It was recognised as an official flag of Australia under the Flags Act by proclamation on 14 July 1995.
- 1.35 Torres Strait Islander communities celebrate the anniversary of the flag's conception annually on 29 May. It was recognised as a gazetted public holiday for the Torres Strait region in 2019 and the day features special celebrations across the 15 islands to celebrate the Torres Strait flag and in recognition of Mr Bernard Namok Snr.³³
- 1.36 The National Indigenous Australians Agency (NIAA) advised that the Torres Strait Island Regional Council (TSIRC)³⁴ and its 15 communities own the copyright of the Torres Strait Islander Flag. Permission to reproduce the flag is granted subject only to the following conditions:
- (a) where appropriate, recognition is given to the original designer, the late Mr Bernard Namok;
 - (b) the original Pantone matching system colours are used;
 - (c) permission is received in writing from the TSIRC prior to reproducing the flag.³⁵
- 1.37 Mayor Phillemon Mosby explained that the TSIRC welcomes organisations and individuals wanting to fly the flag:

³⁰ Mayor Phillemon Mosby, Mayor, Torres Strait Island Regional Council (TSIRC), *Committee Hansard*, 24 September 2020, p. 53; see also, National Indigenous Australians Agency (NIAA), answers to questions on notice, 14 September 2020 (received 18 September 2020).

³¹ NIAA, answers to questions on notice, 14 September 2020 (received 18 September 2020), p. 1.

³² NIAA, answers to questions on notice, 14 September 2020 (received 18 September 2020), p. 2.

³³ Mayor Mosby, TSIRC, *Committee Hansard*, 24 September 2020, p. 53.

³⁴ In March 2008 the TSIRC replaced the ICC.

³⁵ NIAA, answers to questions on notice, 14 September 2020 (received 18 September 2020), p. 2.

Those organisations and individuals do not require our permission to do so. Council does, however, grant permission for requests made to reproduce the Torres Strait Islander flag subject to the following conditions: where appropriate, recognition is given to the original designer, the late Mr Bernard Namok Snr; the original PMS colours are used and permission must be received in writing from council prior to its use. Council does not currently seek financial reimbursement for the use of, or to reproduce, the Torres Strait flag. As I stated, this would be counterproductive to the purpose of driving wide acknowledgment and celebration of our island, identity and culture.³⁶

- 1.38 Permission to use the Torres Strait Islander flag must be sought in writing and requests are managed by a team of officers; on each island there is a contact person for requests who then provide advice to the corporate affairs area of the TSIRC. External bodies seeking to use the flag make contact directly with the corporate affairs area. Mayor Mosby acknowledged that this system works well particularly for people who may have English as their third or fourth language as they can speak directly with officers in each of the 15 divisions.³⁷
- 1.39 The TSIRC detailed the number of applications to use the flag received between 2014 and 2020:

Table 1.1 Number of applications received by the Torres Strait Island Regional Council: 2014-2020

Year	2014	2015	2016	2017	2018	2019	2020
Per month	2	3	5	4	5	6	5
Total	33	46	65	58	61	76	47 YTD

Source: TSIRC, answers to questions on notice, 24 September 2020

- 1.40 All applications received to date have been endorsed. While applicants vary the commonly fall within the following categories:
- individual artists;
 - education, including schools, universities, training organisations, childcare and individual students;
 - State or Commonwealth agencies;
 - commercial businesses, including international entities and tourism;
 - sporting code entities;
 - healthcare, including hospitals and aged care;
 - security firms;
 - professional services, including legal and superannuation;
 - social media entities; and

³⁶ Mayor Mosby, TSIRC, *Committee Hansard*, 24 September 2020, p. 49.

³⁷ Mayor Mosby, TSIRC, *Committee Hansard*, 24 September 2020, p. 51;

- miscellaneous publications.³⁸

1.41 In relation to the resources required to process applications and approve use of the flag, the TSIRC provided a 'conservative estimate' of the time required on a weekly basis as follows:

Table 1.2 Council resources required to process applications

Council department	Function performed	Weekly resource estimate
Legal Services	Application receipt, processing & administration	60-120 minutes
Corporate Affairs	General enquiries (phone, and online channels)	35 minutes
Divisional Offices	General enquiries (community-based / in-person)	12-20 minutes

Source: TSIRC, answers to questions on notice, 24 September 2020

1.42 In the event of a copyright breach coming to the council's attention, the TSIRC explained additional resources (estimated 30-60 minutes) would be required to prepare a letter to address the matter.³⁹

Constituents' Request Program

1.43 Australians can obtain Australian flags free of charge through the Constituents' Request Program by contacting the electorate office of their local Senator or Member of the House of Representatives.⁴⁰

1.44 For the purpose of conducting parliamentary business, senators and members may purchase flags, flag lapel pins and documents related to nationhood, of kinds approved by the Minister for Finance, for presentation to constituents or organisations. The minister has approved the Australian national flag, the Aboriginal flag and the Torres Strait Islander flag for presentation to constituents and organisations.⁴¹

1.45 Under the program, senators and members may present the flags to eligible constituents who live or are based in a senator's state or territory or a member's electorate. Eligible constituents include schools, local councils,

³⁸ TSIRC, answers to questions on notice, 24 September 2020 (received 1 October 2020).

³⁹ TSIRC, answers to questions on notice, 24 September 2020 (received 1 October 2020).

⁴⁰ Department of Prime Minister and Cabinet, '[Excerpt from the booklet Australian flags – Part 2: The protocols for the appropriate use and the flying of the flag](#)', 2006.

⁴¹ Department of Finance, *Flags, nationhood material and wreaths*, <https://maps.finance.gov.au/guidance/annual-budget-office-expenses/flags-nationhood-material-and-wreaths> (accessed 28 September 2020).

churches and other non-profit or benevolent community organisations. According to information provided to the Senate by then Special Minister of State, the Hon Senator Eric Abetz in 2006, senators and members may present a maximum of 50 flags per annum to individual constituents.⁴²

- 1.46 A constituent is defined in section 5 of the *Parliamentary Business Resources Act 2017* (Cth) as a person enrolled to vote or resident in the relevant electorate or state/territory if the request is being made to a senator. It is expected that there will be an element of formality in the act and/or ceremony attached to the manner in which flags, flag lapel pins and documents are presented and that the presentation to the recipient by the relevant senator or member.⁴³
- 1.47 There is no sub-limit to the amount parliamentarians may spend on these items provided that the annual budget for office expenses is not exceeded. Flag and nationhood material expenditure is reporting in monthly management and quarterly expenditure reports.⁴⁴
- 1.48 The Department of Finance provided information about the number, type and cost of the Australian, Aboriginal and Torres Strait Islander flags purchased by senators and members from the supplier for the last five financial years. There are a number of different types of flags purchased under the program with the cost of each item varying depending on type and size.⁴⁵
- 1.49 The Department of Finance advised it has no records of what proportion of these flags have been distributed to constituents by senators and members.
- 1.50 Table 1.3 details the total number of Aboriginal, Australian and Torres Strait flags purchased and the total cost for each financial year from 2015-2020.

Table 1.3 Total number and cost of flags purchased by senators and members from 2015-2020

⁴² Senator the Hon Eric Abetz, Special Minister of State, *Senate Hansard*, 9 February 2006, p. 217.

⁴³ Department of Finance, *Flags, nationhood material and wreaths*, <https://maps.finance.gov.au/guidance/annual-budget-office-expenses/flags-nationhood-material-and-wreaths> (accessed 28 September 2020).

⁴⁴ Department of Finance, *Flags, nationhood material and wreaths*, <https://maps.finance.gov.au/guidance/annual-budget-office-expenses/flags-nationhood-material-and-wreaths> (accessed 28 September 2020).

⁴⁵ Department of Finance, answers to written questions on notice, 28 September 2020, (received 2 October 2020).

2015–16	No. of flags	Total cost
Aboriginal	12,853	\$207,356.93
Australian	48,768	\$490,071.55
Torres Strait	4,914	\$58,182.07
2016–2017		
Aboriginal	16,682	\$484,801.94
Australian	63,996	\$867,371.14
Torres Strait	7,975	\$138,019.85
2017–2018		
Aboriginal	7,302	\$456,177.40
Australian	16,023	\$639,414.12
Torres Strait	3,427	\$129,903.15
2018–2019		
Aboriginal	5,267	\$412,437.20
Australian	13,991	\$698,269.98
Torres Strait	2,878	\$132,704.46
2019–2020		
Aboriginal	7,984	\$666,188.00
Australian	18,568	\$998,872.00
Torres Strait	4,233	\$213,030.00
TOTAL	234,863	\$6,592,878.79

Source: Department of Finance, answers to questions on notice.

Note: The total cost column presents the cost of all flags purchased. The cost of individual items for each category of flag is provided in the information provided by the Department of Finance published on the inquiry website.

- 1.51 The categories of flags purchased under this program have varied across the last five financial years. Table 1.4 shows the number and cost of flags purchased over six categories for the last three financial years.

Figure 1.1 Number and cost of flags (across categories) purchased by senators and members from 2017-2020⁴⁶

⁴⁶ Department of Finance, answers to written questions on notice, 28 September 2020 (received 2 October 2020).

Chapter 2

The birth and significance of the Aboriginal flag

- 2.1 The Aboriginal flag's existence is intertwined with the political context of 'terra nullius' and the denial of the dispossession of Aboriginal people. It was born during a time of great social upheaval, when the rights and treatment of Aboriginal people in Australia were attracting greater attention, and there was activism for political change within Indigenous affairs. The flag's significance in the lives of many Aboriginal people developed through its use as a symbol of protest against the doctrine of terra nullius, and in favour of a treaty and restitution for the impacts of colonisation, dispossession and destabilisation. The context in which the Aboriginal flag was created helps to demonstrate its meaning, symbolism and indivisible inter-connectedness with Aboriginal activism and protest.
- 2.2 This chapter discusses a number of significant events around the time of the flag's creation and some of the occasions on which it has been used as a symbol of Aboriginal solidarity and pride.

Petition by the Australian Aborigines' League

- 2.3 On 2 September 1937, William Cooper, Secretary of the Australian Aborigines' League, presented a formal petition to King George V, via the office of Prime Minister Joseph Lyons. The petition asked the King to intervene in order to:
- prevent the extinction of the Aboriginal race and [give] better conditions for all and grant us power to propose a member of parliament in the person of our own Blood, or White man known to have studied our needs and to be in Sympathy with our Race to represent us in the Federal Parliament.¹
- 2.4 The petition contained 1,814 signatures: approximately half from Queensland (all but 12 from Palm Island), 550 from Western Australia (WA), about 350 from South Australia (SA), less than 100 each from New South Wales (NSW) and Victoria, and nine from the Northern Territory (NT) (Goulburn Island Mission).²

¹ National Archives of Australia (NAA), *Petition to King George V from the 'Aboriginal Inhabitants of Australia'* <https://www.naa.gov.au/learn/learning-resources/learning-resource-themes/first-australians/rights-and-freedoms/petition-king-george-v-aboriginal-inhabitants-australia> (accessed 12 October 2020)

² NAA, *Aboriginal petitions*, <https://www.naa.gov.au/explore-collection/first-australians/aboriginal-petitions> (accessed 12 October 2020).

- 2.5 In February 1938, the Cabinet decided not to forward the petition to the King, on the basis that 'no good purpose would be gained by submitting the petition'.³

Day of Mourning

- 2.6 On 26 January 1938, the sesquicentenary of the arrival of the First Fleet, Aboriginal activists held a conference at Australia Hall in Sydney at which a 'Day of Mourning' was declared. The conference, open only to Aboriginal people, passed the following resolution:

We, representing the Aborigines of Australia, assembled in conference at the Australian Hall, Sydney, on the 26th day of January, 1938, this being the 150th Anniversary of the Whiteman's seizure of our country, hereby make protest against the callous treatment of our people by the whiteman during the past 150 years, and we appeal to the Australian nation of today to make new laws for the education and care of Aborigines, and we ask for a new policy which will raise our people to full citizen status and equality within the community.⁴

- 2.7 The conference organisers included prominent Aboriginal activists from NSW and Victoria, Jack Patten (who had founded the *Abo Call*, a newspaper written and published by Aboriginal people), William Ferguson (from the Aborigines' Progressive Association) and William Cooper (from the Australian Aborigines' League).
- 2.8 The Day of Mourning was the first time Aboriginal activist groups from different states had fully cooperated⁵ and was 'the first national Aboriginal civil rights gathering and represents the most clearly identifiable beginning of the contemporary Aboriginal political movement'.⁶

Federal Council for Aboriginal Advancement

- 2.9 In February 1958, the Federal Council for Aboriginal Advancement (FCAA) was established at a conference of activists and interested groups in Adelaide's Willard Hall. An executive was elected and membership of the FCAA was open to Aboriginal advancement organisations. FCAA's platform was to:

³ NAA, *Petition by the Aboriginal Advancement League, 1937*, <https://www.naa.gov.au/explore-collection/first-australians/aboriginal-petitions#:~:text=and%20others%2C%201972-Petition%20by%20the%20Aboriginal%20Advancement%20League%2C%201937,land%20rights%20for%20Aboriginal%20people> (accessed 12 October 2020).

⁴ Parliament of Australia, *Overview of Indigenous Affairs: Part 1: 1901 to 1991*, 10 May 2011, https://www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_library/pubs/bn/1011/indigenousaffairs1#_Toc293318912 (accessed 12 October 2020).

⁵ National Museum of Australia (NMA), *Day of Mourning*, <https://www.nma.gov.au/defining-moments/resources/day-of-mourning> (accessed 12 October 2020).

⁶ Dictionary of Sydney, *Day of Mourning*, https://dictionaryofsydney.org/entry/day_of_mourning_1938 (accessed 12 October 2020).

repeal discriminatory legislation at state and federal levels; amend the federal constitution to enable the Commonwealth Government to legislate for Aborigines; improve the lives of Aboriginal people through housing, equal pay, education and adequate rations in remote areas; and advocate land rights.⁷

2.10 In 1964, FCAA was renamed the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI).⁸

2.11 From 1963 to 1970, FCAA/FCAATSI conferences were held in Canberra; by 1970, the number of delegates and observers at the annual conference had grown to 350.⁹

2.12 During its early years, the FCAA executive had a white majority. As the years progressed, dissatisfaction grew amongst Indigenous members about their lack of power within the organisation and at the 1970 conference, the national advancement movement was split into two groups:

those who held that the organisation should continue being run as it had been (with white people able to vote and be on the executive) and those who opted for an all-Indigenous executive and voting rights to be limited to those of Indigenous descent. Aboriginal and Islander members as well as non-Indigenous members were represented on both sides of the debate.

Kath Walker (who would later change her name to Oodgeroo Noonuccal) had argued strongly and passionately for Indigenous people to take control of their own affairs. Together with Doug Nicholls she helped establish a National Tribal Council, a body which would seek Indigenous representation from all states and which would be run by and for Indigenous Australians. Though it started positively, this body lasted less than three years.

In 1973 FCAATSI did finally become an Indigenous-controlled organisation.¹⁰

2.13 In March 1978, FCAATSI changed its name again, to the National Aboriginal and Islander Liberation Movement; however, the Liberation Movement never met and, later in 1978, the Commonwealth government suddenly cut funding to the organisation and it was disbanded.¹¹

⁷ National Library of Australia (NLA), *Federal Council for the Advancement of Aborigines and Torres Strait Islands (1958-1978)*, <https://trove.nla.gov.au/people/720062?c=people> (accessed 1 October 2020).

⁸ NLA, *Federal Council for the Advancement of Aborigines and Torres Strait Islands (1958-1978)*, <https://trove.nla.gov.au/people/720062?c=people> (accessed 1 October 2020).

⁹ NMA, FCAATSI, www.nma.gov.au/explore/features/indigenous-rights/organisations/expansion-folder/fcaatsi (accessed 1 October 2020).

¹⁰ NMA, FCAATSI, www.nma.gov.au/explore/features/indigenous-rights/organisations/expansion-folder/fcaatsi (accessed 1 October 2020).

¹¹ NMA, FCAATSI, www.nma.gov.au/explore/features/indigenous-rights/organisations/expansion-folder/fcaatsi (accessed 1 October 2020) and NLA, *Federal Council for the Advancement of Aborigines*

The right to vote

- 2.14 Indigenous Australians were granted the right to vote in 1962, with the enactment of the *Commonwealth Electoral Act 1962* (Cth). The Act granted all Aboriginal and Torres Strait Islander people the option to enrol and vote in federal elections. Unlike other Australians, it was not compulsory for Indigenous Australians to enrol, but once enrolled, voting was compulsory.¹²
- 2.15 It is important to note that several Australian states granted Aboriginal people the right to vote earlier than 1962. In the 1850s, under the state constitutions of NSW, SA and Victoria, Aboriginal men had the same right to vote as other male British subjects aged over 21. In 1895, SA became the first electorate in the world to give equal political rights to men and women, and Aboriginal women shared these rights.¹³ However, the first federal electoral Act, the *Commonwealth Franchise Act 1902* (Cth), withheld the right to vote from Indigenous people unless they already had the right to vote before 1901.¹⁴
- 2.16 In contrast, laws specifically intended to deny the vote to Indigenous people were enacted by Queensland (1885), WA (1893) and the NT (1922).¹⁵
- 2.17 Prior to the Second World War, there was little impetus to change Indigenous voting rights in Australia but the war brought into focus the 'injustice of permitting an Aboriginal or Torres Strait Islander man to fight—and possibly die—for his country, but not to vote'.¹⁶ After the war, in March 1949, Prime Minister Ben Chifley introduced an amendment to the *Commonwealth Electoral Act 1918* (Cth) that extended the right to vote in federal elections to any Indigenous person who had been a member of the defence forces.¹⁷
- 2.18 As a result of campaigning by FCAA and other activists, in 1961 the Commonwealth government established the House of Representatives Select Committee on the Voting Rights of Aborigines. The committee took evidence from more than 300 witnesses around Australia and in its report found that

and Torres Strait Islands (1958-1978), <https://trove.nla.gov.au/people/720062?c=people> (accessed 1 October 2020).

¹² NMA, *Indigenous Australians' right to vote*, www.nma.gov.au/defining-moments/resources/indigenous-australians-right-to-vote (accessed 2 October 2020).

¹³ NMA, *Indigenous Australians' right to vote*, www.nma.gov.au/defining-moments/resources/indigenous-australians-right-to-vote (accessed 2 October 2020).

¹⁴ NMA, *Indigenous Australians' right to vote*, www.nma.gov.au/defining-moments/resources/indigenous-australians-right-to-vote (accessed 2 October 2020).

¹⁵ NMA, *Indigenous Australians' right to vote*, www.nma.gov.au/defining-moments/resources/indigenous-australians-right-to-vote (accessed 2 October 2020).

¹⁶ NMA, *Indigenous Australians' right to vote*, www.nma.gov.au/defining-moments/resources/indigenous-australians-right-to-vote (accessed 2 October 2020).

¹⁷ NMA, *Indigenous Australians' right to vote*, www.nma.gov.au/defining-moments/resources/indigenous-australians-right-to-vote (accessed 2 October 2020).

'about 30,000 Aboriginal and Torres Strait Islander people had been denied the vote as a result of discriminatory legislation in the Northern Territory, Western Australia and Queensland'.¹⁸ The committee recommended that all Indigenous people be given the right to vote in federal elections, the catalyst for the *Commonwealth Electoral Act 1962*. Shortly afterwards, WA and the NT granted Aboriginal people the right to vote; Queensland extended voting rights to all Indigenous people in 1965.

- 2.19 It took another 22 years after the enactment of the *Commonwealth Electoral Act 1962* for Aboriginal and Torres Strait Islander people to gain full equality with other Australian electors, with the implementation of the *Commonwealth Electoral Amendment Act 1983 (Cth)*, which made enrolling to vote at federal elections compulsory for Indigenous Australians.¹⁹

Yirrkala Bark Petitions

- 2.20 According to the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), the modern Lands Right Movement dates back to 1963 when the Yolgnu people from Yirrkala in north-east Arnhem Land presented the Australian Parliament with a bark petition. The Yirrkala Bark Petitions protested the removal of land on which Aboriginal people had lived, hunted and maintained connections for thousands of years. Mining leases were granted and land excised without any consultation with the Aboriginal people of Yirrkala.²⁰

- 2.21 The Yirrkala Bark Petitions stated:

That the procedures of the excision of this land and the fate of the people on it were never explained to them beforehand, and were kept secret from them.

That when Welfare Officers and Government officials came to inform them of decisions taken without them and against them, they did not undertake to convey to the Government in Canberra the views and feelings of the Yirrkala aboriginal people.

That the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial; we were all born here.

...

¹⁸ NMA, *Indigenous Australians' right to vote*, www.nma.gov.au/defining-moments/resources/indigenous-australians-right-to-vote (accessed 2 October 2020).

¹⁹ NMA, *Indigenous Australians' right to vote*, www.nma.gov.au/defining-moments/resources/indigenous-australians-right-to-vote (accessed 2 October 2020).

²⁰ Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), *Land rights*, <https://aiatsis.gov.au/explore/articles/land-rights#Yirrkala%20Bark%20Petitions> (accessed 29 September 2020).

That the people of this area fear that their needs and interests will be completely ignored as they have been ignored in the past, and they fear that the fate which has overtaken the Larrakeah tribe will overtake them.²¹

2.22 In 1971, the Yolgnu people again petitioned the Commonwealth government in the *Milirrpum v Nabalco Pty Ltd* land rights case (the Gove land rights case). While the NT Supreme Court acknowledged the Yolgnu people's ongoing relationship with the land and their complex system of laws to govern the land, the Court ultimately rejected the claim because the Yolgnu people's relationship did not align with the European concept of property.²²

Freedom Ride

2.23 In 1965, a group of students from the University of Sydney formed the Student Action For Aborigines (SAFA) to 'shine a light on the marginalisation of Aboriginal people in NSW towns'.²³ Charles Perkins, one of only two Aboriginal students at the University of Sydney, was elected president of SAFA.

2.24 SAFA undertook a 15 day journey through regional NSW, known as the Freedom Ride, during which the students challenged a ban against Aboriginal ex-servicemen at the Walgett Returned Services League (RSL) and local laws prohibiting Aboriginal children from the Moree and Kempsey swimming pools. According to Mr Perkins, the Freedom Ride 'was also a reaction to what was being done in America at that time'.²⁴

2.25 Assisted by Reverend Ted Noffs of the Wayside Chapel, SAFA ensured that its protests were covered by the media, to bring attention to racial discrimination and stir public debate about the 'disadvantage and racism facing Aboriginal people across Australia at the time'.²⁵

2.26 The Freedom Ride travelled from Sydney to Wellington, then on to Gulargambone, Walgett, Moree, Tenterfield, Grafton, Lismore and Cabbage Tree Island, Bowraville, Kempsey and Taree, before returning to Sydney.

2.27 After the Freedom Ride, Mr Perkins reported the events at the 1965 FCAATSI conference in Canberra. He called for the building of relationships with local

²¹ AIATSIS, *Transcript of the Yirrkala Bark Petitions 1963*, <https://aiatsis.gov.au/explore/articles/land-rights#Yirrkala%20Bark%20Petitions> (accessed 29 September 2020).

²² AIATSIS, *Land rights*, <https://aiatsis.gov.au/explore/articles/land-rights#Yirrkala%20Bark%20Petitions> (accessed 29 September 2020).

²³ AIATSIS, *1965 Freedom Ride*, <https://aiatsis.gov.au/explore/articles/1965-freedom-ride> (accessed 1 October 2020).

²⁴ AIATSIS, *1965 Freedom Ride*, <https://aiatsis.gov.au/explore/articles/1965-freedom-ride> (accessed 1 October 2020).

²⁵ AIATSIS, *1965 Freedom Ride*, <https://aiatsis.gov.au/explore/articles/1965-freedom-ride> (accessed 1 October 2020).

Aboriginal groups and improved services and access to education for Aboriginal residents in western NSW towns.²⁶

- 2.28 By the end of 1966, SAFA 'was finished as a political force' and while its life was relatively short, the Freedom Ride had a lasting impact, illuminating racial discrimination in Australia and strengthening campaigns to bring about greater equality and recognition for Aboriginal Australians.²⁷

Wave Hill Walk-Off

- 2.29 The Gurindji people had lived on their lands in what is now called the Victoria River area of the NT for tens of thousands of years. In 1883, the colonial government granted almost 3,000 square kilometres of Gurindji country to the pastoralist Nathaniel Buchanan.²⁸ The property, located 600 kilometres south of Darwin, became known as Wave Hill Station.

- 2.30 The following year, 1,000 cattle were moved onto the land and 10 years later, in 1894, there were 15,000 cattle and 8,000 bullocks on the station. The livestock put incredible pressure on the environment and:

Traditional ways of life came under intense pressure in this clash between Western and Aboriginal land usage. Aboriginal people generally wanted to stay on their land; their lives were so connected to the environment there was an existential need for them to remain on Country.

This necessity to stay played into the hands of pastoralists as the cattle and sheep stations required cheap labour, and over the next 70 years Aboriginal people became an intrinsic but exploited part of the cattle industry across Northern Australia.²⁹

- 2.31 From 1913, legislation required that Aboriginal people in the NT were paid for their work with food, clothes, tea and tobacco. However, Aboriginal children continued to be exploited for illegal labour; accommodation and rations provided to Aboriginal workers and their families were inadequate; Aboriginal women were sexually abused, and prostitution for rations and clothing was not uncommon.
- 2.32 In 1953, all Aboriginal people in the NT were made wards of the state and, in 1959, the Wards Employment Regulations outlined a scale of wages, rations and conditions applicable to wards employed in various industries. The ward

²⁶ AIATSIS, *1965 Freedom Ride*, <https://aiatsis.gov.au/explore/articles/1965-freedom-ride> (accessed 1 October 2020).

²⁷ AIATSIS, *1965 Freedom Ride*, <https://aiatsis.gov.au/explore/articles/1965-freedom-ride> (accessed 1 October 2020).

²⁸ NMA, *Wave Hill Walk-Off*, www.nma.gov.au/defining-moments/resources/wave-hill-walk-off (accessed 29 September 2020).

²⁹ NMA, *Wave Hill Walk-Off*, www.nma.gov.au/defining-moments/resources/wave-hill-walk-off (accessed 29 September 2020).

rates were up to 50 per cent lower than those paid to Europeans and some companies refused to pay Aboriginal labourers anything at all.

- 2.33 In 1965, the North Australian Workers Union—under pressure from the NT Council for Aboriginal Rights—applied to the Commonwealth Conciliation and Arbitration Commission (CCAC) to delete references to the NT pastoral award that discriminated against Aboriginal workers. Pastoralists objected to this proposal, arguing that any increase in wages should be gradual as this would help Aboriginal people 'adjust'. The CCAC agreed to increase wages but deferred implementation of the wage increase until 1968.
- 2.34 In 1914, the Buchanan family had sold Wave Hill Station to the British company Vestey Brothers. Vestey Brothers refused to pay Aboriginal workers' wages and this, together with the CCAC's deferment of wage increases for Aboriginal workers, led to conflict between the pastoral company and the Gurindji. After the CCAC's decision, negotiations between Vestey Brothers and the Gurindji continued through 1966 to no avail.
- 2.35 As a result, on 23 August 1966, the Gurindji community led by Vincent Lingiari walked off Wave Hill Station. This strike action precipitated ongoing consultation between the Gurindji, the North Australian Workers Union and the NT Council of Aboriginal Rights but no agreement was reached and Aboriginal workers did not return to work on the station.
- 2.36 In April 1967, in a symbolic move away from Wave Hill Station and closer to their sacred sites, the Gurindji moved to Daguragu. This move demonstrated:
- a fundamental difference between the view of the Gurindji and that of their white supporters on the purpose of the strike. The Gurindji were focused on reclaiming their land while the unionists believed the dispute was solely about wages and work conditions.³⁰
- 2.37 The Gurindji petitioned the Governor-General Lord Casey to grant a lease of 1,300 square kilometres around Daguragu to be run cooperatively by the Gurindji as a mining and cattle lease. In June 1967, the Governor-General replied that he was unwilling to grant the lease.
- 2.38 The Gurindji stayed on at Daguragu even though under Australian law they were illegally occupying a portion of the 15,000 square kilometres leased to Vestey Brothers. Over the next seven years, petitions and requests moved back and forth between the Gurindji, the NT Administration and the Commonwealth government, but no resolution was reached.
- 2.39 In 1972, a new Labor government came to power under Prime Minister Gough Whitlam. The Prime Minister announced that he would 'establish once and for all Aborigines' rights to land' and 'that funds would be made available for the

³⁰ NMA, *Wave Hill Walk-Off*, www.nma.gov.au/defining-moments/resources/wave-hill-walk-off (accessed 29 September 2020).

purchase of properties that were not on reserves'. In March 1973, Lord William Vestey of Vestey Brothers surrendered the original lease for Wave Hill Station and two new leases were issued: one to the Gurindji, through the Murramalla Gurindji Company, and another to Vestey Brothers.³¹

- 2.40 On 16 August 1975, Prime Minister Whitlam visited Daguragu and ceremonially returned a small portion of Gurindji land to the traditional custodians, pouring a handful of soil into Vincent Lingiari's hands with the words 'Vincent Lingiari, I solemnly hand to you these deeds as proof, in Australian law, that these lands belong to the Gurindji people'.³²
- 2.41 The Wave Hill Walk-Off was a significant event that heightened understanding of Indigenous land rights in Australia and was a catalyst for the enactment of the *Aboriginal Land Rights Act (Northern Territory) 1976 (Cth)*, the first legislation allowing for a claim of title if Indigenous claimants could provide evidence of their traditional relationship to the land. Under the Act, the Central Land Council (CLC) applied, on behalf of the Gurindji people, for the Daguragu pastoral lease and some adjacent un-alienated Crown land. In 1981, the Aboriginal Land Commissioner recommended that the land claim should be granted and, in 1985, the land claim relating to the South West Corner was granted.³³

The 1967 Referendum

- 2.42 In February 1967, Prime Minister Harold Holt announced that a referendum would be held on 27 May 1967 to change the *Australian Constitution*. One of the questions put to the Australian voting public was whether two references in the *Australian Constitution*, which discriminated against Aboriginal people, should be removed:

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:-

...(xxvi) The people of any race, other than the aboriginal people in any State, for whom it is necessary to make special laws.

...

³¹ NMA, *Wave Hill Walk-Off*, www.nma.gov.au/defining-moments/resources/wave-hill-walk-off (accessed 29 September 2020) and NAA, *The Wave Hill 'walk-off'*, www.naa.gov.au/explore-collection/first-australians/other-resources-about-first-australians/wave-hill-walk (accessed 29 September 2020).

³² NMA, *Wave Hill Walk-Off*, www.nma.gov.au/defining-moments/resources/wave-hill-walk-off (accessed 29 September 2020).

³³ NMA, *Wave Hill Walk-Off*, www.nma.gov.au/defining-moments/resources/wave-hill-walk-off (accessed 29 September 2020) and NAA, *The Wave Hill 'walk-off'*, www.naa.gov.au/explore-collection/first-australians/other-resources-about-first-australians/wave-hill-walk (accessed 29 September 2020).

127. In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives should not be counted.

2.43 The effect of these provisions was that the Commonwealth government was precluded from making laws with respect to Aboriginal and Torres Strait Islander people.

2.44 Only a 'yes' campaign was run in the lead up to the referendum, with bipartisan support for change in the Australian Parliament.

2.45 With respect to the amendment to section 51, then Opposition Leader Gough Whitlam stated:

members of this Parliament will be able for the first time to do something for Aboriginals...it will be possible for the Commonwealth to provide the Aboriginals with some of that social capital with which most other Australians are already endowed.³⁴

2.46 Speaking on the proposed repeal of section 127, Prime Minister Holt stated 'The simple truth is that Section 127 is completely out of harmony with our national attitudes and modern thinking. It has no place in our Constitution in this age'.³⁵

2.47 Australians voted overwhelming to remove these sections of the Constitution, with the largest 'yes' vote ever recorded in a federal referendum (90.77 per cent).³⁶ The removal of these provisions made it clear that the Commonwealth government could pass laws that would affect the lives of Aboriginal people and override state laws.³⁷

The birth of the Aboriginal flag

2.48 During the 1960s and 1970s, a group of young Aboriginal men—who were later identified as part of the Stolen Generation—were active in the movement for the rights of Aboriginal people: in education, jobs and land rights through the Aborigines' Progress Association (APA).

2.49 One of those young men was John Moriarty AM, a Yanyuwa man born in 1938 in Borroloola.

2.50 At age four, Mr Moriarty was taken from his family, under the Commonwealth government's policies of removing part-Aboriginal children from their families. He was sent via Alice Springs to the Mulgoa Home at Mount Wilson in NSW,

³⁴ Mr Gough Whitlam QC, Leader of the Opposition, *House of Representatives Hansard*, 1 March 1967, p. 279.

³⁵ Rt. Hon. Harold Holt, Prime Minister, *House of Representatives Hansard*, 1 March 1967, p. 263.

³⁶ NAA, *The 1967 Referendum*, www.naa.gov.au/explore-collection/first-australians/other-resources-about-first-australians/1967-referendum (accessed 1 October 2020).

³⁷ Under section 109 of the *Australian Constitution*, Commonwealth law prevails in the event of inconsistency or conflict with state or territory law.

and later to the Anglican Institution for Aboriginal boys in Adelaide, the St Francis Home.

2.51 Another was Harold Thomas.

2.52 A Luritja and Wombai man from Central Australia, Mr Thomas was born in Alice Springs in 1947, and removed from his family as a young child. He was also sent to the St Francis Home in Adelaide.

2.53 After high school, in 1965, Mr Thomas was awarded a scholarship to study at the South Australian School of Art. He went on to become the first Aboriginal to graduate from an Australian art school.

2.54 It was there on Kurna country that Mr Thomas created the design for the Aboriginal flag and it was first flown on 12 July 1971, in Victoria Square, Adelaide on National Aborigines Day.

Aboriginal Tent Embassy

2.55 The Aboriginal Tent Embassy was founded on Australia Day in 1972 when four Indigenous activists pitched a beach umbrella and a sign on the lawns of Old Parliament House, Canberra. Michael Anderson, Billy Craigie, Bertie Williams and Tony Koorie were protesting against the McMahon government's failure to recognise land rights.³⁸ The encampment was intended to represent the living conditions of many Aboriginal people and the name 'embassy' was used with intentional irony, referring to the fact the Aboriginal people 'are treated like aliens in their own land'.³⁹

2.56 The Aboriginal activists at the Tent Embassy experimented with a number of flag designs before selecting the black, red and yellow flag.⁴⁰ The black, red and yellow land rights flag was first flown at the Tent Embassy in 1972, uniting Aboriginal people from around the country. Many have described the Tent Embassy as the birthplace of the final form of the Aboriginal flag designed by Harold Thomas. It has been reported that Mr Thomas responded to the request

³⁸ Reconciliation Australia, *Five Fast Facts – The Aboriginal Tent Embassy*, www.reconciliation.org.au/five-fast-facts-tent-embassy/ (accessed 29 September 2020) and NAA, *Activists at the Aboriginal Tent Embassy on the lawns of Old Parliament House*, www.naa.gov.au/learn/learning-resources/learning-resource-themes/first-australians/politics-and-advocacy/activists-aboriginal-tent-embassy-lawns-old-parliament-house (accessed 29 September 2020).

³⁹ NAA, *Activists at the Aboriginal Tent Embassy on the lawns of Old Parliament House*, www.naa.gov.au/learn/learning-resources/learning-resource-themes/first-australians/politics-and-advocacy/activists-aboriginal-tent-embassy-lawns-old-parliament-house (accessed 29 September 2020).

⁴⁰ NAA, *Activists at the Aboriginal Tent Embassy on the lawns of Old Parliament House*, www.naa.gov.au/learn/learning-resources/learning-resource-themes/first-australians/politics-and-advocacy/activists-aboriginal-tent-embassy-lawns-old-parliament-house (accessed 29 September 2020).

to have the black of the flag above the red, not the other way around, 'otherwise they've already buried us'.⁴¹

Figure 2.1 Activists at the Aboriginal Tent Embassy on the lawns of Old Parliament House⁴²



2.57 The Tent Embassy was removed twice from the lawns of Old Parliament House in 1972 and from 1975 to 1992, the Tent Embassy was intermittently closed and re-erected. In 1992, the Tent Embassy became a permanent fixture, representing the ongoing struggle for Aboriginal sovereignty and land rights. In 1995, the Tent Embassy was listed on the Australian Heritage Commission's National Estate as a place of significance to Aboriginal and Torres Strait Islander peoples.⁴³ It is the only place recognised nationally for the political struggle of Aboriginal people and has become a focal point for protests and marches:

⁴¹ Reconciliation Australia, *Five Fast Facts – The Aboriginal Tent Embassy*, www.reconciliation.org.au/five-fast-facts-tent-embassy/ (accessed 29 September 2020).

⁴² NAA, 1974, A6180, 14/3/74/338.

⁴³ NAA, *Activists at the Aboriginal Tent Embassy on the lawns of Old Parliament House*, <https://www.naa.gov.au/learn/learning-resources/learning-resource-themes/first->

The Embassy's mix of grassroots politics has seen it become a powerful symbol of resistance and cultural revival with many Aboriginal activists (such as Shirley Smith and Gary Foley) attributing their political consciousness and education to the Embassy.⁴⁴

2.58 As Dr Josie Douglas, Senior Policy Officer, Aboriginal Peak Organisations Northern Territory emphasised, the 'prominence of the flag that flies at the Aboriginal Tent Embassy' demonstrates 'an association with Aboriginal people's struggle for self-determination rights and sovereignty'.⁴⁵

Mabo case

2.59 Eddie Koiki Mabo was a Meriam man and grew up on Mer, part of the Murray Island Group in the Torres Strait. While working as a gardener at James Cook University, Mr Mabo discovered that, by Australian law, he and his family did not own their land on Mer. As a result, in 1982 Mr Mabo, together with Reverend David Passi, Celuia Mapo Salee, Sam Passi and James Rice brought an action against the State of Queensland and the Commonwealth of Australia in the High Court.⁴⁶

2.60 The Mabo case challenged the existing legal doctrines that:

- Aboriginal and Torres Strait Islander peoples had no concept of land ownership prior to the arrival of British colonisers in 1788 (the doctrine of terra nullius); and
- sovereignty delivered complete ownership of all land in the new colony to the Crown, abolishing any existing rights that may have existed previously.

2.61 *Mabo v Queensland (No. 1)*⁴⁷ was heard in 1986 and 1988. In the lead up to the hearings and in an attempt to pre-empt the Meriam peoples' case, the Parliament of Queensland passed the *Queensland Coast Islands Declaratory Act 1985* (Qld) which asserted that, upon being annexed by the Queensland Government in 1879, 'the islands were vested in the Crown...freed from all other rights, interests and claims'.⁴⁸ On 8 December 1988, the High Court ruled

[australians/politics-and-advocacy/activists-aboriginal-tent-embassy-lawns-old-parliament-house](#) (accessed 29 September 2020).

⁴⁴ Reconciliation Australia, *Five Fast Facts – The Aboriginal Tent Embassy*, www.reconciliation.org.au/five-fast-facts-tent-embassy/ (accessed 29 September 2020).

⁴⁵ Dr Josie Douglas, Senior Policy Officer, Aboriginal Peak Organisations Northern Territory, *Committee Hansard*, 23 September 2020, p. 5.

⁴⁶ AIATSIS, *Land rights*, <https://aiatsis.gov.au/explore/articles/land-rights#Yirrkala%20Bark%20Petitions> (accessed 29 September 2020).

⁴⁷ (1988) 166 CLR 186.

⁴⁸ NAA, *Mabo Case*, www.naa.gov.au/explore-collection/first-australians/eddie-koiki-mabo-and-mabo-case (accessed 29 September 2020).

this legislation invalid because it was in conflict with the *Racial Discrimination Act 1975* (Cth).

- 2.62 The High Court's decision in *Mabo v Queensland (No. 1)* led to the subsequent High Court case, *Mabo v Queensland (No. 2)*⁴⁹, to determine the matter of the plaintiffs' land rights.
- 2.63 On 3 June 1992, the High Court upheld the plaintiffs' claim and ruled that the lands of the Australian continent were not terra nullius when European settlement occurred. The High Court ruled that the Meriam people were 'entitled as against the whole world to possession, occupation, use and enjoyment of (most of) the lands of the Murray Islands'.⁵⁰ The High Court decision in *Mabo v Queensland (No. 2)* established the doctrine of native title in Australian law and recognised that Indigenous peoples had lived in Australia for thousands of years and enjoyed rights to their land according to their own laws and customs. The following year, in 1993, the *Native Title Act 1993* (Cth) (Native Title Act) was passed by the Australian Parliament, opening the way for claims by Aboriginal and Torres Strait Islander peoples to their traditional rights to land and compensation.⁵¹

Native Title Act 1993

- 2.64 The *Native Title Act 1993* (Cth) was passed by the Australian Parliament following the Mabo decision. The objects of the Act are:
- (a) to provide for the recognition and protection of native title; and
 - (b) to establish ways in which future dealings affecting native title may proceed and to set standards for those dealings; and
 - (c) to establish a mechanism for determining claims to native title; and
 - (d) to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.⁵²
- 2.65 In his second reading speech, then Prime Minister the Hon Paul Keating MP described the passage of the Native Title Act as 'a milestone. In response to another milestone' in which the High Court determined that:

Australian law should not...be 'frozen in an era of racial discrimination'. Its decision in the Mabo case ended the pernicious legal deceit of terra nullius for all of Australia—and for all time. The court described the situation faced by Aboriginal people after European settlement. The court saw a 'conflagration of oppression and conflict which was, over the following century, to spread across the continent to dispossess, degrade and

⁴⁹ (1992) 175 CLR 1.

⁵⁰ AIATSIS, *The Mabo Case*, <https://aiatsis.gov.au/explore/articles/mabo-case> (accessed 29 September 2020).

⁵¹ AIATSIS, *The Mabo Case*, <https://aiatsis.gov.au/explore/articles/mabo-case> (accessed 29 September 2020).

⁵² *Native Title Act 1993* (Cth) (Native Title Act), s. 3.

devastate the Aboriginal people'. They faced 'deprivation of the religious, cultural and economic sustenance which the land provides' and were left as 'intruders in their own homes'.

To deny these basic facts would be to deny history—and no self-respecting democracy can deny its history. To deny these facts would be to deny part of ourselves as Australians. This is not guilt: it is recognising the truth. The truth about the past and, equally, the truth about our contemporary reality. It is not a symptom of guilt to look reality in the eye—it is a symptom of guilt to look away, to deny what is there. But what is worse than guilt, surely, is irresponsibility. To see what is there and not act upon it—that is a symptom of weakness. That is failure.

...some seem to see the High Court as having just handed Australia a problem. The fact is that the High Court has handed this nation an opportunity. When I spoke last December in Redfern at the Australian launch of the International Year for the World's Indigenous People, I said we could make the Mabo decision an historic turning point: the basis of a new relationship between indigenous and other Australians. For the 17 months since the High Court handed down its decision, the government has worked to meet this challenge.

...

[T]oday, as a nation, we take a major step towards a new and better relationship between Aboriginal and non-Aboriginal Australians. We give the indigenous people of Australia, at last, the standing they are owed as the original occupants of this continent, the standing they are owed as seminal contributors to our national life and culture: as workers, soldiers, explorers, artists, sportsmen and women—as a defining element in the character of this nation—and the standing they are owed as victims of grave injustices, as people who have survived the loss of their land and the shattering of their culture.⁵³

2.66 The Native Title Act also established the National Native Title Tribunal (NNTT) with a wide range of functions, including:

- mediating in native title proceedings, upon referral by the Federal Court of Australia;
- determining objections to the expedited procedure in the future act scheme;
- mediating in relation to certain proposed future acts on areas where native title exists, or might exist;
- determining applications concerning proposed future acts;
- assisting people to negotiate Indigenous Land Use Agreements (ILUAs), and helping to resolve any objections to registration of ILUAs;
- assisting with negotiations for the settlement of applications that relate to native title;
- providing assistance to representative bodies in performing their dispute resolution functions;

⁵³ The Hon Paul Keating MP, Prime Minister, 15 November 1993, *House of Representatives Hansard*, p. 2877.

- reconsidering decisions of the Native Title Registrar not to accept a native title determination application (claimant application) for registration;
- conducting reviews concerning native title rights and interests (upon referral by the Federal Court);
- conducting native title application inquiries as directed by the Federal Court, and
- conducting special inquiries under ministerial direction.⁵⁴

2.67 Australia's native title laws have been described as an 'imperfect system' because:

While the law recognises that native title may exist, the requirements for proof are significant and burdensome. Generally claimants must provide evidence of a continuous system of law and custom that gives rights to the land, and that this has been handed down from generation to generation since before colonisation.

Once a claim has been successfully filed and registered with the National Native Title Tribunal, Aboriginal and Torres Strait Islander applicants can claim the right to negotiate against development of the land. However, this does not mean exclusive land rights are given. If the rights of pastoralists, mining companies, federal government, or private owners come into conflict with native title rights, they supersede the native title rights.⁵⁵

2.68 Native title law also imposes a complex system of governance and reporting on native title holders. These governance and reporting structures have been criticised for imposing approaches to negotiation and decision-making that suit the Commonwealth government but fail to recognise the ways in which Aboriginal people negotiate and reach decisions.⁵⁶

Declaration as a Flag of National Significance

2.69 In 1995, the Council for Aboriginal Reconciliation, in a submission to the Commonwealth government on 'what measures might be appropriate to advance the cause of social justice for Aboriginal and Torres Strait Islander peoples', recommended that the *Flags Act 1953* (Flags Act) be amended to give official recognition to the Aboriginal flag and to the Torres Strait Islander flag.⁵⁷

2.70 On 14 July 1995, then Governor-General William Hayden proclaimed the flag (as described in the Schedule to the Proclamation) as the flag of the Aboriginal

⁵⁴ National Native Title Tribunal (NNTT), *Tribunal's role*, <http://www.nntt.gov.au/aboutus/Pages/default.aspx> (accessed 30 September 2020).

⁵⁵ AIATSIS, *About native title*, <https://aiatsis.gov.au/about-native-title> (accessed 30 September 2020).

⁵⁶ See for example Mr Mervyn Eades, Senate Legal and Constitutional Affairs Legislation Committee, Native Title Legislation Amendment Bill 2019, *Committee Hansard*, 10 March 2020, pp. 24–25.

⁵⁷ *Going forward: social justice for the first Australians: a submission to the Commonwealth Government from the Council for Aboriginal Reconciliation*, AGPS, Canberra, 1995, submission no. 66, p. 86.

peoples of Australia and to be known as the Australian Aboriginal Flag.⁵⁸ The Torres Strait Islander flag was also proclaimed an official flag of Australia on the same day.⁵⁹

2.71 The NIAA provided an overview of key consultation and discussion that took place leading up to the proclamation in July 1995:

- At an ATSIC Board meeting on 28 March 1995, a decision was made to support the formal recognition of the Aboriginal and Torres Strait Islander flags by proclamation.
- On 7 April 1995 ATSIC advised DAS of their support for the formal recognition of the Aboriginal and Torres Strait Islander flags by proclamation under the provisions of sections 5 of the *Flags Act 1953*.
- On 12 April 1995 ATSIC wrote to Mr Thomas to inform him that ATSIC had been negotiating with the Government about the recognition of the Aboriginal flag and that such recognition was a real possibility in the near future, that ATSIC would like him to be involved in the ceremony to accompany such recognition. This appears to be the first communication with Mr Thomas on the matter.
- ATSIC wrote to Mr Thomas again on 17 May 1995, confirming that they had been contacted by Mr Thomas's legal representatives and advised that Mr Thomas had concerns and reservations about the flag being officially recognised by the Government. The letter states that in supporting official recognition of both the Aboriginal and Torres Strait Islander flags, ATSIC was reflecting a community view that came through during consultations on the social justice report and they had no doubt that the vast majority of Aboriginal people would feel very positive about official recognition and that it would help reinforce the unique standing of Indigenous Australians. ATSIC state in their letter to Mr Thomas that it would be a great pity if he remained unable to support official recognition or be involved in any way.
- On 27 June 1995, the Governor General signed the proclamations, to take effect from Friday 14 July 1995 – NAIDOC Day. On 29 June 1995, ATSIC Deputy Chairperson and Commissioner Paterson met with Mr Thomas. Mr Thomas made it clear that the proclamation should not proceed. He also stated that he would like to meet with ATSIC about his reasons for not wanting the flag proclaimed and with staff about possible guidelines for use of the flag.
- On 14 July 1995, the flag was proclaimed.⁶⁰

⁵⁸ The proclamation of 1995 was not lodged in accordance with the requirements of the *Legislative Instruments Act 2003* due to administrative oversight. Consequently, the proclamation was automatically repealed on 1 January 2008. A subsequent proclamation, effective 1 January 2008, replaced the original proclamation to ensure that the Aboriginal flag continued to be an official flag of Australia: Proclamation under the Flags Act 1953 [Australian Aboriginal Flag], 25 January 2008. Gazette S259, 14 July 1995, <https://www.legislation.gov.au/Details/F2008L00209>; Explanatory Statement, <https://www.legislation.gov.au/Details/F2008L00209/Explanatory%20Statement/Text>.

⁵⁹ AIATSIS, *The Aboriginal flag*, <https://aiatsis.gov.au/aboriginal-flag> (accessed 30 September 2020).

2.72 The NIAA submitted:

It appears from the archived ATSIC material that substantive consultation with Mr Thomas on whether the Aboriginal flag should be proclaimed did not occur. Further, the proclamation proceeded despite his known objection to it.⁶¹

2.73 Mr Thomas, in an interview with the Central Australian Aboriginal Media Association in 2019, confirmed his opposition to proclamation of the Aboriginal flag as a Flag of National Significance:

The court case proved that I was telling the truth, from 1971 and up until 1997 when there was the court action. The story about that is that members of ATSIC then, which was a recognised institution created by the government to get people to vote in a democratic way, for individuals to speak and act on our behalf to the federal government; it was they who had the idea that the Aboriginal flag should be recognised under the Flags Act, and from that, the federal government accepted that...I objected it vociferously. Who are these people to allow the Aboriginal flag to be blessed under the Flag Act? When I said we don't need that. We've never asked that for any symbols we've created for thirty, forty thousand years or more.⁶²

Consideration by the Federal Court

2.74 Following the proclamation of the Aboriginal flag as a Flag of Australia under section 5 of the Flags Act, the Commonwealth government proceeded to arrange the production of flags and a book bearing the flag.⁶³

2.75 In 1996, Mr Thomas commenced legal proceedings against the Commonwealth government in the Copyright Tribunal.⁶⁴ He alleged that in producing these items, the Commonwealth government was not acting in accordance with section 183 of the *Copyright Act 1968* (Copyright Act). Section 183 relevantly provides:

- (1) The copyright in a literary, dramatic, musical or artistic work or a published edition of such a work, or in a sound recording, cinematograph film, television broadcast or sound broadcast, is not infringed by the Commonwealth or a State, or by a person authorized in writing by the Commonwealth or a State, doing

⁶⁰ National Indigenous Australians Agency (NIAA), *Submission 42*, pp. 3–4.

⁶¹ NIAA, *Submission 42*, p. 4.

⁶² Central Australian Aboriginal Media Association, 'Harold Thomas – creator and copyright owner of the Aboriginal flag respond to his critics!', CAAMA, 24 June 2019, <https://caama.com.au/news/2019/harold-thomas-creator-and-copyright-owner-of-the-aboriginal-flag-responds-to-his-critics> (accessed 12 October 2020).

⁶³ *Thomas v Brown and Anor* (1997) 37 IPR 207, 209.

⁶⁴ (1997) 37 IPR 207, 209.

any acts comprised in the copyright if the acts are done for the services of the Commonwealth or State.

...

- (5) Where an act comprised in a copyright has been done under subsection (1), the terms for the doing of the act are such terms as are, whether before or after the act is done, agreed between the Commonwealth or the State and the owner of the copyright or, in default of agreement, as are fixed by the Copyright Tribunal.

2.76 Throughout the tribunal proceedings, it became apparent that appropriate jurisdiction for consideration of the matter was the Federal Court because Mr Thomas's claim had not yet been recognised and there were conflicting claims to copyright from two other people, Mr David George Brown and Mr James Morrison Vallely Tennant.⁶⁵ Mr Thomas subsequently commenced proceedings in the Federal Court against Messrs Brown and Tennant, seeking 'a declaration to the effect that he is the author of the artistic work being the design for the flag'.⁶⁶

2.77 Justice Sheppard, who presided over both the Copyright Tribunal and Federal Court proceedings, ultimately found in Mr Thomas's favour, recognising his copyright and affording him rights over the work under the Copyright Act.

Effect of the proclamation on copyright

2.78 Conflicting opinions were offered in relation to the effect of the proclamation under the Flags Act.

2.79 Dr Dimitrios Eliades submitted that 'the power to grant licences for doing acts comprised in copyright in relation to the Aboriginal Flag has been conferred on the Commonwealth' by operation of the proclamation.⁶⁷ He submitted:

[I]n my opinion, the *Flags Act* has effectively taken the property belonging to Mr Thomas for the peace, order, and good government of the Commonwealth and such an acquisition must be on just terms, where property is acquired from any State or person for any purpose in respect of which the Parliament has power to make laws.⁶⁸

2.80 Consequently, Dr Eliades submitted, the 'Commonwealth now has an obligation to compensate Mr Thomas'.⁶⁹

2.81 Dr Eliades also referred to section 6 of the Flags Act, which states:

⁶⁵ (1997) 37 IPR 207, 210.

⁶⁶ (1997) 37 IPR 207, 208, 210.

⁶⁷ Dr Dimitrios Eliades, *Submission 17*, p. 10.

⁶⁸ Dr Eliades, *Submission 17*, p. 11.

⁶⁹ Dr Eliades, *Submission 17*, p. 14.

The Governor-General may, by warrant, authorize a person, body or authority to use a flag or ensign referred to in, or appointed under, this Act, either without defacement or defaced in the manner specified in the warrant.

2.82 Dr Eliades argued that following the proclamation, the power to authorise use of the Aboriginal flag was vested in the Governor-General under section 6 of the Flags Act.⁷⁰

2.83 Additionally, Dr Eliades argued that prior to the proclamation, the Commonwealth government could use the Aboriginal flag under section 183 of the Copyright Act (set out in paragraph 2.75 above) without infringing copyright.⁷¹ He submitted that in applying to the Copyright Tribunal under this provision in 1996, Mr Thomas:

has accepted that, subject to fixing terms of its use, the Commonwealth could do all of the acts comprised in copyright under the Copyright Act, because its recognition of "the flag of the Aboriginal peoples of Australia and a flag of significance to the Australian nation generally," [as per the wording of the Proclamation] were acts done for the services of the Commonwealth or State [references omitted].⁷²

2.84 This position was refuted by the Department of Prime Minister and Cabinet. It explained:

The effect of a declaration is that the declared flag, the proclaimed flag, is regarded as 'an official flag of Australia'. That allows the Governor-General to make rules about that flag, if he or she so wished, and it puts the flag within orders of precedence in relation to flag protocol, which is published by the Department of the Prime Minister and Cabinet.⁷³

2.85 When asked how this proclamation might interact with rights afforded under copyright, Prime Minister and Cabinet stated that '[i]t doesn't, in any way. A proclamation under the Flags Act doesn't affect private rights or interests, including those under the Copyright Act'.⁷⁴

2.86 Other evidence to the inquiry suggested that proclaiming the flag without full consideration of the interaction with Mr Thomas's copyrights has contributed to present challenges associated with its usage. The Victorian Aboriginal Health Service stated:

But if Harold Thomas had the rights in 1997—or even if we go to 2008, the flag has been identified as a national flag for Aboriginal people, so,

⁷⁰ Dr Eliades, *Submission 17*, p. 10.

⁷¹ Dr Eliades, *Submission 17*, pp. 8, 10.

⁷² Dr Eliades, *Submission 17*, p. 10.

⁷³ Mr John Reid, First Assistant Secretary, Government Division, Department of Prime Minister and Cabinet, *Committee Hansard*, 16 September 2020, p. 6.

⁷⁴ Mr Reid, Department of Prime Minister and Cabinet, *Committee Hansard*, 16 September 2020, p. 6.

between then and now, knowing already that Harold Thomas owns the copyright, shouldn't these kinds of discussions have been happening back then rather than waiting until now, when all of a sudden we've got a non-Aboriginal corporation telling us when and when we can't use our own flag? Somewhere along the line there's been an opportunity missed.⁷⁵

⁷⁵ Mr Michael Graham, Chief Executive Officer, Victorian Aboriginal Health Service, *Committee Hansard*, 23 Wednesday 2020, p. 20.

Chapter 3

The Aboriginal flag in contemporary Australia

- 3.1 As discussed in chapter 2, the Aboriginal flag has been a symbol of and inextricably linked with Aboriginal pride and activism since its inception in 1971.
- 3.2 Witnesses contemplated the role the Aboriginal flag has played as a symbol of unity and pride as well as mobilising action for protests and community events.
- 3.3 Aunty Ann Weldon described the journey of the flag, from its creation—borne out of struggle and activism—to its adoption by Aboriginal people across the country:

The dreamings and the creation of it came from the forefathers, who certainly gave their blessing to the chap who ended up painting the colours and the symbolism on a piece of canvas that became known worldwide as a symbol of our rights and our sovereignty to our country. I was around as a younger, far healthier person in 1971 as part of the revolution that hit the streets of Redfern where the flag was born and created. It's a symbol that certainly represents Aboriginal people...First and foremost, this country has to acknowledge that this is our flag. It belongs to Aboriginal people across our country. Australia has only been known as Australia for the 230-odd years since the English decided to name it Australia. You are on the land of Aboriginal people.¹

- 3.4 Mr Michael Green SC commented on a thesis by Dr Mathieu Gallois which discusses the history of the flag as art and as cultural property:

The thesis itself, I think, is a very useful starting point. It talks about the importance of symbolism and, of course, of the very fact that declaring the flag in the first place was seen by some as a form of cultural appropriation. A flag that was seen as a flag of struggle was then appropriated under the Flags Act, and that was seen as a potentially undesirable thing by some. But it shows how the flag engages, and it shows how symbols are important in our community.²

- 3.5 The Metropolitan Local Aboriginal Land Council explained how the Aboriginal flag is 'symbolic for all Aboriginal nations across the continent':

There are hundreds of nations, tribes and clans, and we are very diverse in our views and in our practices. In terms of that diversity, one of the common themes, or common symbols, that we do have is the colours of the black, yellow and red. Those black, yellow and red colours were

¹ Aunty Ann Weldon, Metropolitan Local Aboriginal Land Council, *Committee Hansard*, 14 September 2020, p. 28.

² Mr Michael Green SC, private capacity, *Committee Hansard*, 14 September 2020, p. 14.

formulated by Harold Thomas as a teacher, but his views were collected from the students that he taught in his teaching days, and that's what we have in terms of this symbol. It is our connection to each other. It certainly is our connection and our respect for all that we come across.³

- 3.6 Evidence to the committee emphasised how the Aboriginal flag acts as a symbol of unity and connection for Aboriginal people. Mr Boe Spearim observed:

We see at the forefront of our movement things getting massive for us, the numbers of people starting to access rallies and these different things. One of the main things that they're coming under is the banner of the Aboriginal flag. It is one of the only, if not the only, and one of the most uniting images we've had on this continent in the last 250 years. There are many things that unite Aboriginal people on this continent. There is language, connection, culture, ceremony—many different things—but when we think of the Aboriginal flag, it takes it to another level in terms of connection and who we are and how we exist on this continent.⁴

- 3.7 Similarly, Professor Marcia Langton AO contemplated the 'sacred quality' of the Aboriginal flag:

It has the meaning it has today because of all the Aboriginal people who have flown it and used it as a symbol. It's that long history of Aboriginal use that has given it the meaning it has today. It is a uniting symbol for Aboriginal people. It's a symbol that gives Aboriginal people pride in their cultural identity. That matter should be, I think, paramount in your considerations. How do we preserve the great cultural symbolism of the flag and overcome the taint that the commercial use of it has resulted in but at the same time respect Harold Thomas's legal rights in it?⁵

- 3.8 Inquiry participants described the feelings of pride associated with the flag. Mr Will Carter, an Aboriginal community member, artist and small-business owner, explained:

I, like many Aboriginal people, have pride in the Aboriginal flag. I can recall some of my earliest memories of the flag in protest marches down the mainstream of Narrandera, where I'm from. The flag, to me, is a symbol of unity, resilience, peace, hope, love and identity. That is what adds value to the flag. Without Aboriginal people over the course of decades embracing and taking ownership of the flag, it would have no monetary value today.⁶

- 3.9 Ms Stephanie Parkin, Chair, Indigenous Art Code Ltd highlighted that the role of the Aboriginal flag has evolved over time 'not just as a symbol of that person's individual copyright ownership but also as something that is used in

³ Ms Yvonne Weldon, Metropolitan Local Aboriginal Land Council, *Committee Hansard*, 14 September 2020, p. 29.

⁴ Mr Boe Spearim, private capacity, *Committee Hansard*, 14 September 2020, p. 32.

⁵ Professor Marcia Langton AO, private capacity, *Committee Hansard*, 24 September 2020, p. 1.

⁶ Mr Will Carter, private capacity, *Committee Hansard*, 22 September 2020, p. 19.

so many of our community events', including marches, funerals and celebrations.⁷

3.10 Professor Langton acknowledged the 'enormous meaning' of the flag to Aboriginal people 'who use it in everyday life' including at functions, NAIDOC Week, Reconciliation Week, the opening of institutions and university graduation ceremonies.⁸ This sentiment was echoed by others who told the committee that the Aboriginal flag is displayed in schools⁹ and health centres,¹⁰ and is drawn by school children when asked to 'draw a picture of Aboriginality'.¹¹

3.11 Mr Jack Manning Bancroft, Chief Executive Officer, AIME Mentoring told the committee:

I think what the flag allows us to do is to tell a story of strength, because it's been part of the upward curve of which, again, many people in this call have led so many of the changes in the last 50 years—that's seen the Tent Embassy, that's seen Mabo, that's seen us walk across a bridge together, that's seen Cathy, that's seen an apology, that's seen us start to see generations of university students suddenly line up, that's seen us start to close the gap in medical Indigenous students graduating on parity with non-indigenous students. With this period of change in the last 50 years, we're on a momentum up, and the flag is central to that. The flag has been about the story of an uplift, of a reworking, of a rewriting of a painful past. For us, how we clothe ourselves, how we tell stories—you can make films, you can write, but we want to use every possible device we can to try and unravel so much of that trauma and that pain and that hurt of a couple of hundred years and try and give the freedom and truly emancipate kids' minds to have the space and strength to see their worth and hopefully be able to have that worth as a base to go on and take on the world and do anything they want to do.¹²

Role of NAIDOC

3.12 The National NAIDOC Committee (NNC) is a voluntary committee independent of government but operating within the portfolio of the National Indigenous Australians Agency (NIAA). NNC membership comprises eight

⁷ Ms Stephanie Parkin, Chair, Indigenous Art Code Ltd, *Committee Hansard*, 22 September 2020, pp. 13–14.

⁸ Professor Langton, private capacity, *Committee Hansard*, 24 September 2020, p. 1.

⁹ Mr Carter, private capacity, *Committee Hansard*, 22 September 2020, p. 16.

¹⁰ Mrs Janette Young, Communications Manager, *Committee Hansard*, 23 September 2020, p. 14; Mr Michael Graham, Chief Executive Officer, Victorian Aboriginal Health Service, *Committee Hansard*, 23 September 2020, p. 16.

¹¹ Mr Nyunggai Warren Mundine AM, private capacity, *Committee Hansard*, 24 September 2020, p. 11.

¹² Mr Jack Manning Bancroft, Chief Executive Officer, AIME Mentoring, *Committee Hansard*, 23 September 2020, p. 28.

committee members and two co-chairpersons who are chosen from a national public expression of interest process.¹³

3.13 The NNC determines the arrangements for the national NAIDOC Week celebrations each year including:

- setting dates for the week-long celebrations;
- establishing the national theme for NAIDOC Week;
- the national NAIDOC poster competition;
- selecting the focus city for the National NAIDOC Awards;
- the national NAIDOC Awards ceremony;
- selecting the National NAIDOC Award recipients; and
- working with Indigenous and non-Indigenous organisations and key stakeholders to help build on the success of NAIDOC Week.¹⁴

3.14 NAIDOC Week is usually held in the first week of July that incorporates the second Friday, which historically was celebrated as 'National Aboriginal Day'. NAIDOC Week 2020 was postponed due to the COVID-19 situation and will now be held 8–15 November 2020 with the theme *Always Was, Always Will Be*.¹⁵

3.15 The committee was advised that NAIDOC Week, and its predecessors National Aborigines Day and NADOC, have enjoyed 'a long association' with the Aboriginal flag.¹⁶ Each year during NAIDOC Week, the NNC 'unfurl [the Aboriginal flag] as a source of pride, mark of survival, sign of our strength and celebration of our unique identity'.¹⁷

3.16 A key feature of NAIDOC celebrations is the annual NAIDOC poster competition which invites Aboriginal and Torres Strait Islander artists aged 13 years or older to apply with an artwork that draws inspiration from the annual NAIDOC theme.¹⁸ The 2020 competition attracted 270 entries nationally.¹⁹

¹³ National NAIDOC Committee (NNC), *Submission 52*, p. 1.

¹⁴ NNC, *Submission 52*, p. 1.

¹⁵ NAIDOC, *Frequently Asked Questions*, <https://www.naidoc.org.au/frequently-asked-questions> (accessed 30 September 2020).

¹⁶ NNC, *Submission 52*, p. 2.

¹⁷ Mr John Paul Janke, Co-Chair, NNC, *Committee Hansard*, 24 September 2020, p. 43.

¹⁸ NAIDOC, *2020 National NAIDOC Poster Competition and Award Nominations Open!*, <https://www.naidoc.org.au/news/2020-national-naidoc-poster-competition-and-award-nominations-open#:~:text=The%20annual%20NAIDOC%20poster%20competition,defining%20feature%20of%20NAIDOC%20celebrations.&text=The%20National%20NAIDOC%20Committee%20invites,Always%20Was%2C%20Always%20Will%20Be> (accessed 30 September 2020).

¹⁹ NAIDOC, *Waigana wins coveted NAIDOC 2020 Poster competition*, <https://www.naidoc.org.au/news/waigana-wins-coveted-naidoc-2020-poster-competition> (accessed 30 September 2020).

- 3.17 The NNC explained that the Aboriginal flag has featured on several NAIDOC posters since the 1970s and that 'Mr Thomas has never denied NAIDOC use of the flag'. In recent years Mr Thomas has allowed the NNC to reproduce the Aboriginal flag on printed posters and online at no cost. The same permissions have been granted from the owner of the Torres Strait Islander flag.²⁰
- 3.18 Responding to evidence that suggested the NNC has removed the Aboriginal flag from its poster, the NNC advised that was not the case as the Aboriginal or Torres Strait Islander flags appear on the NAIDOC poster only when it is featured in the artwork.²¹ When the flag does feature, the NNC contacts:
- both Mr Thomas and the Torres Strait shire council for permission to use both their flags. We didn't speak to Harold Thomas this year; in fact WAM Clothing did not tell NAIDOC that they would have exclusive merchandising rights for the use of the flag. WAM had suggested a few options for us to use the flag on posters, if we wanted to, but NAIDOC had already committed to using an Indigenous business to provide those same services. We didn't explore any further arrangements on the Aboriginal flag or any existing arrangements or agreements that the NIAA might have with WAM.²²

The Aboriginal flag in sport

- 3.19 The Aboriginal flag has for many years been used by athletes and sporting codes, from grassroots community organisations to professional sporting codes. The importance of the Aboriginal flag in sport was raised consistently by submitters and witnesses to this inquiry. Sporting organisations described the Aboriginal flag as a hugely significant symbol of pride, solidarity and inclusion.²³ Referencing Cathy Freeman's performance at the 1994 Commonwealth Games, the Central Land Council described the impact of the Aboriginal flag in sport:

As a powerful symbol of Aboriginal identity, the flag has a very significant role in sporting events. It stands for pride in Aboriginal heritage and belonging, and, evoking the tragic history of Aboriginal people, providing a focal point for standing strong, for resilience, and of achievement in the wider society. These were the key factors in Cathy Freeman's public display of the Aboriginal flag during her wins in the international sporting arena. Her proud and emotional public exhibition of the Aboriginal flag during the 1994 Commonwealth Games in Victoria, British Columbia, was indicative of this, where she had stated "I wanted to shout: 'look at me, look at my skin. I'm black and I'm the best'. There is no more shame". Her

²⁰ Mr Janke, NNC, *Committee Hansard*, 24 September 2020, p. 43.

²¹ Mr Janke, NNC, *Committee Hansard*, 24 September 2020, p. 42.

²² Mr Janke, NNC, *Committee Hansard*, 24 September 2020, p. 42.

²³ See for example, Australian Football League (AFL), *Submission 19*, p. 4; Cricket Australia, *Submission 28*, [p. 2]; Coalition of Major Professional and Participation Sports (COMPPS), p. 2; Aunty Rieo Ellis, *Submission 32*, [p. 1].

display of the Aboriginal flag alongside the Australian flag invited considerable attention from the world's media, and aroused strong responses from the wider community.²⁴

Cathy Freeman and the Aboriginal flag

3.20 Ms Cathy Freeman won her first gold medal in the 4 x 100 metre relay at the 1990 Commonwealth Games in Auckland when she was sixteen years old. Four years later, at the Commonwealth Games in Canada in 1994, Ms Freeman won gold in both the 200m and 400m events. During her victory lap of the track for both events, Ms Freeman carried both the Australian and Aboriginal flags. At the time the Aboriginal flag was not recognised as an official Australian flag.²⁵ Mr Arthur Tunstall was Australia's Chef de Mission at the Games and criticised Ms Freeman for carrying the Aboriginal flag.²⁶

Figure 3.1 Ms Cathy Freeman carrying the Aboriginal flag at the Commonwealth Games²⁷

²⁴ Central Land Council, *Submission 46*, pp. 4–5.

²⁵ Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), *Cathy Freeman*, <https://aiatsis.gov.au/explore/articles/cathy-freeman> (accessed 29 September 2020).

²⁶ Commonwealth Sport, *Commonwealth Sports Moments #4: Cathy Freeman carries the Aboriginal and Australia flag on victory laps at Victoria 1994*, <https://thecgf.com/stories/commonwealth-sports-moments-4-cathy-freeman-carries-aboriginal-and-australian-flags-victory> (accessed 29 September 2020).

²⁷ David Callow, *At Ease*, National Gallery of Australia, <https://nga.gov.au/federation/detail.cfm?WorkID=27708&ZoomID=2> (accessed 29 September 2020).



[Courtesy of SPORT, The library, National Gallery of Australia]

- 3.21 Following her gold medal-winning 400m race at the 2000 Sydney Olympics, Ms Freeman again carried both the Australian and Aboriginal flags on her victory lap.²⁸
- 3.22 Inquiry participants described the importance of watching Ms Freeman carrying the Aboriginal flag during such an important moment in Australia's sporting history. Mr Nyunggai Warren Mundine AM described the emotion:

For me, it's the emotion—Cathy Freeman carrying it at the Commonwealth Games in Victoria, in Canada, and then at the Olympic Games in 2000, when she got up and ran around that stadium with that flag. Tears were running out of my eyes. The whole nation got behind it, not just Indigenous people. It means so much to us. It's in our DNA now. Tears were running out of my eyes. And if you looked at her in the Olympic Games in 2000, everyone—the whole nation—got around her, not just Indigenous people. It meant so much to us; it's in our DNA now. It's also

²⁸ AIATSIS, Cathy Freeman, (accessed 29 September 2020).

<https://aiatsis.gov.au/explore/articles/cathy-freeman>

carried many non-Indigenous people along with us in that struggle. So it's become so very strong and symbolic. It's about DNA for us.²⁹

- 3.23 Ms Amelia Telford, National Director, Seed Indigenous Youth Climate Network, explained how Ms Freeman's use of the Aboriginal flag impacted her growing up:

As a young Aboriginal girl growing up, for as long as I can remember, the Aboriginal flag has always been a symbol of who we are as Aboriginal people, whether it's the flag hung up in my brother's room, which I'm in right now at home; learning about what the colours meant from my dad; or seeing Cathy Freeman wearing it proudly over her shoulders at the 1994 Olympics—seeing videos of that, because I was born that year—wearing it like a cape over her shoulders as if her ancestors were giving her a massive hug, keeping her grounded and connected to who she was and to her community who were at home cheering her on. I've always loved the flag, and it's always been a symbol of who we are as well as our struggle and our resilience.³⁰

Australian Football League

- 3.24 Ms Tanya Hosch, General Manager, Inclusion and Social Policy, outlined the significance of the Aboriginal flag to the Australian Football League (AFL):

Certainly the AFL understand the importance of the flag to so many of our fans and, increasingly, more and more Australians. We're in the very fortunate situation where, for a long time now, the game of AFL, the men's game at the elite level, has had the strong contribution and participation of Aboriginal players—around 10 to 11 per cent. Given that we're 3.3 per cent of the Australian population, to be represented at that level in this really large national game for such an extended period of time is significant. I think that has really been what has been behind the AFL's understanding and appreciation of the importance of the Aboriginal flag and who it represents, and the AFL has obviously wanted to respond appropriately. You will find at AFL House in Melbourne that the Australian flag, the Aboriginal flag and the Torres Strait Islander flag fly outside our headquarters. You will find it at most of the stadia where we play. Certainly we have communicated to any stadia where we play that we expect to see at least the Aboriginal flag flown alongside the Australian flag. It's important to us because it's an important symbolic piece of respect for the First Australians and Aboriginal people in particular who not just are represented highly in our game but are a very important part of the Australian nation. It's our responsibility to demonstrate that we respect and understand that.³¹

²⁹ Mr Mundine AM, private capacity, *Committee Hansard*, 24 October 2020, p. 12.

³⁰ Ms Amelia Telford, National Director, Seed Indigenous Youth Climate Network, *Committee Hansard*, 23 September 2020, p. 24.

³¹ Ms Tanya Hosch, General Manager, Inclusion and Social Policy, AFL, *Committee Hansard*, 14 September 2020, p. 46.

- 3.25 Several AFL players have sought to raise awareness about Aboriginal pride and activism both on field and following retirement from the game. For example, in 1993 Mr Nicky Winmar, a St Kilda player responded to racist comments from opposition spectators by lifting his jersey and pointing at his skin, shouting, 'I'm black and I'm proud to be black'.³²
- 3.26 In 2004, Mr Michael Long, a former Essendon player walked over 650 kilometres from Melbourne to Parliament House to meet then Prime Minister John Howard and raise issues concerning Aboriginal and Torres Strait Islander communities. This journey also inspired the Long Walk Trust, a charity that promotes indigenous cultural awareness through The Long Walk and related programs. The Long Walk to Dreamtime at the 'G has become Australia's largest reconciliation event, with up to 14,000 people taking part each year.³³
- 3.27 Mr Adam Goodes played for the Sydney Swans from 1999 to 2015, winning two Brownlow medals and two premierships, and playing more games in the AFL than any other Indigenous footballer.³⁴ He is a four-time All-Australian, member of the Indigenous Team of the Century, and has represented Australia in the International Rules Series. In 2013, Mr Goodes challenged an opposing fan for calling him an ape while on the field.³⁵ Following the incident, the racist abuse of Mr Goodes escalated, ultimately leading to his early retirement from the game in 2015.³⁶ Together with his cousin and former teammate Michael O'Loughlin, Mr Goodes established the Go Foundation which empowers the next generation of Indigenous role models in all walks of life. Mr Goodes was Australian of the Year in 2014.³⁷
- 3.28 Since 2005, the AFL has played an annual 'Dreamtime at the G' match between Richmond and Essendon. In 2007, this single match was extended to an Indigenous round featuring all teams across the competition. In 2016, the Indigenous round was renamed the Sir Doug Nicholls Indigenous Round in

³² National Museum Australia (NMA), *Nicky Winmar's stand*, www.nma.gov.au/defining-moments/resources/nicky-winmars-stand (accessed 29 September 2020).

³³ Michael Long Foundation, *About Michael Long*, www.michaellongfoundation.org.au/about/michael-long (accessed 29 September 2020).

³⁴ Donald McRae, Adam Goodes: 'Instead of masking racism, we need to deal with it day-to-day', *The Guardian*, 3 March 2020, www.theguardian.com/sport/2020/mar/02/adam-goodes-interview-racism-walk-away-afl (accessed 29 September 2020).

³⁵ Donald McRae, Adam Goodes: 'Instead of masking racism, we need to deal with it day-to-day', *The Guardian*, 3 March 2020, www.theguardian.com/sport/2020/mar/02/adam-goodes-interview-racism-walk-away-afl (accessed 29 September 2020).

³⁶ Donald McRae, Adam Goodes: 'Instead of masking racism, we need to deal with it day-to-day', *The Guardian*, 3 March 2020, www.theguardian.com/sport/2020/mar/02/adam-goodes-interview-racism-walk-away-afl (accessed 29 September 2020).

³⁷ Australian of the Year Awards, *Adam Goodes*, www.australianoftheyear.org.au/recipients/adam-goodes/1144/ (accessed 29 September 2020).

honour of his contribution to AFL football and reconciliation off the field.³⁸ Matches in the Indigenous round 'incorporate various cultural activities that focus on the contribution of Indigenous people to our game and to Australian society more generally'.³⁹ Furthermore:

An important feature of the Sir Doug Nicholls Round and the forthcoming AFLW Indigenous Round [to be held for the first time in 2021] is and will be the proud demonstration of celebrating the contributions of Aboriginal and Torres Strait Islander people across the code at all levels, and this occurs through the prominent display of the Aboriginal and Torres Strait Islander flags on the playing surface of all grounds hosting matches over the round and through the clubs donning unique jumpers that feature Indigenous designs that often bear representations of the Aboriginal and Torres Strait Islander flags.⁴⁰

3.29 The AFL emphasised that:

The depiction of the Aboriginal flag on the centre circle in particular has become closely associated with the Sir Doug Nicholls Round and is fondly regarded by Indigenous and non-Indigenous supporters alike.⁴¹

3.30 The committee was advised that the inclusion of the Aboriginal flag on player jumpers has 'varied over time'. Most recently, in 2019:

when last Aboriginal flags were displayed, there were six club clubs that wore them, but on other occasions I think there have been more. They generally appear on the back of the jumpers. On one side would be the Aboriginal flag, with the Torres Strait Islander flag beside it, in a relatively small representation—three centimetres by 2½ centimetres or something to that effect.⁴²

3.31 During the Sir Doug Nicholls round in 2020, none of the Indigenous jumpers worn by the 18 clubs featured the Aboriginal flag.⁴³

3.32 The AFL explained that, because of its commitment to act in accordance with the rights of Mr Harold Thomas and his licensees in relation to the Aboriginal flag copyright, it agreed to the terms of a commercial licence with Carroll & Richardson Flagworld Pty Ltd (Flagworld) (the relevant licensee in 2019) to depict the Aboriginal flag in the centre circle of grounds for the 2019 Sir Douglas Nicholls Indigenous round. For the same round of matches, the AFL pursued commercial negotiations with WAM Clothing Pty Ltd (WAM

³⁸ AFL Queensland, *Sir Doug Nicholls Indigenous Round launched*, 22 May 2017, www.aflq.com.au/sir-doug-nicholls-indigenous-round-launched/ (accessed 30 September 2020).

³⁹ Mr Stephen Meade, Head of Legal and Regulatory, AFL, *Committee Hansard*, 14 September 2020, p. 43.

⁴⁰ Mr Meade, AFL, *Committee Hansard*, 14 September 2020, p. 43.

⁴¹ Mr Meade, AFL, *Committee Hansard*, 14 September 2020, p. 43.

⁴² Mr Meade, AFL, *Committee Hansard*, 14 September 2020, p. 46.

⁴³ Mr Meade, AFL, *Committee Hansard*, 14 September 2020, p. 45.

Clothing) in relation to the use of the Aboriginal flag on six guernseys but the negotiations did not result in an agreement.⁴⁴

- 3.33 In preparation for the Sir Doug Nicholls Indigenous round in 2020, the AFL initiated discussions with WAM Clothing, which by that time was the relevant licensee, to depict the Aboriginal flag in the centre circle. The AFL explained that WAM Clothing was amendable to a commercial licence on the same terms as previously agreed with Flagworld the previous year, however the AFL did not pursue those negotiations. The AFL explained the basis of its decision on this matter:

[T]he AFL made a decision to not pursue that arrangement...[because] essentially...the AFL is concerned that, whilst entering into commercial arrangements with WAM may facilitate our use of the Aboriginal flag, whether that be on the centre circle or on jumpers, those arrangements may ultimately prevent other persons—in particular, Aboriginal persons and enterprises—from being able to use the Aboriginal flag as they would like and to celebrate their Indigeneity.⁴⁵

- 3.34 The AFL submitted to this inquiry that its position was formed with guidance, direction and advice from its Aboriginal & Torres Strait Islander Advisory Council.⁴⁶

Cricket Australia

- 3.35 Cricket Australia described its historical usage of the Aboriginal flag:

Australian Cricket has consistently used the Aboriginal flag in many events for celebration, respect and education. The flag has been used on uniforms, physical signage, flown at grounds and stadiums and shared widely in content across various digital platforms at both an elite and community level.⁴⁷

- 3.36 Cricket Australia told this inquiry that its decision not to use the flag not only reflects Cricket Australia's position, but also its solidarity with other organisations and individuals who are precluded from using it.⁴⁸ Cricket Australia characterised the current circumstances as regrettable:

Regrettably the current circumstances relating to the licensing of the copyright in the Aboriginal flag is impacting the ability of Cricket Australia, community cricket clubs, partners of Cricket Australia and Indigenous charities from reaching agreement with the licensees to enable use of the Aboriginal flag at their events.

...

⁴⁴ Mr Meade, AFL, *Committee Hansard*, 14 September 2020, p. 43.

⁴⁵ Mr Meade, AFL, *Committee Hansard*, 14 September 2020, p. 43.

⁴⁶ AFL, *Submission 19*, p. 3.

⁴⁷ Cricket Australia, *Submission 28*, [p. 2].

⁴⁸ Cricket Australia, *Submission 28*, [p. 2].

The saddest outcome of this is that Aboriginal and Torres Strait Islander cricketers who represent our National or State Indigenous squads were unable to wear a flag that represents so much about their identity when taking the field in their most recent events. This was despite the fact there was no intention of any financial gain in the production of their uniforms. They were to be made purely in small quantities for the use of the players representing their State and National Indigenous squads.⁴⁹

National Basketball League

3.37 The National Basketball League (NBL) described its commitment to 'recognising and advancing the specific contribution' that Aboriginal and Torres Strait Islander peoples have made to basketball in Australia.⁵⁰

3.38 Regarding its use of the Aboriginal flag, the NBL stated:

The NBL proudly displays the Aboriginal flag at our games, during community activities, as well as at NBL headquarters and in several other contexts. The league intends to continue doing so to ensure that Indigenous Australians will always be represented across the NBL including our world-class player talent, our staff and our very large Indigenous fanbase.⁵¹

3.39 The NBL articulated the tension between protecting Mr Thomas's rights as the creator and copyright holder of the flag, with the desire for free community use:

Whilst we understand and support Harold Thomas' right as the creator and copyright holder of the flag, we also recognise that Aboriginal people have adopted this symbol and given it value...⁵²

Other sporting professional organisations

3.40 The Coalition of Major Professional and Participation Sports (COMPPS) is made up of seven member organisations:

- AFL;
- Cricket Australia;
- Football Federation Australian (FFA);
- National Rugby League (NRL);
- Netball Australia;
- Rugby Australia; and
- Tennis Australia.⁵³

3.41 COMPPS outlined how its member sporting organisations seek to:

⁴⁹ Cricket Australia, *Submission 28*, [p. 2].

⁵⁰ National Basketball League (NBL), *Submission 13*, p. 1.

⁵¹ NBL, *Submission 13*, [p. 2].

⁵² NBL, *Submission 13*, [p. 2].

⁵³ COMPPS, *Submission 31*, p. 1.

...recognise and celebrate the role and contribution of Aboriginal and Torres Strait Islander players and communities in their respective sports in a number of ways, including through such celebratory events as matches featuring Indigenous teams, holding Indigenous rounds that incorporate cultural activities and domestic and national teams playing in specially designed Indigenous jerseys.⁵⁴

- 3.42 The Aboriginal flag has 'typically been a feature of such celebrations' by incorporating the flag into jersey design, use as ground markings, venue signage and memorabilia. Moreover:

The broadcast of these events and the significant media reach of the COMPPS sports mean that they represent a significant opportunity to increase recognition amongst the broader Australian population of the contribution of Aboriginal and Torres Strait Islander peoples and develop greater understanding of the challenges faced by their communities.

In addition to such nationally broadcast, high profile events, sport plays a critical role at the community level. The COMPPS members recognise the importance of grassroots Indigenous-focussed carnivals, festivals, development camps, competitions etc in growing the participation of Aboriginal and Torres Strait Islander peoples and providing a platform for them to express, share, and celebrate their cultures. COMPPS understands that taking pride in playing under and recognising the Aboriginal flag is of great importance for these occasions.⁵⁵

- 3.43 COMPPS advised the committee that several of its member organisations have stopped using the Aboriginal flag:

I'm aware that Cricket Australia have taken that decision, and I believe that Rugby Australia, who have a joint initiative with the Lloyd McDermott Foundation, have also made that decision, as well as the NRL. That's my understanding. In relation to the other member sports, I think it's just been that—as we say in our submission—because of the different season cycles and event cycles which also have been interrupted, obviously, by COVID, they might not have had a recent event where they've had to make that decision, but their current position is that they wouldn't intend to use the flag at the moment, while this situation with the licensing exists.⁵⁶

- 3.44 COMPPS acknowledged the broad confusion in a range of sporting organisations with respect to displaying and using the Aboriginal flag:

What is being reported up through to the national governing bodies, who are the actual members of COMPPS, is that it is a source of distress and dismay that the flag has been—first of all, there's this real confusion and lack of understanding and lack of clarity as to how it is or isn't able to be used. Then where decisions have been made at the community level that's clearly a source of distress, disappointment, et cetera, because there's such

⁵⁴ COMPPS, *Submission 31*, p. 2.

⁵⁵ COMPPS, *Submission 31*, p. 2.

⁵⁶ Ms Jo Setright, Executive Director, Policy, COMPPS, *Committee Hansard*, 24 September 2020, p. 30.

pride in using it at these events that come together to celebrate and share Aboriginal culture with non-Indigenous Australians. Sport provides such an opportunity and such a platform to unite Australians. It feels like that's being taken away, as well as that fundamental concept of playing under the flag and having that pride.⁵⁷

Community sporting organisations

3.45 In addition to various peak and professional sporting codes, the committee heard directly from a number of community sporting organisations which described how they have been impacted by the current licencing arrangements.

3.46 Aunty Rieo Ellis, a Waka Waka/Bundijilung Elder and Matriarch of the Melbourne Warriors Football and Netball team described how she became aware of WAM Clothing's exclusive licence:

We are always excited to showcase our new uniforms which represented pride, equity, inclusion and wellbeing. However, this year, the excitement was soon compromised when our manufacturer had shared with us that they were no longer able to place the Aboriginal Flag on our uniforms unless we paid an additional 20% on top of the manufacturing costs. Being a small team driven by Community volunteers and relying heavily on sponsorship, this was way too much and we simply couldn't do it.

This was the first time I had heard about a non-Indigenous business holding the licencing agreements to our flag. This is wrong. It is wrong to give authority to a non-Indigenous business who won't allow us to utilise the flag the way we want or without an expense. I don't want to give Community money to hungry corporates.⁵⁸

3.47 Aunty Rieo Ellis told the committee that not only have the current licensing arrangements made use of the flag in community sport unaffordable, a number of organisations have made a principled decision not to use it:

We just want to say something about the flag not being put on our uniforms last year, our 20th anniversary, not only because we couldn't afford the extra payment to put it on but because of the principle. Why should we pay someone to benefit from something that's spiritually ours? That's how we see it. I think my community, my family—that's our cultural identity. We got our people to put me up to speak on behalf of them. It's a big mob. I think it's disgraceful.⁵⁹

3.48 Describing the relationship between community sports organisations and peak bodies, the Lloyd McDermott Rugby Development Team further articulated how solidarity has resulted in entire sporting codes ceasing to use the Aboriginal flag:

⁵⁷ Ms Setright, COMPPS, *Committee Hansard*, 24 September 2020, p. 31.

⁵⁸ Aunty Rieo Ellis, *Submission 32*, [p. 1].

⁵⁹ Aunty Reio Ellis, Melbourne Warriors, *Committee Hansard*, 24 September 2020, p. 34.

With the Lloyd McDermott Rugby Development Team, working with Rugby Australia and also all the member unions, a decision was made, in consultation with our board, who were representatives of the Aboriginal rugby community nationally, that we would not be proceeding with having the flags on any of our jerseys. The great thing for us is that our governing body, Rugby Australia, made the decision to support us. They removed the flags from the Wallabies jersey. We then saw the flow-on effect of that with our member unions or state unions, with the Queensland Reds, New South Wales Waratahs, ACT Brumbies all removing the flag from their representative jerseys as well, most recently during in the Super 15 Indigenous round.

We engaged with our people to design the images on the jerseys, but we do not incorporate the flag at any stage, and we won't be doing that in the near future. You will see in the upcoming rugby championships against other international countries a beautifully designed jersey, but without the flag. That's something that we, as a First Nations rugby committee, completely support Rugby Australia's stance on. We won't change it. It goes all the way down to our schoolkids; they can't play in a jersey with the flag on it.⁶⁰

⁶⁰ Mr Dean Duncan, President, Lloyd McDermott Rugby Development Team, *Committee Hansard*, 24 September 2020, pp. 40–41.

Chapter 4

The current dispute

4.1 Mr Harold Thomas is the designer and copyright holder of the Aboriginal flag. As copyright holder, Mr Thomas has exercised his right to grant several exclusive licences for the reproduction of the Aboriginal flag, most recently to WAM Clothing and Wooster Holdings. These licensing arrangements and the conduct of the licensees are considered in this chapter.

Licensing arrangements

4.2 Mr Thomas has entered into a number of licensing agreements with various organisations. These include exclusive world-wide licences for the manufacture and sale of products, non-exclusive licences, including a licence agreement with the Aboriginal and Torres Strait Islander Commission (ATSIC), and bare or gratuitous licences (which do not involve the exchange of consideration) to Aboriginal organisations providing essential services.¹ The first two types of licences are considered below.

Carroll & Richardson Flagworld

4.3 In 1998, Mr Thomas entered into a world-wide exclusive agreement with Flags 2000 Pty Ltd, known today as Carroll & Richardson Flagworld (Flagworld), to:

- (a) Reproduce or authorise the reproduction of the design of the Aboriginal Flag on flags, pennants, banners and bunting (Products); and
- (b) Manufacture, promote, advertise, distribute and sell Products throughout the world.²

4.4 Flagworld's licence agreement with Mr Thomas is ongoing and has a lifetime of 70 years after Mr Thomas's death.³ The licence is therefore contracted to expire when copyright in the Aboriginal flag ends.

Aboriginal and Torres Strait Islander Commission

4.5 ATSIC entered into a licence agreement in 2001 for the non-commercial use of the Aboriginal flag.⁴ The licence terms stipulated:

The Artist grants to ATSIC and the Regional Councils established by the *Aboriginal and Torres Strait Islander Commission Act 1989* and any bodies of elected Indigenous representatives that may succeed them a non-exclusive

¹ Dr Fady Aoun, *Submission 34*, [p. 2].

² Carroll & Richardson Flagworld (Flagworld), *Submission 1*, [p. 1].

³ Flagworld, *Submission 1*, [p. 1].

⁴ National Indigenous Australians Agency (NIAA), *Submission 42*, p. 2.

irrevocable worldwide licence to reproduce the Work for any non-commercial purpose associated with the performance of their functions by them or by other persons authorized by them.⁵

- 4.6 Mr Mick Gooda occupied senior roles within ATSIC at the time the licence agreement was negotiated and entered into, and at the time ATSIC was abolished in 2005. With regards to the licence negotiations, Mr Gooda stated:

It took a fair while to negotiate. Let's just say there were robust parts of that negotiation that went on. The agreement was really about community use of the flag and the use of ATSIC and its successors. I think there were things built in around...it not ever being held by government. As I understood it, it was really around the non-commercial use, and ATSIC negotiated it on behalf of, mainly, the Aboriginal community use of the flag. That, as I understood it, went through and there was an exchange of some money. I wouldn't tell you if I knew but I can't remember how much money was involved, except that it was fairly significant...⁶

- 4.7 Following the abolition of ATSIC in 2005, the ongoing status of this agreement is unclear. The National Indigenous Australians Agency (NIAA) submitted that the licence agreement was between Mr Thomas and ATSIC, not the Commonwealth government, because ATSIC was a statutory corporation and as such, a separate legal entity from the Commonwealth government and able to enter agreements in its own right.⁷ An information paper prepared by the ATSIC National Policy Office in January 2002 about the licence stated that '...if ATSIC is replaced by a Department of State, the Licence would not transfer to the Commonwealth'.⁸ The NIAA submitted that the information paper is '...the only record that has been located to date regarding [ATSIC's] consideration of the licence...'.⁹

- 4.8 Mr Gooda similarly told the committee:

I'm not a lawyer but I'd say it just became null and void...To go back to your original question, my thing is, not being a lawyer, given what Mr Thomas put in the conditions, once ATSIC was abolished that agreement lapsed, I'd say...The really strong point that Mr Thomas made was that, if anything happened in ATSIC, it should never go into the hands of government. I think it would be a little bit dishonest to say it now goes there if he was strong about that. I think you've got to respect his wishes in that, and it's in the contract...As it was stipulated in that agreement that it

⁵ NIAA, copy of licence agreement between ATSIC and Mr Harold Thomas dated 17 December 2001 (tabled 14 September 2020).

⁶ Mr Mick Gooda, private capacity, *Committee Hansard*, 24 September 2020, p. 17.

⁷ NIAA, answers to questions on notice, 28 September 2020 (received 6 October 2020), [p. 9].

⁸ NIAA, answers to questions on notice, 28 September 2020 (received 6 October 2020), [p. 1].

⁹ NIAA, answers to questions on notice, 28 September 2020 (received 6 October 2020), [p. 7].

could never go to government, I'd say that's the reason. Once ATSIC was abolished, that agreement would have lapsed.¹⁰

- 4.9 The legal implications of the abolition of ATSIC appear to be less clear cut. The NIAA submitted:

There is a possible argument that the effect of ATSIC Amendment Act in replacing all references to 'ATSIC' with "the Commonwealth" preserved the licence agreement after ATSIC was abolished in 2005.¹¹

- 4.10 The NIAA provided further information on the basis of this 'possible argument', stating:

Section 193 of Schedule 1 of the *Aboriginal and Torres Strait Islander Commission Amendment Act 2005* (ATSIC Amendment Act) states that:

A Commission instrument...in force immediately on ATSIC Abolition day has effect on and after that day, in relation to everything occurring on or after that day, as if a reference in the instrument to [ATSIC]...were a reference to the Commonwealth.

Under item 191(1) of the ATSIC Amendment Act, the term 'Commission instrument' includes an instrument subsisting immediately before Aboriginal and Torres Strait Islander Commission abolition day to which [ATSIC] was a party. The ATSIC Licence agreement therefore may be regarded as a Commission instrument.¹²

- 4.11 Professor Nicholas Seddon, a leading Australian authority on contract law, explained that ATSIC was a 'body corporate' and a separate legal entity from the Commonwealth government:

It is very common for Commonwealth statutory corporations (for example, the ANU, CSIRO, the National Gallery) to enter into contracts...it is the corporation that is bound by such a contract, not the Commonwealth.

- 4.12 Professor Seddon stated that upon the abolition of ATSIC, the *Aboriginal and Torres Strait Islander Commissioner Amendment Act 2005* 'vested "assets" of ATSIC in the Commonwealth'. 'Assets', he explained, are defined as:

property of every kind and, without limiting the generality of the foregoing, includes:

(a) choses in action; and

(b) rights, interests and claims of every kind in or to property, whether arising under an instrument or otherwise, and whether legal or equitable, liquidated or unliquidated, certain or contingent, accrued or accruing.

The question then is whether the copyright licence was an 'asset' under this definition. A "choses in action" is a right that is enforceable at law and is regarded in law as a form of property. Prior to abolition, ATSIC had a licence to use copyright in the flag. The licence is a permission. So long as

¹⁰ Mr Gooda, private capacity, *Committee Hansard*, 24 September 2020, pp. 17–18.

¹¹ NIAA, *Submission 42*, p. 2.

¹² NIAA, answers to questions on notice, 28 September 2020 (received 6 October 2020), [p. 17].

its terms are adhered to, the party who uses or otherwise exploits the copyright cannot be sued for breach of copyright. The licence holder (ATSIC) had rights determined by the terms of the licence. In my view the licence rights that ATSIC had prior to abolition were chosen in action. Thus it is arguable that the Aboriginal and Torres Strait Islander Commissioner Amendment Act 2005 vested these rights in the Commonwealth.¹³

4.13 In respect of possible limitations on this, Professor Seddon stated:

It could be the case that the terms of the licence are such that it is futile for the Commonwealth to take over the licence. This would be so if, for example, conditions attached can only apply to ATSIC. I note that in the submission by NIAA that the original licence was limited to reproduction of the flag for non-commercial purposes associated with ATSIC's functions. ATSIC's functions were set out in its Act. It is at least arguable that the Commonwealth cannot reproduce the flag for non-commercial purposes associated with the Commonwealth's functions. Possibly, this argument could be countered by saying the Commonwealth, as the new licensee, is restricted to non-commercial purposes associated with what were ATSIC's functions.¹⁴

4.14 This position was echoed by the NIAA, which stated:

However, it is not without some doubt, and even if this is the case, the original ATSIC Licence only covered the reproduction of the Work for non-commercial purposes related to ATSIC's functions.¹⁵

Gooses T-Shirts and Vaguce T-Shirts

4.15 Clothing manufacturer Neil Booth had a relationship with Mr Thomas for over 20 years to print items such as shirts, hoodies and singlets through his companies Gooses T-Shirts and subsequently Vaguce T-Shirts.¹⁶ The committee understands that that relationship ended in 2018.¹⁷

WAM Clothing Pty Ltd

4.16 WAM Clothing 'is the exclusive licensee for a range of clothing and apparel, towels, and digital and physical media products featuring the Aboriginal Flag'.¹⁸ The first licence agreement between Mr Thomas and WAM Clothing commenced in late 2018.¹⁹ The committee is unaware of the number of licence

¹³ Professor Nicholas Seddon, answers to questions on notice, 25 September 2020 (received 28 September 2020), [p. 2].

¹⁴ Professor Seddon, answers to questions on notice, 25 September 2020 (received 2 September 2020), [p. 2].

¹⁵ NIAA, *Submission 42*, p. 2.

¹⁶ Mr Michael Connolly, private capacity, *Committee Hansard*, 22 September 2020, p. 17.

¹⁷ Mr Connolly, private capacity, *Committee Hansard*, 22 September 2020, p. 17.

¹⁸ WAM Clothing Pty Ltd (WAM Clothing), *Submission 2*, [p. 1].

¹⁹ WAM Clothing, answers to questions on notice, 15 September 2020 (received 30 September), p. 1.

agreements that have been entered into since then, but is aware of at least one additional agreement, dated 7 June 2019.²⁰

4.17 The directors of WAM Clothing are Ms Semele Moore and Mr Ben Wooster. Mr Wooster is also a director of Wooster Holdings (discussed below).

4.18 The duration of the licence agreement between WAM Clothing and Mr Thomas is unknown to the committee. WAM Clothing refused to discuss this aspect of the agreement, citing confidentiality concerns.²¹

4.19 The committee was told that the licence agreement with WAM Clothing may apply to the use of the Aboriginal flag:

- in email signatures;
- on business cards;
- on social media graphics;
- on websites;
- on flyers, printed and digital copies;
- on miscellaneous campaign collateral e.g. pledge cards, fact sheets, information booklets (printed);
- in an annual report or plan, printed and digital;²²
- any horizontal or partially horizontal surfaces including:
- naturally occurring or artificial ground – solid dirt, grass, stone, snow, ice etc.;
- any vertical or partially vertical surfaces including;
- cliff faces, hills, mountains; and
- the whole part of:
- atmosphere of earth including sky or the air; or
- any building, sporting ground, stadium, arena.²³

4.20 A redacted version of the licence agreement between WAM Clothing and Mr Thomas appears to grant WAM Clothing 'exclusive authority to act as Agent for the purpose of enforcing...Copyright', including permission:

to take whatever action it sees for breach of Copyright of the Work, without notice to, or consent from the Licensor...[including negotiating] payment of a fee, in favour of the Licensee, from anyone who is in breach of the Copyright, whilst permitting those persons to use the Products which would otherwise be in breach of copyright.²⁴

²⁰ Ms Amelia Telford, National Director, Seed Indigenous Youth Climate Network, copy of Copyright Exclusive Licence Agreement between Mr Harold Thomas and WAM Clothing Pty Ltd dated 7 June 2019 (tabled 23 September 2020), p. 4.

²¹ Ms Semele Moore, Director, WAM Clothing, *Committee Hansard*, 14 September 2020, p. 18.

²² Spark Health Australia and Clothing the Gap, *Submission 27*, p. 3.

²³ Dreamtime Kullilla-Art, *Submission 43*, p. 4.

²⁴ Ms Telford, Seed Indigenous Youth Climate Network, copy of Copyright Exclusive Licence Agreement between Mr Harold Thomas and WAM Clothing Pty Ltd dated 7 June 2019 (tabled 23 September 2020), p. 4.

Wooster Holdings Pty Ltd and Gifts Mate Pty Ltd

- 4.21 In 2018, Mr Thomas entered into an exclusive licence agreement with Wooster Holdings, which subsequently granted permission to Gifts Mate Pty Ltd (Gifts Mate) to manufacture and wholesale a range of souvenir products featuring the Aboriginal flag.²⁵
- 4.22 Mr Ben Wooster is a director of both Wooster Holdings and Gifts Mate. Mr Wooster is also the former sole director of Birubi Art Pty Ltd (in liquidation)²⁶ (Birubi), which also held a licence to manufacture souvenirs bearing the Aboriginal flag from 1 January 2010.²⁷

Implied licence

- 4.23 The question of whether or not Aboriginal people enjoy an implied licence to use the flag was raised during the course of the inquiry. Mr Michael Connolly, Ms Nova Peris OAM and Mr Peter Francis argued that the origins of the flag and the purpose for which it was created point to the existence of an implied licence for the benefit of Aboriginal people.²⁸ The Australia Council for the Arts stated:

While Mr Thomas is the copyright owner of the Aboriginal flag, the communal use of the flag has been practiced since the 1970s. Dr Gary Foley has argued that this communal recognition of the flag almost gives it an implied licence for all Aboriginal people to use as they wish. This free use of the flag is no longer allowed due to the exclusive licence granted to WAM clothing company.²⁹

- 4.24 Dr Terri Janke, a leading legal practitioner in the area of Indigenous cultural intellectual property (ICIP), advised that while it is unlikely that shared copyright exists between Mr Thomas, Professor Gary Foley and other individuals who were involved in the creation of the flag, 'it certainly opens up the idea of its implied use'.³⁰ Dr Janke explained:

It was implied that people would use it for that particular purpose—an implied licence to use it as a flag, as it has been used for many years. The issue is to what extent that implied licence might extend. The commercial uses are, in my opinion, where the sticky points have been. For many years

²⁵ Gifts Mate Pty Ltd (Gifts Mate), *Submission 3*, [p. 1].

²⁶ *Australian Competition and Consumer Commission v Birubi Art Pty Ltd* [2018] FCA 1595, 7.

²⁷ WAM Clothing, answers to questions on notice, 28 September 2020 (received 30 September 2020), p. 2.

²⁸ Mr Connolly, private capacity, *Committee Hansard*, 22 September 2020, p. 18; Ms Nova Peris OAM, private capacity, *Committee Hansard*, 24 September 2020, p. 20; Mr Peter Francis, FAL Lawyers, *Committee Hansard*, 24 September 2020, p. 23.

²⁹ Australia Council for the Arts, *Submission 57*, p. 2.

³⁰ Dr Terri Janke, Solicitor Director, Terri Janke and Company, *Committee Hansard*, 24 September 2020, p. 4.

the use of the flag was an implied licence, I think by Mr Thomas, in the way that it was used as a symbol of Aboriginal rights.³¹

- 4.25 Associate Professor Jani McCutcheon acknowledged that while an implied licence may exist, 'implied licences can also be revoked pretty reasonably. I think that's what he's done through his court case and his subsequent legitimate behaviour in exploiting his exclusive rights'.³²

Conduct of licensees

Birubi Art Pty Ltd

- 4.26 Fake or inauthentic Aboriginal art was raised by numerous submitters and witnesses as an ongoing matter of concern. The committee heard these concerns raised in the context of successful action against Birubi, and the connection between Birubi and the current Aboriginal flag exclusive licence holders.³³
- 4.27 In March 2018, the Australian Competition and Consumer Commission (ACCC) instituted court proceedings against Birubi. At the time, Mr Ben Wooster was the sole director of Birubi.³⁴
- 4.28 The Federal Court of Australia found that between 2015 and 2018 Birubi had sold almost 18,000 products in Australia featuring images, symbols and design associated with Australian Aboriginal art and words such as 'Authentic Aboriginal Art', 'Hand Painted, and 'Australia', but were all made in Indonesia.³⁵ On October 2018, the Federal Court found that Birubi engaged in false or deceptive conduct that products it sold were made in Australia and hand painted by Australian Aboriginal persons, in breach of the Australian Consumer Law.³⁶ As of 29 October 2018, Birubi resolved to enter voluntary liquidation.³⁷

³¹ Dr Janke, Terri Janke and Company, *Committee Hansard*, 24 September 2020, p. 4.

³² Associate Professor Jani McCutcheon, private capacity, *Committee Hansard*, 14 September 2020, p. 11.

³³ See for example, Thungutti Local Aboriginal Land Council, *Submission 9*, [p. 1]; Reconciliation Victoria, *Submission 11*, [p. 1].

³⁴ Gifts Mate, *Submission 3*, [p. 1]; [2018] FCA 1595, 7.

³⁵ Australian Competition and Consumer Commission (ACCC), *\$2.3M penalty for fake Indigenous Australian art*, 26 June 2019, www.accc.gov.au/media-release/23m-penalty-for-fake-indigenous-australian-art, (accessed 1 October 2020); ACCC, *Court finds that Birubi Art misled consumers over fake Indigenous Australian art*, 24 October 2019, www.accc.gov.au/media-release/court-finds-that-birubi-art-misled-consumers-over-fake-indigenous-australian-art (accessed 1 October 2020).

³⁶ [2018] FCA 1595.

³⁷ *Australia Competition and Consumer Commission v Birubi Art Pty Ltd (in liq)* [2019] FCA 996.

4.29 On 26 June 2019, the Federal Court of Australia ordered that Birubi pay a fine of \$2.3 million,³⁸ despite acknowledgment by Justice Perry that 'given that Birubi is in liquidation, it is unlikely that Birubi would be able to pay any pecuniary penalty in any event'.³⁹

4.30 At the time the penalty was imposed, the ACCC Commissioner stated:

This penalty sends a strong message to anyone considering selling fake Australian Aboriginal style art as the genuine article...Birubi's actions were extremely serious. Not only did they mislead consumers they were liable to cause offence and distress to Australian Aboriginal people...The ACCC took this action because the misleading conduct has the potential to undermine the integrity of the industry and reduce opportunities for Australian Aboriginal peoples.⁴⁰

4.31 The ACCC provided evidence to this inquiry that it is unable to pursue Mr Wooster as he was not party to the original Birubi proceedings in any personal capacity, adding that Gifts Mate, WAM Clothing and Mr Wooster cannot be held liable to pay the penalty awarded to Birubi.⁴¹

4.32 In 2018 the House of Representatives Standing Committee on Indigenous Affairs tabled its 'Report on the impact of inauthentic art and craft in the style of First Nations peoples'. The report cited Birubi as a successful case of enforcement against inauthentic Indigenous art and craft products and that the outcome of the court proceedings would be used to frame some of its future guidance.⁴²

4.33 In evidence to the committee, Gifts Mate stated that no complaints were ever made by the ACCC against Mr Wooster personally and emphasised that Justice Perry did not find that Birubi had intentionally sought to mislead potential purchasers of the products.⁴³

Relationship between Birubi, WAM Clothing and Gifts Mate

4.34 WAM Clothing was registered with the Australian Securities and Investment Commission (ASIC) on 21 November 2018; Ms Semele Moore and Mr Ben Wooster are both current company directors. WAM Clothing has been the exclusive worldwide copyright licensee for the use of the Aboriginal flag since

³⁸ [2019] FCA 996.

³⁹ [2019] FCA 996.

⁴⁰ ACCC, *\$2.3M penalty for fake Indigenous Australian art*, 26 June 2019, www.accc.gov.au/media-release/23m-penalty-for-fake-indigenous-australian-art (accessed 1 October 2020).

⁴¹ ACCC, answers to written questions on notice (received 28 September 2020).

⁴² House of Representatives Standing Committee on Indigenous Affairs, *Report on the impact of inauthentic art and craft in the style of First Nations peoples*, December 2018, p. 71.

⁴³ Gifts Mate, *Submission 3*, p 1; Mr Ben Wooster, Director, WAM Clothing Pty Ltd and Director, Gifts Mate Pty Ltd, *Committee Hansard*, 14 September 2020, p. 16.

that time.⁴⁴ Gifts Mate was registered with ASIC on 2 May 2018; Mr Wooster is the sole director. Gifts Mate is the manufacturer and wholesaler of a range of souvenir products featuring the Aboriginal flag.⁴⁵ Mr Wooster is the former sole director of Birubi.⁴⁶

4.35 The Birubi case was known to a number of witnesses and submitters to this inquiry, who expressed concerns⁴⁷ that Mr Wooster, an exclusive licence holder of the Aboriginal flag, was the former director of Birubi.⁴⁸ Mr Wooster's connection to Birubi was a particular point of contention,⁴⁹ with one submitter describing the connection as 'egregious'.⁵⁰

4.36 The Indigenous Art Code emphasised the lasting impact that the Birubi case, including the non-payment of the \$2.3 million fine, continues to have on the Aboriginal arts community:

As noted in evidence provided to the committee last week and today, the former director of Birubi Art is now a director of both GiftsMate and WAM Clothing, which have the exclusive licences to reproduce the Aboriginal flag on clothing and merchandise. These issues are regarded as connected and relevant by many of the Indigenous Art Code stakeholders. These issues are regarded as connected and relevant by many of the Indigenous Art Code stakeholders. The non-payment of the fine has caused considerable concern and distrust within the community.⁵¹

4.37 The Australia Council characterised this aspect of the current licensing arrangements as 'a moral issue':

There is a moral issue as WAM clothing company is a non-indigenous company and is also associated with Birubi Art...questions have been raised as to whether Mr Thomas knew about his case and their association.⁵²

WAM Clothing

⁴⁴ Clothing the Gap, *Aboriginal Flag timeline*, <https://clothingthegap.com.au/pages/aboriginal-flag-timeline> (accessed 1 October 2020).

⁴⁵ Gifts Mate, *Submission 3*, [p. 1].

⁴⁶ [2018] FCA 1595, 7.

⁴⁷ See for example, Bar Association of Queensland, *Submission 56*, p. 2; Ms Robyn Ayres, Chief Executive Officer, Arts Law Centre of Australia, *Committee Hansard*, 14 September 2020, p. 1.

⁴⁸ Gifts Mate, *Submission 3*, [p. 1].

⁴⁹ See for example, Reconciliation Victoria, *Submission 11*, [p. 1]; Mindaribba Local Aboriginal Land Council, *Submission 16*, [p. 1]; New South Wales Aboriginal Land Council, *Submission 22*, [pp. 2–3]; Thungutti Local Aboriginal Land Council, *Submission 9*, [p. 1].

⁵⁰ Reconciliation Victoria, *Submission 11*, [p. 1].

⁵¹ Ms Stephanie Parkin, Chair, Indigenous Art Code Ltd, *Committee Hansard*, 22 September 2020, p. 11.

⁵² Australia Council for the Arts, *Submission 5*, p. 6.

- 4.38 WAM Clothing's conduct, in particular its approach to enforcing its rights as a licensee, was raised throughout the course of the inquiry.
- 4.39 Numerous submitters and witnesses voiced distress about the way in which WAM Clothing had communicated with them. In most instances, organisations received a cease and desist letter or a 'notice to potential consumer' demanding payment for use of the Aboriginal flag design or stating that products adorned with the Aboriginal flag must not be used without WAM Clothing's permission. An example of a 'notice to potential consumer' provided to the committee states that WAM Clothing is the exclusive licensee for use of the Aboriginal flag on clothing and advises that 'if you are currently using the Aboriginal Flag on clothing or have orders with manufactures for clothing incorporates the Aboriginal Flag, you are required to contact us immediately'.⁵³
- 4.40 A cease and desist letter is typically a communication in which a party asserts that it is the owner or exclusive licensee of the copyright, and advises the recipient that they are believed to be infringing on copyright.⁵⁴ The party asserting copyright may alert the recipient to the relevant breach and advise them to cease and desist.
- 4.41 Based on the evidence before it and media reporting, the committee understands that the following individuals and/or organisations have received correspondence from WAM Clothing of the nature of a cease and desist letter or a 'notice to potential consumer':
- Spark Health Australia Pty Ltd (Spark Health) and Clothing the Gap;⁵⁵
 - National Rugby League;⁵⁶
 - Rugby Australia (and the Lloyd McDermott Rugby Development Team under the auspice of Rugby Australia, along with other First Nations rugby teams);⁵⁷
 - Renee Tighe, Chastity & Co;⁵⁸
 - Australian Football League;⁵⁹

⁵³ See for example Koori Knockout, Notice to Potential Consumer (tabled 24 September 2020).

⁵⁴ Dr Dimitrios Eliades, *Submission 17*, p. 18.

⁵⁵ Ms Laura Thompson, Managing Director, Spark Health Australia, *Committee Hansard*, 14 September 2020, p. 27.

⁵⁶ Isabella Higgins, 'New licence owners of Aboriginal flag threaten football codes and clothing companies', *ABC*, 11 June 2019, <https://www.abc.net.au/news/2019-06-11/new-licence-owners-of-aboriginal-flag-threaten-football-codes/11198002> (accessed 1 October 2020).

⁵⁷ Mr Dean Duncan, President, Lloyd McDermott Rugby Development Team, *Committee Hansard*, 24 September 2020, p. 35.

⁵⁸ Ms Renee Tighe, *Submission 50*, [p. 2].

- Diabetes Victoria;⁶⁰
- Seed Indigenous Climate Network;⁶¹
- Koori Knockout;⁶²
- Stephen Hogarth (Aboriginal artist);⁶³
- Vaguce T-shirts;⁶⁴
- Gooses T-shirts;⁶⁵
- North Stradbroke Island Aboriginal & Islander Rise Co-op Society;⁶⁶ and
- Nugurrubul Baadhin Clothing.⁶⁷

4.42 According to WAM Clothing, it has issued '[v]ery few cease and desists. The total would be less than 10'. WAM Clothing conceded, however, that there has:

been a range of correspondences issued to third parties with respect to our licences. Being cease and desists, notices to potential consumers, notices to manufacturers and general information letters on processes for reproducing the Flag under our licences...⁶⁸

4.43 Spark Health considered WAM Clothing's approach to enforcing its rights as an exclusive licensee a marked difference with the previous licence holder:

My understanding is that there was a clothing licensee before WAM, called Gooses Clothing, and they produced the Aboriginal flag on clothing. They paid a licensing fee and royalties to Harold but they didn't actively pursue other people in communities that were also using the flag. I think that's been the real difference since Ben Wooster and Semele came on board—it's them actively looking to see who's using the flag and then issuing them a cease and desist. It's hard to find everyone who's reproducing the flag on clothing, so they'll often go to manufacturers and issue the manufacturer with a cease and desist, and, in some ways, ensure that the manufacturer is passing on the message to Aboriginal communities about who to go to produce stuff.⁶⁹

⁵⁹ Isabella Higgins, 'New licence owners of Aboriginal flag threaten football codes and clothing companies', *ABC*, 11 June 2019, <https://www.abc.net.au/news/2019-06-11/new-licence-owners-of-aboriginal-flag-threaten-football-codes/11198002> (accessed 1 October 2020).

⁶⁰ Diabetes Victoria, *Submission 7*, [pp. 1–2].

⁶¹ Ms Amelia Telford, National Director, Seed Indigenous Youth Climate Network, *Committee Hansard*, 23 September 2020, p. 24.

⁶² Koori Knockout, Notice to Potential Consumer (tabled 24 September 2020).

⁶³ Dreamtime Kullilla Art, *Submission 43*, p. 9.

⁶⁴ Dreamtime Kullilla Art, *Submission 43*, p. 9.

⁶⁵ Dreamtime Kullilla Art, *Submission 43*, p. 9.

⁶⁶ Dreamtime Kullilla Art, *Submission 43*, p. 9.

⁶⁷ Dreamtime Kullilla Art, *Submission 43*, p. 9.

⁶⁸ WAM Clothing, answers to written questions on notice, 15 September 2020, (received 30 September 2020).

⁶⁹ Ms Thompson, Spark Health Australia, *Committee Hansard*, 14 September 2020, p. 39.

4.44 Other submitters and witnesses stated that interactions with WAM Clothing had left them feeling uncertain and confused about permitted use of the flag and/or the potential costs associated with its use.⁷⁰ For example, Seed Youth Climate Network told the committee that after receiving a notice and subsequently seeking clarification from WAM Clothing regarding use of the flag, it was left feeling less clear about how the Aboriginal flag could be used:

It didn't use the words 'cease and desist', but, through further correspondence, they did end up giving us three days to take action and implied that, to continue using the flag, we would need to enter into an agreement. We had quite a bit of back and forth, asking them to specify the exact uses and clarify how the fees would be applied on email signatures, on business cards, on a website. Eventually, after a bit of back and forth, we didn't enter into the agreement because we felt really confused and conflicted.⁷¹

4.45 Similarly, Cricket Australia told the committee that prior to making a decision not to use the flag it had 'failed to receive complete clarity on licensing requirements for non-commercial and non-merchandised use of the flag for our Indigenous State and National teams as well as community clubs'.⁷²

4.46 These experiences were echoed by Tandanya National Aboriginal Cultural Institute:

There's great concern about how they can use it. You can look at a lot of people, including our institute. We think twice about using the flag on any marketing material, so we've stopped that. We don't use it at all, and most organisations that we're talking to are doing the same thing because they're not sure whether they're going to get a cease and desist letter or whether or not they're able to deal with getting that.⁷³

4.47 The Gurindji Aboriginal Corporation told the committee about a festival it runs each year, and how uncertainty around using the flag has become a risk management issue:

I guess there are concerns as we now do our designs for the festival or as to flying the flag at the festival. We need to know where we stand with that, and it's a bit of a risk management thing, now, for us to consider. There are fees and charges or whatever we need to consider that does impact on our planning now, because this event is quite a monster...Are we in breach right now, for example? That's a bit of a risk for us if we're using that flag.⁷⁴

⁷⁰ See, for example, Mr John Burgess, *Submission 23*, [p. 1].

⁷¹ Ms Telford, Seed Indigenous Youth Climate Network, *Committee Hansard*, 23 September 2020, p. 25.

⁷² Cricket Australia, *Submission 28*, [p. 2].

⁷³ Mr Dennis Stokes, Chief Executive Officer, Tandanya National Aboriginal Cultural Institute, *Committee Hansard*, 24 September 2020, p. 26.

⁷⁴ Mr Phil Smith, Chief Executive Officer, Gurindji Aboriginal Corporation, *Committee Hansard*, 24 September 2020, p. 7.

4.48 Some submitters and witnesses advised that in the past, Mr Thomas may have authorised use of the Aboriginal flag free of charge for certain non-commercial purposes.⁷⁵ The Queensland Bar Association remarked:

Historically, Harold Thomas allowed Aboriginal health and not-for-profit Aboriginal community to openly connect with a collective identity in circumstances where there is otherwise no homogenous tribal identity that exists in Australia. As a result of the licence agreements with WAM Clothing and Flagworld Pty Ltd, Aboriginal health and not-for-profit organisations can no longer reproduce the flag and have been issued cease and desist letters by WAM Clothing. This has jeopardised the economic sustainability of Aboriginal health and not-for-profit organisations who provide much needed support to Aboriginal people in the community, because many of their branding and products featured the Aboriginal flag.⁷⁶

4.49 The Victorian Aboriginal Health Service (VAHS) suggested that more recently, with WAM Clothing as an exclusive licensee, Mr Thomas is still amenable to use of the Aboriginal flag for certain non-commercial purposes but that held no sway in negotiations with WAM Clothing:

...I've been talking with my promotional health manager, who did talk with Harold about us using the flag. I've actually got it here in writing from Harold himself, and he says: 'It was a pleasure speaking to you yesterday. The Aboriginal medical and legal services has always promoted and used the Aboriginal flag design from the beginning, and we're all grateful. Because of recent events, some individuals have been reckless to say the least. I suggest contacting WAM Clothing and say we have spoken. The issue will be amicable. I support you 100 per cent. Your friend, brother and member of a beautiful great race.'

To which, my manager spoke to WAM through email explaining the situation. WAM then asked for a copy of the email from Harold, and we don't have much more from WAM in emails. But my manager has let me know that they did talk over the phone and he said it was a lengthy conversation. They apparently looked into VAHS's financial records online and said that, financially, we were viable to pay a fee and also that they could offer a discount but we would still have to pay...⁷⁷

4.50 The licencing fees charged by WAM Clothing were not provided to the committee and figures provided by witnesses differed. Similarly, the overall value of the exclusive licensing agreements between the copyright holder and licensees are unknown to the committee.

4.51 Aunty Rieo Ellis told the committee:

⁷⁵ See, for example Diabetes Victoria, *Submission 7*, [p. 1]; McCulloch & McCulloch Australian Art Books Pty Ltd, *Submission 8*, [p. 1].

⁷⁶ Queensland Bar Association, *Submission 56*, p. 2.

⁷⁷ Mr Michael Graham, Chief Executive Officer, Victorian Aboriginal Health Service (VAHS), *Committee Hansard*, 23 September 2020, p. 22.

...our manufacturer had shared with us that they were no longer able to place the Aboriginal Flag on our uniforms unless we paid an additional 20% on top of the manufacturing costs. Being a small team driven by Community volunteers and relying heavily on sponsorship, this was way too much and we simply couldn't do it.⁷⁸

- 4.52 The Indigenous Wellbeing Centre (IWC) was initially advised by WAM Clothing that a twenty per cent fee was payable, which was later discounted to fifteen per cent, so long as the IWC signed a confidentiality agreement. In relation to WAM Clothing, the IWC stated:

They initially offered for us to be charged 20 per cent and later on they gave us an additional discount of five per cent. With that five per cent discount we had to sign a confidentiality agreement that we could not share with anybody or speak of that five per cent additional discount. So we refused the agreement. Now we do not put the Aboriginal flag on our shirts, unfortunately, and we haven't from last year.⁷⁹

- 4.53 In its written submission, the Lloyd McDermott Rugby Development Team discussed the financial burden currently associated with using the Aboriginal flag and concluded that current licensing arrangements are not in the public interest:

The First Nations Rugby Club (FNRC) also wishes to highlight the significant financial burden that the current licencing has on smaller Aboriginal sporting teams. These small community-run teams simply cannot afford to include the flag on their merchandise. The fact that Aboriginal-run sporting clubs are prevented from using the Aboriginal flag is all the evidence needed that a change is required...The FNRC requests the Senate to take an informed and principled approach to its review, by recognising that the current licencing arrangement is not in the best interests of the Nation.⁸⁰

- 4.54 While many organisations have refused to pay the licencing fee, Koori Knockout told the committee it had paid WAM Clothing a sum of around \$10,000 to keep WAM away from its 2019 competition:

We were organising the Koori Knockout last year on the Central Coast. I think it was about March, April or May, we received an email from the clothing company that's got the copyrights, telling us that we need to notify all the teams they can't have the flag, or if they wanted the flag they've got to pay the extra costs and whatever else. But by then teams had already ordered their gear with the flag on it. So they said they were going come to the knockout and come around and have a look and see who's got it and fine everybody—so to prevent them from doing that and fining all

⁷⁸ Aunty Rieo Ellis, *Submission 32*, [p. 1].

⁷⁹ Mr Ara (Julga) Harathunian, Director and Chief Executive Officer, Indigenous Wellbeing Centre, *Committee Hansard*, 23 September 2020, p. 13.

⁸⁰ Lloyd McDermott Rugby Development Team, *Submission 39*, [pp. 1–2].

the teams who may have it on their shirts and their guernseys, we just gave them \$10,000 to stay away.⁸¹

- 4.55 WAM Clothing's approach to exercising its exclusive rights to reproduce the Aboriginal flag on clothing has, at best, discouraged its use,⁸² and at worst, caused distress to notice recipients and others seeking to produce the clothing or products. Clothing the Gap summarised evidence consistent with a number of witnesses and submitters to this inquiry:

Community have stopped using the Aboriginal flag like they used to – for three key reasons.

- to avoid possible legal action;
- to avoid paying to do so; and
- on principle, no one wants to have to ask to use the flag from non-Indigenous people.⁸³

Carroll & Richardson Flagworld

- 4.56 Comparisons have been drawn between the conduct of WAM Clothing and Flagworld, the holder of the worldwide exclusive licence to reproduce the design of the Aboriginal flag on flags, pennants, banners and bunting.

- 4.57 Flagworld told the committee how it gives effect to Mr Thomas's wishes that that the flag be freely available for non-commercial, individual use:

In accordance with Mr Thomas' wishes, the Aboriginal flag can also be produced by an individual for their own use, but not for commercial gain as this would breach his IP and our licence. Therefore the manufacture of a flag is open to an individual not engaged in commercially gaining from the design, therefore ensuring at a local level it can be freely made and used.

- 4.58 The committee heard no evidence to suggest that Flagworld has acted contrary to its public position, or to Mr Thomas's wishes. Notably, the committee heard a comparatively low number of concerns regarding the conduct of Flagworld in relation to the exercise of its exclusive licence.

- 4.59 The Australian Football League (AFL) informed the committee that the:

AFL has agreed that it will purchase all depictions of the Aboriginal Flag on flags, pennants, banner or bunting (Flag Form) from Carroll & Richardson – Flagworld Pty Ltd...AFL has no concerns or complaints with the arrangement as apply to the use of the Aboriginal Flag in Flag Form. In contrast, AFL does have concerns with respects to the current situation as exists with the us of the Aboriginal Flag in all other respects (i.e. other than in Flag Form)...AFL is most concerned that the commercial terms sought by WAM Clothing with respect to the use of Aboriginal Flag by all potential user of it are either not reasonable and/or are not affordable by

⁸¹ Mr Graham, *Committee Hansard*, 23 September 2020, p. 22.

⁸² See for example, Legal Aid Queensland, *Submission 29*, p. 3; Cricket Australia, *Submission 28*, [p. 2].

⁸³ Spark Health Australia and Clothing the Gap, *Submission 27*, p. 3.

many persons, in particular Aboriginal people and enterprises, who seek to celebrate their indigeneity through the proud display of the Aboriginal Flag in many forms.⁸⁴

4.60 In relation to enforcing its rights as a licensee, Flagworld stated:

From time to time, yes, but normally not against individuals. The usual people that we find breach the licence are those who are often importing from overseas countries, from low-cost labour countries, who will bring in cheap and inferior products into Australia. So we will often contact those people and suggest that that's not a very good idea. More often than not, many of them, probably through ignorance, are not aware of the licensing arrangements and end up becoming re-sellers for the Aboriginal flag and buy the genuine product rather than buying cheap imports from overseas.⁸⁵

4.61 In 2003, Flags 2000 Pty Ltd (as Flagworld was then known) took action in the Federal Court against Mr David Smith who carried on business under the name 'Flags and Poles' in Bassendean, Western Australia for infringements of Mr Thomas's copyright. The Court found in favour of Flags 2000 and ordered Mr Smith to refrain from infringing Mr Thomas's copyright and deliver up all infringing copies of the flag. Mr Smith was also ordered to pay damages of \$320, additional damages of \$1,000, and the applicant's costs.⁸⁶

4.62 In March 2020, Flagworld successfully applied to the Federal Court for the production of names and contact details for the person/s operating the website <https://freetheflag.net> from Paypal, Vodafone and Shopify.⁸⁷ Flagworld alleged that the operators of the website advertised, distributed and sold flags in the design of the Aboriginal flag in breach of copyright. It sought the contact details under Rule 7.22 of the *Federal Court Rules 2011* (Cth), which

is intended to provide a person with a means of obtaining information as to the identity of a party against whom the person wishes to commence a proceeding, in circumstances in which the person is unable to do so because of a lack of sufficient information about that party's description to enable an originating application to be filed.⁸⁸

4.63 Whether or not subsequent legal action against the website administrators has commenced is unknown to the committee.

4.64 What, if any, connection the administrators of this website have to the Free the Flag movement, led by Spark Health is unknown. During the committee's

⁸⁴ Australian Football League (AFL), *Submission 19*, pp. 3–4.

⁸⁵ Mr Wayne Gregory, Managing Director, Carroll & Richardson Flagworld, *Committee Hansard*, 14 September 2020, p. 23.

⁸⁶ *Flags 2000 Pty Ltd v Smith* [2003] FCA 1067.

⁸⁷ The matter proceeded against Shopify. Paypal and Vodafone agreed to provide the details of their own accord: [2003] FCA 1067, [5].

⁸⁸ [2003] FCA 1067, [3].

public hearing, Spark Health stated that the current licensing arrangements have:

...never really been an issue with Flagworld, because not many of us want to actually produce flags that go on flagpoles. So we haven't seen it playing out. It's more that the mob want to use it on clothes, and that's when we've seen it play out.⁸⁹

Spark Health and Clothing the Gap

- 4.65 WAM Clothing's heavy-handed (yet entirely legal) approach to enforcing its rights as an exclusive licensee for the Aboriginal flag was the catalyst for a campaign—led by Spark Health—to garner community support to 'free the flag'.
- 4.66 Spark Health is an Aboriginal-owned and led social enterprise specialising in health promotion and Aboriginal community engagement.⁹⁰ The organisation designs and delivers preventative health and health engagement programs and offers Aboriginal community engagement consultancy services.⁹¹
- 4.67 Spark Health also trades as Clothing the Gap, a Victorian Aboriginal-owned and led social enterprise. Clothing the Gap is a fashion label managed by health professionals.⁹² Ms Laura Thompson is co-founder and managing director of Spark Health and Clothing the Gap.
- 4.68 In March 2019, Spark Health started selling clothing that featured the Aboriginal flag.⁹³ On 6 June 2019, Spark Health received a letter from WAM Clothing demanding that within three business days from the date of the letter it cease and desist with the sale of clothing bearing the Aboriginal flag.⁹⁴ In August 2019, Spark Health wrote to Mr Harold Thomas to seek permission to use the flag, but did not receive a response.⁹⁵
- 4.69 On 16 October 2019, Spark Health received a letter from Lion Legal acting on behalf of Mr Thomas, requiring that Spark Health cease and desist from 'engaging in any way in the sale of any clothing bearing the Aboriginal flag or variation thereof'⁹⁶ within three business days from the date of the letter.⁹⁷ On

⁸⁹ Ms Thompson, Spark Health Australia, *Committee Hansard*, 14 September 2020, p. 39.

⁹⁰ Spark Health, *About us*, <https://sparkhealth.com.au/pages/about-us> (accessed 28 September 2020).

⁹¹ Spark Health, *About us*, <https://sparkhealth.com.au/pages/about-us> (accessed 28 September 2020).

⁹² Clothing The Gap, *About us*, <https://clothingthegap.com.au/pages/our-impact> (accessed 28 September 2020).

⁹³ Spark Health and Clothing the Gap, *Submission 27*, p. 1.

⁹⁴ Spark Health and Clothing the Gap, *Submission 27*, p. 1.

⁹⁵ Clothing The Gap, *Aboriginal Flag Timeline*, <https://clothingthegap.com.au/pages/aboriginal-flag-timeline> (accessed 28 September 2020).

⁹⁶ Spark Health and Clothing the Gap, *Submission 27*, p. 8.

22 October 2019, Spark Health's clothing manufacturer, Daluna Industries, also received an email advising that any use of the Aboriginal flag on clothing without the consent or agreement of WAM Clothing was prohibited.⁹⁸

4.70 After receiving the initial cease and desist letter from WAM Clothing, Ms Thompson began the Free the Flag campaign.⁹⁹ The campaign is promoted via the Clothing the Gap website and calls for the Aboriginal flag to be free from its current exclusive worldwide licencing agreements with WAM Clothing, Wooster Holdings and Flagworld.¹⁰⁰ The campaign encourages free use of the Aboriginal flag for all, provided that usage adheres to the flag protocols and guidelines set out in the *Flags Act 1953* (Cth), consistent with arrangements for the Australian flag.¹⁰¹ Free the Flag encourages people to support the movement by signing the Pride Not Profit petition, writing to their local Member of Parliament, buying Free the Flag merchandise produced by Clothing The Gap and using the Free the Flag logo.¹⁰²

4.71 Spark Health and Clothing the Gap submitted:

We believe if Aboriginal people had known Harold Thomas would end up asserting his private ownership rights over the flag and appointing non-Indigenous licensees to shut down its use unless fees were paid - we would never have adopted it. Flags should always be about pride and not profit, so we started a petition. Today, nearly 150 000 people have signed this petition (www.change.org./pridenotprofit) and supported what has become a movement to #FreeTheFlag for the people.¹⁰³

4.72 Free the Flag has garnered support from individuals and organisations that have been issued with cease and desist notices as well as from the broader community. The campaign is supported by a number of prominent Aboriginal Australians including former Senator and Olympian Ms Nova Peris OAM, and former AFL players Mr Michael Long¹⁰⁴ and Mr Eddie Betts¹⁰⁵. A number of

⁹⁷ Spark Health and Clothing the Gap, *Submission 27*, p. 1.

⁹⁸ Spark Health and Clothing the Gap, *Submission 27*, p. 1.

⁹⁹ Clothing The Gap, *Aboriginal Flag Timeline*, <https://clothingthegap.com.au/pages/aboriginal-flag-timeline> (accessed 28 September 2020).

¹⁰⁰ Spark Health and Clothing the Gap, *Submission 27*, p. 1.

¹⁰¹ Spark Health and Clothing the Gap, *Submission 27*, p. 1.

¹⁰² Clothing The Gap, *Free the Flag Journey*, <https://clothingthegap.com.au/pages/free-the-flag> (accessed 28 September 2020).

¹⁰³ Spark Health and Clothing the Gap, *Submission 27*, p. 2.

¹⁰⁴ Lorena Allam, 'AFL slugged with retrospective bill for use of Aboriginal flag as fans urged to bring their own', *The Guardian*, 21 August 2020, www.theguardian.com/australia-news/2020/aug/21/afl-slugged-with-retrospective-bill-for-use-of-aboriginal-flag-as-fans-urged-to-bring-their-own (accessed 28 September 2020).

professional sporting organisations have also expressed support for the movement, including most AFL clubs¹⁰⁶ and the Super Netball.¹⁰⁷

4.73 On 28 July 2019, Ms Thompson, Ms Peris and Mr Michael Connolly (an Aboriginal artist) travelled to Canberra to meet with federal parliamentarians to advocate for the campaign.¹⁰⁸ On 31 July 2019 the Pride Not Profit petition was acknowledged by Ms Ged Kearney MP in the House of Representatives.¹⁰⁹

4.74 Ms Peris described her work with the campaign:

I appear as a member of the Free the Flag campaign and also in my own capacity as a well-known Aboriginal identity here in Australia...I spent hundreds of hours in discussions with Ms Laura Thompson, Mr Michael O'Connor and our lawyer, Peter Francis, from FAL, who have all worked tirelessly together. I've also spent hundreds of hours working across [inaudible] speaking with Aboriginal natural people [inaudible] for them to be able to use their symbol. As this committee will have heard, many of these people have not sought to profit from the use of the flag; rather they have included the flag on uniforms or team jumpers to wear as a symbol of pride and belonging...You've received some 50 submissions, but we've got close to 160,000 people who have signed on to say, 'We want to free the flag.'

4.75 Mr Connolly stated:

I'm also a strong advocate for the fake Aboriginal art campaign and the Free the Flag campaign with Laura Thompson and Nova Peris. With Nova and Laura, we have received cease and desist letters from WAM Clothing and our passion is to free the flag for all peoples – all our people – who have fought under the flag, been buried under the flag and have marched under the flag.¹¹⁰

4.76 Several Aboriginal Land Councils expressed support for the campaign, emphasising that the matter is of national significance to Firsts Nations people in particular, but also the broader community. The Bahtabah Local Aboriginal Land Council, Mindaribba Aboriginal Land Council and Thungutti Local Aboriginal Land Council submitted:

¹⁰⁵ Shelley Ware, 'Football fraternity unites to free the flag', Footyology, 25 August 2020, <https://footyology.com.au/football-fraternity-unites-to-free-the-flag/> (accessed 28 September 2020).

¹⁰⁶ AFL, *Submission 19*, p. 4.

¹⁰⁷ Suncorp Super Netball, <https://www.facebook.com/supernetball/posts/1829394177214512/> (accessed 29 September 2020).

¹⁰⁸ Clothing The Gap, *Aboriginal Flag Timeline*, <https://clothingthegap.com.au/pages/aboriginal-flag-timeline> (accessed 28 September 2020).

¹⁰⁹ Ms Ged Kearney MP, *House of Representatives Hansard*, 31 July 2019, p. 1675.

¹¹⁰ Mr Michael Connolly, private capacity, *Committee Hansard*, p. 16.

We echo the calls of the #FreeTheFlag campaign for Aboriginal people to have equal rights and access to the flag. The flag is an important part of our contemporary heritage and identity as First Nations people.¹¹¹

- 4.77 Mr John Burgess, a Gurindji Aboriginal business owner expressed support for Free the Flag's key message, stating:

This flag is about identity and once again, Aboriginal Australia are fighting for it, where someone wants to control and profit off it. More than ever, the Australian government needs to acknowledge our existence and our place in this country, especially given the context of what has happened to our people.

In relation to the Senate Select Committee on the Aboriginal Flag, I wanted to add my voice to the chorus of thousands of Australians seek to Free the Flag from its current commercial license agreement...¹¹²

- 4.78 Other business owners impacted by restrictions on producing merchandise featuring the Aboriginal flag similarly expressed support for Free the Flag. For example, Yarn Strong Sista (YSS), an Aboriginal education consultancy in Victoria submitted:

At the end of 2018 we were approached by a Victorian Aboriginal organisation who wanted YSS to develop a range of Back Packs and Duffel Bags with the Aboriginal Flag, Torres Strait Island flag and Tiwi Flag printed on the product. This Organisation works to support Indigenous children who are living in Kinship Care and Out of Home Car. The Indigenous children are very vulnerable and find comfort and strength in these important Flag symbols.

Whilst Yarn Strong Sista has not received a cease and desist letter from WAM, we were aware that Clothing the Gap had been sent a letter in the post. We became scared and stopped selling our YSS items that had the Aboriginal Flag printed on the products. We had invested \$5000 into the development of our Back Packs and Duffel Bags and now we are left with boxes and boxes of stock we are not allowed to sell. We support the "Free The Flag" Movement!¹¹³

- 4.79 Aunty Rieo Ellis stated 'I will continue my right to practice integrity and continue to fight to Free The Flag'.¹¹⁴
- 4.80 While there is community support for Free the Flag, some submitters raised concerns regarding free use of the flag for all Australians, referring to the solution proposed by the campaign. The National NAIDOC Committee stated:

¹¹¹ Thungutti Local Aboriginal Land Council, *Submission 9*, [p. 2]; Mindaribba Local Aboriginal Land Council, *Submission 16*, [p. 1]; Bahtabah Local Aboriginal Land Council, *Submission 37*, [p. 2].

¹¹² Mr John Burgess, *Submission 23*, [p. 1].

¹¹³ Yarn Strong Sista, *Submission 52*, [p. 2].

¹¹⁴ Aunty Rieo Ellis, *Submission 32*, [p. 1].

We believe that completely “Freeing the Flag” - like the Australian Flag that some have suggested, could lead to it being exploited for commercial gain by non-Indigenous businesses, particularly foreign companies.¹¹⁵

- 4.81 The implications of making the flag free to use for all was partly articulated by Associate Professor Jani McCutcheon, who emphasised that any attempt to do so would have a corresponding effect on the rights of the copyright owner:

Any push to free the flag, in copyright speak, would demand an augmentation of the list of fair dealings that we currently entertain under the Copyright Act—something like a fair dealing for cultural expression, or something like that. But, of course, that will always have a corresponding effect on Mr Thomas's rights, because what he was able to demand monetary compensation for he no longer will be, once that new exception comes into place. So any augmentation of the list of fair-dealing exceptions would need to be carefully thought through and would have serious implications for the rights of the licensees as well.¹¹⁶

- 4.82 While Mr Thomas's view has been notably absent from this inquiry, he expressed the following opinion in a media interview in June 2019:

Now the court made it clear, they posted advertisements to say are there any other people of interest for the flag?...No one came forward to say, if Mr Thomas wins the case or something, the copyright shouldn't got to him, or should go to all black people throughout Australia. Not one group of people came up with that not even the government...Those people on this petition, where were they?...See this is the silly argument about the flag...See under copyright, and I'm now and proved as that, you can exercise that. You can make agreements between companies, with manufacturing companies, that you can give agreements for a day, you can give agreements that are non-exclusive, you can give agreements that are exclusive, that no one else can no one else can produce those Aboriginal flag designs on them. That's the first step...That means I can make an agreement with a non-aboriginal company.

Those who are signing this so called petition, has any of those people...worked for a grassroots black organisation like the medical and legal service? Have they been on the committee?...No of course they haven't. You come on my journey...when it started, there was nobody. Only a few who stood up to be counted to be black. Only a few, people like Gary Foley and all those people. Who were activists at the time. They were no were near these people... These idiots of a people, where were their family? During the 70's, 80's and 90's?¹¹⁷

¹¹⁵ National NAIDOC Committee, *Submission 52*, p. 7.

¹¹⁶ Associate Professor McCutcheon, *Committee Hansard*, p. 8.

¹¹⁷ Central Australian Aboriginal Media Association, 'Harold Thomas – creator and copyright owner of the Aboriginal flag respond to his critics!', CAAMA, 24 June 2019,

4.83 Despite differing views, Free the Flag has generated attention and stimulated discussion and debate in relation to this issue.

Chapter 5

The future of the Aboriginal flag

- 5.1 Throughout the inquiry, the committee heard views regarding the future of the Aboriginal flag including compulsory acquisition, a negotiated outcome, models for custodianship of the flag, the possibility of a new fair dealing exception and whether it may be time for a new Aboriginal flag.
- 5.2 The possibility of compulsory acquisition of the copyright and/or the existing copyright licences drew strong, largely adverse views from numerous submitters and witnesses. Many suggested that the preferred outcome was one in which Mr Thomas voluntarily allowed the Commonwealth government to acquire the copyright and/or existing licences through a process of negotiation. No clear consensus was formed around the way forward in the event that a negotiated outcome could not be achieved. Should government acquisition occur, evidence indicated broad support for ongoing recognition (a moral right)¹ and compensation on just terms for Mr Thomas.
- 5.3 In relation to the future administration of the Aboriginal flag, some called for an ongoing role for government (such as ownership and administration of the flag through a statutory agency) while others felt that ongoing government control of the Aboriginal flag was inappropriate. The committee received a number of different suggestions for potential models of administration and a preference for Aboriginal custodianship of the flag, either through an Aboriginal community controlled organisation, or an elected or representative body.
- 5.4 Suggestions around how freely the Aboriginal flag should be able to be used also varied. Many submitters and witnesses advocated for use free-of-charge for all Australian people and organisations, while others warned of possible exploitation and suggested some kind of scaled fee system for commercial use of the flag. Despite differing views, evidence consistently supported use at no or low cost for Aboriginal people and organisations that seek to use the flag to advance the interests of Aboriginal people.

Compulsory acquisition

- 5.5 Section 51(xxxi) of the *Australian Constitution* provides that the Commonwealth government can compulsorily acquire property on just terms:

¹ Under section 189 of the *Copyright Act 1968* (Cth) (Copyright Act), moral right means a right of attribution of authorship, a right not to have authorship falsely attributed, or a right of integrity of authorship.

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

...

(xxxi) the acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws.²

- 5.6 Compulsory acquisition of the copyright subsisting in the Aboriginal flag and, or the existing copyright licences was discussed at length during this inquiry. Numerous witnesses and written submissions put forth views regarding the legal ability of, and moral basis for, the Commonwealth government pursuing this option.
- 5.7 If the Commonwealth government acquired the copyright subsisting in the Aboriginal flag, the Commonwealth, as opposed to Mr Thomas, would own the flag's copyright. A number of submitters acknowledged that the Commonwealth would then be subject to the operation of subsection 196(4) of the *Copyright Act 1968* (Cth) (Copyright Act) should it take such an approach, which provides that:³
- [a] licence granted in respect of a copyright by the owner of the copyright binds every successor in title to the interest in the copyright of the grantor of the licence to the same extent as the licence was binding on the grantor.⁴
- 5.8 As the successor of the copyright, the Commonwealth government would be bound by the licence agreements made by Mr Thomas with WAM Clothing, Wooster Holdings (Gifts Mate) and Carroll & Richardson Flagworld (Flagworld). If the Commonwealth was to control the use and reproduction of the Aboriginal flag design as a flag or banner and/or on clothing and other merchandise, it would also need to acquire those existing licences in addition to the flag copyright.⁵
- 5.9 Another option is for the Commonwealth government to acquire the three existing licences (with WAM Clothing, Wooster Holdings and Flagworld) for the Aboriginal flag, as opposed to the copyright subsisting in the flag. Under this arrangement, Mr Thomas would continue to be the owner of the copyright.
- 5.10 Ms Stephanie Parkin, Chair of the Indigenous Art Code, provided evidence to the committee regarding this approach, outlining that changes to the licensing

² *Australian Constitution*, s. 51(xxix).

³ Dr Dilan Thampapillai, Mr Andrew Ray and Ms Georgia Reid, *Submission 40*, pp. 6–7; FAL Lawyers, *Submission 33*, p. 3.

⁴ Copyright Act, ss. 196(4).

⁵ Dr Thampapillai, Mr Ray and Ms Reid, *Submission 40*, pp. 6–7; FAL Lawyers, *Submission 33*, p. 3.

agreements may impose obligations or burdens on Mr Thomas, but would otherwise not infringe upon on his rights as the copyright owner:

My understanding is that, in that situation, Mr Thomas would still remain the copyright owner of the flag and that the acquisition would occur further on down the track, in terms of those exclusive licensees. In terms of impinging or infringing upon his rights, I think that would also depend on what that licence agreement looks like that Mr Thomas has between him and those exclusive licensees and what, if any, type of obligation he would have to adhere to if the licences were compulsorily acquired. Obviously I recognise that we don't know the terms of the licensing agreement, but if there were any changes to those exclusive licenses then there could be burdens or obligations that the copyright owner—for example, Mr Thomas—would have to comply with.⁶

- 5.11 A number of submitters and witnesses voiced their preference for an outcome in which Mr Thomas retains ownership of the flag copyright, preferably through a negotiated agreement about the use and fees for use of the Aboriginal flag.⁷

Support for compulsory acquisition

- 5.12 Some submitters and witnesses expressed support for compulsory acquisition.⁸ For example, FAL Lawyers (which represents Spark Health Australia, Clothing the Gap and Free the Flag) argued in support of compulsory acquisition on the basis that acquiring the copyright is no different to circumstances in which government acquires real property where it is in the public interest to do so:

All levels of Australia government routinely engage in the compulsory acquisition of land. Specific legislation is enacted at state and federal level to regulate these acts...Compulsory acquisition is by its nature against the wishes of the owner, and there are many reasons a land owner may be reluctant to hand over his or her rights...Despite these owner misgivings, governments routinely engage in compulsory acquisition...We ask why compulsorily acquiring someone's home to widen a road is commonplace and acceptable at all levels of government, but compulsorily acquiring copyright in a flag design (or a licence thereto) for the benefit of an entire race of Australians is entirely unacceptable.⁹

- 5.13 FAL Lawyers further argued that Mr Thomas, as demonstrated through the existing licences, is prepared to divest control of and monetise his copyright:

⁶ Ms Stephanie Parkin, Chair, Indigenous Art Code, *Committee Hansard*, 22 September 2020, p. 14.

⁷ See, for example, Ms Eileen Camilleri, Chief Executive Officer, Australian Copyright Council, *Committee Hansard*, 22 September 2020, p. 4; Spark Health Australia and Clothing the Gap, *Submission 27*, p. 5; National Association for the Visual Arts, *Submission 36*, [p. 2]; Mrs Janette Young, Communications Manager, Indigenous Wellbeing Centre, *Committee Hansard*, 23 September 2020, p. 22.

⁸ See, for example, Ms Nova Peris, *Submission 44*, p. 2; Reconciliation Tasmania, *Submission 26*, [p. 2].

⁹ FAL Lawyers, *Submission 33*, pp. 1–2.

Mr Thomas has granted an exclusive licence to a third party to produce flags. This means Mr Thomas cannot himself produce a flag without authorisation from his licensee. Mr Thomas can, as a result of the licences he has already granted in consideration for financial gain, infringe his own copyright. However, any idea that the Government should respect the desire of Mr Thomas to retain control of any use of the Flag is misplaced. Mr Thomas has demonstrated he is well-prepared to divest such control entirely (to the exclusion of himself), for appropriate monetary compensation.¹⁰

- 5.14 Ms Nova Peris OAM expressed a strong preference for compulsory acquisition, at the same time suggesting that just terms should not be afforded to current licence holders:

To resolve this issue, I believe that the Aboriginal Flag ought to be considered and given the same rights as the Australian Flag and the freedom of the Torres Strait Islander Flag. I believe that the Aboriginal flag should be federally compulsory acquired under Section 51(xxxi) of the *Constitution of Australia* as a matter of national emergency, by "urgent acquisition". I do not believe that the current licence agreements should be paid out by the taxpayer.¹¹

- 5.15 When asked whether compulsory acquisition should be considered if the Commonwealth government is unable to resolve the current dispute about the use of the Aboriginal flag, Spark Health Australia stated:

I feel like the flag is a significant national symbol and that it's worth acquiring. In that process, it's not nice but the government acquires things of national significance all the time. In that process Harold will still be fairly compensated and so will the licensees, and, again, he'll maintain his moral rights.¹²

Concerns regarding compulsory acquisition

- 5.16 While acknowledging the legal basis for compulsory acquisition, many submitters and witnesses objected to it.¹³ Key among their concerns was that compulsory acquisition of the Aboriginal flag copyright would mirror past

¹⁰ FAL Lawyers, *Submission 33*, p. 4.

¹¹ Ms Peris, *Submission 44*, p. 1.

¹² Ms Laura Thompson, Managing Director, Spark Health Australia, *Committee Hansard*, 14 September 2020, p. 22.

¹³ See, for example, Dreamtime Art, *Submission 53*, [p. 2]; Dr Fady Aoun, *Submission 34*, [p. 5]; Ms Katherine (Kate) Kelleher, Director, New South Wales Indigenous Chamber of Commerce, *Committee Hansard*, 22 September 2020, p. 38; National NAIDOC Committee, *Submission 52*, p. 10; Ms Parkin, Indigenous Art Code Ltd, *Committee Hansard*, 22 September 2020, p. 12; Ms Pamela Bigelow, Chief Executive Officer, Indigenous Art Centre Alliance, *Committee Hansard*, 22 September 2020, p. 28; Mr Mick Gooda, private capacity, *Committee Hansard*, 24 September 2020, p. 15; Professor Kimberlee Weatherall, private capacity, *Committee Hansard*, 14 September 2020, p. 9; Dr Terri Janke, Solicitor Director, Terri Janke and Company, *Committee Hansard*, 25 September 2020, p. 32.

experiences of dispossession and appropriation experienced by Aboriginal people.

5.17 Professor Marcia Langton AO argued that:

I do not believe that the compulsory acquisition of the licences and/or copyright of the Aboriginal flag is appropriate. First of all, there are constitutional issues and, moreover, it is my very strong view that the cultural property and the intellectual property of Mr Harold Thomas should not be compulsorily taken away from him.

I say this for a number of reasons. One is that he is an Aboriginal person, and doing so would create a very bad precedent in terms of breaching the Constitution and any appearance of an act based on racial discrimination. Two, he is a member of the stolen generations, and for the government to cause him harm a second time would be unconscionable. His ownership of the rights in the Aboriginal flag has been affirmed by the Federal Court. The only way forward is for him to voluntarily relinquish all of his rights to the Australian government, and I understand, from reading newspapers, that Minister Ken Wyatt is engaged in negotiations with him to acquire the rights in the flag and to overcome all the problems with the licences that have been issued by acquiring all rights.¹⁴

5.18 Associate Professor Jani McCutcheon was similarly concerned about the implications of compulsory acquisition, and described the challenge of quantifying just terms:

This would be an extraordinary step, without any precedent that I am aware of, and there is no guarantee that the 'just terms' achievable under constitutional law principles would constitute truly fair terms. It would also painfully replicate the kind of involuntary dispossession Aboriginal people have endured for more than two centuries.¹⁵

5.19 Reflecting on compulsory acquisition, Mr Will Carter, an Aboriginal community member, artist and small-business owner, stated:

If I really sit here and think about that, I kind of lean more towards that being almost another form of oppression. It dismisses our sovereignty, noting that we don't have constitutional recognition. So if there's a constitutional avenue for the flag to be acquired compulsorily, then those are my thoughts around that.¹⁶

5.20 Other Aboriginal artists and art organisations were concerned about the precedent compulsory acquisition of the Aboriginal flag would establish with respect to artists' copyright in their works, in circumstances where there have

¹⁴ Professor Marcia Langton AO, private capacity, *Committee Hansard*, 24 September 2020, p. 1.

¹⁵ Associate Professor Jani McCutcheon, *Submission 6*, [p. 4].

¹⁶ Mr Will Carter, private capacity, *Committee Hansard*, 22 September 2020, p. 21.

been calls for greater protection of their intellectual property and copyright rights.¹⁷

5.21 Ms Claire Coleman argued that 'compulsory acquisition of the flag copyright by government is to be avoided at all cost' because it 'endangers copyright laws and agency for artists particularly Aboriginal artists and credibly increase the risk of a proliferation of fake art'.¹⁸

5.22 The Bar Association of Queensland shared this view, adding that compulsory acquisition may adversely impact work that has already been done to protect the intellectual property of Aboriginal artists:

It would be problematic to compulsorily acquire the licences or copyright as this may have drastic consequences to the intellectual property rights of other Aboriginal artists. If this was to occur, it may reverse the important work done by Indigenous Art Code and Senate Committee findings set out in the *Report on the impact of inauthentic art and craft in the style of First Nations peoples*.¹⁹

5.23 McCulloch & McCulloch Australian Art Books Pty Ltd emphasised the potential impact of compulsory acquisition on the broader arts community, suggesting that it 'would completely destroy the basic tenets of copyright for artists, writers, musicians, playwrights, film makers and any other creators' which is of 'extreme concern' to the Aboriginal arts community in particular.²⁰

A negotiated outcome

5.24 While compulsory acquisition was raised as a possible outcome, evidence to the inquiry indicated that a negotiated outcome with the copyright holder is clearly the preferred way forward.²¹ A negotiated outcome could ultimately result in the Commonwealth government acquiring the flag copyright, the

¹⁷ See, for example, House of Representatives Standing Committee on Indigenous Affairs, *Report on the impact of inauthentic art and craft in the style of First Nations people*, December 2018, pp. 41–65.

¹⁸ Ms Claire Coleman, *Submission 15*, [p. 2].

¹⁹ Bar Association of Queensland, *Submission 56*, p. 2.

²⁰ McCulloch & McCulloch Australian Art Books Pty Ltd, *Submission 8*, [pp. 1–2].

²¹ See, for example, Mr Carter, private capacity, *Committee Hansard*, 22 September 2020, p. 21; Ms Jacqui Katona, private capacity, *Committee Hansard*, 14 September 2020, p. 31; Ms Thompson, Spark Health Australia, *Committee Hansard*, 14 September 2020, p. 42; Ms Parkin, Indigenous Art Code Ltd, *Committee Hansard*, 22 September 2020, p. 11; Ms Bigelow, Indigenous Art Centre Alliance, *Committee Hansard*, 22 September 2020, p. 28; Mr Peter Francis, FAL Lawyers, *Committee Hansard*, 24 September 2020, p. 24; McCulloch & McCulloch, *Submission 8*, [p. 2]; Reconciliation Victoria, *Submission 11*, [p. 2]; Ms Claire Coleman, *Submission 15*, [p. 2]; National NAIDOC Committee, *Submission 52*, p. 5; Dr Josie Douglas, Senior Policy Officer, Aboriginal Peak Organisations Northern Territory, *Committee Hansard*, 23 September 2020, p. 2; Associate Professor Jani McCutcheon, *Submission 6*, [p. 3].

existing licences, or another arrangement, but the committee heard that Mr Thomas's consent would be pivotal.

- 5.25 Submitters and witnesses recommended basic principles for a negotiated outcome. Dr Fady Aoun suggested:

Of the multiple options canvassed before the Select Committee championing more liberalised access to the Aboriginal flag, the most sensible and appropriate approach may well be to negotiate sustainable and mutually beneficial outcomes with Mr Thomas and the exclusive licensees.²²

- 5.26 The Shepparton Regional Reconciliation Group (SRRG) expressed a preference for negotiations with Mr Thomas, rather than licence holders:

SRRG believes there should be negotiated outcomes, which recognise Mr Harold Thomas's rights as the author of the flag, but free up the flag for general use, especially by Aboriginal communities and organisations. Negotiations directly with Mr Thomas may be preferable to those with licence holders.²³

- 5.27 Acknowledging the competing interests in relation to the Aboriginal flag, the Australian Copyright Council further articulated that Mr Thomas should have a voice regarding how the flag is used into the future:

Well, the negotiated outcome, given the existing contractual landscape, is really limited by what the contracts say and how the licensees are prepared to give over the rights that they have. The ideal situation, given the fact that there is such a community interest in it and a balancing of these unique factors, is that Mr Thomas retains copyright ownership and that continued royalties flow to him and that he gets a say in the landscape in which the flag continues to be used.²⁴

Custodianship of the flag

- 5.28 The concept of custodianship was raised by a range of submitters and witnesses, largely in the context of who might be responsible for administering the flag and approving its use into the future.

- 5.29 The Aboriginal Advisory Council of Western Australia and the Indigenous Wellbeing Centre outlined why an outcome where there is a custodian of the flag is preferable to one where the flag is owned:

[S]o much is owned by the government. It seems that our heritage is owned, our country is owned and our people are owned because of all the different acts that are imposed upon us. If government are going to do that, they'd have to be very clear about how they're going to inform our

²² Dr Fady Aoun, *Submission 34*, [p. 5].

²³ Shepparton Regional Reconciliation Group, *Submission 35*, p. 2.

²⁴ Ms Camilleri, Australian Copyright Council, *Committee Hansard*, 23 September 2020, p. 4.

community that it is actually for our betterment—it's protecting the flag but it's not real ownership. That's a sticky one.²⁵

In our community people are custodians of knowledge. We do a lot of cultural healing work. We don't own that knowledge. We have to explain that to government all the time—'You can't take that IP, because it doesn't belong to us; it belongs to the community.' Custodianship is probably the approach that needs to be taken rather than ownership.²⁶

5.30 The Indigenous Wellbeing Centre added:

[W]e would like to see the custodianship held, not ownership; that Harold will continue to own it; and that it will be custodianship for the Aboriginal nation, and people who are running not-for-profit organisations, which are Aboriginal community controlled, should be able to use it freely, with the intention of actually bringing the community together and improving the health and wellbeing of our communities...So we're not looking for a blanket thing. It's more that we need to think about custodianship rather than ownership.²⁷

Aboriginal people live in two worlds—one in the West, where these contracts, laws, and copyright stuff under the act are—and then, from a cultural perspective, their freedom in how they express themselves is being hindered now because of this copyright issue...set off some sort of custodianship where it is used and define exactly who can use it and how they can use it. That will clear up a lot of the issues.²⁸

Custodianship models

5.31 Various models for custodianship of the Aboriginal flag were raised during the course of the inquiry, for example custodianship via a newly established independent government body, an Aboriginal community controlled organisation or an existing national Aboriginal entity such as the National NAIDOC Committee. The extent of the role for the Commonwealth government varied between models: while some saw a key role for the Commonwealth government as 'owner' of the flag, others raised concerns and suggested that the Commonwealth government's role should be negligible.

5.32 Professor Langton emphasised the importance of Commonwealth government ownership of the flag, but suggested administration be vested in an independent body:

...it's very important that the flag is owned by the government of Australia but that there are checks and balances in legislation that sets out very clearly the ownership and the use of the flag and how the use of the flag in

²⁵ Ms Gail Beck, Chair, Aboriginal Advisory Council Western Australia, *Committee Hansard*, 23 September 2020, p. 19.

²⁶ Mrs Young, Indigenous Wellbeing Centre, *Committee Hansard*, 23 September 2020, p. 19.

²⁷ Mrs Young, Indigenous Wellbeing Centre, *Committee Hansard*, 23 September 2020, p. 22.

²⁸ Mr Ara (Julga) Harathunian, Director and Chief Executive Officer, Indigenous Wellbeing Centre, *Committee Hansard*, 23 September 2020, p. 19.

special circumstances would be determined by an independent body. But most uses of the flag should be freely available to every Aboriginal person, club, corporation and association without any financial impost so that the flag can be used freely. It would only be in extraordinary circumstances, particularly in relation to commercial uses of the flag, that the independent body I am recommending would have a mandate to consider that matter.²⁹

5.33 In contrast, Australians for Native Title and Reconciliation (ANTaR) reiterated concerns with the notion of Commonwealth government 'ownership', and considered that even if the Commonwealth government was to acquire rights to the Aboriginal flag, Aboriginal people should be responsible for how it is used:

...I can certainly see the perception and probably the reality of a government acquiring the copyright off the Aboriginal artist and holding it in government hands, when it's really about a broader Aboriginal ownership and that's what, ultimately, needs to be the outcome in its free and proper use...If the government were to acquire the copyright, it should still be free for Aboriginal people to determine how it's used and enacted. It should be a government decision beyond holding it 'on behalf of', if that makes sense.³⁰

5.34 While no clear consensus emerged regarding the copyright ownership of the Aboriginal flag, submitters and witnesses expressed that an independent body, controlled by Aboriginal people should be a custodian.

An independent body

5.35 Some witnesses recommended that an existing body could take on the responsibilities of being custodian of the Aboriginal flag. For example, the National NAIDOC Committee suggested it could have a role, given the committee's longevity:

As suggested in our paper, we believe that the National NAIDOC Committee could play a part in that. We're one of the only committees that have lasted, since the 1970s, through the various changes and machinations of the Indigenous affairs portfolio...We believe and we've suggested to the agency that NAIDOC could play a part in some part of a solution or be part of the dialogue with Mr Thomas to make sure that that licence, if it's a non-commercial licence, is with an Aboriginal or Indigenous entity.³¹

5.36 Others suggested that an Aboriginal community controlled organisation would be well placed to be the custodian of the flag. Tandanya National Aboriginal Cultural Institute suggested to the committee that Mr Thomas had

²⁹ Professor Langton, private capacity, *Committee Hansard*, 24 September 2020, p. 1.

³⁰ Mr Paul Wright, National Director, Australians for Native Title and Reconciliation (ANTaR), *Committee Hansard*, 23 September 2020, p. 24.

³¹ Mr John Paul Janke, Co-Chair, National NAIDOC Committee (NNC), *Committee Hansard*, 24 September 2020, p. 44.

at one stage, entered into discussions with the organisation regarding custodianship of the flag:

Our understanding is that he was going to offer copyright to Tandanya to look after the flag. This was many years ago. Obviously there has been a lot of changeover within Tandanya in the last two to three years...I'm trying to get the information from this organisation as to what sorts of conversations were had, if at all. But that is my belief, that he had some sort of thought about bringing the copyright to Tandanya, and as the national institute.³²

5.37 The Victorian Aboriginal Health Service (VAHS) echoed this view, adding that perceived or actual government control would be likely to cause issues within the community:

One thing I think our community wouldn't accept would be if government owned the rights to the flag. I think it would need to be some kind of community-controlled organisation or perhaps a trust or something like that. I don't think they would accept it being government owned and controlled. That's probably going to cause more issues than not.³³

5.38 Dr Matthew Rimmer speculated that an approach such as that taken by the Torres Strait Islander Regional Council (see chapter 1) could be a potential model for community control:

In my submission, I go through an array of different options, some within the frame of copyright law and some outside it. Already there has been a lot of discussion of the merits and problems in relation to acquisition of copyright by the government. I think the community ownership model being put forward in relation to the Torres Strait Islander flag has been quite useful and successful.³⁴

5.39 Aboriginal Peak Organisations Northern Territory emphasised the significance of being custodian of the Aboriginal flag and on that basis argued for the establishment of a national authority, rather than a local Aboriginal controlled organisation having responsibility for the flag:

I think it needs to be national because of the symbolism of the flag and what it means to Aboriginal people in Australia as a whole. So I don't think it's appropriate that a local Aboriginal-controlled organisation has the—it's a big thing. It would be a big thing to hold the workings of the flag within an organisation. I think it needs to be a national agency, with Aboriginal control and governance.³⁵

³² Mr Dennis Stokes, Chief Executive Officer, Tandanya National Aboriginal Cultural Institute, *Committee Hansard*, 22 September 2020, pp. 26–27.

³³ Mr Michael Graham, Chief Executive Officer, Victorian Aboriginal Health Service (VAHS), *Committee Hansard*, 23 September 2020, p. 18.

³⁴ Dr Matthew Rimmer, private capacity, *Committee Hansard*, 22 September 2020, p. 2.

³⁵ Dr Douglas, Aboriginal Peak Organisations Northern Territory, *Committee Hansard*, 23 September 2020, p. 2.

5.40 Professor Langton suggested that:

...the flag should be in the ownership of a Commonwealth body that acts as a trust and which would have an Aboriginal board—a small board, say three people—to give approvals for its use. It also should be covered by Commonwealth legislation setting out very clearly the way in which the flag is used. The flag is already, of course, an official Australian flag, but, unlike the Torres Strait Islander flag, it's not owned by an Aboriginal body. The only way to overcome that problem, as far as I can see, is to put it into some kind of trust arrangement with legislation, but firmly under the control of an Aboriginal board of directors of a trust kind of arrangement.³⁶

5.41 Associate Professor McCutcheon held a similar view, suggesting that:

the copyright in the Aboriginal Flag is assigned or partly or exclusively licensed for an agreed fee to a suitable trustee such as the National Indigenous Australians Agency and clear guidelines are established in relation to its use.³⁷

5.42 Associate Professor McCutcheon offered further input regarding how such a trustee could operate:

This would also require compensation to the licensees if they were required to cede their contractual rights. The guidelines should be agreed following input from all representative stakeholders and could stipulate when permission to reproduce and communicate the flag is required and what licence fees may be applicable depending on those factors, and when permission is not required and no license fee would be payable. The scheme could structure ongoing payments to Mr Thomas or an outright assignment of his copyright. Certain obligations should also be placed on the Trustee to act as a fiduciary in relation to the flag, ensuring that it is used respectfully and in accordance with the agreed guidelines and the scheme should specify who can take action if they consider the trustee is derelict in its duties.³⁸

5.43 Dr Terri Janke has previously recommended the establishment of a National Indigenous Cultural Authority comprised of various Aboriginal organisations to be 'the peak advisory body on indigenous cultural and intellectual property rights'.³⁹ Such a body could, among other things, 'develop policies and protocols with various industries' and 'authorise uses of Indigenous cultural material through a permission system which seeks prior consent from relevant Indigenous groups'.⁴⁰ Dr Janke suggested that a trust or cultural authority could carry out a similar function in respect of the Aboriginal flag, particularly

³⁶ Professor Langton, private capacity, *Committee Hansard*, 24 September 2020, p. 1.

³⁷ Associate Professor McCutcheon, *Submission 6*, [p. 3].

³⁸ Associate Professor McCutcheon, *Submission 6*, [p. 3].

³⁹ Terri Janke and Company, *Our culture: our future*, 1998, p. XLI.

⁴⁰ Terri Janke and Company, *Our culture: our future*, 1998, p. XLI.

to ensure that its usage is in connection to Aboriginal people for the advancement of their rights:

The role of a trust or a national Indigenous cultural authority is like a guardian for its integrity. It could be like saying that you still need to consult and think about how you use that flag. It's not going to be put on everything. It's got to have some connection to Aboriginal people or some connection to the way it was originally intended, as advancing Indigenous rights. So to put it on a beer bottle might be against that spirit, but if you're a football team or a kids netball team wanting to put it on your guernsey, for when you're running on the field, that might be something that would fall within a suitable use.

I think the guardians, a trust, could look after and make sure that the process is appropriate, that there is that connection, and have consultation with people for its suitable use. We don't want to see it derogatorily treated. I think we must be mindful also of the right of attribution, the connection to the creator of the flag.⁴¹

- 5.44 The Central Land Council recommended the establishment of an Aboriginal Flag Commission or Council as a subsidiary of a National Indigenous Cultural Agency as envisaged by Dr Janke:

We would invite the Committee to recommend that the Commonwealth Government assumes control of the Aboriginal Flag under a newly established entity. This could be designated as an Aboriginal Flag Commission, or Council, and may be a subsidiary organisation within a National Indigenous Cultural Authority (NICA).⁴²

A voice to parliament

- 5.45 Several submitters and witnesses stated that an Indigenous voice to parliament could play a role in the context of the Aboriginal flag. A voice to parliament could involve amending the Constitution to establish an Aboriginal and Torres Strait Islander group of people to provide advice to parliament about Indigenous issues.⁴³
- 5.46 One submitter noted that a dedicated voice to parliament may have identified the issue earlier and made the resolution process easier,⁴⁴ while others suggested that such a body would be best placed to administer the flag. Ms Claire Coleman stated that she did not believe 'that any organisation currently is set up to administer the flag copyright in the situation we're in right now', and that a new body would need to be established unless 'there were actually the constitutional arrangements suggested in the Uluru

⁴¹ Dr Janke, Terri Janke and Company, *Committee Hansard*, 25 September 2020, p. 2.

⁴² Central Land Council, *Submission 46*, p. 9.

⁴³ Referendum Council, *An Indigenous voice*, www.referendumcouncil.org.au/discussion-topics/indigenous-voice.html (accessed 5 October 2020).

⁴⁴ Reconciliation Victoria, *Submission 11*, [p. 1].

statement, which would give us an administrative body which could in fact administer the flag'.⁴⁵ Mr Ngunggai Warren Mundine AM shared this view, stating that while there are a number of existing peak bodies that could administer the flag, eventually voice to parliament would be the preferred option.⁴⁶

Future licensing structure

5.47 If the current licence agreements are negotiated or wrested away from the current licensees, submitters and witnesses suggested how a future licensing scheme for use of the Aboriginal flag could be structured. A tiered licensing system was raised by a number of submitters and witnesses, with different fees and conditions applying to commercial and non-commercial use. For example, Dr Dimitrios Eliades suggested:

This body of indigenous representatives duly elected by their indigenous communities to be the exclusive licensee may grant sublicenses with a tiered approach to licences. For example, non-commercial First Nation people's use; commercial First Nation people's use; non-commercial non-First Nation peoples use and commercial use by non-First Nation peoples...That body will be best suited to determine the merit of applications and whether they warrant a nominal license fee, giving them the opportunity to use the copyright in the Aboriginal Flag within the terms of the licence and in accordance with its recognition in the Proclamation that the Aboriginal Flag is the flag of the Aboriginal peoples of Australia and a flag of significance to the Australian nation generally.⁴⁷

5.48 The National NAIDOC Committee also advocated for different fees for different uses, distinguishing, in particular, between use by community organisations and multinational companies:

It depends on what licence the federal government is able to secure. So, at the moment, we're saying a non-commercial licence. That would still allow Mr Thomas and licensees to have their commercial rights to that material. If they grant both licenses, then that would be a different sort of structure. But, yes, I think there would have to be a sliding scale of fees, focused on community organisations and how much they want to use the flag or on multinational companies that want to use the flag.⁴⁸

5.49 The National NAIDOC Committee determined that the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) might provide a useful framework to 'filter' organisations into a scaled system:

⁴⁵ Ms Claire Coleman, private capacity, *Committee Hansard*, 24 September 2020, p. 15.

⁴⁶ Mr Ngunggai Warren Mundine AM, private capacity, *Committee Hansard*, 24 September 2020, p. 15.

⁴⁷ Dr Dimitrios Eliades, *Submission 17*, pp. 14–15.

⁴⁸ Mr Janke, NNC, *Committee Hansard*, 24 September 2020, p. 44.

What's the legislation that encompasses the majority of Aboriginal or Torres Strait Islander organisations or corporations? At the moment it's the CATSI Act, which has about 3,300 organisations. You might also be able to include not-for-profit organisations and charities that are listed under the commission's register. You could extend that to Indigenous businesses, if the businesses were part of a commercial licence, and registration with Supply Nation. I think the object of using the CATSI Act is that it would filter down to as many organisations, corporations and community based companies as possible. If you think that there are 3,300 organisations, they might cover hundreds of thousands of Aboriginal and Torres Strait Islander people within their core functions, so something like that would allow them to use it for non-commercial purposes.⁴⁹

- 5.50 AIME Mentoring supported differential fees, adding that the fee for use of the Aboriginal flag could also depend on whether the flag was being used to advance the interests Aboriginal people:

One was that there's a licence available for free for organisations registered through the CATSI Act and potentially for Indigenous organisations at large or people who can prove that they benefit the work of Aboriginal people. Potentially it might extend to all First Nations people in that process...I don't mind that there's a little bit of a pendulum swing to mainstream organisations; I think it's an opportunity to challenge some of the mainstream organisations if they do use the Aboriginal flag or want to use the Aboriginal flag. It says, 'Okay, what are you going to be doing with this?' I don't think the fashion groups being able to put an Aboriginal flag on a pair of swimmers, for example, or something else that they then go and make profits from necessarily advances the progress of Aboriginal people. I think that's a grey zone where it's worth thinking about the design frame around it.⁵⁰

A new 'fair dealing' exception

- 5.51 Introducing a new fair dealing or fair use exception under the Copyright Act was raised by a number of submitters and witnesses as an option to balance the interests of those wishing to use the Aboriginal flag, with Mr Thomas's rights as the copyright owner.⁵¹ Paragraph 1.16 outlines a number of exceptions to copyright that are presently legislated for 'fair dealings'; none of these currently apply to use of the Aboriginal flag in a general sense.
- 5.52 The Australian Lawyers' Alliance argued that a fair dealing exception warrants serious consideration, as the Aboriginal flag has become a 'widely accepted

⁴⁹ Mr Janke, National NAIDOC Committee, *Committee Hansard*, 24 September 2020, pp. 47–48.

⁵⁰ Mr Jack Manning Bancroft, Chief Executive Officer, AIME Mentoring, *Committee Hansard*, 23 September 2020, pp. 23–25.

⁵¹ Associate Professor McCutcheon, *Submission 6*, p. 2; Dr Matthew Rimmer, *Submission 14*, p. 41; Reconciliation Australia, *Submission 25*, p. 3.

symbol of unity for Aboriginal people' and 'represents an essential medium by which Aboriginal people assert their identity'.⁵²

- 5.53 In a joint submission, Dr Dilan Thampapillai, Mr Andrew Ray and Ms Georgia Reid outlined the difference between 'fair dealing' and 'fair use' (some submitters and witnesses without copyright expertise did not distinguish between the two concepts), stating:

We note that a number of commentators have recommended a 'fair use' option. However, there is a significant difference between fair dealing, which is an established exception under Australia's *Copyright Act*, and fair use, which does not presently exist within the Act. If Australia were to enact a fair use exception, particularly for the specific purpose of the Aboriginal Flag, it would give rise to an extraordinarily complex question of interpreting and applying domestic Australian copyright law. As this would likely frustrate the purposes of the Committee's inquiry, we make no further comment on the issue of fair use other than to advise the Committee against adopting that terminology.⁵³

- 5.54 Associate Professor McCutcheon explained how an exception could be legislated to allow 'free use' of the flag for certain purposes:

It would be possible for Parliament to legislate an additional fair dealing exception designed to facilitate the 'free use' of the Aboriginal Flag. The wording of the exception would have to be carefully considered, but something like a fair dealing for the purpose of 'cultural expression' could be introduced.⁵⁴

- 5.55 Others were hopeful that an exception could facilitate use for Aboriginal people seeking to use the flag for non-commercial use.⁵⁵ For example, Ms Jacqui Katona stated:

It shouldn't be controversial to negotiate fair use, for a nominal fee or no fee, for a range of uses of the Aboriginal flag by Aboriginal people for Aboriginal people. These shouldn't be issues that are causing controversy...I think it's pretty well agreed that we don't want to see any copyright protection diminished for any copyright holder, given the difficulty there is in maintaining protections, generally, for Aboriginal art and Aboriginal artists. Harold being central to any process, going forward, is something that everybody is agreed upon. But the nature of fair use by Aboriginal people—that is, non-commercial use—I think, is really at the heart of the problem. Commercial use can be problematic where organisations are engaged in profit making, yet they're not prepared to financially acknowledge the holder rights. That's a problem with very basic

⁵² Australian Lawyers Alliance, *Submission 21*, p. 6.

⁵³ Dr Thampapillai, Mr Ray and Ms Reid, *Submission 40*, p. 4.

⁵⁴ Associate Professor McCutcheon, *Submission 6*, p. 2.

⁵⁵ Ms Kelleher, New South Wales Indigenous Chamber of Commerce, *Committee Hansard*, 22 September 2020, p. 37.

Australian law not just the moral issue that it carries for Aboriginal people.⁵⁶

- 5.56 Another option could be 'fair dealing for a prescribed purpose authorised by regulation', which would be a more prescriptive scheme for permissible uses, but with flexibility to ensure appropriate protection and compensation for Mr Thomas:

An alternative to a cultural expression fair dealing exception might be a more limited new fair dealing exception for a prescribed purpose authorised by regulation. This could allow a bespoke scheme to be crafted and then prescribed by regulation...The scheme could more particularly specify permissible uses and any compensation that needs to be paid (perhaps managed through the Copyright Agency)...Again, this fair dealing exception could have more general application than just the Aboriginal Flag and would allow the government to regulate fair dealing purposes more quickly than legislating other bespoke fair dealing exceptions as required. The potential disadvantage is the reduced Parliamentary oversight and public debate surrounding potentially important changes to the copyright balance effected by regulation.⁵⁷

- 5.57 As with many options raised with the committee, such an exception would have a corresponding impact on Mr Thomas's rights as the copyright owner. Associate Professor McCutcheon remarked:

The potential problem with this approach is that 'freeing' the flag as a fair dealing comes at a corresponding cost to Mr Thomas and his licensees, because uses which currently require permission and are financially compensated would no longer require permission if they met the conditions of the exception. This would represent a financial loss for Mr Thomas and his licensees.⁵⁸

- 5.58 Associate Professor McCutcheon did forewarn, however, that uncertainty around whether the fair dealing exception applies in any particular circumstance may ultimately defeat the purpose of such a solution:

What do we mean by 'cultural expression'? When will a dealing be 'fair'? In particular, there may be questions about *whose* purpose qualifies. For example, would the exception cover a third party manufacturer applying the Aboriginal Flag to coffee mugs for a clear commercial purpose if the downstream purpose is to facilitate their *customers'* cultural expression? How should the exception reconcile uses which have a profit objective but which are dedicated to Aboriginal causes? It may take a few court decisions to clarify the contours of this new fair dealing, especially whether businesses can use the defence. In the meantime, uncertainty about the

⁵⁶ Ms Katona, private capacity, *Committee Hansard*, 14 September 2020, pp. 34–35.

⁵⁷ Associate Professor McCutcheon, *Submission 6*, p. 4.

⁵⁸ Associate Professor McCutcheon, *Submission 6*, p. 2.

exception will likely lead to risk aversion and a poor uptake of the exception, defeating its purpose.⁵⁹

A new flag

5.59 While many submitters and witnesses opined that an outcome should be reached through negotiations with Mr Thomas, others suggested that the Aboriginal flag is 'dying' and that the time has come for a new Aboriginal flag to be created.

5.60 According to Mr Michael Connolly:

...the flag is slowly dying. I've had people that have come to my business, my shop, my emails. They are sick and tired of non-Indigenous people running our country, running our businesses and running our flag. They have said to me over the last 18 months, "We don't even want the flag".⁶⁰

5.61 Ms Gail Beck, Chair of the Aboriginal Advisory Council of Western Australia, described the anger and distress felt by some Aboriginal people about the current situation with the Aboriginal flag. Ms Beck told the committee:

...there are quite a large number of people who have decided to turn the flag upside down and are seeking to create a new one which the people will forever own. Also with us creating a new flag they see then that WAM will get nothing. They're very angry basically.⁶¹

5.62 Mr Michael Graham, Chief Executive Officer for the VAHS, explained how this distress and anger has created division, with some Aboriginal people arguing for the creation of a new flag:

What's happening is some people are getting so angry they're just saying, 'Stuff it, we'll just create a new one.' Others are saying, 'My family have been fighting under this flag as a united people since it first came to the embassy, because then it became more nationally recognised. So you've got two groups of people. I haven't heard a lot saying, 'Create a new one,' but it is out there. When I say that, it's probably more the social media stuff that you see, because, as you know, in Melbourne we're locked in our houses, basically. We don't get the chance to get out so we use the media, social media outlets, more than anything. There are people saying, 'No, it's been tainted.' There are people saying, 'No, my family fought hard for this.'⁶²

5.63 The Indigenous Wellbeing Centre highlighted that the prospect of a new flag is particularly painful for some Aboriginal Elders:

A lot of the younger ones, in particular, been saying, 'We should have a competition to design a new flag.' I suppose what a lot of the elders are

⁵⁹ Associate Professor Jani McCutcheon, *Submission 6*, [pp. 2–3].

⁶⁰ Mr Michael Connolly, private capacity, *Committee Hansard*, 22 September 2020, p. 18.

⁶¹ Ms Beck, Aboriginal Advisory Council of Western Australia, *Committee Hansard*, 23 September 2020, p. 17.

⁶² Mr Graham, VAHS, *Committee Hansard*, 23 September 2020, p. 17.

saying, 'Well, that's not actually really a resolution; that's really accepting defeat and allowing this to happen to us.'⁶³

- 5.64 Witnesses told the committee how Aboriginal people identify with the history of the Aboriginal flag, and explained that the suggestion to design a new flag is borne out of anguish:

...for the first time since the early 1970s, that Aboriginal people are electing to not use the flag, starting conversations about designing a new flag. This is unprecedented in my lifetime. It speaks to the fact that Aboriginal people identify with the history of this symbol – as a mix of pride and resistance and our shared history. But they are now in distress and seeking a new way forward. It would be a great shame for a new flag to be required based on a failure to resolve this complex issue.⁶⁴

- 5.65 Mr Mick Gooda told the committee that he had already 'abandoned the flag' and explained that the Gangalu people in Central Queensland had started developing their own flag:

I understand and support Mr Thomas's right to benefit from his intellectual knowledge and his contribution. But I've taken a different view. I've decided that, while he has a right to do that, I've got a right not to buy and contribute to some white bloke who is going to benefit from our flag. I've sort of abandoned the flag now. I belong to the Gangalu people in Central Queensland, and we're starting to develop our own flag. I understand what [Mr Warren Mundine] was saying—it's iconic, it's a symbol of where we are—but I just take a personal view that I'm paying a ransom, paying people for that right. What I've done is work out the balance between the right for Mr Thomas to benefit from that against my right to make a choice, and that's the choice I've made.⁶⁵

- 5.66 Professor Langton saw a new flag as the only way forward in the event that ongoing negotiations between the Commonwealth government and Mr Thomas are unsuccessful:

I do hope those negotiations are successful. If they are not, then the only alternative we have is to have a competition for a new flag. I think that would be a tragic outcome. I think it's enormously important to preserve the flag designed by Mr Harold Thomas as the Aboriginal flag.⁶⁶

- 5.67 AIME Mentoring was more optimistic about the prospect of a new Aboriginal flag, and described the current situation as an opportunity to create something new:

There's constantly renewal as we grow into the shoes of what we're inheriting and we start to be able to vote and think about what that looks like. So I think there's opportunity for creativity. Our suggestion is that

⁶³ Mrs Young, Indigenous Wellbeing Centre, *Committee Hansard*, 23 September 2020, pp. 21–22.

⁶⁴ Ms Peris, *Submission 44*, p. 2.

⁶⁵ Mr Gooda, private capacity, *Committee Hansard*, 24 September 2020, p. 12.

⁶⁶ Professor Langton, private capacity, *Committee Hansard*, 24 September 2020, p. 2.

there could be a national flag designing campaign which could have some freedom and flavour to it and which could see people designing a new Australian flag as well and continuing to explore: What does the Australian story look like? Does the Australian flag tell our story as First Nations people with strength? I would say that there is potentially scope for evolution. I hope that we might see some of that evolution in the way that our national symbols are portrayed in the next 30 years.⁶⁷

⁶⁷ Mr Manning Bancroft, AIME Mentoring, *Committee Hansard*, 23 September 2020, p. 31.

Chapter 6

Committee view

- 6.1 The Aboriginal flag tells a story of three intertwined but at times conflicting identities. It is at once the creation of an artist, a symbol of Aboriginal pride and struggle, and an official flag of Australia. For that reason, it is a flag quite unlike others.
- 6.2 Mr Harold Thomas's copyright over the design of the Aboriginal flag was recognised by the Federal Court of Australia in 1997 and that legal recognition is central to consideration of this issue. Mr Thomas has neither assigned nor transferred his rights to another person or entity at any stage since the court's decision. He continues to hold his copyrights, and will continue to do so until 70 years after his death under current arrangements. Mr Thomas is entitled to all rights vested in him under the *Copyright Act 1968* (Cth), including the right to enter into licence agreements.
- 6.3 The committee considers it vitally important to protect artists' copyright, particularly, Aboriginal artists. The committee therefore rejects calls for the Commonwealth government to invoke its constitutional power to compulsorily acquire the copyright in the Aboriginal flag. As various submitters and witnesses told the committee, such an outcome would perpetuate the dispossession, injustices and racial discrimination endured by Aboriginal Australians for more than 200 years, and establish a dangerous precedent in circumstances where much work has been undertaken to strengthen protections for Indigenous artists.

Recommendation 1

- 6.4 **The committee recommends that the Commonwealth government does not compulsorily acquire the copyright for the Aboriginal flag under section 51(xxxi) of the *Australian Constitution*.**
- 6.5 The committee supports the government's desire to negotiate an outcome with Mr Thomas and the current licence holders. Those negotiations—whilst based on the legal realities of the situation—are not occurring in a vacuum. A balance must be struck between the legal rights and the value of the Aboriginal flag to the copyright holder and licensees, and the Aboriginal flag's deep and intrinsic significance to Aboriginal people and their lives. At present, the extent to which the distress and anguish voiced by many Aboriginal people about the flag, its use and its future are being weighed in negotiations is opaque.
- 6.6 The committee is amenable to an outcome where the current exclusive licences expire or are terminated, particularly those held by WAM Clothing and Wooster Holdings (Gifts Mate); the Commonwealth enters into an

agreement(s) for community use of the Aboriginal flag leaving Mr Thomas's rights intact; and custodianship of the flag is vested in an independent Aboriginal body, such as the kind recommended by Dr Terri Janke. Such a body would therefore bear responsibility for maintaining the integrity and upholding the dignity of the Aboriginal flag, as well as make decisions about the flag's use.

- 6.7 The committee considers that the creation of an independent Aboriginal body with custodianship of the Aboriginal flag could be informed by a parliamentary inquiry to ensure its independence and transparency regarding its membership. An independent body with custodianship of the Aboriginal flag could also assist, if the Torres Strait Island Regional Council (TSIRC) requests it, the TSIRC with applications for the use of the Torres Strait Islander flag given the resourcing and administrative burdens associated with processing those applications.

Recommendation 2

- 6.8 **The committee recommends that, in the negotiations underway with Mr Harold Thomas and the current licensees, the Commonwealth government aims to achieve a model for the future use of the Aboriginal flag by members of the community that is independent from government, that involves and consults with Aboriginal people, and that ensures that the body selected bears responsibility for:**

- **maintaining the integrity of the Aboriginal flag;**
- **upholding the dignity of the Aboriginal flag; and**
- **making decisions about the Aboriginal flag's use.**

- 6.9 **Subject to the rights of Mr Thomas, a parliamentary committee may be of assistance in framing the structure of a body that could have custodial oversight of the Australian Aboriginal Flag.**

**Senator Malarndirri McCarthy
Chair**

Additional comments from Senator Andrew Bragg

- 1.1 I would like to begin by paying tribute to all members of the committee for the manner in which this inquiry was held. It was collaborative, respectful and constructive.
- 1.2 As a non-indigenous person, I feel the strength and symbolism of the Aboriginal flag and believe it should be available to all Australians to use widely.
- 1.3 The Aboriginal flag should be as free as the Australian flag. It is a wonderful symbol.
- 1.4 The evidence is overwhelming that Aboriginal people are ceasing use of the flag because of the complex flag use arrangements, some of which were put in place from 1995.
- 1.5 The gazetting of the flag under the Flags Act was bungled. It is a classic case of the government failing to consult with Indigenous Australians before acting – exactly what the Uluru Statement proposes that we stop doing through an Indigenous Voice.
- 1.6 In this case, the creator of the flag, Mr Harold Thomas, was informed as an afterthought. He refused to attend the ceremony.
- 1.7 The government and this inquiry now seek to right this wrong without injuring Mr Thomas. It is very important that Mr Thomas's rights are respected as Professor Langton noted during the inquiry.
- 1.8 At first I was sceptical about what this inquiry could achieve.
- 1.9 I was concerned that it may undermine sensitive negotiations which Minister for Indigenous Australians Ken Wyatt has been undertaking with the flag's designer Harold Thomas for some time.
- 1.10 Instead, I found the inquiry to be a very positive process which shed light on many issues which were misunderstood and/or culturally sensitive.
- 1.11 I agree with Recommendation One, that the Commonwealth should not compulsorily acquire the rights to the Aboriginal flag. I believe that would be abhorrent, both morally and culturally. It would be an ugly precedent.
- 1.12 Recommendation Two reinforces the position the Minister is seeking to land. It again raises the question of how the Commonwealth should engage with Indigenous Australians. This is an area of policy which has failed over the generations.

- 1.13 Accordingly, if the Commonwealth's negotiations are successful and the rights are acquired, a body of Aboriginal people should advise on the protocol and governance of the flag.
- 1.14 One option I favour is to provide the Indigenous Voice, as proposed in the Uluru Statement, with a mandate to perform this role. Any such proposal should be decided in concert with Mr Harold Thomas, respecting his rights as copyright holder.
- 1.15 The Voice is currently under development through a process of co-design in accordance with the statements issued by the Minister for Indigenous Australians, Ken Wyatt.
- 1.16 It is desirable for issues like this to be subject to community agreement. The importance of community involvement in formulation and implementation of policy cannot be overstated.
- 1.17 Finally, I would like to congratulate the Chair, Senator Malarndirri McCarthy, on the professional and constructive manner in which she conducted this inquiry.
- 1.18 The bipartisan way in which this committee was run with a mutual desire for a positive result for Indigenous Australians was clear.
- 1.19 My thanks to all the Senate colleagues on this committee, as well as the community members who gave their time to support our deliberations.

Senator Andrew Bragg
Senator for New South Wales

Additional comments from the Australian Labor Party

- 1.1 The Australian Labor Party supports the recommendations of this inquiry. We are strongly of the view that the negotiations over the future use of the Aboriginal flag be concluded in a timely manner.
- 1.2 With this in mind, the ALP recommends that in the event that the Commonwealth government is unable to negotiate an outcome with Mr Harold Thomas and the current licensees, the government compulsorily acquires those licences. The purpose of any such acquisition should be limited to allowing the collective free use of the flag and its design for Aboriginal individuals, communities and organisations as well as the general public for non-profit purposes. The commercial rights of the parties should be respected as far as possible in any compulsory acquisition.
- 1.3 It is clear that the conduct of WAM Clothing and its approach to enforcement of its rights as a licensee is a significant contributor to the harm and distress experienced by Aboriginal people. Evidence to the committee that the Aboriginal flag is being held upside down or that it is slowly dying emphasises the deep distress and anguish about the current circumstances. Sorry Business is a deeply significant ceremony; references by First Nations people to the flag as dying heighten that distress.
- 1.4 In that regard, the ALP is concerned that prolonged negotiations between the Commonwealth government, Mr Thomas and the licensees will exacerbate the distress and harm to Aboriginal communities. Resolution of the current dispute in 12 or 18 months' time may be too late and may result in Aboriginal people—as some have already done—abandoning the flag, a flag that has since its inception been a symbol of solidarity and struggle, of pride and protest, a unifying flag of and for Aboriginal people. We therefore urge the Commonwealth government, Mr Thomas and the licensees to engage in negotiations constructively, in good faith and good time. The ALP is concerned that the importance and history of the flag is being lost to community and feels that it is appropriate to have the negotiations completed by 26 January 2021.

Senator Malarndirri McCarthy
Chair
Senator for the Northern Territory

Senator Patrick Dodson
Senator for Western Australia

Additional comments from the Australian Greens

- 1.1 The Australian Greens are concerned at the amount of community distress and harm caused by the licensing arrangements currently in place over the Aboriginal flag, particularly as the licenses are held, and are being profited from, by non-Aboriginal people.
- 1.2 We support the recommendations in the committee's majority report, and in the Chair's additional comments.

Community involvement

- 1.3 In line with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Australian Greens affirm the rights to self-determination by all Aboriginal and Torres Strait Islander people.
- 1.4 We support the committee's view that an independent Aboriginal body be created for the custodianship over the Aboriginal flag and to make decisions about its use.
- 1.5 The Australian Greens believe that to uphold the rights to self-determination for Aboriginal people enshrined in the UNDRIP, the proposed independent Aboriginal body needs to meaningfully include and engage a broad representation of grassroots Aboriginal community members and voices.

Commercial uses of the flag

- 1.6 We believe that it's important for the proposed independent Aboriginal body to also make decisions regarding any commercial uses of the Aboriginal flag, and for any fees collected within any future licencing arrangements to be directed in the way that body chooses, for the benefit of Aboriginal people and communities.

Resourcing and administration of flag permissions

- 1.7 The Australian Greens acknowledge the cultural authority of the Torres Strait Island Regional Council (TSIRC) and their leadership in ensuring that the Torres Strait Islander flag is used in accordance with their community's wishes and cultural protocols.
- 1.8 In evidence, the TSIRC advised the committee that their limited funding can restrict what actions they can take when there are instances of misuse of the Torres Strait Islander flag.¹

¹ Mayor Phillemon Mosby, Mayor, Torres Strait Island Regional Council, *Committee Hansard*, 24 September 2020, pp. 50-51.

- 1.9 The Australian Greens note that the committee, in paragraph 6.8, considers that the proposed independent Aboriginal body could also assist the TSIRC with applications for the use of the Torres Strait Islander flag if the Council requests it.
- 1.10 Until such a time that the TSIRC can make that request to this independent body, if that is in fact their wish, the TSIRC should be properly resourced to ensure that the Torres Strait Islander flag is used in accordance with their community's wishes and in line with all relevant cultural protocols.

Recommendation 1

- 1.11 That the Torres Strait Island Regional Council receives sufficient public funding and resourcing to ensure the Torres Strait Islander flag is used in accordance with the Council's requirements.**

Senator Lidia Thorpe
Senator for Victoria

Appendix 1

Submissions, additional information, answers to question on notice, tabled documents and published correspondence

Submissions

- 1 Carroll & Richardson Flagworld
- 2 WAM Clothing Pty Ltd
- 3 Gifts Mate
- 4 Department of the Prime Minister and Cabinet
- 5 Australian National Flag Association
- 6 Associate Professor Jani McCutcheon
- 7 Diabetes Victoria
- 8 McCulloch & McCulloch
- 9 Thungutti Local Aboriginal Land Council
- 10 Ms Louise Robinson
- 11 Reconciliation Victoria
- 12 Arts Law Centre of Australia
- 13 National Basketball League
- 14 Dr Matthew Rimmer
- 15 Ms Claire Coleman
- 16 Mindaribba Local Aboriginal Land Council
- 17 Dr Dimitrios Eliades
- 18 Bubup Wilam Aboriginal Child and Family Centre
- 19 Australian Football League
- 20 Gurindji Aboriginal Corporation
- 21 Australian Lawyers Alliance
- 22 NSW Aboriginal Land Council
- 23 Mr John Burgess
- 24 Professor Peter Yu
- 25 Reconciliation Australia
- 26 Reconciliation Tasmania
- 27 Spark Health Australia and Clothing The Gap
- 28 Cricket Australia
- 29 Legal Aid Queensland
- 30 Australian Copyright Council
- 31 Coalition of Major Professional and Participation Sports (COMPPS)
- 32 Aunty Rieo Ellis
- 33 FAL Lawyers
- 34 Dr Fady Aoun

- 35 Shepparton Region Reconciliation Group
- 36 National Association for the Visual Arts
- 37 Bahtabah Local Aboriginal Land Council
- 38 Copyright Agency
- 39 Lloyd McDermott Rugby Development Team Inc.
- 40 Dilan Thampapillai, Andrew Ray and Georgia Reid
- 41 The Institute of Patent and Trade Mark Attorneys of Australia
- 42 National Indigenous Australians Agency
- 43 Mr Michael Connolly
- 44 Ms Nova Peris
- 45 Dr Anne Fitzgerald and Dr Brian Fitzgerald
- 46 Central Land Council
- 47 *Confidential*
- 48 Aboriginal Peak Organisations NT
- 49 Tasmanian Government
- 50 Miss Renee Tighe
- 51 Soroptimist International Moreton North Inc
- 52 National NAIDOC Committee
- 53 Dreamtime Art
- 54 Yarn Strong Sista
- 55 NTSCORP
- 56 Bar Association of Queensland
- 57 Australia Council
- 58 Mr Darren Williams
- 59 National Aboriginal Community Controlled Health Organisation
- 60 AIME
- 61 Aboriginal Legal Services NSW/ACT
- 62 Indigenous Art Code
- 63 Mrs Janice Van der Spek
- 64 Mr Robert Heron
- 65 Mr Russell Logan
- 66 Ms Jenna Smith
- 67 Mr Martin Falcongreen
- 68 Mr Haydyn Bromley
- 69 Ms Meg Friel
- 70 Ms Charlotte Burton
- 71 *Confidential*
- 72 Mr Trevor Walley
- 73 Ms Sharon Gollan
- 74 Mrs Chris Knight

Additional Information

- 1 Correction to evidence provided by John Reid at the Select Committee into the Aboriginal Flag public hearing on 16 September 2020, received 22 September 2020.
- 2 Additional information provided by Dr Mathieu Gallois on 28 September 2020.
- 3 Correction to evidence provided by the Australian Institute of Aboriginal and Torres Strait Islander Studies at the Select Committee into the Aboriginal Flag public hearing on 22 September 2020, received 1 October 2020.
- 4 Additional information provided by the Indigenous Wellbeing Centre on 23 September 2020.

Answer to Question on Notice

- 1 Answers to questions taken on notice by the Australian Football League at a public hearing in Canberra on 14 September 2020.
- 2 Answers to questions taken on notice by Carroll & Richardson Flagworld at a public hearing in Canberra on 14 September 2020.
- 3 Answers to written questions on notice from WAM Clothing, received 18 September 2020.
- 4 Answers to questions taken on notice by the National Indigenous Australians Agency at a public hearing in Canberra on 14 September 2020.
- 5 Answers to questions taken on notice by the Attorney-General's Department at a public hearing in Canberra on 14 September 2020.
- 6 Answers to questions taken on notice by the National Indigenous Australians Agency at a public hearing in Canberra on 16 September 2020.
- 7 Answers to written questions on notice by Professor Nicholas Seddon received 28 September 2020.
- 8 Answers to written questions on notice by the ACCC received 30 September 2020.
- 9 Answers to questions taken on notice by Australian Copyright Council at a public hearing in Canberra on 22 September 2020.
- 10 Answers to questions taken on notice by the Central Land Council at a public hearing in Canberra on 23 September 2020.
- 11 Answers to questions taken on notice by Tandanya National Aboriginal Cultural Institute Inc at a public hearing in Canberra on 22 September 2020.
- 12 Answers to questions taken on notice by the Australian Institute of Aboriginal and Torres Strait Islander Studies at a public hearing in Canberra on 22 September 2020.
- 13 Answers to questions taken on notice by the Torres Strait Island Regional Council at a public hearing in Canberra on 24 September 2020.
- 14 Answers to written questions on notice from WAM Clothing, received 30 September 2020.
- 15 Answers to written questions on notice from the Department of Finance, received 2 October 2020.

- 16 Answers to written questions on notice from the National Indigenous Australians Agency, received 6 October 2020.
- 17 Answers to written questions on notice from Mr John Moriarty, received 7 October 2020.

Correspondence

- 1 Public Interest Immunity Claim received from The Hon Ken Wyatt AM MP, 11 September 2020

Tabled Documents

- 1 Document tabled by the National Indigenous Australians Agency at a public hearing in Canberra on 14 September 2020
- 2 Document tabled by Amelia Telford at a public hearing in Canberra on 23 September 2020
- 3 Document tabled by Mr Peter Francis at a public hearing in Canberra on 24 September 2020
- 4 Document tabled by Koori Knockout at a public hearing in Canberra on 24 September 2020
- 5 Document tabled by Koori Knockout at a public hearing in Canberra on 24 September 2020
- 6 Document tabled by Lloyd McDermott Rugby Development Team Inc at a public hearing in Canberra on 24 September 2020
- 7 Concept for the Aboriginal Flag (c.1960's) tabled by Mr John Moriarty at a public hearing in Canberra on 24 September 2020

Appendix 2

Public Hearings

Monday, 14 September 2020

Parliament House

Canberra

Arts Law Centre

- Ms Robyn Ayres, Chief Executive Officer

Mr Michael Green SC, Private capacity

Mr Edward (Ed) Heerey QC, Private capacity

Ms Frances St John, Private capacity

Professor Kimberlee Weatherall, Private capacity

Dr Fady Aoun, Private Capacity

Associate Professor Jani McCutcheon, Private capacity

WAM Clothing

- Mr Ben Wooster, Director
- Ms Semele Moore, Director

Gifts Mate Pty Ltd

- Mr Ben Wooster, Director

Flagworld

- Mr Wayne Gregory, Managing Director

Metro Local Aboriginal Land Council

- Ms Yvonne Weldon, Chair
- Mr Nathan Moran, Chief Executive Officer
- Aunty Ann Weldon

APY Art Collective

- Ms Sally Scales, Chairperson
- Ms Skye O'Meara, Collective Manager
- Ms Leah Brady, Director and Anangu woman
- Ms Yaritji Heffernan

Ms Jacqui Katona, Private capacity

Mr Boe Spearim, Private capacity

Spark Health Australia

- Ms Laura Thompson, Managing Director

Australian Football League

- Mr Stephen Meade, AFL Head of Legal and Regulatory
- Ms Tanya Hosch, AFL General Manager - Inclusion and Social Policy

Attorney-General's Department

- Mr David Lewis, General Counsel (Constitutional), Office of Constitutional Law

National Indigenous Australians Agency

- Mr Ray Griggs, Chief Executive Officer
- Mr Brendan Jacomb, Branch Manager, Legal Services Branch

Wednesday, 16 September 2020

Parliament House

Canberra

Department of Prime Minister and Cabinet

- Mr John Reid, First Assistant Secretary, Government Division

Department of Infrastructure, Transport, Regional Development and Communications

- Mrs Emma Shadbolt, Copyright Reform and Policy Section, Content and Copyright Branch

IP Australia

- Mr Michael Schwager, Director General

Copyright Agency Ltd

- Ms Libby Baulch, Policy Director

Tuesday, 22 September 2020

Parliament House

Canberra

Australian Copyright Council

- Ms Eileen Camilleri, Chief Executive Officer

Institute of Patent and Trade Mark Attorneys of Australia

- Mr Michael Caine, President

Indigenous Art Centre Alliance

- Ms Pamela Bigelow, Chief Executive Officer

Indigenous Art Code

- Ms Stephanie Parkin

Mr Michael Connolly, Private capacity

Mr Will Carter, Private capacity

Mr Matthew Rimmer, Private capacity

Tandanya National Aboriginal Cultural Institute

- Mr Dennis Stokes, Chief Executive Officer

Australian Institute of Aboriginal and Torres Strait Islander Studies

- Mr Craig Ritchie, Chief Executive Officer

New South Wales Indigenous Chamber of Commerce

- Ms Katherine (Kate) Kelleher, Director

Wednesday, 23 September 2020

Parliament House

Canberra

Aboriginal Peak Organisations Northern Territory

- Dr Josie Douglas, Senior Policy Officer

Diabetes Victoria

- Ms Kristie Cocotis, Access and Equity Manager
- Mr Colin Mitchell, Aboriginal Liaison Officer

Indigenous Wellbeing Centre

- Mr Ara (Julga) Harathunian, Director and Chief Executive Officer
- Mrs Janette Young, Communications Manager

Victorian Aboriginal Health Services

- Mr Michael Graham, Chief Executive Officer

Aboriginal Advisory Council of Western Australia

- Ms Gail Beck, Chair

AIME Mentoring

- Mr Jack Manning Bancroft, Chief Executive Officer

Australians for Native Title and Reconciliation

- Mr Paul Wright, National Director

Seed Indigenous Youth Climate Network

- Ms Amelia Telford, National Director

Thursday, 24 September 2020

Parliament House

Canberra

Professor Marcia Langton AO, Private capacity

Gurindji Aboriginal Corporation

- Mr Rob Roy Coordinator
- Ms Rosie Smiler, Director
- Mr Phil Smith, Chief Executive Officer

Ms Claire Coleman, Private capacity

Mr Mick Gooda, Private capacity

Ms Quitaysha Thompson, Private capacity

Mr Nyunggai Warren Mundine AO, Private capacity

Ms Nova Peris OAM, Private capacity

FAL Lawyers

- Mr Peter Francis

Coalition of Major Professional and Participation Sports (COMPPS)

- Ms Jo Setright

Mr John Moriarty AM, Private capacity

Melbourne Warriors

- Aunty Rieo Ellis

Lloyd McDermott Rugby Development Team Inc.

- Mr Dean Duncan, President

Koori Knockout

- Mr Edward Smith, Chairperson

National NAIDOC Committee

- Mr John Paul Janke, Co-Chair

Victorian NAIDOC Committee

- Ms Stacie Piper, Chairperson

Canberra and District NAIDOC Corporation

- Mr Maurice Walker, Chairperson

Torres Strait Island Regional Council

- Mayor Phillemon Mosby
- Ms Hollie Faithful, Chief Financial Officer
- Mr Peter Krebs, Legal Counsel and Manager
- Mr Luke Ranga, Head of Corporate Affairs

Friday, 25 September 2020

Parliament House

Canberra

Terri Janke and Company

- Dr Terri Janke, Solicitor Director

Cathy David

From: TSIRC Information
Sent: Monday, 8 February 2021 1:56 PM
To: Cathy David
Subject: FW: Requesting copyright permission to reproduce flag in museum exhibiton

TSIRC Information

Torres Strait Island Regional Council



Phone: 07 4034 5700
Address: PO Box 7336, Cairns, QLD 4875
Website: www.tsirc.qld.gov.au
Email: Info@tsirc.qld.gov.au

Find us on:



This email and any attachments are confidential and are only to be read by the addressee as they may contain legally privileged information. If you are not the addressee indicated in this message (or responsible for delivery of such message to the addressee), you should destroy this message immediately and kindly notify the sender by return email.

From: Mariko Smith <Mariko.Smith@Australian.Museum>
Sent: Monday, 8 February 2021 1:45 PM
To: TSIRC Information <Info@tsirc.qld.gov.au>
Cc: Kathy Cochran <Kathy.Cochran@tsirc.qld.gov.au>
Subject: Requesting copyright permission to reproduce flag in museum exhibiton

**** CAUTION - THIS EMAIL IS FROM AN EXTERNAL SOURCE ****

DO NOT reply, click on links or open attachments unless you have verified the sender and know the content is safe.

IF IN ANY DOUBT - call IT Services.

From the Australian Museum
1 William Street, SYDNEY NSW 2010
Mobile number: 0438 630 516
Mariko.Smith@Australian.Museum

Dear Sir/Madam,

I am an Aboriginal (Yuin) assistant curator at the Australian Museum in Sydney, NSW. I am enquiring about the process for asking permission/licensing a reproduction of the Torres Strait Islander flag for an upcoming First Nations exhibition at the Australian Museum titled "Unsettled" which is a response to the 250th anniversary of Cook.

Here is a copy of the Museum's First Nations community consultation report which will give you some more information about our exhibition and what we are aiming to achieve with it:

<https://australian.museum/learn/cultures/the-2020-project/>

We would like to include a small graphic of the flag on a label associated with a Dhari from the Museum's collection, to show visitors how the shape of the Dhari is represented on the flag.

Could you please advise whether we could obtain written permission (sent by mail or email) from the TSIRC for use of the flag image in this exhibition. Please don't hesitate to contact me for further information.

Thank you, Kathy for our conversation on the phone just then. I have copied-and-pasted the message from my online form into this email.

Looking forward to hearing from you.

Walawaani (safe journey),

Mariko Smith (PhD) | Yuin

Assistant Curator – First Nations, Aboriginal & Torres Strait Islander Collection | Engagement, Exhibitions & Cultural Connection

Australian Museum 1 William Street Sydney NSW 2010 Australia

T 61 2 9320 6006

Working days: Mondays - Thursdays



AUSTRALIAN MUSEUM

[Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

I respect and acknowledge the Gadigal people as the First People and Traditional Custodians of the land and waterways on which the Australian Museum stands.



The Australian Museum email disclaimer

The views in this email are those of the user and do not necessarily reflect the views of the Australian Museum. The information contained in this email message and any accompanying files is or may be confidential and is for the intended recipient only. If you are not the intended recipient, any use, dissemination, reliance, forwarding, printing or copying of this email or any attached files is unauthorised. If you are not the intended recipient, please delete it and notify the sender. The Australian Museum does not guarantee the accuracy of any information contained in this e-mail or attached files. As Internet communications are not secure, the Australian Museum does not accept legal responsibility for the contents of this message or attached files.

Cathy David

From: TSIRC Information
Sent: Thursday, 4 February 2021 2:53 PM
To: Cathy David
Subject: FW: Permission for Flag Use
Attachments: Official MANDUS Indigenous logo.png; MANDUS Indigenous logo - Merch.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

TSIRC Information

Torres Strait Island Regional Council



Phone: 07 4034 5700

Address: PO Box 7336, Cairns, QLD 4875

Website: www.tsirc.qld.gov.au

Email: Info@tsirc.qld.gov.au

Find us on:



This email and any attachments are confidential and are only to be read by the addressee as they may contain legally privileged information. If you are not the addressee indicated in this message (or responsible for delivery of such message to the addressee), you should destroy this message immediately and kindly notify the sender by return email.

From: Sorren Thomas <sorren.thomas@my.nd.edu.au>
Sent: Thursday, 4 February 2021 2:49 PM
To: TSIRC Information <Info@tsirc.qld.gov.au>
Subject: Permission for Flag Use

**** CAUTION - THIS EMAIL IS FROM AN EXTERNAL SOURCE ****

DO NOT reply, click on links or open attachments unless you have verified the sender and know the content is safe.

IF IN ANY DOUBT - call IT Services.

Good morning,

My name is Sorren Thomas, I am a young Torres Strait Islander woman living and studying in Sydney. I was born and raised in Rockhampton, QLD, along with my five siblings. My mum is an Abednego, from Moa Island (Sempol). My uthe and aka's name was Koko and Napiau Abednego.

I'm currently in my second year of medical school at the University of Notre Dame, Sydney (UNDS), and the Indigenous Representative for our student society - Medical Association of Notre Dame University, Sydney (MANDUS). I am very proud to be the first Indigenous Rep for our society, and as the role is new I have made it my focus to develop an Indigenous MANDUS logo, to increase representation and inclusion on campus for our Aboriginal and Torres Strait Islander students. I am writing to seek permission to print and distribute a version of the Torres Strait Islander flag designed by an Aboriginal peer of mine here at UNDS, which incorporates slightly different colours (purple) to the original flag design (as below).

There are two designs - the official design incorporates a dot design (version 1) and a modified design (version 2) featuring line work. The official design (version 1) will be printed onto T-shirts; the modified design (version 2) will be specifically for embroidery

onto Polo's and sweaters. I have attached both the official (version 1) and modified (version 2) designs below for your reference. As we do not receive any funding, we wish to use the merchandise to fundraise for our events throughout the year, such as:

- NAIDOC Week
- Mabo Day
- Close the Gap
- Reconciliation Week
- Cultural immersion events (e.g. speaker nights).

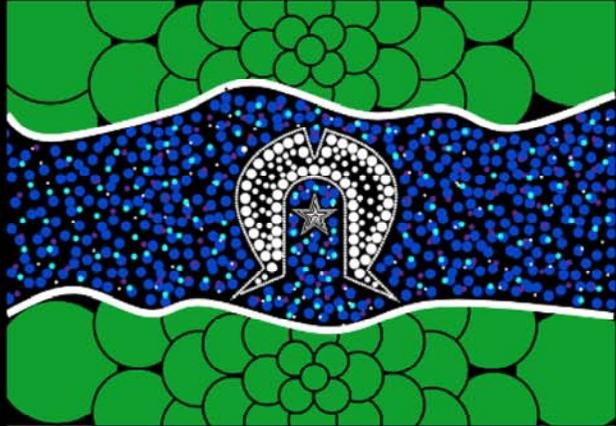
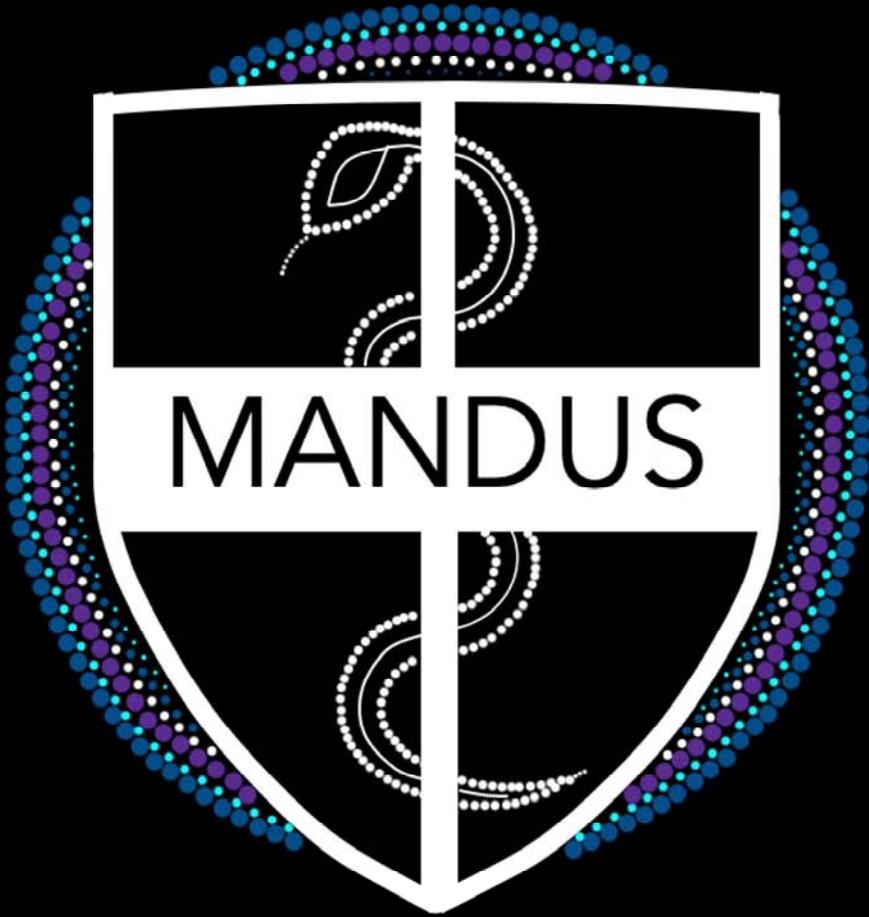
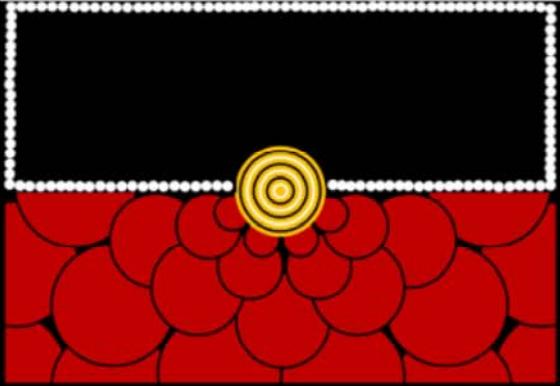
I am the only Torres Strait Islander student/representative throughout the university and I am eagerly seeking your support towards this amazing activity and opportunity.

We respectfully ask your permission, and will gratefully acknowledge the Torres Strait Island Regional Council as a supportive agency on our committee website.

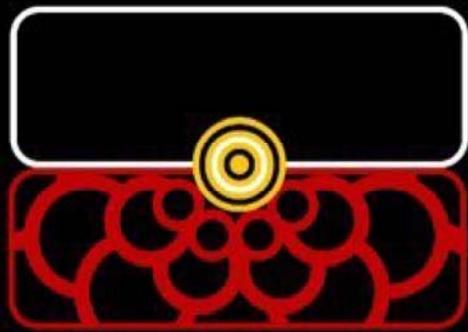
I thank you with much gratitude and look forward to hearing from you!

Big Eso,
Sorren Thomas
MANDUS Indigenous Representative 2021
University of Notre Dame, Darlington
Ph: 0419 696 933
Email: sorren.thomas@my.nd.edu.au

Official Design



Modified Design



Cathy David

From: Laura Thompson <laura.thompson@clothingthegap.com.au>
Sent: Thursday, 4 February 2021 4:14 PM
To: Cathy David
Subject: Torres Strait Islander Flag Permission to reproduce flag
Attachments: TSI Flag outline correct pantone-01.png

Follow Up Flag: Follow up
Flag Status: Flagged

**** CAUTION - THIS EMAIL IS FROM AN EXTERNAL SOURCE ****

DO NOT reply, click on links or open attachments unless you have verified the sender and know the content is safe.

IF IN ANY DOUBT - call IT Services.

Hi Cathy,

Hope you are well.

I would like to gain permission to reproduce this image attached of the Torres Strait Islander flag on merchandise at Clothing The Gap.

Clothing The Gap is an Aboriginal owned and led social enterprise based in Melbourne that create merchandise with message.

We have used the colours Blue Pantone 28 and Green Pantone 342 as per the requirements.

Thanks in advance.

Laura Thompson
Co- founder & Managing Director

laura.thompson@clothingthegap.com.au
www.clothingthegap.com.au

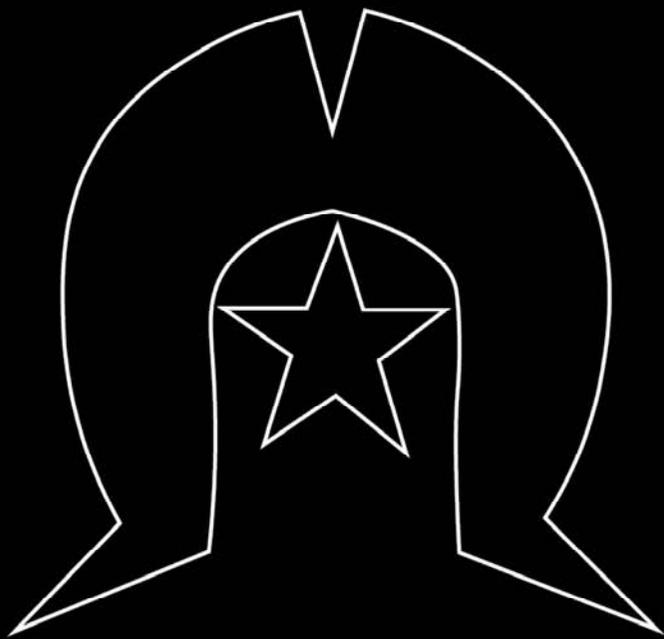
Address: 744 Sydney Rd, Brunswick, 3056, Victoria, Australia.
Mobile: 0422 046 452

CLOTHINGTHEGAP



Clothing The Gap acknowledges the Traditional Custodians of the land on which we work and grow and we pay our respects to Elders past, present and tomorrow. We acknowledge that it always was and always will be Aboriginal Land, sovereignty was never ceded.





TORRES STRAIT ISLAND REGIONAL COUNCIL

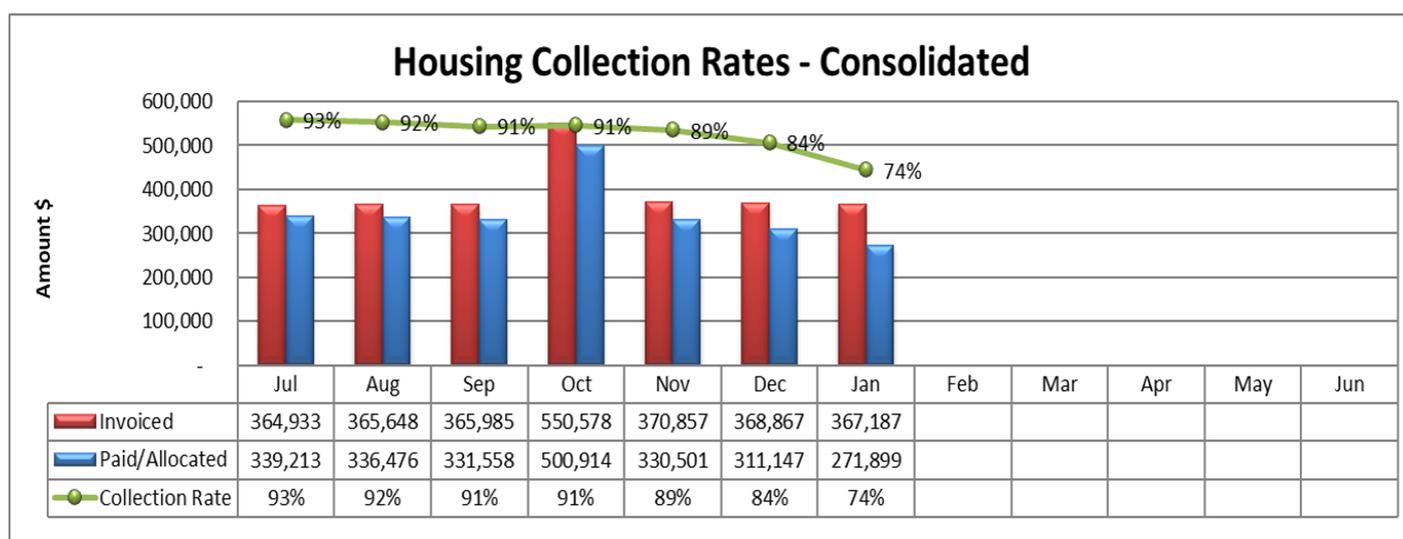
INFORMATION REPORT

ORDINARY MEETING: February 2020
DATE 23 & 24 February 2021
ITEM: February Information Report
SUBJECT: January Financial Dashboard
ECM:
AUTHOR: Nicola Daniels – Head of Financial Services

RECOMMENDATION

That Council note the financial status of its operations as at 31 January 2021.

DEBTOR COLLECTION RATES



“Paid/Allocated” refers to payments matched against invoices raised during the month with payments being allocated to current invoices
 Collection Rates data excludes unapplied credits of \$85,296

Note: For the month of January, there were 2 lots of invoices issued for the periods 09/01/2021 to 22/01/2021 and 23/01/2021 to 05/02/2021. Due to the final lot of invoices being issued near the end of the month, collection rates are low but expected to increase as payments are received in February

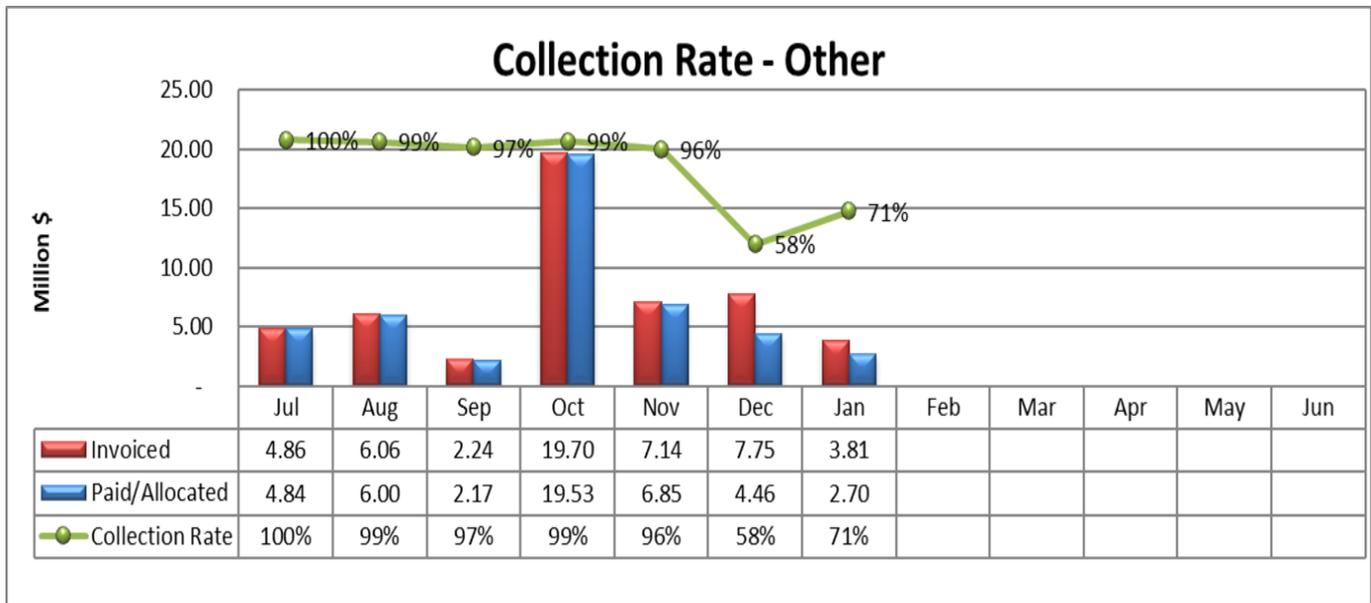
Average Housing Collection Rate 19/20 = 81%

Average Housing Collection Rate 20/21 = 88% - the current housing collection rate is low due to the timing of invoicing

Housing Collection Rate Movement per Division

Division	December	January	Movement
Badu	82%	72%	↓ -11%
Boigu	81%	71%	↓ -11%
Dauan	77%	67%	↓ -11%
Erub	90%	75%	↓ -16%
Hammond	93%	82%	↓ -12%
Iama	83%	70%	↓ -14%
Mabuiag	86%	80%	↓ -6%
Mer	74%	71%	↓ -4%
Poruma	96%	84%	↓ -13%
Saibai	89%	72%	↓ -18%
St Pauls	91%	78%	↓ -13%
Ugar	90%	83%	↓ -8%
Warraber	88%	82%	↓ -6%
Yorke	76%	62%	↓ -14%

Housing collection rate movement is affected by the timing of invoices being raised and when the corresponding payments are received. If the invoice is raised close to the end of the month then the relative payment may not be received until after the end of the month.



*"Paid/Allocated" refers to payments matched against invoices raised during the month with payments being allocated to current invoices
Collection Rates data excludes unapplied credits of \$44,089*

Top 5 unpaid debtors for invoices raised in January that remain outstanding as at 31 January (still within current payment terms):

Debtor Name	Description	Outstanding Amount
Qbuild	Variious Work Orders	675,193.88
Seaswift	Maritime Fees	230,506.18
Enterprise Management Group(Trading as my Pathway)	Employer Incentive Outcome Payment	67,148.40
QPS - Far Northern Region	Licence to Occupy	65,962.00
Department of Home Affairs	Licence to Occupy	27,638.00

Total 1,066,448.46

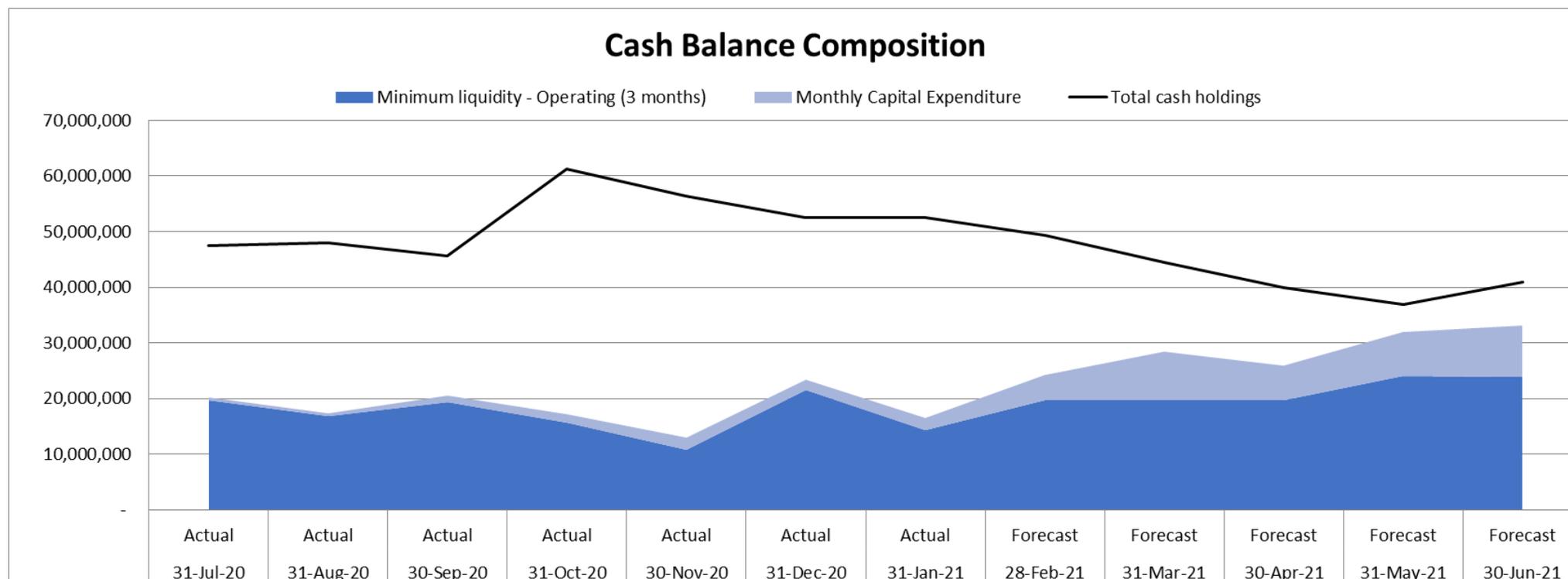
Top 5 unpaid debtors for invoices raised in in the prior reporting month and remaining unpaid as at 31 January:

Debtor Name	Description	Outstanding Amount	Debt Recovery Action Taken
Torres Strait Major Infrastructure and Other Projects Trust Fund (Seawall Project)	Recovery of Expenses incurred	1,409,452.11	Debtors to liaise with debtor to finalise outstanding payment
Queensland Health - Funding & Contract Management Unit	Environmental Health Program - 3rd Qtr Payment	515,676.70	Debtors to liaise with debtor to finalise outstanding payment
Qbuild	Various Work Orders	445,877.77	Debtors to liaise with debtor to finalise outstanding payment
Tagai State College	Rates and Services Charges	399,797.64	Debtors to liaise with debtor to finalise outstanding payment
Department of Education and Training	Rates and Services Charges	205,342.76	Debtors to liaise with debtor to finalise outstanding payment

Total 2,976,146.98

CASH FORECASTING

The Queensland Treasury Corporation (QTC) recommends that Council maintain a minimum liquidity of three months operating cashflows. Council has based the monthly cashflow projections for the future months on the 20/21 Original Budget projections. Grant revenue has been forecasted on expected timing of receipt of funds as per funding agreements and Council's adopted Capital Budget has been evenly distributed over the financial year. July to January figures reflect actual cash balances.



As restrictions begin to ease, COVID-19 continues to remain a threat and this gives rise to significant uncertainty in the current economic climate. Australia has also entered into its first recession in nearly 30 years giving further uncertainty and the need to closely monitor cashflow and other economic indicators over the coming months to ensure TSIRC remains in a stable position to continue with 'business as usual'.

July	Cash balance remained high due to carry over of constrained ICCIP funds from 19/20 and early receipt of FAGs for 20/21 and minimal capital spend (\$457K). Overall decrease in cash due to payment of insurance \$3.8M.
August	Small increase in cash holding due to Financial Assistance Grant payment of \$1.3M and minimal capital spend (\$527K).
September	Slight overall decrease in Cash. Grant funding received during the month was minimal - \$272k.
October	Significant increase in cash holding due to receipt of SGFA grant \$7.2M and capital grants of \$8.8M namely ICCP.
November	Decrease in cash holding due to reduction of grant receipts during the month. And continuing capital works.
December	Decrease in cash holding due to reduction of grant receipts during the month and backpay to employee with changed employee entitlements
January	Decrease in cash holding due to reduction of grant receipts during the month.
February	Reduction in Cash Holdings due to increased Capital works & ICCP
March	Reduction in Cash Holdings due to increased Capital works & ICCP
April	Reduction in Cash Holdings due to increased Capital works & ICCP
May	Reduction in Cash Holdings due to increased Capital works & ICCP
June	Cash holding increase due to receipt of FAG's funding in advance of \$6M.

GRANT REVENUE FORECAST AT 31 JANUARY 2021

GRANT FUNDING SCHEDULE 20/21		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast
20/21														
Project Description	Forecast	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Revenue Replacement Program	546,000	-	-	-	546,000	-	-	-	-	-	-	-	-	-
Qld Health ATSI Public Health Program	1,918,051	492,078	-	4,696	479,675	-	468,797.00	-	-	5,723	-	-	-	467,081
Community Support Home Program (CHSP)	425,844	114,655	-	-	-	-	106,461	106,461	-	-	98,267	-	-	-
First 5 Forever Family Literacy Initiative (F5F)	12,596	-	-	-	-	-	-	-	12,596	-	-	-	-	-
Indigenous Knowledge Centre (IKC)	175,000	-	-	-	-	-	175,000	-	-	-	-	-	-	-
HACC Program Under 50s	39,129	-	9,896	-	-	-	-	9,898	-	9,668	-	-	-	9,667
Health & Wellbeing Program	390,818	-	-	201,014	1,208	188,596	-	-	-	-	-	-	-	-
Healthy Lifestyle	37,500	-	-	-	-	-	-	-	37,500	-	-	-	-	-
Illegal Hotspot Program	34,151	-	-	-	-	-	-	-	34,151	-	-	-	-	-
Community Child Care Fund (CCCF) - Aragon	352,536	-	-	-	-	105,761	-	-	141,014	-	105,761	-	-	-
DET Aragon Child Care	74,696	14,000	-	38,235	-	-	-	-	-	22,461	-	-	-	-
Community Child Care Fund (CCCF)-Hammond	190,565	-	60,000	28,479	-	45,000	-	-	-	-	57,086	-	-	-
Ugar Community Safe Access_Subsidised	152,114	-	-	-	-	61,623	4,658	16,531	26,386	-	42,917	-	-	-
Financial Assistance Grant Local Roads	11,243,938	-	1,296,188	-	-	1,296,188	-	-	1,296,188	-	-	1,296,188	6,059,186	-
SGFA	7,212,761	-	-	-	7,212,761	-	-	-	-	-	-	-	-	-
W4Q Program Rd3 ASSETS - W4Q	922,500	-	-	-	-	-	-	-	-	-	-	-	-	922,500
State Emergency Service Annual Local Gvt	26,162	-	-	-	-	-	-	-	26,162	-	-	-	-	-
QRA Get Ready Queensland	10,873	-	-	-	-	-	-	-	10,873	-	-	-	-	-
ICCP	22,614,912	-	-	-	8,385,976	-	-	1,440,000	2,308	4,202,129	1,668,233	2,794,232	4,122,035	-
Smart Water Meters TSRA 50%	203,411	-	-	-	-	-	-	99,061	104,350	-	-	-	-	-
Smart Water Meters DLGRMA 60%	304,847	-	-	-	-	-	-	-	304,847	-	-	-	-	-
Sydney University Grant	60,321	-	10,000	-	40,321	10,000	-	-	-	-	-	-	-	-
W4Q Rd 2 final adjustment	11,500	11,929	23,429	-	-	-	-	-	-	-	-	-	-	-
Financial Assistance Grant Local Roads	277,912	-	19,959	-	-	-	-	-	36,434	36,434	-	36,434	148,651	-
TIDS 1920 Dredging Survey x 5 Islands	49,680	-	8,802	-	-	-	-	-	-	40,878	-	-	-	-
Seawalls additional funds TSRA	415,307	-	-	-	14,483	400,824	-	-	-	-	-	-	-	-
Coastal Haz Design, Survey DATSIP	48,820	-	-	-	-	-	-	-	48,820	-	-	-	-	-
RAUP Airports 19/20 Badu, Kubin, Mabuiag	332,635	-	-	-	-	-	-	-	150,000	182,635	-	-	-	-
Boigu Island Seawall Stage 2	13,500,000	-	-	-	-	-	3,223,080	-	1,200,000	500,000	6,276,920	1,100,000	1,200,000	-
TMR TIDS 20/21 Dauan Island Helipad	714,000	-	-	-	-	-	-	-	200,000	514,000	-	-	-	-
TMR TIDS 20/21 Saibai Is Airpot Apron Upgrade	332,000	-	-	-	-	-	-	-	32,000	300,000	-	-	-	-
W4Q 3 Airport waiting Sheds - Saibai	232,500	-	-	-	-	-	-	-	-	-	-	-	-	232,500
TMR TIDS 20/21 Badu Is Airport Safety Upgrade	623,000	-	-	-	36,923	-	-	332,635	103,442	150,000	-	-	-	-
Poruma Island Seawall Stage 2	5,000,000	114,654	-	-	-	-	-	-	454,000	2,838,607	678,739	454,000	460,000	-
W4Q 3 Airport waiting sheds - Poruma	232,500	184,226	-	-	-	-	-	-	-	-	-	-	-	48,274
Erub Airport Road R2R	727,068	-	-	-	-	-	-	-	127,068	50,000	550,000	-	-	-
Badu - move-it program	15,335	-	-	-	-	-	15,335	-	-	-	-	-	-	-
Interim Remote	1,793,290	-	-	-	-	-	-	-	-	-	-	-	-	1,793,290
	71,254,273	907,684	1,428,275	272,424	16,717,347	2,107,992	3,993,331	2,004,586	4,348,139	8,852,535	9,477,922	5,680,854	15,463,184	

OPERATING POSITION AS AT 31 JANUARY 2021

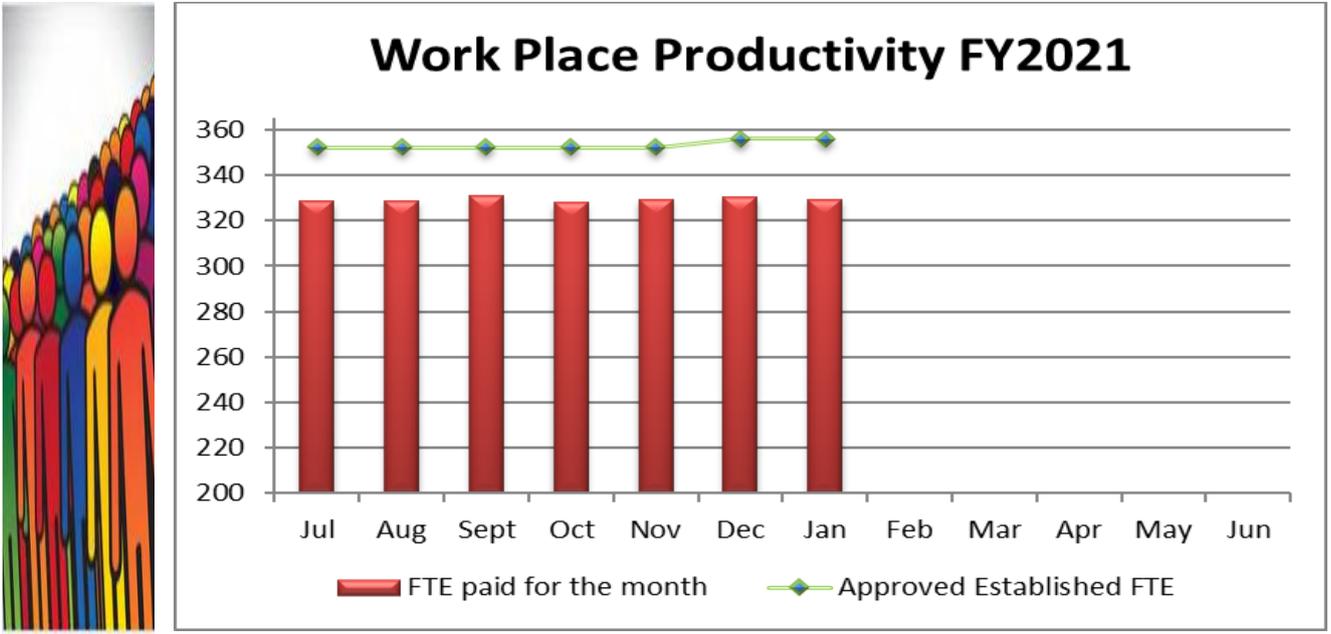
	DEPARTMENTS								TOTAL	
	Executive Services	Health & Community Services	Business Services	Engineering Services	Housing & Tenancy Services	Building Services	Corporate Affairs & Engagement	Strategic Projects & Logistics	Council YTD	Council 20/21 Budget YTD
	YTD	YTD	YTD	YTD	YTD	YTD	YTD	YTD	YTD	YTD
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Operating Revenue										
Community levies, rates and charges	0	0	0	59	0	0	0	0	59	19
Fees and charges	16	1467	72	1042	1	0	6	0	2604	2698
Rental income	0	0	0	0	2773	0	0	0	2773	2792
Interest received	0	0	244	0	0	0	0	0	244	221
Sales revenue	0	1478	0	0	0	12761	0	16	14255	15152
Other income	126	130	10	0	0	0	0	14	281	470
Grants, subsidies, contributions and donations	546	2708	9805	483	0	0	60	0	13603	13276
Total operating revenue	689	5,784	10,131	1,584	2,774	12,761	66	31	33,819	34,629
Variance to Budget	●	●	●	●	●	●	●	●	●	●
Commentary		Health & Community Services currently tracking marginally lower than budget due to timing of Commercial property income and Grant income. This is offset in part by reduction in operational expenditure.						Under budget due to not being at the operational capacity expected at implementation of the budget.		Operating revenue is tracking in-line with budget expectations.

	DEPARTMENTS								TOTAL	
	Executive Services	Health & Community Services	Business Services	Engineering Services	Housing & Tenancy Services	Building Services	Corporate Affairs & Engagement	Strategic Projects & Logistics	Council YTD	Council 20/21 Budget YTD
	YTD	YTD	YTD	YTD	YTD	YTD	YTD	YTD	YTD	YTD
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Operating Expenses (exc. depreciation)										
Employee benefits	1801	4131	1615	4780	838	2232	577	209	16183	15357
Materials and services	1095	2611	2348	3005	1592	8654	198	853	20354	20732
Finance costs	0	0	71	56	273	0	0	0	400	431
Total operating expenses (exc. depreciation)	2,896	6,741	4,034	7,841	2,702	10,887	775	1,062	36,937	36,520
Variance to Budget	●	●	●	●	●	●	●	●	●	
	All departments incurred an increase in salary and wages due to payment to Stream A employees.									
Commentary									Overall, Council's operating expenses (exc. Depreciation) is tracking \$417K above budget mainly due to payment to stream A employees.	

	DEPARTMENTS								TOTAL	
	Executive Services	Health & Community Services	Business Services	Engineering Services	Housing & Tenancy Services	Building Services	Corporate Affairs & Engagement	Strategic Projects & Logistics	Council YTD	Council 20/21 Budget YTD
	YTD	YTD	YTD	YTD	YTD	YTD	YTD	YTD	YTD	YTD
	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000	\$ '000
Operating Surplus/(Deficit) before depreciation and capital	-2,207	-957	6,098	-6,257	71	1,874	-709	-1,031	-3118	-1891
Variance to Budget <i>(refer to commentary from revenue and expenses)</i>	●	●	●	●	●	●	●	●	●	●
Depreciation	0	2743	704	12941	10980	0	0	0	27368	27130
Operating Surplus/(Deficit)	-2,207	-3,700	5,394	-19,198	-10,909	1,874	-709	-1,031	-30,486	-29,021
Capital revenue	0	20	509	14707	0	0	0	0	15236	17680
Capital expenses	0	0	2872	0	0	0	0	-1	2871	1750
Net result	-2,207	-3,680	3,031	-4,491	-10,909	1,874	-709	-1,030	-18,121	-13,091
Variance to Budget	●	●	●	●	●	●	●	●	●	●
Commentary		Health & Community services currently under budget primarily due to the timing of grant receipts	Business Services impacted by timing of disposals or capital assets.	Engineering Services impacted by timing receipt of Capital Revenue.		Warraber duplex was budgeted to be completed at this stage - However due to delays, project is now re-commencing. We expect to receive all revenue (\$1.2M) from this project by 30 June 2021. Finance is currently in the process of capitalising work on own assets as per AASB 15.			Overall, Council's net result at the end of January is tracking \$5M below budget primarily due to payment of Stream A staff and capital budget timing receipt.	

JANUARY STATISTICS

Payroll



The graph above compares the number of paid full-time equivalents (FTE's) to the approved number of FTE's in the organisational structure.



Number of staff with Annual Leave balances over 60 days = 6

Creditors

JANUARY 2021

Number of invoices
processed
934

Creditors invoices paid
during the period
\$3,531,685

JANUARY 2020

Number of invoices
processed
1,631

Creditors invoice paid
during the period
\$4,083,847

Debtors

JANUARY 2021

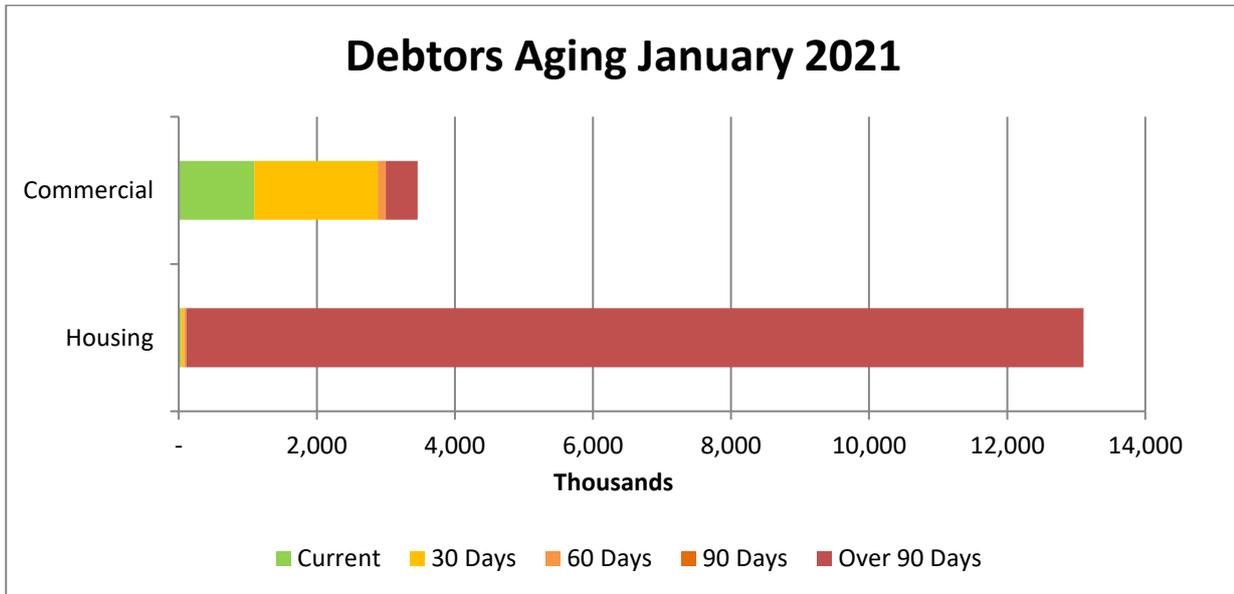
Number of invoices
raised
1,835

Debtor invoice
payment received
during the period
\$4,194,206

JANUARY 2020

Number of invoices
raised
2,441

Debtor invoice
payment received
during the period
\$5,788,947



Top 5 other debtors greater than 90 days

Account Number	Debtor Name	Outstanding Amount > 90 Days	Comment
1192400	QBuild Department of Housing & Public Works	204,770.09	Currently following up
1175800	Tagai State College	94,326.36	Debt to be submitted to be considered for write-off.
1180400	Somerset Building Company	77,638.00	Debtor has disputed part of the charges. Claim to be investigated by Finance and a decision to be made.
1265600	Badhulgaw Kuthinaw Mudh TSI Corporation Badu Art Centre	73,460.70	Currently working at resolving outstanding debt
1254100	Torres Strait Major Infrastructure and Other Projects Trust Fund	72,908.84	Grant application currently being processed

523,103.99

CONCLUSION

At the end of January 2021, Council is reporting a year-to-date operating deficit position before depreciation of \$3.1M compared to a budgeted deficit of \$1.9M.

The main contributing factors are increases in:

- Employee benefits – due to payment to active Stream A staff in December;
- Contract and recoverable works under budget due to a delay in the Warraber Duplex build which is still expected to be completed by 30th June 2021;

These costs have been slightly offset by:

- Material & Services – Most departments are tracking within their budget allocations.

While Australia is doing well compared to most of the world there remains uncertainty in the current economic climate. It is likely that the effects of the pandemic will be felt over many years to come. Management continues to progressively adapt, monitor, and plan into the future as the COVID-19 situation and its impact evolves.



Nicola Daniels
Head of Financial Services

ATTACHMENTS:

- ***Council Operating Statement***
- ***Executive Department Operating Statement***
- ***Health and Community Services Department Operating Statement***
- ***Business Services Department Operating Statement***
- ***Engineering Services Department Operating Statement***
- ***Building Services Department Operating Statement***
- ***Housing & Tenancy Services Department Operating Statement***
- ***Corporate Affairs and Engagement Department Operating Statement***
- ***Strategic Projects & Logistics***



**Torres Strait Island Regional Council
Consolidated Operating Statement
as at January 2021**

Refreshed on 01-Feb-2021 at 15:19:10 by FRANKB in TSIRK-CES nlier

	Actuals MTD 2020/2021	Budget MTD 2020/2021	\$ Variance MTD 2020/2021	Actuals YTD 2020/2021	Budget YTD 2020/2021	\$ Variance YTD 2020/2021	Budget Full Year 2020/2021
OPERATING REVENUE							
Sewerage charges commercial	0	0	0	0	8,589	(8,589)	871,885
Water charges commercial	0	0	0	0	7,177	(7,177)	404,609
Garbage charges commercial	0	0	0	0	3,577	(3,577)	198,405
Rates from 40 year leases	0	0	0	59,037	0	59,037	59,178
Fees and Charges	227,405	115,505	111,900	832,037	818,779	13,258	1,396,305
Commercial Property Rental Income	0	111,111	(111,111)	1,486,542	1,646,136	(179,596)	2,201,692
Hire of Council Buildings	1,544	4,877	(3,333)	30,942	26,114	4,828	50,500
Airport Landing Fees	45,797	35,000	10,797	274,754	207,267	67,487	407,000
General purpose grants - recurrent	0	0	0	2,692,616	2,652,454	40,162	11,534,673
State Government Subsidies and grants - recurrent	9,898	1,023,897	(1,013,999)	9,887,084	9,488,804	398,280	10,514,057
Commonwealth government subsidies and grants - recurrent	122,992	149,378	(26,386)	1,023,751	1,134,611	(110,859)	1,696,905
Accommodation	100,626	74,986	25,640	460,413	445,233	15,080	820,160
Contract and recoverable works	966,704	2,472,617	(1,505,913)	12,760,676	13,648,327	(887,651)	21,282,675
Sale of Fuel and Gas	85,450	121,977	(36,527)	756,853	805,428	(48,575)	1,415,311
Sale of Power and Phonocards	16,696	24,736	(8,040)	165,180	169,380	(4,200)	293,062
Plant and equipment hire	2,450	3,932	(1,482)	45,065	34,195	10,870	53,854
Childcare Services	7,106	7,269	(163)	66,728	49,345	17,383	85,691
Interest received	45,709	31,711	13,997	243,905	220,594	23,311	379,151
Residential Property Rental Income	369,327	410,328	(41,001)	2,772,873	2,792,423	(19,550)	4,844,083
Other revenue	61,602	117	61,484	150,901	112,449	38,453	113,035
Commission Income	2,039	33,818	(31,779)	130,092	257,765	(127,673)	426,853
Gain on revaluation of finance leases	0	20,000	(20,000)	0	100,000	(100,000)	200,000
TOTAL OPERATING REVENUE	2,065,344	4,641,259	(2,575,915)	33,819,448	34,628,649	(809,201)	59,249,067
OPERATING EXPENDITURE							
<i>Employee Benefits</i>							
Total staff wages and salaries	1,118,464	1,900,975	(782,511)	12,219,190	12,080,008	139,182	21,602,697
Councillors' Remuneration	51,998	81,991	(29,993)	584,219	590,865	(6,646)	1,000,820
Annual, sick and long service leave entitlements	41,214	293,423	(252,209)	2,117,614	2,149,536	(31,923)	3,616,651
Superannuation	94,112	232,038	(137,926)	1,371,778	1,462,257	(90,479)	2,623,594
Other employee related expenses	5,693	40,977	(35,284)	86,837	176,509	(89,673)	380,787
Targeted S&W Savings	0	(39,709)	39,709	0	(198,543)	198,543	(397,086)
<i>Less: Internal employee transactions</i>							
Salary - Internal S&W Expense - Task	456,984	(34,729)	491,713	6,815,388	1,946,173	4,869,215	1,772,527
Salary - Internal S&W Operating Recovery - Task	(437,718)	18,062	(455,780)	(4,886,821)	(1,442,698)	(3,444,122)	(1,352,388)
Salary - Internal S&W Capital Recovery - Task	(7,197)	105,908	(113,105)	(137,116)	(591,867)	454,751	(1,157,390)
Salary - Internal S&W Oncost Recovery OP & CP -Task	(133,529)	(38,017)	(95,512)	(1,988,205)	(813,826)	(1,174,379)	(1,003,911)
Internal S&W Branch Overhead Expense	10,642	21,373	(10,731)	135,994	155,812	(19,818)	262,678
Internal S&W Branch Overhead Recovery	(10,642)	(21,681)	11,039	(135,994)	(157,350)	21,356	(265,754)
Total employee benefits	1,190,022	2,341,598	(1,151,576)	16,182,884	15,356,877	826,007	27,083,224
<i>Materials and services</i>							
Advertising and Marketing	544	6,977	(6,433)	25,061	41,116	(16,055)	76,000
Supplies and Consumables	35,829	33,826	2,003	258,078	273,459	(15,381)	500,765
Audit Services	18,500	13,332	5,168	130,500	129,841	659	196,500
Communications and IT	100,659	176,824	(76,165)	1,035,882	1,214,913	(179,031)	2,100,643
Consultants	70,994	86,264	(15,270)	342,777	562,004	(219,227)	1,148,242
Contractors	766,255	1,235,836	(469,581)	6,713,848	7,206,114	(492,266)	13,388,507
Donations paid	1,853	47,697	(45,844)	54,288	249,513	(195,225)	488,000
Rent Paid	64,635	62,563	2,073	454,949	474,761	(19,812)	787,574
Power	107,773	110,755	(2,982)	659,062	662,292	(3,230)	1,291,097
Repairs and Maintenance	163,524	273,044	(109,520)	1,653,259	1,866,765	(213,506)	3,244,409
Subscriptions and Registrations	(30,804)	13,567	(44,371)	62,322	72,086	(9,764)	145,042
Travel	144,590	230,210	(85,619)	1,352,595	1,428,455	(75,860)	2,547,227
Other Materials and Services	206,124	126,532	79,592	1,123,980	769,295	354,685	1,410,429
Motor Vehicle Expenses	115,750	26,359	89,391	221,468	167,782	53,686	299,104
Insurance	268,545	360,886	(92,341)	2,453,103	2,479,306	(26,203)	4,283,738
Legal Fees	14,154	18,254	(4,100)	289,648	152,182	137,466	222,450
Freight	72,175	124,038	(51,863)	586,206	691,929	(105,723)	1,276,230
Phone/Power Cards, Fuel & Gas for resale	161,440	226,083	(64,643)	1,305,204	1,413,601	(108,397)	2,544,018
Temporary staff costs	56,213	1,448	54,765	271,605	110,800	160,805	118,044
Materials - Carpentry, Plumbing, Electrical	85,229	107,476	(22,247)	1,399,720	910,383	489,336	1,447,142
<i>Internal Charges</i>							
Internal - Fleet Hire Charges	162	11,178	(11,016)	5,407	59,111	(53,704)	115,000
Internal - Materials & Services Charges	0	181	(181)	388	1,294	(906)	2,200
Internal - R&M Expenses	0	89,455	(89,455)	616,602	578,532	38,070	1,027,133
Internal - Accommodation Charges	3,036	25,674	(22,638)	299,057	215,965	(83,092)	344,334
Internal - Branch Overheads Charge	0	3,212	(3,212)	9,805	18,331	(8,526)	34,390
Internal - Insurance Expense	314,048	315,424	(1,376)	2,198,336	2,205,218	(6,882)	3,782,340
Internal - Water Access Charge	14,821	103,746	(88,925)	103,746	103,747	(1)	177,852
Internal - Sewer Access Charges	15,585	15,584	1	109,098	109,089	9	187,008
Internal - Solid Waste Access Charges	9,849	9,848	1	68,940	68,937	3	118,176
Internal - Fuel Charges	6,499	13,569	(7,069)	76,336	104,277	(27,941)	174,500
Internal - Power Cards Charges	4,318	3,847	471	33,860	36,941	(3,081)	56,209
Internal - GAS (LPG) Charges	334	671	(337)	6,448	5,803	645	9,157
Internal - Pest Management	365	2,831	(2,465)	11,610	15,845	(4,236)	30,000
Internal - CSO Exp - Fuel	0	47,350	(47,350)	224,025	269,084	(45,058)	505,835
Internal - CSO Exp - Gas	0	9,522	(9,522)	35,073	34,742	332	82,350
<i>Internal Recovery</i>							
Internal - Fleet Hire Recovery	(162)	(11,178)	11,016	(5,407)	(59,111)	53,704	(115,000)
Internal - Materials & Service Recovery	0	(181)	181	(388)	(1,294)	906	(2,200)
Internal - R&M Recovery	0	(89,588)	89,588	(616,602)	(579,196)	(37,406)	(1,027,134)
Internal - Accommodation Recovery	(3,030)	(41,233)	38,203	(209,057)	(293,762)	84,705	(499,928)
Internal - Branch Overheads Recovery	0	(3,212)	3,212	(9,805)	(18,331)	8,525	(34,390)
Internal - Insurance Recovery	(314,048)	(315,424)	1,376	(2,198,336)	(2,205,218)	6,882	(3,782,340)
Internal - Water Access Recovery	(14,821)	(103,746)	88,925	(103,746)	(103,747)	1	(177,852)
Internal - Sewer Access Recovery	(15,585)	(15,584)	(1)	(109,098)	(109,090)	(8)	(187,010)
Internal - Solid Waste Access Recoveries	(9,849)	(9,848)	(1)	(68,940)	(68,937)	(3)	(118,177)
Internal - Fuel Recoveries	(6,499)	(13,371)	6,871	(76,336)	(103,646)	27,310	(170,500)
Internal - Power Card Recoveries	(4,318)	(3,850)	(468)	(34,042)	(36,958)	2,916	(56,209)
Internal - Gas (LPG) Recoveries	(334)	(671)	337	(6,448)	(5,803)	(645)	(9,157)
Internal - Pest Management Recoveries	(365)	(2,831)	2,465	(11,610)	(15,845)	4,236	(30,000)
Internal - CSO Rev - Fuel	0	(47,350)	47,350	(224,025)	(269,084)	45,058	(505,835)
Internal - CSO Rev - Gas	0	(9,522)	9,522	(35,073)	(34,742)	(332)	(82,350)
Internal - Capital Recoveries	0	(8,873)	8,873	(39,323)	(66,891)	27,568	(111,254)
Total materials and services	2,423,986	3,257,600	(833,614)	20,354,114	20,731,865	(377,752)	37,248,310
<i>Finance costs</i>							
Finance costs charged by QTC	495	468	27	4,626	3,630	996	5,972
Bank Charges	9,082	6,086	2,996	66,420	48,249	18,171	78,680
Impairment of Debts	26,912	32,294	(5,382)	272,631	322,938	(50,307)	484,407
Refuse Restoration	8,000	8,000	0	56,000	56,000	0	96,000
Total finance costs	44,489	46,848	(2,359)	399,676	430,817	(31,141)	665,059
OPERATING EXPENSES (BEFORE DEPN)	3,658,497	5,646,447	(1,987,949)	36,936,674	36,519,559	417,115	64,996,594
OPERATING CAPABILITY (BEFORE DEPN)	(1,593,153)	(1,004,788)	(588,365)	(3,117,226)	(1,890,910)	(1,226,316)	(5,747,527)
<i>Depreciation</i>							
Depreciation - Community Buildings	1,579,869	1,606,184	(26,315)	10,980,293	11,243,289	(263,006)	19,274,210
Depreciation - Corporate Buildings	354,822	316,847	37,975	2,459,563	2,217,926	241,637	3,802,156
Depreciation - Recreational Facilities	81,774	81,014	760	567,145	567,100	45	972,171
Depreciation - Roads/Transport Network	425,105	448,674	(23,568)	2,948,312	3,140,715	(192,403)	5,384,082
Depreciation - Stormwater Drainage Network	23,643	21,001	2,642	163,974	147,004	16,971	252,006
Depreciation - Flood Mitigation Network	74,387	82,785	(8,398)	515,912	579,497	(63,584)	993,423
Depreciation - Water Supply Network	620,126	554,611	65,515	4,371,913	3,882,277	489,635	6,655,333
Depreciation - Sewerage Network	614,645	618,609	(3,964)	4,215,866	4,330,262	(114,396)	7,423,306

Depreciation - Wharves, Piers & Jetties	91,044	79,920	11,124	631,433	559,440	71,993	959,041
Depreciation - Waste Landfill	13,518	8,794	4,724	93,787	61,557	32,230	105,525
Amortisation - Intangible Assets	863	2,277	(1,394)	14,478	15,936	(1,459)	27,319
Depreciation - Plant & Equipment	61,250	54,951	6,299	425,418	384,655	40,763	659,409
Total Depreciation	3,941,066	3,875,665	65,401	27,368,095	27,129,657	238,427	46,507,984
TOTAL EXPENSES	7,599,564	9,521,712	(1,922,148)	64,304,758	63,649,216	655,542	111,504,577
OPERATING CAPABILITY BEFORE CAPITAL	(5,534,220)	(4,880,453)	(653,766)	(30,485,310)	(29,020,567)	(1,464,743)	(52,255,511)
CAPITAL REVENUE							
State Government subsidies and grants - capital	1,440,000	4,894,012	(3,454,012)	14,021,853	16,798,729	(2,776,876)	45,914,793
Commonwealth Government subsidies and grants - capital	431,697	280,000	151,697	546,351	881,351	(335,000)	2,823,076
Contributed assets	0	0	0	0	0	0	14,948,604
Contributions - capital	0	0	0	668,025	0	668,025	0
TOTAL CAPITAL REVENUE	1,871,697	5,174,012	(3,302,315)	15,236,229	17,680,080	(2,443,851)	63,686,473
CAPITAL EXPENSES							
Book value of property, plant and equipment	965,980	350,000	615,980	2,872,435	1,750,000	1,122,435	3,500,000
Proceeds on sale of property, plant and equipment	0	0	0	(1,364)	0	(1,364)	0
TOTAL CAPITAL EXPENSES	965,980	350,000	615,980	2,871,071	1,750,000	1,121,071	3,500,000
INCREASE/DECREASE IN OPERATING CAPABILITY	(4,628,503)	(56,441)	(4,572,062)	(18,120,153)	(13,090,487)	(5,029,665)	7,930,962



**Torres Strait Island Regional Council
Operating Statement
For Executive as at January 2021**

	Actuals MTD 2019/2020	Budget MTD 2019/2020	\$ Variance MTD 2019/2020	Actuals YTD 2019/2020	Budget YTD 2019/2020	\$ Variance YTD 2019/2020	Budget Full Year 2019/2020
OPERATING REVENUE							
Fees and Charges	0	927	(927)	11,234	15,867	(4,633)	20,500
Commercial Property Rental Income	0	0	0	5,101	5,101	0	5,101
State Government Subsidies and grants - recurrent	0	546,200	(546,200)	546,200	546,200	0	546,200
Accommodation	0	(431)	431	0	2,155	(2,155)	0
Sale of Power and Phonocards	0	0	0	45	0	45	0
Other revenue	64,877	(3,832)	68,709	126,044	88,158	37,886	69,000
TOTAL OPERATING REVENUE	64,877	542,864	(477,987)	688,624	657,481	31,143	640,801
OPERATING EXPENDITURE							
<i>Employee Benefits</i>							
Total staff wages and salaries	107,701	170,542	(62,840)	1,150,534	1,119,005	31,530	1,971,712
Councillors' Remuneration	51,998	81,991	(29,993)	584,219	590,865	(6,646)	1,000,820
Annual, sick and long service leave entitlements	(17,762)	25,926	(43,688)	217,479	241,893	(24,414)	371,523
Superannuation	8,803	20,197	(11,394)	127,921	130,126	(2,205)	231,113
Other employee related expenses	(12,451)	(16,711)	4,260	(188,015)	(141,071)	(46,944)	(224,626)
<i>Less: Internal employee transactions</i>							
Salary - Internal S&W Expense - Task	8,559	(2,856)	11,415	137,175	14,281	122,893	0
Salary - Internal S&W Operating Recovery - Task	(10,763)	(18,676)	7,913	(163,573)	(144,412)	(19,161)	(237,792)
Salary - Internal S&W Capital Recovery - Task	(21)	0	(21)	(21)	0	(21)	0
Salary - Internal S&W Oncost Recovery OP & CP -Ta	(3,451)	(7,470)	4,019	(64,645)	(57,765)	(6,880)	(95,117)
Total employee benefits	132,613	252,942	(120,330)	1,801,074	1,752,922	48,152	3,017,634
<i>Materials and services</i>							
Advertising and Marketing	544	1,877	(1,333)	22,457	15,616	6,841	25,000
Supplies and Consumables	327	45	282	377	275	102	500
Audit Services	0	(2,618)	2,618	0	13,091	(13,091)	0
Communications and IT	1,545	4,044	(2,499)	80	14,039	(13,979)	34,260
Consultants	45,455	4,403	41,051	124,648	127,988	(3,341)	255,004
Contractors	0	680	(680)	2,380	4,600	(2,220)	8,000
Donations paid	1,853	47,197	(45,344)	53,704	247,013	(193,309)	483,000
Rent Paid	1,622	(561)	2,182	1,212	2,803	(1,591)	0
Power	424	(144)	569	424	722	(298)	0
Repairs and Maintenance	0	9,751	(9,751)	11,232	56,443	(45,211)	105,200
Subscriptions and Registrations	(32,767)	10,295	(43,062)	56,594	55,214	1,381	106,687
Travel	35,354	56,559	(21,205)	380,710	396,816	(16,105)	685,010
Other Materials and Services	3,129	8,552	(5,424)	46,307	57,289	(10,982)	100,050
Motor Vehicle Expenses	0	180	(180)	1,064	1,400	(335)	2,300
Insurance	(75,303)	19,946	(95,248)	105,424	99,728	5,696	199,455
Legal Fees	(7,319)	18,254	(25,573)	268,175	152,182	115,993	222,450
Freight	86	0	86	19	1,567	(1,548)	1,900
Phone/Power Cards, Fuel & Gas for resale	0	0	0	0	0	0	0
<i>Internal Charges</i>							
Internal - Accommodation Charges	0	128	(128)	7,640	3,360	4,280	4,000
Internal - Insurance Expense	1,042	1,054	(12)	7,293	7,354	(61)	12,625
Internal - Fuel Charges	0	36	(36)	504	322	182	500
<i>Internal Recovery</i>							
Total materials and services	(24,010)	179,744	(203,754)	1,094,701	1,257,819	(163,118)	2,245,940
<i>Finance costs</i>							
	0	0	0	0	0	0	0
Total finance costs	0	0	0	0	0	0	0
OPERATING EXPENSES (BEFORE DEPN)	108,603	432,687	(324,083)	2,895,775	3,010,741	(114,966)	5,263,574
OPERATING CAPABILITY (BEFORE DEPN)	(43,726)	110,177	(153,904)	(2,207,151)	(2,353,260)	146,109	(4,622,773)
<i>Depreciation</i>							
	0	0	0	0	0	0	0
Total Depreciation	0	0	0	0	0	0	0
TOTAL EXPENSES	108,603	432,687	(324,083)	2,895,775	3,010,741	(114,966)	5,263,574
OPERATING CAPABILITY BEFORE CAPITAL	(43,726)	110,177	(153,904)	(2,207,151)	(2,353,260)	146,109	(4,622,773)
CAPITAL REVENUE	0	0	0	0	0	0	0
TOTAL CAPITAL REVENUE	0	0	0	0	0	0	0
CAPITAL EXPENSES	0	0	0	0	0	0	0
TOTAL CAPITAL EXPENSES	0	0	0	0	0	0	0
INCREASE/DECREASE IN OPERATING CAPABILITY	(43,726)	110,177	(153,904)	(2,207,151)	(2,353,260)	146,109	(4,622,773)



**Torres Strait Island Regional Council
Operating Statement
For Health and Community Services as at January 2021**

	Actuals MTD 2019/2020	Budget MTD 2019/2020	\$ Variance MTD 2019/2020	Actuals YTD 2019/2020	Budget YTD 2019/2020	\$ Variance YTD 2019/2020	Budget Full Year 2019/2020
OPERATING REVENUE							
Fees and Charges	6,307	3,168		50,144	28,936	21,208	44,774
Commercial Property Rental Income	0	112,156	(112,156)	1,393,423	1,635,813	(242,390)	2,196,591
Hire of Council Buildings	1,544	4,877	(3,333)	23,883	26,114	(2,231)	50,500
State Government Subsidies and grants - recurrent	9,896	477,697	(467,799)	1,705,871	1,693,021	12,850	2,208,953
Commonwealth government subsidies and grants - recurrent	106,461	149,378	(42,917)	1,002,563	1,134,611	(132,048)	1,696,905
Accommodation	100,626	75,417	25,209	460,313	443,078	17,235	820,160
Sale of Fuel and Gas	85,450	121,977	(36,527)	756,953	805,428	(48,475)	1,415,311
Sale of Power and Phonocards	16,696	24,736	(8,040)	165,134	169,380	(4,246)	293,062
Plant and equipment hire	1,626	2,184	(558)	28,943	22,178	6,765	33,100
Childcare Services	7,106	7,269	(163)	66,728	49,345	17,383	85,691
Other revenue	0	0	0	0	0	0	0
Commission Income	2,039	33,818	(31,779)	130,092	257,765	(127,673)	426,853
TOTAL OPERATING REVENUE	337,754	1,012,676	(674,922)	5,784,046	6,265,668	(481,623)	9,271,901
OPERATING EXPENDITURE							
<i>Employee Benefits</i>							
Total staff wages and salaries	251,099	504,951	(253,852)	3,144,425	3,091,121	53,304	5,625,435
Annual, sick and long service leave entitlements	19,408	78,526	(59,119)	527,228	542,133	(14,906)	934,766
Superannuation	24,165	63,903	(39,738)	353,295	390,595	(37,300)	711,255
Other employee related expenses	7,858	13,217	(5,359)	79,934	87,151	(7,217)	146,021
Targeted S&W Savings	0	(14,709)	14,709	0	(73,543)	73,543	(147,086)
<i>Less: Internal employee transactions</i>							
Salary - Internal S&W Expense - Task	167,292	(27,927)	195,219	2,680,060	709,493	1,970,568	569,856
Salary - Internal S&W Operating Recovery - Task	(158,786)	30,433	(189,219)	(1,930,527)	(466,364)	(1,464,162)	(314,201)
Salary - Internal S&W Capital Recovery - Task	0	(2,985)	2,985	0	(14,925)	14,925	(29,850)
Salary - Internal S&W Oncost Recovery OP & CP - Task	(47,100)	10,979	(58,079)	(766,579)	(192,516)	(574,063)	(137,620)
Internal S&W Branch Overhead Expense	4,257	9,283	(5,027)	35,595	58,654	(23,059)	105,071
Total employee benefits	268,193	665,672	(397,479)	4,130,648	4,124,581	6,067	7,463,646
<i>Materials and services</i>							
Supplies and Consumables	15,614	17,071	(1,457)	67,372	102,062	(34,690)	187,418
Audit Services	0	0	0	0	0	0	0
Contractors	34,930	36,541	(1,611)	294,339	200,205	94,134	382,910
Rent Paid	0	904	(904)	1,974	5,364	(3,390)	9,882
Power	34,492	33,316	1,176	183,575	192,630	(9,054)	359,207
Repairs and Maintenance	0	10,401	(10,401)	14,512	67,836	(53,324)	119,842
Subscriptions and Registrations	0	1,505	(1,505)	4,940	9,373	(4,433)	16,895
Travel	33,272	36,932	(3,660)	192,769	212,523	(19,755)	397,183
Other Materials and Services	12,131	27,735	(15,604)	53,740	150,948	(97,208)	289,622
Motor Vehicle Expenses	372	1,452	(1,080)	5,016	8,666	(3,650)	15,928
Freight	2,154	5,624	(3,470)	16,606	31,523	(14,917)	59,643
Phone/Power Cards, Fuel & Gas for resale	160,714	225,837	(65,123)	1,300,343	1,410,338	(109,995)	2,539,522
Temporary staff costs	24,124	1,045	23,079	105,311	38,080	67,231	43,306
Materials - Carpentry, Plumbing, Electrical	0	0	0	0	0	0	0
<i>Internal Charges</i>							
Internal - Fleet Hire Charges	162	0	162	162	0	162	0
Internal - Materials & Services Charges	0	0	0	261	261	0	261
Internal - R&M Expenses	0	78,375	(78,375)	417,071	492,758	(75,687)	884,633
Internal - Accommodation Charges	2,040	3,041	(1,001)	17,125	26,703	(9,578)	41,906
Internal - Branch Overheads Charge	0	1,134	(1,134)	2,451	6,240	(3,789)	11,911
Internal - Insurance Expense	38,223	38,083	140	267,560	266,856	702	457,271
Internal - Fuel Charges	465	1,427	(962)	9,284	11,354	(2,069)	18,468
Internal - Power Cards Charges	2,509	883	1,626	17,271	13,178	4,093	17,593
Internal - GAS (LGP) Charges	154	149	4	3,800	2,592	1,208	3,338
Internal - CSO Exp - Fuel	0	47,350	(47,350)	224,025	269,084	(45,058)	505,835
Internal - CSO Exp - Gas	0	9,522	(9,522)	35,073	34,742	332	82,350
<i>Internal Recovery</i>							
Internal - Materials & Service Recovery	0	39	(39)	(388)	(194)	(194)	0
Internal - Accommodation Recovery	(3,030)	(41,233)	38,203	(196,737)	(281,442)	84,705	(487,608)
Internal - Fuel Recoveries	(6,499)	(13,371)	6,871	(76,336)	(103,646)	27,310	(170,500)
Internal - Power Card Recoveries	(4,318)	(3,850)	(468)	(34,042)	(36,958)	2,916	(56,208)
Internal - Gas (LPG) Recoveries	(334)	(671)	337	(6,448)	(5,803)	(645)	(9,157)
Internal - Pest Management Recoveries	(365)	(2,831)	2,466	(11,810)	(15,845)	4,236	(30,000)
Internal - CSO Rev - Fuel	0	(47,350)	47,350	(224,025)	(269,084)	45,058	(505,835)
Internal - CSO Rev - Gas	0	(9,522)	9,522	(35,073)	(34,742)	(332)	(82,350)
Internal - Capital Recoveries	0	976	(976)	(39,323)	(17,648)	(21,675)	(12,768)
Total materials and services	346,838	460,513	(113,675)	2,610,570	2,787,954	(177,384)	5,110,520
<i>Finance costs</i>							
Finance costs	0	0	0	0	0	0	0
Total finance costs	0	0	0	0	0	0	0
OPERATING EXPENSES (BEFORE DEPN)	615,031	1,126,185	(511,154)	6,741,219	6,912,535	(171,317)	12,574,166
OPERATING CAPABILITY (BEFORE DEPN)	(277,277)	(113,509)	(163,768)	(957,173)	(646,867)	(310,306)	(3,302,265)
<i>Depreciation</i>							
Depreciation - Corporate Buildings	312,941	286,569	26,372	2,170,398	2,005,980	164,418	3,438,823
Depreciation - Recreational Facilities	81,774	81,014	760	567,145	567,100	45	972,171
Depreciation - Plant & Equipment	794	835	(41)	5,507	5,842	(336)	10,015
Total Depreciation	395,509	368,417	27,092	2,743,050	2,578,922	164,128	4,421,009
TOTAL EXPENSES	1,010,541	1,494,602	(484,062)	9,484,268	9,491,458	(7,189)	16,995,176
OPERATING CAPABILITY BEFORE CAPITAL	(672,787)	(481,927)	(190,860)	(3,700,223)	(3,225,789)	(474,434)	(7,723,276)
CAPITAL REVENUE							
State Government subsidies and grants - capital	0	0	0	19,735	364,735	(345,000)	364,735
TOTAL CAPITAL REVENUE	0	0	0	19,735	364,735	(345,000)	364,735
CAPITAL EXPENSES							
Capital expenses	0	0	0	0	0	0	0
TOTAL CAPITAL EXPENSES	0	0	0	0	0	0	0
INCREASE/DECREASE IN OPERATING CAPABILITY	(672,787)	(481,927)	(190,860)	(3,680,488)	(2,861,054)	(819,434)	(7,358,540)



**Torres Strait Island Regional Council
Operating Statement
For Business Services as at January 2021**

	Actuals MTD 2019/2020	Budget MTD 2019/2020	\$ Variance MTD 2019/2020	Actuals YTD 2019/2020	Budget YTD 2019/2020	\$ Variance YTD 2019/2020	Budget Full Year 2019/2020
OPERATING REVENUE							
Fees and Charges	0	(342)	342	2,727	1,710	1,017	0
Commercial Property Rental Income	0	(1,045)	1,045	62,018	5,224	56,794	(0)
Hire of Council Buildings	0	0	0	7,059	0	7,059	0
General purpose grants - recurrent	0	0	0	2,592,377	2,592,376	0	11,308,244
State Government Subsidies and grants - recurrent	0	0	0	7,212,761	7,212,761	0	7,212,761
Plant and equipment hire	0	(28)	28	0	140	(140)	0
Interest received	45,709	31,711	13,997	243,905	220,594	23,311	379,151
Other revenue	0	0	0	10,465	0	10,465	0
Gain on revaluation of finance leases	0	20,000	(20,000)	0	100,000	(100,000)	200,000
TOTAL OPERATING REVENUE	45,709	50,296	(4,588)	10,131,312	10,132,806	(1,493)	19,100,156
OPERATING EXPENDITURE							
<i>Employee Benefits</i>							
Total staff wages and salaries	155,931	184,524	(28,594)	1,279,123	1,118,312	160,811	2,040,934
Annual, sick and long service leave entitlements	(17,213)	30,528	(47,741)	261,805	264,084	(2,279)	416,725
Superannuation	13,857	23,630	(9,772)	132,450	146,532	(14,083)	264,581
Other employee related expenses	2,682	11,393	(8,711)	(2,970)	46,639	(49,609)	103,602
<i>Less: Internal employee transactions</i>							
Salary - Internal S&W Operating Recovery - Task	(2,526)	(19,786)	17,260	(27,786)	(108,291)	80,505	(207,219)
Salary - Internal S&W Capital Recovery - Task	(962)	(4,325)	3,362	(11,947)	(25,286)	13,338	(46,909)
Salary - Internal S&W Oncostr Recovery OP & CP - Task	(1,116)	(9,644)	8,528	(15,695)	(53,431)	37,736	(101,651)
Total employee benefits	150,653	216,321	(65,668)	1,614,980	1,388,560	226,420	2,470,163
<i>Materials and services</i>							
Audit Services	18,500	15,950	2,550	129,500	116,750	12,750	196,500
Communications and IT	136,259	155,591	(19,332)	1,022,984	1,111,935	(88,950)	1,889,889
Consultants	0	9,611	(9,611)	57,244	97,293	(40,049)	195,344
Contractors	11,547	34,546	(23,001)	38,200	180,773	(142,572)	353,512
Rent Paid	58,104	60,943	(2,839)	427,827	444,784	(16,957)	749,499
Power	6,279	6,833	(554)	39,012	39,983	(970)	74,147
Repairs and Maintenance	4,688	27,775	(23,087)	170,030	241,127	(71,097)	380,000
Subscriptions and Registrations	1,963	1,207	756	(977)	3,094	(4,070)	9,127
Travel	0	15,543	(15,543)	3,407	69,271	(65,864)	133,472
Other Materials and Services	8,435	10,850	(2,415)	105,923	70,529	35,394	124,781
Insurance	343,848	330,877	12,971	2,347,679	2,329,260	18,419	3,983,646
Freight	473	373	100	1,386	2,134	(748)	4,000
Phone/Power Cards, Fuel & Gas for resale	726	0	726	726	0	726	0
Temporary staff costs	6,297	212	6,085	55,517	23,761	31,757	24,821
Materials - Carpentry, Plumbing, Electrical	0	157	(157)	0	783	(783)	1,565
<i>Internal Charges</i>							
Internal - Materials & Services Charges	0	194	(194)	0	970	(970)	1,939
Internal - R&M Expenses	0	8,580	(8,580)	147,232	72,100	75,131	115,000
Internal - Accommodation Charges	0	144	(144)	200	720	(520)	1,440
<i>Internal Recovery</i>							
Internal - Insurance Recovery	(314,048)	(315,424)	1,376	(2,198,336)	(2,205,218)	6,882	(3,782,340)
	0	0	0	0	0	0	0
Total materials and services	283,070	363,962	(80,893)	2,347,555	2,600,038	(252,483)	4,456,342
<i>Finance costs</i>							
Finance costs charged by QTC	495	468	27	4,626	3,630	996	5,972
Bank Charges	9,082	6,086	2,996	66,420	48,249	18,171	78,680
Total finance costs	9,577	6,555	3,023	71,045	51,879	19,166	84,652
OPERATING EXPENSES (BEFORE DEPN)	443,300	586,838	(143,538)	4,033,580	4,040,477	(6,897)	7,011,157
OPERATING CAPABILITY (BEFORE DEPN)	(397,591)	(536,541)	138,950	6,097,733	6,092,329	5,404	12,088,999
<i>Depreciation</i>							
Depreciation - Corporate Buildings	41,881	30,278	11,603	269,164	211,945	57,219	363,335
Amortisation: Intangible Assets	893	2,277	(1,394)	14,478	15,936	(1,459)	27,319
Depreciation - Plant & Equipment	60,456	54,116	6,340	419,912	378,813	41,099	649,394
Total Depreciation	103,222	86,671	16,549	703,554	606,695	96,859	1,040,048
TOTAL EXPENSES	546,520	673,508	(126,989)	4,737,134	4,647,172	89,962	8,051,205
OPERATING CAPABILITY BEFORE CAPITAL	(500,811)	(623,212)	122,401	5,394,179	5,485,634	(91,455)	11,048,951
CAPITAL REVENUE							
State Government subsidies and grants - capital	0	0	0	509,491	164,491	345,000	164,491
Commonwealth Government subsidies and grants - capital	0	0	0	0	0	0	9,320
Contributed assets	0	0	0	0	0	0	6,753,000
TOTAL CAPITAL REVENUE	0	0	0	509,491	164,491	345,000	6,926,811
CAPITAL EXPENSES							
Book value of property, plant and equipment	965,980	350,000	615,980	2,872,435	1,750,000	1,122,435	3,500,000
Proceeds on sale of property, plant and equipment	0	0	0	0	0	0	0
TOTAL CAPITAL EXPENSES	965,980	350,000	615,980	2,872,435	1,750,000	1,122,435	3,500,000
INCREASE/DECREASE IN OPERATING CAPABILITY	(1,466,791)	(973,212)	(493,580)	3,031,235	3,900,125	(868,890)	14,475,762



**Torres Strait Island Regional Council
Operating Statement
For Engineering Services as at January 2021**

	Actuals MTD 2019/2020	Budget MTD 2019/2020	\$ Variance MTD 2019/2020	Actuals YTD 2019/2020	Budget YTD 2019/2020	\$ Variance YTD 2019/2020	Budget Full Year 2019/2020
OPERATING REVENUE							
Sewerage charges commercial	0	0	0	0	8,589	(8,589)	871,885
Water charges commercial	0	0	0	0	7,177	(7,177)	404,609
Garbage charges commercial	0	0	0	0	3,577	(3,577)	198,405
Rates from 40 year leases	0	0	0	59,037	0	59,037	59,178
Fees and Charges	221,097	108,000	113,097	767,013	751,031	15,982	1,291,031
Airport Landing Fees	45,797	35,000	10,797	274,754	207,267	67,487	407,000
General purpose grants - recurrent	0	0	0	39,918	39,918	0	161,269
State Government Subsidies and grants - recurrent	0	0	0	422,252	36,822	385,430	546,143
Commonwealth government subsidies and grants - re-	16,531	0	16,531	21,189	0	21,189	0
TOTAL OPERATING REVENUE	283,426	143,000	140,426	1,584,163	1,054,383	529,780	3,939,522
OPERATING EXPENDITURE							
<i>Employee Benefits</i>							
Total staff wages and salaries	407,570	578,004	(170,434)	3,708,294	3,873,139	(164,845)	6,771,415
Annual, sick and long service leave entitlements	37,141	85,206	(48,065)	622,166	600,863	21,303	1,026,891
Superannuation	29,450	66,843	(37,393)	436,484	444,443	(7,959)	778,658
Other employee related expenses	6,573	25,844	(19,271)	114,212	153,358	(39,146)	281,972
Targeted S&W Savings	0	(25,000)	25,000	0	(125,000)	125,000	(250,000)
<i>Less: Internal employee transactions</i>							
Salary - Internal S&W Expense - Task	209,562	4,926	204,636	2,686,736	833,851	1,852,886	858,478
Salary - Internal S&W Operating Recovery - Task	(199,502)	0	(199,502)	(1,896,509)	(574,193)	(1,322,316)	(574,193)
Salary - Internal S&W Capital Recovery - Task	(5,978)	(40,000)	34,022	(101,919)	(217,060)	115,141	(417,088)
Salary - Internal S&W Oncost Recovery OP & CP - Ta	(61,287)	(16,000)	(45,287)	(789,419)	(316,501)	(472,918)	(396,501)
Total employee benefits	423,529	679,822	(256,293)	4,780,045	4,672,900	107,146	8,079,659
<i>Materials and services</i>							
Supplies and Consumables	18,333	16,000	2,333	174,887	165,824	9,064	304,000
Communications and IT	760	916	(156)	5,086	7,403	(2,317)	13,592
Consultants	15,680	70,000	(54,320)	38,907	283,722	(244,815)	606,134
Contractors	0	15,500	(15,500)	99,048	104,287	(5,239)	185,000
Power	65,917	70,000	(4,083)	431,719	424,968	6,751	850,000
Repairs and Maintenance	123,049	134,180	(11,131)	591,176	807,277	(216,101)	1,490,600
Subscriptions and Registrations	0	0	0	364	1,600	(1,236)	6,720
Travel	33,104	52,772	(19,668)	233,330	303,045	(69,715)	566,441
Other Materials and Services	108,042	60,201	47,841	659,163	349,298	309,865	658,778
Motor Vehicle Expenses	(54)	4,500	(4,554)	84,020	55,973	28,047	78,000
Freight	18,396	50,000	(31,604)	179,839	235,890	(56,051)	450,000
Phone/Power Cards, Fuel & Gas for resale	0	0	0	96	0	96	0
Temporary staff costs	19,760	0	19,760	35,711	15,417	20,294	15,417
Materials - Carpentry, Plumbing, Electrical	31,563	11,300	20,263	39,144	59,121	(19,976)	115,001
<i>Internal Charges</i>							
Internal - R&M Expenses	0	2,500	(2,500)	37,227	13,674	23,553	27,500
Internal - Accommodation Charges	0	5,000	(5,000)	76,350	83,710	(7,360)	108,710
Internal - Insurance Expense	78,239	79,999	(1,760)	547,675	556,474	(8,799)	956,470
Internal - Fuel Charges	4,996	9,500	(4,504)	52,083	74,120	(22,037)	120,000
Internal - Power Cards Charges	182	25	157	500	261	239	420
<i>Internal Recovery</i>							
Internal - Water Access Recovery	(14,821)	(14,821)	0	(103,746)	(103,747)	1	(177,852)
Internal - Sewer Access Recovery	(15,585)	(15,584)	(1)	(109,096)	(109,090)	(6)	(187,010)
Internal - Solid Waste Access Recoveries	(9,849)	(9,848)	(1)	(68,940)	(68,937)	(3)	(118,177)
	0	0	0	0	0	0	0
Total materials and services	477,713	542,140	(64,427)	3,004,543	3,260,289	(255,746)	6,069,743
<i>Finance costs</i>							
Refuse Restoration	8,000	8,000	0	56,000	56,000	0	96,000
Total finance costs	8,000	8,000	0	56,000	56,000	0	96,000
OPERATING EXPENSES (BEFORE DEPN)	909,242	1,229,982	(320,720)	7,840,588	7,989,189	(148,600)	14,245,401
OPERATING CAPABILITY (BEFORE DEPN)	(625,816)	(1,086,982)	461,146	(6,256,426)	(6,834,806)	678,380	(10,305,879)
<i>Depreciation</i>							
Depreciation - Roads/Transport Network	425,105	448,674	(23,568)	2,948,312	3,140,715	(192,403)	5,384,082
Depreciation - Stormwater Drainage Network	23,643	21,001	2,642	163,974	147,004	16,971	252,006
Depreciation - Flood Mitigation Network	74,387	82,785	(8,398)	515,912	579,497	(63,584)	993,423
Depreciation - Water Supply Network	620,126	554,611	65,515	4,371,913	3,882,277	489,636	6,655,333
Depreciation - Sewerage Network	614,645	618,609	(3,964)	4,215,866	4,330,262	(114,395)	7,423,306
Depreciation - Wharves, Piers & Jetties	91,044	79,920	11,124	631,433	559,440	71,993	959,041
Depreciation - Waste Landfill	13,518	8,794	4,724	93,787	61,557	32,230	105,525
Total Depreciation	1,862,468	1,814,393	48,075	12,941,198	12,700,751	240,447	21,772,716
TOTAL EXPENSES	2,771,711	3,044,355	272,644	20,781,786	20,689,940	91,846	36,018,117
OPERATING CAPABILITY BEFORE CAPITAL	(2,488,285)	(2,901,355)	140,426	(19,197,623)	(19,635,657)	437,934	(32,078,595)
CAPITAL REVENUE							
State Government subsidies and grants - capital	1,440,000	4,720,500	(3,280,500)	13,492,626	14,988,490	(1,495,864)	42,595,282
Commonwealth Government subsidies and grants - ca	431,697	280,000	151,697	546,351	881,351	(335,000)	2,813,756
Contributed assets	0	0	0	0	0	0	1,900,000
Contributions - capital	0	0	0	668,025	0	668,025	0
TOTAL CAPITAL REVENUE	1,871,697	5,000,500	(3,128,803)	14,707,003	15,869,841	(1,162,838)	47,309,038
CAPITAL EXPENSES	0	0	0	0	0	0	0
TOTAL CAPITAL EXPENSES	0	0	0	0	0	0	0
INCREASE/DECREASE IN OPERATING CAPABILITY	(616,588)	2,099,145	(2,988,377)	(4,490,620)	(3,765,715)	(724,905)	15,230,443



**Torres Strait Island Regional Council
Operating Statement
For Building Services as at January 2021**

THANKYOU SIMONE

OPERATING REVENUE

Fees and Charges
Contract and recoverable works
Plant and equipment hire
Other revenue

TOTAL OPERATING REVENUE

OPERATING EXPENDITURE

Employee Benefits

Total staff wages and salaries
Annual, sick and long service leave entitlements
Superannuation
Other employee related expenses
Less: Internal employee transactions
Salary - Internal S&W Expense - Task
Salary - Internal S&W Operating Recovery - Task
Salary - Internal S&W Capital Recovery - Task
Salary - Internal S&W Oncoed Recovery OP & CP - Task
Internal S&W Branch Overhead Expense

Total employee benefits

Materials and services

Supplies and Consumables
Communications and IT
Consultants
Contractors
Rent Paid
Power
Repairs and Maintenance
Travel
Other Materials and Services
Motor Vehicle Expenses
Freight
Phone/Power Cards, Fuel & Gas for resale
Temporary staff costs
Materials - Carpentry, Plumbing, Electrical
Internal Charges
Internal - Fleet Hire Charges
Internal - R&M Expenses
Internal - Accommodation Charges
Internal - Branch Overheads Charge
Internal - Insurance Expense
Internal - Fuel Charges
Internal - Power Cards Charges
Internal - GAS (LGP) Charges
Internal - Pest Management
Internal Recovery
Internal - Fleet Hire Recovery
Internal - Materials & Service Recovery
Internal - R&M Recovery
Internal - Accommodation Recovery
Internal - Capital Recoveries

Total materials and services

Finance costs

Total finance costs

OPERATING EXPENSES (BEFORE DEPN)

OPERATING CAPABILITY (BEFORE DEPN)

Depreciation

Total Depreciation

TOTAL EXPENSES

OPERATING CAPABILITY BEFORE CAPITAL

CAPITAL REVENUE

State Government subsidies and grants - capital

TOTAL CAPITAL REVENUE

CAPITAL EXPENSES

Proceeds on sale of property, plant and equipment

TOTAL CAPITAL EXPENSES

INCREASE/DECREASE IN OPERATING CAPABILITY

	Actuals MTD 2019/2020	Budget MTD 2019/2020	\$ Variance MTD 2019/2020	Actuals YTD 2019/2020	Budget YTD 2019/2020	\$ Variance YTD 2019/2020	Budget Full Year 2019/2020
OPERATING REVENUE							
Fees and Charges	0	0	0	0	0	0	0
Contract and recoverable works	966,704	2,472,617	(1,505,913)	12,760,676	13,648,327	(887,651)	21,282,675
Plant and equipment hire	0	0	0	0	0	0	0
Other revenue	(4,545)	(455)	(4,090)	0	2,273	(2,272)	0
TOTAL OPERATING REVENUE	962,159	2,472,162	(1,510,004)	12,760,676	13,650,600	(889,923)	21,282,675
OPERATING EXPENDITURE							
<i>Employee Benefits</i>							
Total staff wages and salaries	93,118	247,090	(153,973)	1,615,864	1,578,582	37,282	2,814,035
Annual, sick and long service leave entitlements	3,181	37,707	(34,526)	251,677	253,047	(1,370)	441,581
Superannuation	7,529	30,009	(22,480)	174,791	187,130	(12,339)	337,176
Other employee related expenses	1,343	5,106	(3,764)	48,575	32,998	15,577	58,530
<i>Less: Internal employee transactions</i>							
Salary - Internal S&W Expense - Task	68,879	(10,714)	79,593	1,217,311	350,750	866,561	296,954
Salary - Internal S&W Operating Recovery - Task	(58,181)	24,424	(82,605)	(792,521)	(141,106)	(651,415)	(18,993)
Salary - Internal S&W Capital Recovery - Task	(236)	(65,795)	65,559	(23,229)	(334,596)	311,367	(683,571)
Salary - Internal S&W Oncoed Recovery OP & CP - Task	(18,768)	(16,548)	(2,220)	(328,037)	(190,280)	(137,756)	(273,022)
Internal S&W Branch Overhead Expense	5,321	10,687	(5,366)	67,997	77,906	(9,909)	131,339
Total employee benefits	102,185	261,967	(159,781)	2,232,429	1,814,431	417,998	3,124,039
<i>Materials and services</i>							
Supplies and Consumables	314	27	287	586	211	375	347
Communications and IT	(37,904)	13,500	(51,404)	7,581	67,500	(59,919)	135,000
Consultants	1,760	0	1,760	73,618	18,260	55,358	18,260
Contractors	718,977	1,102,973	(383,996)	6,193,587	6,417,528	(223,941)	11,932,394
Rent Paid	4,909	1,277	3,633	23,936	21,810	2,126	28,193
Power	64	419	(350)	607	2,305	(1,698)	4,372
Repairs and Maintenance	30,130	40,091	(9,962)	291,570	348,429	(56,859)	548,865
Travel	42,865	45,117	(2,252)	497,508	357,223	140,285	582,808
Other Materials and Services	71,481	5,241	66,240	199,640	58,091	141,549	84,294
Motor Vehicle Expenses	477	1,116	(639)	5,576	6,330	(754)	11,910
Freight	48,374	62,583	(14,210)	365,653	390,713	(25,060)	703,629
Phone/Power Cards, Fuel & Gas for resale	0	238	(238)	4,123	3,305	817	4,496
Temporary staff costs	0	463	(463)	15,352	9,894	5,458	12,010
Materials - Carpentry, Plumbing, Electrical	53,665	95,818	(42,152)	1,360,576	849,472	511,104	1,328,560
<i>Internal Charges</i>							
Internal - Fleet Hire Charges	0	11,178	(11,178)	5,245	59,111	(53,866)	115,000
Internal - R&M Expenses	0	0	0	12,954	0	12,954	0
Internal - Accommodation Charges	0	12,635	(12,635)	101,462	76,188	25,275	139,360
Internal - Branch Overheads Charge	0	1,760	(1,760)	4,903	9,934	(5,031)	19,732
Internal - Insurance Expense	10,597	10,597	(1)	74,176	74,179	(3)	127,164
Internal - Fuel Charges	1,008	2,618	(1,610)	14,296	18,422	(4,126)	31,511
Internal - Power Cards Charges	1,627	2,948	(1,321)	15,998	23,456	(7,458)	38,195
Internal - GAS (LGP) Charges	180	546	(366)	2,405	3,090	(684)	5,819
Internal - Pest Management	365	2,831	(2,465)	11,610	15,845	(4,235)	30,000
<i>Internal Recovery</i>							
Internal - Fleet Hire Recovery	0	0	0	0	0	0	0
Internal - Materials & Service Recovery	0	(220)	220	0	(1,100)	1,100	(2,200)
Internal - R&M Recovery	0	(89,588)	89,588	(616,710)	(579,196)	(37,514)	(1,027,134)
Internal - Accommodation Recovery	0	0	0	(12,320)	0	(12,320)	0
Internal - Capital Recoveries	0	(9,849)	9,849	0	(49,243)	49,243	(98,486)
Total materials and services	948,888	1,314,312	(365,424)	8,654,133	8,189,237	464,896	14,760,799
<i>Finance costs</i>							
Total finance costs	0	0	0	0	0	0	0
OPERATING EXPENSES (BEFORE DEPN)	1,051,074	1,576,279	(525,205)	10,886,562	10,003,669	882,893	17,884,838
OPERATING CAPABILITY (BEFORE DEPN)	(88,915)	895,883	(984,799)	1,874,114	3,646,931	(1,772,817)	3,397,837
<i>Depreciation</i>							
Total Depreciation	0	0	0	0	0	0	0
TOTAL EXPENSES	1,051,074	1,576,279	(525,205)	10,886,562	10,003,669	882,893	17,884,838
OPERATING CAPABILITY BEFORE CAPITAL	(88,915)	895,883	(984,799)	1,874,114	3,646,931	(1,772,817)	3,397,837
CAPITAL REVENUE							
State Government subsidies and grants - capital	0	173,512	(173,512)	0	867,562	(867,562)	1,735,124
TOTAL CAPITAL REVENUE	0	173,512	(173,512)	0	867,562	(867,562)	1,735,124
CAPITAL EXPENSES							
Proceeds on sale of property, plant and equipment	0	0	0	0	0	0	0
TOTAL CAPITAL EXPENSES	0	0	0	0	0	0	0
INCREASE/DECREASE IN OPERATING CAPABILITY	(88,915)	1,069,395	(1,158,311)	1,874,114	4,514,493	(2,640,379)	5,132,961



**Torres Strait Island Regional Council
Operating Statement
For Housing & Tenancy Services as at January 2021**

	Actuals MTD 2019/2020	Budget MTD 2019/2020	\$ Variance MTD 2019/2020	Actuals YTD 2019/2020	Budget YTD 2019/2020	\$ Variance YTD 2019/2020	Budget Full Year 2019/2020
OPERATING REVENUE							
Fees and Charges	0	0	0	918	0	918	0
Residential Property Rental Income	369,327	410,328	(41,001)	2,772,873	2,792,423	(19,550)	4,844,063
TOTAL OPERATING REVENUE	369,327	410,328	(41,001)	2,773,791	2,792,423	(18,632)	4,844,063
OPERATING EXPENDITURE							
<i>Employee Benefits</i>							
Total staff wages and salaries	43,258	83,051	(39,793)	608,418	516,864	91,555	932,121
Annual, sick and long service leave entitlements	6,415	13,461	(7,046)	101,217	98,800	2,417	166,103
Superannuation	4,230	10,486	(6,256)	65,329	65,088	241	117,519
Other employee related expenses	779	1,871	(1,092)	13,834	11,616	2,219	20,973
<i>Less: Internal employee transactions</i>							
Salary - Internal S&W Expense - Task	0	4,198	(4,198)	16,959	26,250	(9,290)	47,239
Internal S&W Branch Overhead Expense	1,064	1,403	(339)	32,402	19,252	13,150	26,268
Total employee benefits	55,746	114,471	(58,724)	838,160	737,669	100,291	1,310,223
<i>Materials and services</i>							
Advertising and Marketing	0	100	(100)	0	500	(500)	1,000
Subscriptions and Registrations	0	30	(30)	0	150	(150)	300
Travel	0	4,687	(4,687)	21,386	25,024	(3,638)	48,460
Other Materials and Services	3	1,850	(1,847)	3,558	9,250	(5,692)	18,500
Legal Fees	21,473	0	21,473	21,473	0	21,473	0
Freight	0	250	(250)	0	1,250	(1,250)	2,500
Temporary staff costs	2,456	(273)	2,729	9,734	1,364	8,371	0
<i>Internal Charges</i>							
Internal - Materials & Services Charges	0	(13)	13	127	64	64	(0)
Internal - R&M Expenses	0	0	0	2,118	0	2,118	0
Internal - Accommodation Charges	0	1,911	(1,911)	880	9,956	(9,076)	18,512
Internal - Branch Overheads Charge	0	318	(318)	2,451	2,157	294	3,747
Internal - Insurance Expense	178,308	177,905	403	1,248,156	1,246,140	2,016	2,135,664
Internal - Water Access Charge	14,821	14,821	(0)	103,746	103,747	(1)	177,852
Internal - Sewer Access Charges	15,585	15,584	1	109,096	109,089	7	187,008
Internal - Solid Waste Access Charges	9,849	9,848	1	68,940	68,937	4	118,176
<i>Internal Recovery</i>							
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
Total materials and services	242,495	227,018	15,477	1,591,667	1,577,627	14,039	2,712,719
<i>Finance costs</i>							
Impairment of Debts	26,912	32,294	(5,382)	272,631	322,938	(50,307)	484,407
Total finance costs	26,912	32,294	(5,382)	272,631	322,938	(50,307)	484,407
OPERATING EXPENSES (BEFORE DEPN)	325,153	373,783	(48,630)	2,702,458	2,638,434	64,024	4,507,349
OPERATING CAPABILITY (BEFORE DEPN)	44,174	36,545	7,629	71,333	153,989	(82,656)	336,714
<i>Depreciation</i>							
Depreciation - Community Buildings	1,579,869	1,606,184	(26,315)	10,980,283	11,243,289	(263,006)	19,274,210
Total Depreciation	1,579,869	1,606,184	(26,315)	10,980,283	11,243,289	(263,006)	19,274,210
TOTAL EXPENSES	1,905,022	1,979,967	(74,946)	13,682,741	13,881,723	(198,982)	23,781,559
OPERATING CAPABILITY BEFORE CAPITAL	(1,535,695)	(1,569,639)	33,944	(10,908,950)	(11,089,300)	180,350	(16,937,496)
CAPITAL REVENUE							
State Government subsidies and grants - capital	0	0	0	0	0	0	641,710
Contributed assets	0	0	0	0	0	0	6,295,604
TOTAL CAPITAL REVENUE	0	0	0	0	0	0	6,937,314
CAPITAL EXPENSES							
	0	0	0	0	0	0	0
TOTAL CAPITAL EXPENSES	0	0	0	0	0	0	0
INCREASE/DECREASE IN OPERATING CAPABILITY	(1,535,695)	(1,569,639)	33,944	(10,908,950)	(11,089,300)	180,350	(12,000,182)



Torres Strait Island Regional Council
Operating Statement
For Strategic Projects & Logistics as at January 2021

	Actuals MTD 2019/2020	Budget MTD 2019/2020	\$ Variance MTD 2019/2020	Actuals YTD 2019/2020	Budget YTD 2019/2020	\$ Variance YTD 2019/2020	Budget Full Year 2019/2020
OPERATING REVENUE							
Fees and Charges	0	3,753	(3,753)	0	21,234	(21,234)	40,000
Plant and equipment hire	824	1,775	(952)	16,123	11,877	4,246	20,754
Other revenue	1,270	4,404	(3,134)	14,392	22,018	(7,626)	44,035
TOTAL OPERATING REVENUE	2,093	9,932	(7,839)	30,514	55,128	(24,614)	104,789
OPERATING EXPENDITURE							
<i>Employee Benefits</i>							
Total staff wages and salaries	13,798	21,426	(7,628)	155,781	144,470	11,311	251,598
Annual, sick and long service leave entitlements	2,367	3,862	(1,495)	34,666	36,109	(1,443)	55,417
Superannuation	1,194	2,785	(1,592)	14,921	18,781	(3,861)	32,708
Other employee related expenses	239	497	(258)	3,419	3,352	67	5,837
<i>Less: Internal employee transactions</i>							
Salary - Internal S&W Expense - Task	0	(1,370)	1,370	27,790	6,851	20,939	0
Salary - Internal S&W Operating Recovery - Task	0	989	(989)	(19,957)	(4,947)	(15,010)	0
Salary - Internal S&W Oncoast Recovery OP & CP - Task	0	396	(396)	(7,833)	(1,979)	(5,854)	0
Total employee benefits	18,218	28,584	(10,367)	208,787	202,638	6,149	345,560
<i>Materials and services</i>							
Communications and IT	0	2,000	(2,000)	0	10,000	(10,000)	20,000
Contractors	800	44,917	(44,117)	85,364	294,604	(209,240)	519,191
Power	598	0	598	3,525	0	3,525	0
Repairs and Maintenance	5,658	50,510	(44,852)	563,946	342,830	221,115	595,382
Travel	0	11,850	(11,850)	0	23,700	(23,700)	59,250
Other Materials and Services	0	(7)	7	5,672	34	5,638	0
Motor Vehicle Expenses	114,955	19,111	95,844	125,792	95,413	30,379	190,966
Insurance	0	10,064	(10,064)	0	50,319	(50,319)	100,637
Freight	2,692	5,141	(2,449)	18,059	28,852	(10,793)	54,559
<i>Internal Charges</i>							
Internal - Accommodation Charges	990	1,469	(479)	2,400	8,596	(6,196)	15,942
Internal - Insurance Expense	7,639	7,787	(147)	53,476	54,212	(737)	93,146
<i>Internal Recovery</i>							
Internal - Fleet Hire Recovery	(162)	(11,178)	11,016	(5,407)	(59,111)	53,704	(115,000)
0	0	0	0	0	0	0	0
Total materials and services	133,171	141,665	(8,494)	852,828	849,450	3,378	1,534,073
<i>Finance costs</i>							
0	0	0	0	0	0	0	0
Total finance costs	0	0	0	0	0	0	0
OPERATING EXPENSES (BEFORE DEPN)	151,389	170,249	(18,861)	1,061,614	1,052,087	9,527	1,879,633
OPERATING CAPABILITY (BEFORE DEPN)	(149,295)	(160,317)	11,022	(1,031,100)	(996,959)	(34,141)	(1,774,844)
<i>Depreciation</i>							
0	0	0	0	0	0	0	0
Total Depreciation	0	0	0	0	0	0	0
TOTAL EXPENSES	151,389	170,249	(18,861)	1,061,614	1,052,087	9,527	1,879,633
OPERATING CAPABILITY BEFORE CAPITAL	(149,295)	(160,317)	11,022	(1,031,100)	(996,959)	(34,141)	(1,774,844)
CAPITAL REVENUE							
State Government subsidies and grants - capital	0	0	0	0	413,450	(413,450)	413,450
TOTAL CAPITAL REVENUE	0	0	0	0	413,450	(413,450)	413,450
CAPITAL EXPENSES							
Proceeds on sale of property, plant and equipment	0	0	0	(1,364)	0	(1,364)	0
TOTAL CAPITAL EXPENSES	0	0	0	(1,364)	0	(1,364)	0
INCREASE/DECREASE IN OPERATING CAPABILITY	(149,295)	(160,317)	11,022	(1,029,736)	(583,509)	(446,228)	(1,361,394)



Torres Strait Island Regional Council
Operating Statement
For Corporate Affairs and Engagement as at January 2021

	Actuals MTD 2019/2020	Budget MTD 2019/2020	\$ Variance MTD 2019/2020	Actuals YTD 2019/2020	Budget YTD 2019/2020	\$ Variance YTD 2019/2020	Budget Full Year 2019/2020
OPERATING REVENUE							
Commercial Property Rental Income	0	0	0	6,000	0	6,000	0
General purpose grants - recurrent	0	0	0	60,321	20,160	40,161	65,160
TOTAL OPERATING REVENUE	0	0	0	66,321	20,160	46,161	65,160
OPERATING EXPENDITURE							
<i>Employee Benefits</i>							
Total staff wages and salaries	31,938	95,134	(63,196)	433,311	518,701	(85,390)	994,373
Annual, sick and long service leave entitlements	5,725	15,615	(9,889)	83,973	94,929	(10,956)	173,002
Superannuation	3,959	12,164	(8,205)	52,050	65,022	(12,972)	125,844
Other employee related expenses	(1,584)	(1,102)	(483)	7,426	(15,410)	22,837	(20,918)
<i>Less: Internal employee transactions</i>							
Salary - Internal S&W Expense - Task	2,692	(940)	3,632	49,357	4,698	44,659	(0)
Salary - Internal S&W Operating Recovery - Task	(3,077)	677	(3,754)	(35,312)	(3,385)	(31,928)	0
Salary - Internal S&W Oncost Recovery OP & CP -Task	(769)	271	(1,040)	(14,045)	(1,354)	(12,691)	0
Total employee benefits	38,888	121,820	(82,935)	576,760	663,202	(86,441)	1,272,300
<i>Materials and services</i>							
Advertising and Marketing	0	5,000	(5,000)	2,604	25,000	(22,396)	50,000
Supplies and Consumables	1,241	683	559	14,856	5,086	9,769	8,500
Audit Services	0	0	0	1,000	0	1,000	0
Communications and IT	0	705	(705)	0	3,525	(3,525)	7,050
Consultants	8,100	2,250	5,850	48,361	34,750	13,611	53,500
Contractors	0	677	(677)	735	4,118	(3,383)	7,500
Donations paid	0	500	(500)	584	2,500	(1,916)	5,000
Repairs and Maintenance	0	335	(335)	10,794	2,825	7,969	4,500
Subscriptions and Registrations	0	450	(450)	1,401	2,250	(849)	4,500
Travel	0	4,084	(4,084)	17,972	25,830	(7,858)	46,250
Other Materials and Services	2,905	12,027	(9,122)	46,625	73,269	(26,643)	133,403
Legal Fees	(0)	0	(0)	(0)	0	(0)	0
Temporary staff costs	3,575	0	3,575	49,980	22,491	27,489	22,491
Materials - Carpentry, Plumbing, Electrical	0	202	(202)	0	1,009	(1,009)	2,017
<i>Internal Charges</i>							
Internal - Accommodation Charges	0	1,346	(1,346)	3,000	6,732	(3,732)	13,464
Internal - Fuel Charges	0	(7)	7	144	36	108	0
Internal - GAS (LGP) Charges	0	(6)	6	63	31	31	0
<i>Internal Recovery</i>							
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
Total materials and services	15,821	28,245	(12,423)	198,117	209,451	(11,333)	358,175
<i>Finance costs</i>							
	0	0	0	0	0	0	0
Total finance costs	0	0	0	0	0	0	0
OPERATING EXPENSES (BEFORE DEPN)	54,706	150,064	(95,358)	774,878	872,653	(97,775)	1,630,475
OPERATING CAPABILITY (BEFORE DEPN)	(54,706)	(150,064)	95,358	(708,557)	(852,493)	143,936	(1,565,315)
<i>Depreciation</i>							
	0	0	0	0	0	0	0
Total Depreciation	0	0	0	0	0	0	0
TOTAL EXPENSES	54,706	150,064	(95,358)	774,878	872,653	(97,775)	1,630,475
OPERATING CAPABILITY BEFORE CAPITAL	(54,706)	(150,064)	95,358	(708,557)	(852,493)	143,936	(1,565,315)
CAPITAL REVENUE							
	0	0	0	0	0	0	0
TOTAL CAPITAL REVENUE	0	0	0	0	0	0	0
CAPITAL EXPENSES							
	0	0	0	0	0	0	0
TOTAL CAPITAL EXPENSES	0	0	0	0	0	0	0
INCREASE/DECREASE IN OPERATING CAPABILITY	(54,706)	(150,064)	95,358	(708,557)	(852,493)	143,936	(1,565,315)

Capital Expenditure

CAPITAL BUDGET PROJECTS	Person Accountable	Task CP Code	PPE	Capital Type	Total Project Budget (Life of Project)	Total Forecast Spend Inception to EOFY 19/20	Forecast Spend during 20/21 Fin Year	Actual Spend YTD January 20/21 Fin Year	Budget Remaining YTD January 20/21 Fin Year	% Funds Spent YTD January 20/21 Fin Year	Status	Comments
PROJECTS - ICCIP												
Water	David Baldwin	Various	Water	Various	25,300,298	8,063,021	17,237,277	1,049,990	16,187,287	6.09%	Yellow	5 x major projects at pre-contract or contract stage
Wastewater	David Baldwin	Various	Sewer	Various	22,046,474	2,873,832	18,101,893	2,070,593	16,031,300	11.44%	Yellow	3 x major projects contracted and commenced or about to commence
Solid Waste	David Baldwin	Various	Waste	Various	5,100,000	69,474	4,186,684	8,262	4,178,422	0.20%	Yellow	Small scale trials underway prior to finalising tender
					Sub-total	52,446,772	11,006,327	39,525,854	36,397,009	7.92%		General: software tender to be finalised \$97,228
PROJECTS - QRA												
PC Penny PM Fees	Norman Griffett	0001430	Transport	Renewal	212,728	212,728	-	-	-	0.00%	Green	Year end entry to reverse
PROJECTS - CURRENT												
Seawalls Phase 2	Adeah Kabai	0001463	Flood Mit.	Mixed	15,000,000	246,906	14,753,094	-	14,753,094	0.00%	Red	Project made inactive Project costs to be redistributed between new tasks refer CP1489
Seawall Construction Stage 2	Adeah Kabai	0001476	Flood Mit.	New	5,000,000	71,233	4,928,767	71,192	4,857,575	1.44%	Red	Project made inactive Project costs to be redistributed between new tasks refer CP1489
Seawall Construction Stage 2	Adeah Kabai	0001489						3,405,465	(3,405,465)	0.00%	Yellow	Project costs to be redistributed to this new task
Seawall Construction Stage 2	Adeah Kabai	0001490						60,235	(60,235)	0.00%	Yellow	Project costs to be redistributed to this new task
Seawall Additional Funds TSRA	Adeah Kabai	0001352	Flood Mit.	Mixed	500,000	500,000	-	47,160	(47,160)	0.00%	Yellow	Project costs to be redistributed to a new task
Coastal Hazard - plan & design	Adeah Kabai	0001372	Flood Mit.	New	244,100	244,100	-	(72,227)	(72,227)	0.00%	Red	Nofunds allocated from current year but still have 595k commitments in the system
Seawall Sandbagging	Adeah Kabai	0001269	Flood Mit.	New	764,654	764,654	-	-	-	0.00%	Yellow	
Smart Water Meters	Dan Harrington	0001432	Water	Upgrade	406,823	939	405,884	410,091	(4,207)	101.04%	Yellow	Orders Placed
Smart Water Meters	Dan Harrington	0001433	Water	Upgrade	725,826	615	725,211	399,694	325,517	55.11%	Yellow	Orders Placed
Airport Road Rehabilitation R2R		0001446	Transport	Renewal	971,439	244,371	727,068	306,250	420,818	42.12%	Yellow	Underway
Community Housing (7 Homes)	Nicholas Sturges	0001488	BldgComm	New	2,435,000	-	2,435,000	25,785	2,409,215	1.06%	Red	Plan still to be developed Meeting booked for 16 Sep 2020 with Housing manager for hand over of project from design concept approval. Designs to be expanded as Architectural Construction Drawings with engineering and overlays on each Lot site. Final Design to be QS to ensure compliance with Budgetary funds, prior to works commencing.
W4Q.R3 Builder/Mechanics Workshop	Nicholas Sturges	0001423	Bcorp	Renewal	180,000	2,716	177,284	56	177,228	0.03%	Red	Request for 12 Months extension required forward planning and schedule being developed with BSU and resources available. Currently Requesting Quote from AECOM for Engineering report to supply to Insurance Broker
W4Q.R3 Undercover Shelter	Nicholas Sturges	0001424	Bcorp	Renewal	240,000	1,404	238,596	56	238,540	0.02%	Red	Request for 12 Months extension required forward planning and schedule being developed with BSU and resources available. Currently developing tender scope for a D & C (Design & Construct) RFQ (Request for Quote)
W4Q.R3 Airport Waiting Shed	Nicholas Sturges	0001421	Transport	Renewal	465,000	2,315	462,685	2,515	460,170	0.54%	Red	Request for 12 Months extension required forward planning and schedule being developed with BSU and resources available. Have had the costs returned from the QS (Quantity Surveyor) and the estimate cost of the build is \$963,475. Therefore the project is \$500,723 short in funding. Executive action is needed to approve course of action.
W4Q.R3 Airport Waiting Shed	Nicholas Sturges	0001422	Transport	Renewal	465,000	2,248	462,752	56	462,696	0.01%	Red	Request for 12 Months extension required forward planning and schedule being developed with BSU and resources available. Have had the costs returned from the QS (Quantity Surveyor) and the estimate cost of the build is \$963,315. Therefore the project is \$500,563 short in funding. Executive action is needed to approve course of action.
W4Q.R3 Community Hall & Bball Court	Nicholas Sturges	0001425	BCorp	Renewal	350,000	4,035	345,965	56	345,909	0.02%	Red	Request for 12 Months extension required forward planning and schedule being developed with BSU and resources available. Works has been scoped by Regional Building Supervisor, though ahs been moved to another island and hand over must be performed to new island allocated Regional Building Supervisor.
W4Q.R3 Guesthouse Upgrade	Nicholas Sturges	0001426	BCorp	Renewal	270,000	3,296	266,704	12,789	253,916	4.80%	Red	Request for 12 Months extension required forward planning and schedule being developed with BSU and resources available. This project has been issued to Regional Building Supervisor to commence Procurement and Freight to activate works.
W4Q.R3 Covered Sporting Facility	Nicholas Sturges	0001428	Recreation	Renewal	805,000	2,812	802,188	2,515	799,673	0.31%	Red	Request for 12 Months extension required forward planning and schedule being developed with BSU and resources available. Currently scope is being drafted for D&C (Design & Construct) RFQ (Request For Quote).
W4Q.C20 - Security Fence Wastewater Lagoon	Adeah Kabai	0001505	Sewer	Renewal	245,000	-	245,000	124,912	120,088	50.98%	Green	Orders placed and project planned
W4Q - 190kl Desalination Plant	Mathew Brodbeck	0001519	Water	New	385,000	-	385,000	299,344	85,656	77.75%	Green	
PROJECTS - NEW												
RAUP Airports (Badu, Kubin, Mauai)	Adeah Kabai	Multiple	Transport	Transport	665,270	-	332,635	584,505	(251,870)	175.72%	Red	Orders Placed Budget Transfer required
Airport Safety Improvement	Adeah Kabai	TBA	Transport	Transport	623,000	-	623,000	-	-	0.00%	Red	Project Task yet to be raised
Airport Fencing	Adeah Kabai	0001492									Yellow	Orders Placed work underway
Airport Fencing	Adeah Kabai	0001485									Yellow	Orders Placed work underway
Airport Fencing	Adeah Kabai	0001429									Yellow	Orders Placed work underway
Dauan Heliport Connection Road Upgrade	Adeah Kabai	0001499										
Mabuiag Aerodrome Security Fencing	Adeah Kabai	0001502										
Erub Water Main Replacement	Adeah Kabai	0001503										
Warraber Island STP and PS1, Ps2 fencing	Adeah Kabai	0001504										
Mabuiag Town Well Upgrade	Adeah Kabai	0001508										
Heliport Road Upgrade	David Stevens	TBA	Transport	Transport	714,000	-	714,000	714,000	0.00%	Red	Project Task yet to be raised	
Saibai Airport Apron Upgrade	Adeah Kabai	0001493	Transport	Transport	332,000	-	332,000	332,000	0.00%	Yellow	Project Task raised	
Dauan Basketball Court and Grandstand	Nicholas Sturges	0001495			570,000	-	570,000	570,000	0.00%	Yellow	CP Task raised	
Badu Culvert - Design Concept	Kristan Duthie	0001525	Transport	Transport	177,211	-	177,211	177,211	0.00%	Red	Project Task yet to be raised	
COUNCIL OWN FUNDS (COF)												
Replace Spare high pressure pump	Mathew Brodbeck	0001467	Water	New	30,000	-	30,000	-	30,000	0.00%	Yellow	Pump is being delivered
Engineering - General allocation	Mathew Brodbeck		Various	New	100,000	-	100,000	19,437	80,563	19.44%	Green	To be spent on emergent work
Engineering - General allocation	Mathew Brodbeck	0001496	Various	Renewal	50,000	-	-	-	-		Green	To be spent on emergent work
Engineering - General allocation	Mathew Brodbeck	0001497	Various	Renewal	30,000	-	9,480	-	-		Green	To be spent on emergent work
Engineering - General allocation	Mathew Brodbeck	0001498	Various	Renewal	20,000	-	-	-	-		Green	To be spent on emergent work
Badu Finger Jetty - Assess and repair	Mathew Brodbeck	0001481	Transport	Renewal	220,456	10,456	210,000	456	209,545	0.22%	Green	Working with Chief Engineer to define works and budget
Camera installation - 14 x barge ramps	David Baldwin	TBA	Transport	New	280,000	-	280,000	-	280,000	0.00%	Red	No plan
Corporate Fleet		TBA	Fleet	New	300,000	-	300,000	189,064	110,936	63.02%	Green	Fulfilling plans for all replacements
Pool/Hire Vehicle	George Chapman	0001500										
2017 Hilux	George Chapman	0001501										
Saibai Garbage Truck Repairs	George Chapman	0001514										
Mer Garbage Truck Repairs	George Chapman	0001515										
2007 Mazda BT50 D/Cab - Mer	George Chapman	0001522										
2014 Toyota Hilux SR D/Cab - Boigu	George Chapman	0001523										
2010 Toyota Hilux Workmate D/Cab	George Chapman	0001530										
2016 Toyota Workmate D/Cab	George Chapman	0001531										
2017 Toyota Workmate D/Cab	George Chapman	0001535										
TSIRC - Corporate Buildings	Tony Wynen	TBA	BldgCorp	Renewal	504,000	-	504,000	201,913	-	40.06%	Green	In line with requirements
Poruma Mayors Office Upgrade	Nicholas Sturges	0001487	BldgCorp	Renewal	42,000	-	42,000	-	-	0.00%	Red	In line with requirements. Works completing today 14/9/2020. With actual costs following
9 x Trailers		0001513	Fleet	New	154,000	-	154,000	-	-	0.00%	Green	Orders Placed 1 October 2020
Building Corporate WHS Emergency Tasks	Tony Wynen	TBA	BldgCorp	Renewal	300,000	-	106,751	111,639	(4,888)	104.58%	Green	Concrete stairs currently being completed with hand rail installation to follow
Erub Staircase Replacement (Funded from Corp Bldgs)	Kon Erofeev	0001445	BldgCorp	Renewal	200,000	115,636	85,000	-	-	0.00%	Green	Orders Placed
Boigu Contractors Accom Reroofing	Robert Y	0001473	BldgCorp	Renewal	65,000	-	65,000	19,111	45,889	29.40%	Green	
Boigu Contractors Accom Reroofing	Robert Y	0001475	BldgCorp	Renewal	65,000	-	65,000	10,623	54,377	16.34%	Green	
Badu Sporting Oval Lighting	Nicholas Sturges	0001483	BldgCorp	Renewal	70,000	26,751	63,249	-	-	0.00%	Green	Goods delivered awaiting erection
Mobile Igloo Shade Shelter - Yorke	Nicholas Sturges	0001484	BldgCorp	Renewal	45,000	-	45,000	-	-	0.00%	Green	
St Pauls - Barac and Police Offices (19/20 Approved not carried forward)	Nicholas Sturges	0001486	BldgCorp	Renewal	120,000	-	86,325	33,675	-	71.94%	Green	Budget subsequently Updated
Erub 5 Star Accom Upgrade	Kon Erofeev	0001516	BldgCorp	Renewal	165,000	-	165,000	40,430	124,570	24.50%	Green	Budget subsequently Updated
Gazebo Lot 194 Badu Island	Wayne Ahchay	0001521	BldgCorp	Renewal	30,000	-	30,000	2,100	27,900	7.00%	Green	Budget subsequently Updated
Insurance works:												
Mabuiag Road Point.	Tony Wynen	0001520	Transport	Renewal	380,000	-	380,000	-	380,000	0.00%	Red	Consultation with property owners to be received
St Pauls Housing	Nicholas Sturges	0001406	BldgComm	New	890,007	13,598	876,409	2,658	873,751	0.30%	Red	In progress, design completed awaiting BSU schedule. Architecturals/Engineering completed, ready for RFQ (Request For Quote) as soon as Legal documents accessible for BSU to supply contract suation with RFQ.
Masig Mechanic Shed Repairs	Tony Wynen	0001416	BldgComm	Renewal	474	-	474	2,458	(2,458)	0.00%	Green	
TSIRC Leased Assets (Share of insurance works TI 33%)	Tony Wynen	0001509	Leased	Renewal	300,000	-	300,000	220,729	79,271	73.58%	Green	Work deferred to first half 2021
Dauan Pontoon Damage and Replacement	Tony Wynen	0001536	Wharves	Renewal				82,873	(82,873)	0.00%	Green	
Donated Assets												
Donated Assets/Contributed - Building Community	Nicholas Sturges				6,753,000	-	6,753,000	2,107,846	4,645,154	31.21%	Red	Unable to confirm BSU forward work plan at this stage
Total					112,834,353	30,364,680	80,310,308	11,916,435				

CHECK

652,360 Less Distribution for Newly funded Projects
79,657,948 Balance as per Council Resolution Nov 2020

Status	Status Lights
Green	Not Commenced
Yellow	Exceeding Budget/ Issue
Orange	Complete/Awaiting Commissioning
Red	Work Underway

TORRES STRAIT ISLAND REGIONAL COUNCIL

Agenda Report

ORDINARY MEETING

DATE: February 2021
SUBJECT ITEM: Change to March Ordinary Meeting dates
AUTHOR: Office of the CEO

RECOMMENDATION

That Council change the dates for Council's March Ordinary Meeting to Wednesday 17th and Thursday 18th March 2021, and confirm Mabuiag as the location for the meeting.

PURPOSE

The purpose of this report is to allow Council to consider changing the dates for the March 2021 Ordinary Meeting, due to Monday 15 March being a TSIRC regional public holiday (Torres Strait Amalgamation Day). This will allow Councillors and staff to travel to Mabuiag on the Tuesday rather than the Monday public holiday.

BACKGROUND

Council must meet at least once in each month (if Council wanted to meet less frequently, this would have to be approved by Ministerial variation). (LGR s 257)

Council is required to publish, at least one in each year, a notice of the days and times when:

- (a) its ordinary meetings will be held; and
- (b) the ordinary meetings of its standing committees will be held.

(LGR s 254B)

The notice must be displayed at Council's public offices and published on Council's website. **If meeting days and times are changed, Council must as soon as practicable notify of the change in the same way. (LGR s 254B)**

All Council meetings are to be held at one of Council's public offices, though Council can resolve to fix another venue for a particular Council meeting. (LGR s 257) Therefore, Council can by resolution decide to hold an ordinary meeting or committee meeting virtually. There is no requirement that the hour at which a

meeting is held fall within the Council's ordinary business hours.

There are particular regulatory provisions that apply during the COVID-19 pandemic, until 30 June 2021: for virtual meetings, Council must ensure the meeting is available for real-time viewing or listening by the public at one of Council's public offices or on Council's website.

The relevant regulatory provisions are included below, for reference:

Local Government Regulation 2012 (Qld)

Section 254B

Public notice of meetings

(1) A local government must, at least once in each year, publish a notice of the days and times when—

(a) its ordinary meetings will be held; and

(b) the ordinary meetings of its standing committees will be held.

(2) The notice mentioned in subsection (1) must be published on the local government's website, and in other ways the local government considers appropriate.

(3) A local government must display in a conspicuous place in its public office a notice of the days and times when—

(a) its meetings will be held; and

(b) meetings of its committees will be held.

(4) A local government must, as soon as practicable, notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.

Section 257

Frequency and place of meetings

(1) A local government must meet at least once in each month.

(2) However, the Minister may, after written application by a local government, vary the requirement under subsection (1) for the local government.

(3) All meetings of a local government are to be held—

(a) at 1 of the local government's public offices; or

(b) for a particular meeting—at another place fixed by the local government, by resolution, for the meeting.

Section 254K

Participating in meetings by audio link or audio visual link

(1)A local government may allow a person to take part in a meeting of the local government by audio link or audio visual link.

(2)A committee of a local government may allow a person to take part in a meeting of the committee by audio link or audio visual link.

(3)A councillor or committee member who takes part in a local government meeting under subsection (1) or (2) is taken to be present at the meeting if the councillor or member was simultaneously in audio contact with each other person at the meeting.

The follow regulations relating to audio link and audio visual link meetings apply during the COVID-19 pandemic, until 30 June 2021:

Division 4

Additional provisions for local government and committee meetings

Section 277A

What this division is about

This division provides additional provisions for local government meetings to minimise serious risks to the health and safety of persons caused by the public health emergency involving COVID–19.

Section 277B

Meetings held by audio link or audio visual link

(1)A local government or a committee of a local government may hold a meeting of the local government or committee by audio link or audio visual link.

(2)A councillor taking part in a meeting under subsection (1) is taken to be present at the meeting.

(3)This section applies despite section 257(3).

Section 277C

Participating in meeting by audio link or audio visual link

(1)The chairperson of a local government meeting may allow a person to take part in the meeting by audio link or audio visual link.

(2)A councillor taking part in a meeting under subsection (1) is taken to be present at the meeting.

(3)This section does not affect, and is not affected by, the operation of section 254K.

Section 277D

Public availability of meetings held or participated in by audio link or audio

visual link

(1) This section applies if—

(a) a local government meeting is held by audio link or audio visual link; or

(b) a person takes part in a local government meeting by audio link or audio visual link.

(2) The local government must ensure the meeting is available for real-time viewing or listening by the public at 1 of the local government's public offices or on the local government's website.

(3) This section does not apply if the meeting is to be closed under section 254J or 277E.

Section 277E

Public access to particular meetings

(1) This section applies if the chairperson of a local government meeting is satisfied it is not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19.

(2) The chairperson of the meeting may decide, by notice published on the local government's website, that the meeting be closed to the public.

(3) This section applies despite sections 254I and 254J.

Section 277F

Expiry

This division expires on 30 June 2021.

OFFICER COMMENT

In the current fiscal period 2021/2022, Council will hold six (6) face to face meetings. Council's budget for this period is for six face to face and six video conferences.

CONSULTATION

- SEA
- Mayor
- CEO
- MLS

LINKS WITH STRATEGIC PLANS

Corporate Plan

STATUTORY REQUIREMENTS

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

FINANCE AND RISK

2020/2021 and 2021/2022 Budget

CONCLUSION

As presented.



Ilario Sabatino
A/CEO



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	February 2021
DATE:	23rd and 24th February 2021
ITEM:	Agenda Item for <u>Noting</u>
SUBJECT:	Department of Housing & Public Works Funding
AUTHOR:	Rachel Pierce

Recommendation:

That Council note the Department of Housing & Public Works Funding report.

Executive Summary:

This report serves to advise and update Council of the Department of Housing and Public Works (DHPW) Program for the capital works program moving forward.

Background:

In 2018 the Queensland Government allocated \$40m to an interim remote housing program. At this time Mayors agreed to the funding being evenly distributed across Councils.

1. TSIRC was allocated \$2.35m under the Interim Capital Works program for the construction of 7 x new two-bedroom, 1 bathroom build-under or plug-in extensions. Of this amount TSIRC has received the first payment of \$700k. The 'plug-ins' locations are:
 - a. Badu x 2
 - b. Dauan x 1
 - c. lama x 1
 - d. Mabuiag x 1
 - e. Saibai x 1 (TSIRC has advised tenants this plug-in will be delivered)
 - f. Hammond x 1 (TSIRC has advised tenants this plug-in will be delivered).

As way of update - upon further review of this program rollout, it was found that the cost of delivery was significantly under-quoted, which has led to a shortfall in funding of approximately \$868K. DHPW have advised TSIRC there is no further funding available under this program.

BSU therefore recommends TSIRC proceed with delivery of 5/7 plug-ins. BSU recommends the following be delivered Dauan, lama, Mabuiag, Saibai and Hammond. In the interests of cost-effectiveness, the 2 plug-ins at Badu should be delivered in succession.

BSU has written to DHPW to request a variation to the funding agreement.

The team is currently reviewing other funding options for the shortfall. An alternative option would be to seek approval from the DHPW to offset with the \$14.428M. If not successful, council will be required to prioritise the plug-ins.

Since that time, the Australian Government committed \$105m to address overcrowding in remote and discrete communities. At this time, a Mayors Workshop was held in February 2020 to discuss the allocation methodology for these funds.

In the workshop the Mayors agreed to a methodology for distribution of the funds with weightings given for population 60%, overcrowding 30% and homelessness 10% and applying a Building Price Indices using Rawlinson's Construction Cost Guide.

2. TSIRC's allocation from this amount is \$14.428m.

As part of working through the next steps for the distribution of funds, First Nations Advisor, Mr Mick Gooda, has been engaging with communities and councils to discuss housing priorities, including home ownership, repairs and maintenance and progression of the forward capital program. The funding methodology utilised for the \$40M interim capital works program will be applied. This is a three-stage tiered funding methodology based upon the following Stages with 30% payable for Stage 1, 60% for Stage 2 and 10% for Stage 3:

- A. Stage 1 (Planning and preparation) works need to be completed and evidence provided to the department before funding can be provided.
- B. Stage 2 works (Building)
- C. Stage 3 payment paid upon satisfactory completion of the works.

The Approved funding must be used to increase the supply of housing including new construction, extensions to existing houses, or land lot development. Noting, however there is flexibility in how this is to be delivered.

To support the distribution of the funds, the DHPW are now requesting a formal proposal from TSIRC for how the forward capital program should be delivered in the TSIRC Area. This will be via the Housing Investment Plan (HIP) 2020-2021 (Template attached).

Comment:

Correspondence from the DHPW have since confirmed that in brief:

- TSIRC allocation of \$14,427,863 is unchanged.
- The State has received the balance of funds from the Australian Government.
- Funds will be released once a Housing Investment Plan is endorsed by the department.

The HIP is intended to capture the capital investments most need in TSIRC communities. As advised TSIRC's allocation amount is \$14.428m. Therefore, as part of developing the HIP – firstly Council may wish to develop a data-driven methodology for allocation of the funds across all Divisions, identify projects per division accordingly and may wish to identify priority projects across the region. Noting that Project Management fees etc. will also need to be considered within the total allocated amount.

Once the template is completed this will be returned to the department for consideration. The council team will initiate contact with department for support - in which a draft will be provided to SARG for consideration.

Through consultation undertaken with TSIRC elected officials (Deputation at December 2020 OM) and members of GBK, a decision was taken to run DHPWs Local Housing Planning process and DATSIP's Master Planning process concurrently. DHPW and DATSIP are currently finalising dates in April and May of 2021.

Considerations

Reputational

One of Council's values is accountability, which is achieved by being transparent, honest and ethical to the benefit of the community. A reputational risk exists should Council not deliver on what is expected of both the department and community. By ensuring inclusiveness through consultation that will maintain trust amongst stakeholders and the community.

Consultation:

- Head of Building Services
- Head of Community Services
- Department of Housing and Public Works

Links to Strategic Plans:

Outcome 2: Our communities are safe, healthy, and active.

- 2.3 Facilitate community-led strategy for public social behaviour concerns.
- 2.4 Lead a strategic approach to healthy and active lifestyles.

Outcome 7: Our communities are consulted around liveable places, aligned to lifestyle and environmental suitability.

- 7.1 Facilitate improvement to community housing awareness and information.
- 7.2 Advocate for the development of more environmentally and culturally appropriate housing designs
- 7.3 Advocate for the increase to available options to overcome housing shortages and overcrowding.

Statutory Requirements:

Local Government Act 2009 Local Government Regulation 2012

Conclusion:

- That Council resolves to note this report and consider the following options as the basis in which funding distribution and project identification for TSIRC HIP may be considered:
 - Council to evenly distribute the funds evenly across all Divisions and identify projects per division accordingly.
 - Retaining regional funding allocation. Council to identify priority projects across the region.
 - Noting that Project Management fees etc. will also need to be considered within the total allocated amount.

Rachel Pierce

Endorsed:

Rachel Pierce
Position - A/Chief Operating Officer



Recommended:

Officer name: Ilario Sabatino
Position - A/Chief Executive Officer

(Name of Council)

***Housing Investment
Plan
2020-2021***

Housing Investment Plan - \$105M Capital Housing Program

Context

- On 20 February 2020, the Commonwealth Minister for Indigenous Australians wrote to the former Minister for Housing and Public Works offering Queensland \$5 million for

remote housing to address overcrowding in 2019-20, with a further \$100 million to be provided in 2020-21 - subject to five conditions including that Queensland would not seek any further Commonwealth funding for remote Indigenous Housing.

- On 22 April 2020, the former Minister for Housing and Public Works accepted the funding offer but reserved the right to negotiate with any future Australian Government for continued Commonwealth support for remote Indigenous housing and will support Mayors in their advocacy for continued Australian Government funding. The Queensland Government received correspondence from the Commonwealth on 26 June 2020 acknowledging the acceptance.
- On 6 February 2020 Mayors and Chief Executive Officers of Aboriginal and Torres Strait Islander Councils, Officers from DHPW, and the Australian Government National Indigenous Australians Agency (NIAA), attended a planning workshop to discuss the Australian Government's \$105 million funding commitment for housing in Queensland's remote Aboriginal and Torres Strait Islander communities.
- In the workshop the Mayors agreed to a methodology for distribution of the funds with weightings given for population 60%, overcrowding 30% and homelessness 10% and applying a Building Price Indices using Rawlinson's Construction Cost Guide.
- Approved funding must be used to increase the supply of housing including new construction, extensions to existing houses, or land lot development, however there is flexibility in how this is delivered.

Contact Information

Council: [insert]

Endorsed by: [insert]

Contact person: [insert]

Date: [insert]

1. Project Proposal

*Please provide in the attached **Capital Works Schedule**, particulars regarding what Council would like to spend the funding allocation on.*

Under this program the approved funding must be used to increase the supply of housing including new construction, extensions to existing houses, or land lot development, however there is flexibility in how this is delivered.

2. Outcomes / Need

Please describe how the proposed project:

- *responds to housing need in the community (e.g. reduces overcrowding)*
- *increases housing supply and;*
- *achieves the best possible local outcomes.*

Please provide evidence of need where appropriate.

Council may like to identify its priorities for the program (e.g. timeliness, employment outcomes, maximum yield, training opportunities).

3. Delivery

Please describe what role Council would like to take in delivery of the project, and how this would be approached. This may include:

- *Project and Program management*
- *Land management and procurement of title suitable for new housing*
- *Design, design management, design approval process*
- *Builder (as Sponsor)*
- *Builder (as Principal Contractor)*
- *Sub-contractor for particular works*

Please provide information regarding capacity to undertake the proposed functions. This should include consideration of licensing and other legislative requirements. If Council proposes to sub-contract or purchase particular elements, please make this clear.

Please also provide indicative timelines for delivery of the program.

4. Funding method

The funding methodology utilised for the \$40M interim capital works program will be applied. This is a three-stage tiered funding methodology based upon the following Stages with 30% payable for Stage 1, 60% for Stage 2 and 10% for Stage 3:

- *Stage 1 (Planning and preparation) works need to be completed and evidence provided to the department before funding can be provided.*
- *Stage 2 works (Building)*
- *Stage 3 payment paid upon satisfactory completion of the works.*

5. Service delivery and ongoing management

Please describe Councils preferred service delivery arrangements for the properties once complete, including tenancy and property management (i.e. For new constructions, does Council want to tenancy manage the house/s or does Council want to offer the department a 40-year lease over the property) This should include consideration of allocation processes, tenancy management, and contracting arrangements.

Aboriginal and Torres Strait Islander Housing

Capital Grants Program (*Name of Council*) Council

Funding year: 2020/2021

Total Budget allocation:

Targeted Priority (e.g. Overcrowding, homelessness, senior's accommodation etc)	Location – Lot Number / Street Address	New Construction / Replacement <i>(include no. of bedrooms and building type for example; 3bedroom detached dwelling, 2x2 bedroom duplex, 5bedroom highset detached dwelling etc)</i>	Extensions <i>(Describe the type of extension for example, build-under, attached extension, detached extension)</i>	Occupational Therapist Assessment requirement <i>(Indicate yes/no whether an Occupational Therapist assessment is required)</i>	Land Development <i>(Description of land development including yield, Registered Plan and lot number)</i>	Native Title Addressed <i>(Indicate yes/no whether Native Title has been addressed)</i>	Estimated start date	Estimated completion date	Estimated number of local people that will be employed	Estimated total project cost. <i>(Indicate how much you think each project listed will cost to complete)</i>

Aboriginal and Torres Strait Islander Housing

Capital Grants Program (*Name of Council*) Council

This document represents an accurate reflection of the proposed priority list of works as determined by the Council.

Chief Executive Officer
(Council)

____ / ____ / ____
Date

TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING

DATE: February 2021
SUBJECT ITEM: 150th Coming of the Light Celebrations
AUTHOR: Dawson Sailor, A/Head of Community Services
PRESENTER: Rachel Pierce, A/Chief Operating Officer

RECOMMENDATION

Council resolves to support, through the provision of a mix of financial and in kind support from within existing resources, to community-driven:

- 1. Signature, regional event on Erub, and*
- 2. Local events for all other Divisions that express interest.*

PURPOSE

The report provides options for providing financial and in kind support to community-driven 150th Anniversary of Coming of the Light events in 2021, as requested by Mayor Mosby during the Tuesday 9 February meeting of the Strategic Advisory Reference Group.

BACKGROUND

This year 1 July will mark the 150th anniversary of The Coming of the Light to Torres Strait. The London Missionary Society landed on Erub and introduced Christianity to people of Erub. This continued to other island communities in the region. The event is an integral part of the cultural identity for many Torres Strait Islander peoples.

Pursuant to Section 4 of the *Holidays Act 1983*, The Minister for Education and Minister for Industrial relations has appointed 1 July day is marked as a public holiday for the whole region. In addition, the Minister also granted Gazetted holidays 2 July Coming of the Light Celebrations (Erub, Mer, Ugar) and, 8 July Coming of the Light Celebration (Boigu).

Each year, Council engages with community and supports events financially, accessing existing internal allocation of Divisional Engagement Budget and

Regional Grants Program. In addition, Divisions opt to deliver educational programs through Indigenous Knowledge Centres (IKCs) to increase awareness to various target groups.

OFFICER COMMENT

It is proposed TSIRC provide, from within existing resources, financial and in-kind support to community-driven:

1. Signature, regional event on Erub, and
2. Local events for all other Divisions that express interest.

In kind support includes:

- Community Services in partnership with Corporate Affairs, submit for funding (additional to existing IKC funding) through State Library of Queensland's (SLQ) Strategic Priorities Grant program (closing 2 March 2021)
- Community Services facilitate community access to IKCs, and recommend CEO waiver fees for use of Community Halls and venues and Public Activity Permits, where applications are made, to encourage region wide participation
- Corporate Affairs lead, in partnership with Community Services, marketing and promotion of TSIRC's Community Grants program, encouraging community-controlled entities to apply for funds well in advance of July.

Financial support includes Community Services supporting and expediting Councillor-generated applications for Divisional Engagement funds to deliver events. Community Services have commenced discussion with SLQ in relation to funding and other opportunities.

Considerations:

1. Mayor Mosby and Councillors attendance at celebrations.

CONSULTATION

A/Chief Operations Officer

A/Head of Community Services

Manager Health and Wellbeing

Louise Hunter, Lead, Indigenous Services State Library Qld

Josh Kitchens, Program Officer, Indigenous Services State Library Qld

LINKS WITH STRATEGIC PLANS

TSIRC Corporate Plan 2020–2025

Delivery Pillar: People

Outcome 1: We preserve cultural heritage, history and place.

- 1.1: Capturing of information from Elders – Language, Song & Dance
- 1.2: Advocate and partner with Organisation to capture History (and Story, Language, Song and Dance from Elders and the Community

Delivery Pillar: People

Outcome 4: We are a transparent, open and engaging council.

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

STATUTORY REQUIREMENTS

Holidays Act 1983

Local Government Act 2009 (Qld)

Local government Regulation 2012 (Qld)

FINANCE AND RISK

Capital Cost

NIL

Operating Cost

Unknown at this stage

SUSTAINABILITY

NIL

CONCLUSION

As presented.



Dawson Sailor
Acting Head of Community Services

Rachel Pierce

Rachel Pierce
A/Chief Operations Officer