

# AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

**MARCH 2021**

Wednesday 17<sup>th</sup> March 2021, 10:30am – 5:00pm

Thursday 18<sup>th</sup> March 2021, 9:00am – 5:00pm

Video Conference

## **COUNCIL ORDINARY MEETING**

**Wednesday 17<sup>th</sup> March 2021**

### **Agenda Items**

- |    |                          |  |
|----|--------------------------|--|
| 1. | <u>10:30am – 10:33am</u> | <u>Welcome and Opening Remarks</u>   |
| 2. | <u>10:33am – 10:35am</u> | <u>Apologies</u>   |
| 3. | <u>10:35am – 12:00pm</u> | <u>DEPUTATION 1: Minister Craig Crawford MP</u> – Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships and <b>Minister Shannon Fentamen MP</b> – Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence and Government Champion |

### **LUNCH – 12:00noon – 1:00pm**

- |     |                        |   |
|-----|------------------------|---|
| 4.  | <u>1:00pm – 1:05pm</u> | <u>Declaration of Conflict of Interest (COI) (Prescribed and Declarable)</u>  |
| 5.  | <u>1:05pm – 1:15pm</u> | <u>Confirmation of Meeting Minutes</u> <ul style="list-style-type: none"><li>• 19<sup>th</sup> and 20<sup>th</sup> January 2021 Ordinary Meeting</li><li>• Special Meeting – 1<sup>st</sup> February 2021</li></ul> |
| 6.  | <u>1:15pm – 1:30pm</u> | <u>Outstanding Ordinary Meeting Action Items</u>  |
| 7.  | <u>1:30pm – 1:45pm</u> | <u>COUNCIL MOVE INTO CLOSED BUSINESS</u>  |
| 8.  | <u>1:45pm – 2:00pm</u> | <u>LEGAL – CB – RTC Lease Mer Lot 531 on SP249793</u>   |
| 9.  | <u>2:00pm – 2:15pm</u> | <u>LEGAL – CB – Delegation – Sea Swift dispute</u>  |
| 10. | <u>2:15pm – 2:30pm</u> | <u>ENGINEERING – CB – Variation to the construction of Boigu Coastal defence project – Stage 2</u>  |
| 11. | <u>2:30pm – 2:45pm</u> | <u>ENGINEERING – CB – Variation to Mer Sewerage Treatment Plant Renewal</u>   |
| 12. | <u>2:45pm – 3:00pm</u> | <u>ENGINEERING – CB – Re-allocation of 2020-2021 ATSI TIDS Funding associated EoT</u>   |

### **AFTERNOON TEA - 3:00pm – 3:15pm**

- |     |                        |  |
|-----|------------------------|--|
| 13. | <u>3:15pm – 3:30pm</u> | <u>ENGINEERING – CB – Information Report – MIP7 and Marine Infrastructure TSRA Program A</u> |
| 14. | <u>3:30pm – 3:45pm</u> | <u>ENGINEERING – CB – Information Report – Dauan Pontoon - verbal</u>                        |
| 15. | <u>3:45pm – 3:45pm</u> | <u>COUNCIL MOVE OUT OF CLOSED BUSINESS</u>   |
| 16. | <u>3:45pm – 4:00pm</u> | <u>ENGINEERING – Local Road and Community Infrastructure - R2 Funding</u>                    |
| 17. | <u>4:00pm – 4:15pm</u> | <u>ENGINEERING – Iama Rising Main Tender Award</u>   |
| 18. | <u>4:15pm – 4:30pm</u> | <u>ENGINEERING – Warraber Reservoir Tender Award</u>   |
| 19. | <u>4:30pm – 4:45pm</u> | <u>ENGINEERING – Poruma Seawall In-house Bid</u>   |
| 20. | <u>4:45pm – 5:00pm</u> | <u>Closing Remarks and Prayer</u>  |

## **COUNCIL ORDINARY MEETING**

**Thursday 18<sup>th</sup> March 2021**

### **Agenda Items**

- |     |                          |   |
|-----|--------------------------|---|
| 21. | <u>9:00am – 9:05am</u>   | <u>Welcome and opening prayer.</u>  |
| 22. | <u>9:05am – 9:15am</u>   | <u>CORPORATE – Community Grants – Regional Grants Allocations</u>                 |
| 23. | <u>9:15am – 9:25am</u>   | <u>CORPORATE – Contractual – Extension of Register of Pre-qualified Suppliers</u> |
| 24. | <u>9:25am – 9:35am</u>   | <u>BUILDING – Contractual Matter – 24 Main Street, St Pauls</u>                   |
| 25. | <u>9:35am – 9:45am</u>   | <u>BUILDING – Contractual Matter – 112 Sadi Village, Erub</u>                     |
| 26. | <u>9:45am – 9:55am</u>   | <u>BUILDING – Contractual Matter – 62 Mualgal Street, Kubin</u>                   |
| 27. | <u>9:55am – 10:05am</u>  | <u>LEGAL – Amending Subordinate Local Law 4</u>                                   |
| 28. | <u>10:05am – 10:15am</u> | <u>LEGAL – Delegation Register Update</u>   |

### **MORNING TEA – 10:15am – 10:30am**

- |     |                            |  |
|-----|----------------------------|--|
| 29. | <u>10:30am – 11:15am</u>   | <u>PRESENTATION 2: Mr Tony Dorante – MSQ – Torres Strait Marine Safety Program evaluation May 2021</u> |
| 30. | <u>11:15am – 12:00noon</u> | <u>PRESENTATION 3: Mr Aaron Faaso</u>  |

### **LUNCH – 12:00pm – 1:00pm**

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|-----|------------------------|--|
| 31. | <u>1:00pm – 1:30pm</u> | <u>PRESENTATION 4: Mr Terrance Whap, Mr Sam Joe and Mr Simi Guise – Fuel Contamination on the island</u> |
| 32. | <u>1:30pm – 2:00pm</u> | <u>PRESENTATION 5: Ms Sophie Luffman - Housing</u>   |
| 33. | <u>2:00pm – 3:00pm</u> | <u>PRESENTATION 6: Mr John Repu – Small Business</u>   |

### **AFTERNOON TEA – 3:00pm – 3:15pm**

- |     |                        |   |
|-----|------------------------|---|
| 34. | <u>3:15pm – 3:30pm</u> | <u>PRESENTATION 7: Ms Flora Warrior – Safe Community – Lighting, Funeral Fund and Unmaintained Service Areas and vacant lots.</u> |
| 35. | <u>3:30pm – 3:45pm</u> | <u>Standing Agenda Items:</u> <ul style="list-style-type: none"><li>• Monthly Financial Report</li></ul>                          |
| 36. | <u>3:45pm – 4:00pm</u> | <u>Business Arising from Information Reports</u>  |
| 37. | <u>4:00pm – 4:05pm</u> | <u>Next Meeting Date – 20 &amp; 21 April 2021 – Video Conference</u>  |
| 38. | <u>4:05pm – 4:50pm</u> | <u>Strategic Matters</u>  |
| 39. | <u>4:50pm – 5:00pm</u> | <u>Closing Remarks and Prayers</u>  |



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2021
<b>DATE:</b>	17 March 2021
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Local Roads and Community Infrastructure – Round 2 Funding
<b>AUTHOR:</b>	Mathew Brodbeck – Manager, Engineering Operations

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### Resolution:

Council resolves to

- allocate the Local Roads and Community Infrastructure (LRCI) – Round 2 funding of \$263,693 ex GST, to undertake repair/reinstatement works on the Arkai and Wug Jetty Structures.
  - allocate any underspend of Council Funds allocated to Badu Jetty be allocated to jetty repair works at Arkai and Wug
  - upon formalising LRCI - Round 2 Funding, award Badu, Arkai and Wug Jetty repairs to Paul Ware Constructions to the amount of \$715,000 ex GST
- and
- Delegate the power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to enter into contract, negotiate, finalise and executive any and all matters associated in relation to these projects, subject to Council's normal procurement policies and practices.

### Purpose:

This report provides recommendations for the allocation of funding provided to Council under the Local Roads and Community Infrastructure - Round 2 funding of \$263,693 ex GST be split 50/50 to undertake repair works to Arkai and Wug Jetty Structures.

Funding for the repairs to the Badu Jetty is currently allocated in the current capital works budget from both LRCI Round 1 Funding of \$194,288 and Council Own Funds of \$210,000.

The estimated cost to undertake the repairs are as follows:

Badu Jetty - \$330,000  
Arkai Jetty - \$198,00  
Wug Jetty - \$199,000

### Background:

Jetty Structures at Badu, Arkai and Wug are currently in poor condition, with the whole jetty at Badu deemed unsuitable for use, while at Arkai and Wug the lower sections currently deemed unsuitable for use.

TSIRC has recently been allocated \$263,693 ex GST under the Local Roads and Community Infrastructure Program - Round 2 funding to be spent on eligible projects

TSIRC in late 2020 granted funding under the Local Roads and Community Infrastructure Program (LRCI) – Round 1 funding of \$194,288 ex GST, which has been allocated towards the repair works for the Badu Jetty Structure. Council had also approved \$210,000 ex GST of Council own funds towards the repair of the Badu Jetty.

#### **Comment:**

The LRCI Program is an Australian Government Grant, administered by the Department of Infrastructure, Transport, Regional Development and Communications, with an aim to assist in community-led recovery from COVID-19 by supporting local jobs, firms, and procurement.

It is expected Council, where possible, will utilise local businesses and workforces to deliver projects under the LRCI Program to ensure stimulus funding flows into the local communities.

Under Round 2 of the LRCI Program, Council has been allocated \$263,692 ex GST to be expended on an eligible project.

Eligible projects under the LRCI Program are:

Local Roads Projects that involve the construction or maintenance of roads managed by local governments. Local governments are encouraged to consider works that support improved road safety outcomes.

Community Infrastructure Projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Below is a breakdown of the proposed funding allocations

Location	Budget Required	LRCI Funding	Council Own Funds
Badu Jetty	\$ 330,000	\$194,288 (R1)	\$135,712
Arkai Jetty	\$ 198,000	\$131,346 (R2)	\$ 66,654
Wug Jetty	\$ 199,000	\$131,346 (R2)	\$ 67,654
Subtotal	\$ 727,000	\$ 456,980	\$ 270,020
TOTAL	\$ 727,000	\$ 727,000	

#### **Procurement of Works**

When reviewing the options for completion of the repair works to the Jetty Structures, investigation was undertaken to determine the best value for money arrangements for the completion of works.

In February 2021, quotations were sought from suitable contractors to undertake the repair/reinstatement works for the Badu Jetty. Based on the assessment of the proposals received from:

- Paul Ware Constructions
- Carpentaria Contracting
- Gerald Family Pty Ltd

Paul Ware Constructions at a value of \$318,000 deemed the best value for money and was the

lowest quotation. As such Paul Ware Constructions is recommended as the preferred supplier.

Based on additional recent quotations obtained in February 2020 for the amount of \$198,000 for Kubin and \$199,000 for St Pauls, and the budget available, it is also recommended the Kubin and St Pauls works are awarded to Paul Ware Constructions.

### **Considerations**

#### Risk Management

Schedule Risk – Delaying the approval at the March 2021 Council meeting will directly impact on completion of works within allocated funding timeframes

#### Council Finance

These works are funded by both Council Own Funds and externally through the Local Roads and Community Infrastructure Fund

### **Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

### **Conclusion:**

Council resolves to

- allocate the Local Roads and Community Infrastructure – Round 2 funding of \$263,693 ex GST, undertake repair/reinstatement works on the Arkai and Wug Jetty Structures.
- allocate any underspend of Council Funds allocated to Badu Jetty be allocated to jetty repair works at St Paul and Wug
- upon formalising LRCI - Round 2 Funding, award Badu, Arkai and Wug Jetty repairs to Paul Ware Constructions to the amount of \$715,000 and
- Delegate the 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 in relation to these projects, subject to Council's normal procurement policies and practices.

### **Author**



Mathew Brodbeck  
Manager, Engineering Operations

### **Recommended**



David Baldwin  
Chief Engineer

### **Approved**



Ilario Sabatino  
A/CEO



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT – OPEN BUSINESS

<b>ORDINARY MEETING:</b>	March 2021
<b>DATE:</b>	17 March 2021
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Award of Contract - ICCIP Project #40 – Iama Rising Main Renewal, Tender No. TSIRC2019-207
<b>AUTHOR:</b>	Daniel Harrington – Senior Project Engineer, Capital Works

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### **Recommendation:**

That;

Council resolves to delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to:

- Award Tender No. TSIRC2019-207 ICCIP Project #40 – Iama Rising Main Renewal Project to Northern Water Ltd Pty for the amount of \$714,454.60 excl. GST; and
- 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 as per Council's procurement policy.

### **Purpose:**

The purpose of this Agenda Report is to provide Council with a recommendation to award Contract No. TSIRC2019-207 ICCIP Project #40 Iama Rising Main Renewal to Northern Water Ltd Pty for the value of \$714,454.60 excl. GST.

The project is funded by the Queensland Government through the Indigenous Critical Communities Infrastructure Program (ICCIP).

### **Background:**

ICCIP is a one-off funding program, administered by the Queensland Government Department of Local Government, Racing and Multicultural Affairs (DLGRMA). The Grantee for the Iama Rising Main Renewal is the Torres Strait Island Regional Council (TSIRC).

The Iama Rising Main Renewal (Project 40) involves the replacement of a 660m section of water main from the western end of the airstrip to the reservoir compound. The existing water main section has been decommissioned due to ongoing severe leaks, a temporary above-ground pipe is currently in place.

### **Works Scope:**

The scope of works includes the supply of plant, materials and labour to replace a 660m section of the Iama rising main. The works include but not limited to;

- Mobilisation to site
- Decommissioning and removal of the existing pipeline where it is due to be replaced;
- Instal 660m of new 90mm poly Pipeline.
- Disposal of all redundant equipment and material offsite;
- QA testing of pipeline;

- As constructed survey; and
- Demobilisation from site.

### Funding

The ICCIP funding deadline is 30<sup>th</sup> June 2022. The project schedule anticipates that the project will be completed by August 2021. Based on the Northern Water price there is a sufficient budget available through ICCIP for the project.

The anticipated project schedule is not inclusive of any unknown delays associated with impacts due to Covid 19. Potential impacts could be the supply of equipment, as well as site access to complete the scope of works. Any delays will be communicated to the funding body and managed by TSIRCs Project Manager accordingly.

### Procurement Process:

In accordance with Council's procurement policy and the Local Government regulations 2012, an open tender process was initiated for Tender No TSIRC2019-207.

Table 1 below outlines the Tendering process undertaken for Tender No. TSIRC 2019-206.

Description	Details
Advertising	LG Tender Box & Council Website
Advertised Date	17 <sup>th</sup> December 2019
Tender Site Inspection	22 <sup>nd</sup> January 2020
Tenders Due	5pm Friday 7 <sup>th</sup> February 2020
Tender Period	7 weeks
Tenders received	Two (2) tenders were received by TSIRC.

**Table 1 – Details of the tendering and procurement process**

At the close of the public tender process on 7<sup>th</sup> February 2020, Council received two (2) conforming submissions from the following companies:

- Koppens Development Pty Ltd
- LDI Construction Civil Pty Ltd

Due to concerns about budget and the proposals from the two (2) received tenders, Northern Water was approached on 9<sup>th</sup> November 2020 to seek interest and pricing.

Note: Northern Water are pre-qualified with Council under the Trade Services RoPS 2029-208. In accordance with Council's procurement policy and the Local Government regulations 2012, Northern Water can be engaged directly with Council Resolution for works over \$200,000.00

Table 2 below shows Northern Waters Tendered price.

Tenderer	Amount of tender ( Excl. GST)
Northern Water	\$714,454.60

**Table 2**

A value-based assessment was undertaken for the 3 tenders, the tenders were assessed by:

- Daniel Harrington – Snr Project Engineer (TSIRC)
- Michael Lancini – Senior Engineer (MAL Engineers Pty Ltd)
- Josh Dilmetz – Water & Wastewater Engineer (TSIRC)

Note that while the tender validity of the two tenders had expired, all three tenders were assessed for comparison.

Following scoring and evaluation, Northern Water were the highest-ranked tender submission (see Table 3 below).



<b>Tenderer</b>	<b>Tender Score (out of 10)</b>
Koppen Development Pty Ltd	7.60
LDI Constructions Civil Pty Ltd	6.92
Northern Water	8.35

**Table 3**

At the completion of the assessment, the evaluation panel considered the offer from Northern Water was the best value for money submission. Northern Water's previous experience on similar water and wastewater projects in the Torres Strait region favourably addressed the requirements of the project, and their submission was significantly lower in cost than the other two submissions.

### **Considerations**

#### Risk Management

Schedule risk - delaying approval of this variation at the March 2021 Council Ordinary Meeting will directly impact the commissioning schedule.

#### Council Finance

The project is fully funded by ICCIP.

A provision of costs not attributed to the scope proposed to be award to Northern Water is allocated for under the project funding.

### **Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

### **Conclusion**

Based on the Tender Assessment, it is recommended that Council should:

- Award Tender No. TSIRC2019-207 to Northern Water for the amount of \$714,454.60 (excl. GST); and
- Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into a contract, negotiate, finalise and execute any and all matters associated in relation to this project, subject to Council's procurement policies and practices.

#### **Author:**



Daniel Harrington  
Senior Project Engineer

#### **Recommended:**



David Baldwin  
Chief Engineer

#### **Approved:**



Ilario Sabatino  
Acting Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2021
<b>DATE:</b>	17/03/2021
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Award of Contract - ICCIP Project #73 – Warraber Reservoir Renewal, Tender No. TSIRC2020-325
<b>AUTHOR:</b>	Daniel Harrington – Senior Project Engineer, Capital Works

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### Recommendation:

That;

Council resolves to delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to:

- Award Tender No. TSIRC2020-325 ICCIP Project #73 - Warraber Reservoir Renewal to Robert Clarke Builders for an amount of \$684,420.00 excl. GST;
- 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 as per Council's procurement policy.

### Purpose:

The purpose of this Agenda Report is to provide Council with a recommendation to award the Construction and Supply Works for the Warraber Reservoir replacement to Robert Clarke Builders for their quoted amount of \$684,420.00 excl. GST;

### Background:

ICCIP is a one-off funding program, administered by the Queensland Government Department of Local Government, Racing and Multicultural Affairs (DLGRMA). The Grantee for the Warraber Reservoir Renewal is the Torres Strait Island Regional Council (TSIRC).

The Warraber Reservoir Renewal (Project #40) includes the replacement of the existing 90kL steel panel reservoir with a 120kL Stainless Steel (316) bolted panel reservoir and new concrete slab footing. The existing reservoir has significant corrosion to the panels and rotting of the timber sleepers beneath the reservoir, the existing concrete slab is undersized for the existing and new reservoir.

### Works Scope:

The scope of work included the construction and supply of a new bolted panel reservoir, specifically constructed in the following order:

- Mobilisation to site
- Construct temporary reservoir, relocate SCADA telemetry.
- Demolish and remove the existing reservoir and footings;
- Construct new slab and reservoir;
- Disposal of all redundant equipment and material offsite;
- QA testing of pipeline;
- As constructed survey; and
- Demobilisation from site.

## Funding

The ICCIP funding deadline is 30<sup>th</sup> June 2022. Robert Clarke Builder's program has a 5 months construction period from the LOA date to commissioning. Pending Council resolution it is anticipated that the project will be completed by August 2021, which will be in time for the funding deadline.

Based on Robert Clarke Builders price there is sufficient budget allocated through ICCIP for this project.

It is to be noted that the anticipated project schedule is not inclusive of any unknown delays associated with impacts due to Covid 19. Potential impacts could be supply of equipment, as well as site access to complete the scope of works. Any delays will be communicated to the funding body and managed by TSIRC accordingly.

## Procurement Process:

In accordance with Council's procurement policy and the Local Government regulations 2012, an open tender process was initiated for Tender No TSIRC2020-325. A tender site inspection was undertaken on Thursday 01/10/20

Table 1 below outlines the Tendering process undertaken.

Description	Details
Advertising	Open public tenders
Advertised Date	29 <sup>th</sup> October 2020
Tenders Due	5pm Wednesday 2 <sup>nd</sup> December 2020
Tender Period	5 weeks
Tenders received	Seven (7) tenders were received by TSIRC.

**Table 1**

At the close of the public tender process on 2 December 2020, Council received seven (7) submissions from the following companies:

- Complex Civil Infrastructure Services
- Emergency Trade Services
- Gulf Civil
- M & J Arthur Pty Ltd
- Pensar Construction Pty Ltd
- Robert Clarke Builders
- Absolut Constructions

A value-based assessment was undertaken for the 7 tenders, the tenders were assessed by:

- Daniel Harrington – Snr Project Engineer (TSIRC)
- Michael Lancini – Senior Engineer (MAL Engineers Pty Ltd)
- Liam Cussan – Civil Engineer (GHD)

The evaluation found Robert Clarke Builders to be the highest ranked tender submission (see Table 2 below).

Tenderer	Tender Score (out of 10)
Complex Civil Infrastructure Services	6.31
Emergency Trade Services	3.92
Gulf Civil	6.48
M & J Arthur Pty Ltd	6.62
Pensar Construction Pty Ltd	5.17
<b>Robert Clarke Builders</b>	<b>7.83</b>
Absolut Constructions	5.66

**Table 2**

### **Shortlisting & Post Tender Correspondence**

Following the assessment a short list of the top (3) three prospective tenders (listed below) was made to pursue post tender clarifications (PTCs). Details of this process can be found in the Tender Evaluation Report.

- Robert Clarke Builders
- M&J Arthur Pty Ltd
- Gulf Civil

At the completion of the assessment, the evaluation panel considered the tender from Robert Clark Builders presented the best value for money. Robert Clark Builders have strong construction experience in the Torres Strait region, and it is anticipated that the award of the contract to them will contribute more beneficially to the local economy through local engagement and local spend than other submissions.

Robert Clarke Builders have identified suitable sub-contractors to construct elements outside of the Tenderer's experience and capacity. Their submission was significantly lower in cost than all other submissions

### **Considerations**

#### Risk Management

Schedule risk - delaying approval of this variation at the March Council Ordinary meeting will directly impact the commissioning schedule.

#### Council Finance

The project is fully funded by ICCIP.

### **Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

### **Conclusion**

Based on the Tender Assessment, it is recommended that Council should:

- Award Tender No. TSIRC2020-325 to Robert Clarke Builders for the amount of \$684,420.00 (excl. GST); and
- Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to enter into a contract, negotiate, finalise and execute any and all matters associated in relation to this project, subject to Council's procurement policies and practices.

#### **Author:**



Daniel Harrington  
Snr Project Engineer

#### **Recommended:**



David Baldwin  
Chief Engineer

#### **Approved:**



Ilario Sabatino  
A/CEO

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2021
<b>DATE:</b>	17 March 2021
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Submission of In-House Bid for Poruma Seawall Project
<b>AUTHOR:</b>	David Stevens – Acting Manager Capital Works

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### Recommendation:

That;

Council resolves to delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to:

- Submit an In-House Bid for Council's Civil Construction Crew to perform the construction of the Poruma Seawall, Stages 2 – 5, for an estimated value of \$5,000,000 excl. GST
- Negotiate, finalise, and execute any and all matters associated with or in relation to this project and In-House Bid/contract including without limitation any options and/or variations, as per Council procurement policy.

### Purpose:

The purpose of this Agenda Report is to provide Council with a recommendation to submit an In-House Bid for Council's Civil Construction Crew to perform the construction of the Poruma Seawall, Stages 2 – 5, for an estimated value of \$5,000,000 excl. GST

### Background:

The Poruma Seawall capital works project is designed in 5 Stages, using geobags to form the coastal defence structure (seawall).

Stage 1 was completed by Council's Civil Construction Crew in late 2018, with Stages 2 – 5 yet to be constructed under the Torres Strait Seawalls Programme Stage 2 MIOP Capital Works Grant Agreement.

Stages 2 - 5 already have Development Applications & Permits approved, with detailed design also completed.



Figure 1: Staged Design for Poruma Seawall Project

**Works Scope:**

Stages 2 – 5 are planned to be constructed in numerical order, commencing mid 2021. Construction of all stages is expected to be completed by mid-late 2022. \*Note that Stage 5 is subject to final project costings.

Stage	Approx Length (m)	Estimated Construction Duration
Stage 2	175	2 months
Stage 3	120	2 months
Stage 4	460	6 months
Stage 5*	300	4 months

**Funding:**

The Torres Strait Seawalls Programme Stage 2 is funded by State and Commonwealth Government administered by TSRA. MIOP Capital Works Grant Agreement between TSRA and TSIRC, includes for coastal defence structures at Boigu, Poruma, Masig, Warraber and Iama, with a total grant funding of \$40M.

As part of the funding structure, Council has an opportunity to submit an In-House Bid to perform construction works. The Poruma Seawall project presents an opportunity for Council to provide significant value for money during construction, by utilising the Civil Construction Crew to execute the construction works.

**In-House Bid Process:**

In order to submit an In-House Bid for the project, Council must submit documentation to the Project Governance Committee (PGC) demonstrating value for money, along with typical bid documentation such as commercial rates and insurances. Once reviewed, the PGC can award the works to TSIRC, or can elect to tender the works for price benchmarking or execution purposes. This procedure aligns with the conditions in the funding agreement.

**Considerations**Risk Management

Risk management for bid development and execution will be managed by the project manager, in support by the Capital Works team, in accordance with risk mitigation measures outlined in the funding agreement.

Council Finance

The In-House Bid would be capitalised against the available funding, including Project Management.

**Statutory Requirements:**

*Local Government Act 2009*

*Local Government Regulation 2012*

## **Conclusion**

It is recommended that Council should:

- Delegate authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate, finalise, and execute any and all matters associated with or in relation to this project and In-House Bid/contract including without limitation any options and/or variations, as per Council procurement policy.
- Submit an In-House Bid for Council's Civil Construction Crew to perform the construction of the Poruma Seawall, Stages 2 – 5, for an estimated value of \$5,000,000 excl. GST

### **Author:**



David Stevens  
Acting Manager, Capital Works

### **Recommended:**



David Baldwin  
Chief Engineer

### **Approved:**



Ilario Sabatino  
Chief Executive Engineer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2021
<b>DATE:</b>	17-18/03/21
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Community Grants Program Allocation – March 2021
<b>AUTHOR:</b>	Kim Kelly, Team Leader – Enterprise Delivery

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### **Recommendation:**

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

#### Community Grant Applications:

- Elijah Tabernacle for the eligible amount of \$10,000.00 exclusive of GST, as per the submitted application.
- Poruma Mens & Ladies Volleyball Teams for the eligible amount of \$2,000.00 exclusive of GST, as per the submitted application.
- Badu Touch Team for the eligible amount of \$2,500.00 exclusive of GST, as per the submitted application.
- Thaiwa Volleyball Team for the eligible amount of \$2,000.00 exclusive of GST, as per the submitted application.
- Anthony David for the eligible amount of \$2,500.00 exclusive of GST, as per the submitted application.
- Boigu Island Dance Team for the eligible amount of \$5,500.00 exclusive of GST (plus in-kind assistance to the value of \$1,043.00 – approval pending), as per the submitted application.
- Ballimore Broncos for the eligible amount of \$2,370.50 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 February seven community grant 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 was issued to the applicants.



The seven applications, which meet eligibility requirements, are:

Applicant	Project	Location
Elijah Tabernacle	Contribution towards Church Leaders Conference – catering, first aid kit, banner, accommodation, musical equipment	Kubin
Iama Touch Football	Contribution towards attendance at Battle of the Islands - uniforms & flights	Iama
Poruma Volleyball Team	Contribution towards attendance at Easter Volleyball comp Warraber - uniforms & flights	Poruma
Badu Touch Team	Contribution towards attendance at Battle of the Islands - accommodation	Badu
Thaiwa Volleyball Team	Contribution towards attendance at Easter Volleyball comp Warraber - uniforms & flights	Iama
Anthony David	Contribution towards uniforms for Easter Volleyball comp Warraber -	Iama
Boigu Island Dance Team	Contribution towards costumes and travel costs to other TSI to perform	Boigu
Baltimore Broncos	Contribution towards uniforms for Island of Origin 2021	Badu

**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*

**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



**Approved:**

Ilario Sabatino  
Acting Chief Executive Officer

**Attachment:** Fund balances

**Attachment: Fund Balances (after payment of February approved applications)**

<b>Division</b>	<b>Councillor</b>	<b>Budget</b>	<b>Less approved funding</b>	<b>Closing Balance</b>
Boigu	Cr. Toby	\$25,000.00	\$4,992.50	\$20,007.50
Hammond	Cr. Dorante	\$25,000.00	\$0.00	\$25,000.00
St Pauls	Cr. Levi	\$25,000.00	\$5,151.27	\$19,848.73
Ugar	Cr. Stephen	\$25,000.00	\$0.00	\$25,000.00
Badu	Cr. Nona	\$25,000.00	\$13,293.54	\$11,706.46
Dauan	Cr. Elisala	\$25,000.00	\$1,990.00	\$23,010.00
Erub	Cr. Gela	\$25,000.00	\$0.00	\$25,000.00
Iama	Cr. Lui	\$25,000.00	\$3,498.41	\$21,501.59
Kubin	Cr. Trinkoon	\$25,000.00	\$0.00	\$25,000.00
Mabuiag	Cr. Fell	\$25,000.00	\$2,500.00	\$22,500.00
Mer	Cr. Noah	\$25,000.00	\$549.82	\$24,450.18
Poruma	Cr. Pearson	\$25,000.00	\$9,999.98	\$15,000.02
Saibai	Cr. Tabuai	\$25,000.00	\$6,500.00	\$18,500.00
Warraber	Cr. Tamu	\$25,000.00	\$6,500.00	\$18,500.00
Yorke	Cr. Mosby	\$25,000.00	\$5,979.14	\$19,020.86
Mayor	Cr. Mosby	\$30,000.00	\$0.00	\$30,000.00
Regional Grant		\$50,000.00	\$2,507.50	\$47,492.50
		<b>\$455,000.00</b>	<b>\$63,462.16</b>	<b>\$391,537.84</b>

# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March 2021
<b>DATE:</b>	17-18/03/2021
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Contractual Matter – Register of Pre-qualified Suppliers - extension
<b>AUTHOR:</b>	Mette Nordling, Manager, Governance and Compliance

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### Recommendation:

That Council resolves to

1. Extend TSIRC 2019-208 Register of Pre-qualified Suppliers for Trade Services for one year  
and
2. Extend TSIRC 2019-209 Register of Pre-qualified Suppliers for Goods, Services and Materials for one year  
and
3. delegate power to the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009* to:
  - a. approve, finalise and execute any and all matters in relation to these extensions;  
and
  - b. make, amend or discharge contract TSIRC 2019-208 Register of Pre-qualified Suppliers for Trade Services and contract TSIRC 2019-209 Register of Pre-qualified Suppliers for Goods, Services and Materials;  
and
  - c. negotiate, finalise and execute any and all matters associated with or in relation to registers including without limitation any options and/or variations as per Council's Procurement and Ethical Sourcing Policy.

### Executive Summary:

Council's current registers of pre-qualified suppliers; TSIRC 2019-208 for Trade Services and TSIRC 2019-209 for Goods, Services and Materials expire in May 2021.

These registers are used extensively across Council, in particular Council's Building Services Unit is reliant on the register for trade services to ensure ease of access to suppliers in the region to complete work in a cost and time effective manner.

The registers were endorsed by Council in February 2020 following a public tender process. The registers were awarded for a one-year period with two possible one-year extensions, and a one-year extension is now proposed.

**Background:**

Section 232 of the *Local Government Regulation 2012* enables Council to establish a register of pre-qualified suppliers through a public tender process. A pre-qualified supplier is a supplier who has been assessed by the local government as having the technical, financial and managerial capability necessary to perform contracts on time and in accordance with agreed requirements.

Due to the nature of the tender process and documentation being structured differently that previously, the tender was extended from the original closing date of 8 January 2020 to 5 February 2020. This extension allowed Council officers to travel to communities and deliver information session to any existing and potential new suppliers on this new process and documentation. A session was also held at the Cairns office on 3 February 2020. Approximately 80 contractors and suppliers attended over the 17 sessions.

More than 200 tender submissions were received for the two registers, when the tenders for the registers closed in February 2020.

The registers were endorsed by Council in February 2020:

**RESOLUTION:**

*Moved: Cr Nai; Second: Cr Fell*

**That Council:**

- 1. Awards Register of Prequalified Suppliers (ROPS) TSIRC 2019-208 for Trade Services, for a period of one year, commencing 1 April 2020, with two extension options of up to 12 months each available at Council's discretion.**
- 2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to this arrangement in accordance with Council's Procurement Policy and practices.**

**MOTION CARRIED**

**RESOLUTION:**

*Moved: Cr Elisala; Second: Cr Pearson*

**That Council:**

- 1. Awards Register of Prequalified Suppliers (ROPS) TSIRC 2019-209 for Goods, Services and Materials, for a period of one year, commencing 1 April 2020, with two extension options of up to 12 months each available at Council's discretion.**
- 2. Delegates authority to the Chief Executive Officer in accordance with the *Local Government Act 2009* to negotiate, finalise and execute any and all matters associated with or in relation to this arrangement in accordance with Council's Procurement Policy and practices.**

**MOTION CARRIED**

**Officer Comment:**

The registers provide a directory of pre-qualified suppliers who can best and most economically supply to Council in line with the sound contracting principles in the *Local Government Act 2009*.

Having a register provides efficiencies in the administrative process and enables Council officers to meet operational needs by engaging suitable suppliers directly, without the need to source multiple quotations.

It is important to note that appointment to the Register does not obligate Council to engage any Supplier and does not guarantee any work or purchases to the recommended suppliers.

As per the above resolutions the registers were expected to commence on 1 April 2020. Due to the COVID-19 pandemic and re-allocation of Council resources, the registers did not formally commence until 12 May 2020 and 1 June 2020 respectively.

The registers have been heavily utilised by Council's Building Services Unit since the registers commenced. This utilisation has both been for smaller repairs and maintenance jobs (R&Ms) but also bigger projects. When the registers are utilised for the bigger projects, quotes are sought from several suppliers/contractors to ensure that these remain competitive and that Council achieves value for money.

Council's Engineering Department also relies on the registers. Suppliers, critical to Engineering, are appointed to the register. This means that Council can ensure timely action in emergency situation in relation to drinking water issues, which may not be possible if the registers are not extended.

**Statutory Requirements:**

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

**Finance & Risk:**

There is a risk to Council if these registers are not extended. Not having these registers in place means that default procurement procedures (quote and public tender) will be utilised to procure these goods, services and materials. The risk is mostly in relation to timing and resources as it will slow down processes, which could lead to action not being taken in a timely manner in situations where there are critical drinking water issues.

The financial risk to Council's is further mitigated as Council is under no obligation to purchase from any of the listed suppliers.

The process is compliant with the local government legislation and in line with the adopted Procurement and Ethical Sourcing Policy focusing on local Torres Strait procurement.

**Corporate and Operational Plans:**

The extension of these registers is aligned with Council's Corporate Plan 2020-2025;

- Outcome 4 – People: "We are a transparent, open and engaging council".
- Outcome 5 – Sustainability: "We plan effectively for the future of our individual communities and region".
- Outcome 10 – Prosperity: "We advocate and foster regional prosperity through enterprise development".

**Consultation:**

- Council's Building Services Unit
- Council's Engineering Department

**Conclusion:**

It is recommended that Council resolves to extend the two registers of pre-qualified suppliers for a one-year period.



Luke Ranga  
**Head of Corporate Affairs**



Ilario Sabatino  
**Acting Chief Executive Officer**



Hollie Faithfull  
**Chief Financial Officer**



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	March
<b>DATE:</b>	17-18 March 2021
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Contractual Matter – Building Services, 24 Main St, St Pauls
<b>AUTHOR:</b>	Peter Jacques, Head of Building Services

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### Recommendation:

Council resolves to

- Award contract TSIRC2021-07-5572 – Upgrade Works to 24 Main Street, St Pauls, to Robert Clarke Builders for \$241,100 excluding GST.

And

- That pursuant to Section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer:
  - power to make, amend or discharge the contract TSIRC2021-07-5572; and
  - power to negotiate, finalise and execute all matters associated with or in relation to this project and contract including without limitation any options and/or variations as per Council's Procurement and Ethical Sourcing Policy.

### Executive Summary:

Contract award relates to Home Ownership upgrade works to 24 Main Street, St Pauls.

In accordance with the *Local Government Regulation 2012* and Council's Procurement and Ethical Sourcing Policy a quotation process was undertaken, which involved issuing a scope of works and specification seeking at least three quotes from Council's Register of Pre-qualified Suppliers.

Four quotes were received and evaluated based on value for money, including buying local and from Indigenous businesses.

The lowest quote received was from Robert Clark Builders for \$265,210 inc. GST and the highest from Paul Ware Constructions (a local Indigenous builder) for \$336,100.60 inc. GST.

Given the price difference of \$70,890.60 a recommendation is made to award the contract to Robert Clark Builders who employs local Indigenous people and has considerable experience delivering projects in Torres Strait.

### Background:

QBuild through their client, the Department of Housing and Public Works, issued a Purchase Order to TSIRC to price the works in accordance with our agreement with QBuild.

The works are fully funded by the Department of Housing and Public Works.

**Comment:****Quotation Scope**

Project is to carry out a Home Ownership upgrade to 24 Main Street, St Pauls, ensuring that they have well equipped facilities and that it is fitted out with quality fixtures and fittings.

**Quotation details and result**

In accordance with the *Local Government Regulation 2012* and Council's Procurement and Ethical Sourcing Policy a quotation process was undertaken for contract number TSIRC2021-07-58572. Submissions were invited under Council's Register of Pre-qualified Suppliers in line with section 232 of the *Local Government Regulation 2012*, Exception for register of pre-qualified suppliers.

Table 1 below outlines the quotation process undertaken for tender TSIRC2021-07-58572.

Description	Details
Advertising	Open quotation for 21 days
Quotation closing date and time	15/2/2021
Quotation period	3 weeks
Submissions received	4

Respondents and prices are summarized in the table 2 below (excluding GST).

Respondent	Price ex GST	Tendered price incl GST
Robert Clarke Builders	\$241,100	\$265,210.00
Mark Milbourne Constructions	\$265,655	\$292,220.00
Matt Birney Builders P/L	\$276,465.15	\$304,111.67
Paul Ware Constructions	\$305,546	\$336,100.60

**Quotation review panel members**

The quotations were assessed by the following TSIRC officers:

- Name – Peter Jacques                      Position: Head of Building
- Name – Robert Yorkston                  Position: Team Leader Supervisors

The evaluation was undertaken with regard to the sound contracting principles in the *Local Government Act 2009*, section 104 – Value for money, Open and effective competition, Development of competitive local business and industry, Environmental protection and Ethical behaviour and fair dealing.

#### Projected Project Milestones

Table 5 below summarizes the delivery milestones for this project, based on the Program submitted by Robert Clarke Builders.

<b>Description</b>	<b>Forecast Completion Date</b>
Council resolution or contract award	Awaiting Council Approval
Letter of award to be issued	Awaiting Council Approval
Contractor to mobilize on site	Within 35 days of approval date
Practical completion of siteworks	31/5/2021
Commissioning	4/6/2021

#### Summary and recommendation

The assessment and evaluation of submissions resulted in Robert Clarke Builders being the recommended contractor. Therefore, it is recommended that Council award contract TSIRC2021-07-58572 for the Upgrade works to Robert Clark Builders.

#### **Considerations**

##### Risk Management

Standard contractual arrangements exist with the contractor.

Safe Working Management Systems supplied by Contractor.

##### Council Finance

Not Applicable – fully funded by the Department of Housing and Public Works.

#### **Consultation:**

- Nicholas Sturges - Project Manager
- Wayne Achay - Cost Controller

#### **Links to Strategic Plans:**

Corporate Plan:

- Strategic Pillar Two - Sustainability
- Strategic Pillar Three – Prosperity.

Operational Plan:

- Building Services
- Community Services (Housing)



**Statutory Requirements:**

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Queensland Building and Construction Commission Act 1991*
- *Queensland Building and Construction Commission Regulation 2018*
- *Building Industry Fairness (Security of Payment) Regulation 2018*
- *Plumbing and Drainage Act 2018*
- *Plumbing and Drainage Regulation 2019*

**Conclusion:**

It is recommended, that Council award contract TSIRC2021-07-5572 – Upgrade Works to 24 Main Street, St Pauls to, Robert Clarke Builders for \$241,100.00 excluding GST and delegate authority to the Chief Executive Officer in accordance with the *Local Government Act 2009*.

**Author:**

Peter Jacques  
Head of Building Services

**Endorsed:**

Rachel Pierce  
Acting Chief Operating Officer

**Recommended:**

Ilario Sabatino  
Acting Chief Executive Officer

# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

**ORDINARY MEETING:** March 2021

**DATE:** 16<sup>th</sup>- 17<sup>th</sup> March 2021

**ITEM:** Agenda Item for Resolution by Council

**SUBJECT:** Contractual Matter – 112 Sadi Village, Erub  
Peter Jacques, Head of Building Services

**AUTHOR:**

### Resolution:

Council resolves to:

1. Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 112 Sadi Village, Erub Island (WS154466) with a tender price of 246,759.00 excl of GST  
  
and
2. delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this tender.

### Purpose:

The purpose of this report is to get Council's endorsement for Council to tender for this work with QBuild.


### Background:

#### Asset Details

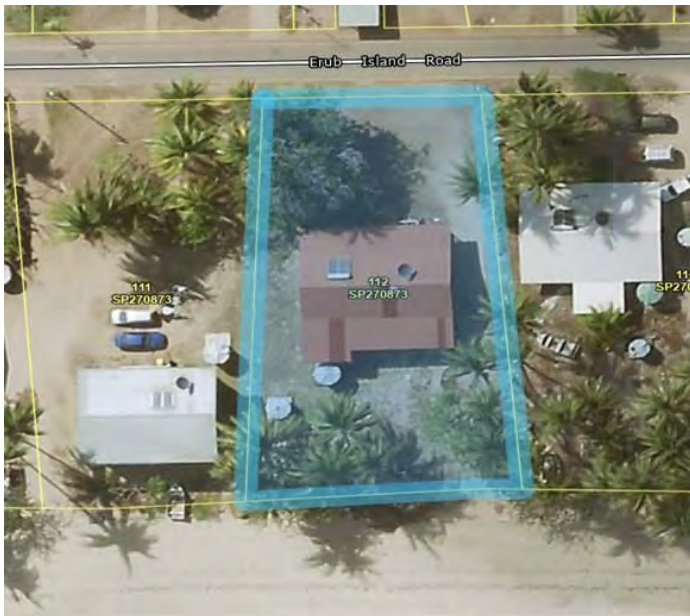
Asset Register:*	ASSET	Infrastructure	<input type="checkbox"/>
Asset Number:*	1002651	House - Lot 112 on SP270873 aka Lot 27 (	
Asset Structure: NNNNNNN			

Asset Details		Attribute Details	Work Details
<b>General</b>			
Search Description:*	House - Lot 112 on SP270873 aka Lot 27 (		
Description:	House - Lot 112 on SP270873 aka Lot 27 (SLUP) aka Lot 53 (DOH) Erub Island Rd Seim Village, Erub Island Qld 4875		
Short Description:*	House - Lot 112 on S		
Asset Status:*	Commissioned		
Bar Code:			
Commission Date:	30/06/2004		
Expected Commissioning:			
Disposal/Write-off Date:			
Asset Condition:*	2.5	Fair Condition	
AMP Category:*	BLDGCOMM	Buildings Community	
AMP Facility:*	HOUSING	Housing Network	
PPE Reporting Ctry:*	BLDCOM	Buildings (Community	
Legacy PCS Number:	5662		
SAM ID:	1002651.1		
Heritage Asset:	NO	No	

Primary Image: 1002651.jpg



Upgrade Works that include internal and external upgrades. Works are inclusive of asbestos floor covering removal works (replacing with new vinyl), bathroom upgrade, demolition of existing laundry works and construction of a new laundry. These works are to renovate the dwelling back to a better standard for occupational living for the community members that occupy this residence.

Council has no influence on whether this work go ahead, as this is works commissioned by the State Government through the Department of Housing and Public Works.

If Council does not tender for this work, QBuild will issue this work as a public tender or award the work to a State Government pre-qualified supplier.

TSIRC Building Services completes approximately 140 tenders for work commissioned by the State and Federal Governments each financial year.

Department of Housing and Public Works through QBuild issue the tender documentation to TSIRC Building Services to respond to.

TSIRC Building Services must complete an estimation and the tender documentation for submission back to QBuild within an approximate 2-week timeframe.

The QBuild approved tender submission price becomes the formal agreement to initiate construction works.

The price submitted to QBuild includes a margin for Council. When the tender is awarded to Council, Council commences its own procurement process to engage a contractor to carry out the works on behalf of Council. The difference between the tendered price to QBuild and the contract award price to the contractor becomes Council's revenue.

**Consultation:**

- Acting Chief Executive Officer
- Acting Chief Operational Officer
- Head of Building Services

**Finance & Risk:**

TSIRC Building Services is bound by the tender submission to complete the works / services and invoice for the tendered amount.

TSIRC Building Services receive the first right of refusal for works to be carried out on TSIRC islands.

Non approved delays in submitting the tender could result in offer for works /services to be offered to another party.

**Sustainability:**

Tender submissions returned within the allocated timeframe enhances the workability of the relationship between TSIRC Building Services and QBuild for proactive outcomes.

**Conclusion:**

That Council resolves to submit this tender and delegate to the CEO to tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this Tender.



**Endorsed:**

Rachel Pierce  
Acting Chief Operating Officer

**Recommended:**

Ilario Sabatino  
Acting Chief Executive Officer

# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

**ORDINARY MEETING:** March 2021

**DATE:** 16<sup>th</sup>- 17<sup>th</sup> March 2021

**ITEM:** Agenda Item for Resolution by Council

**SUBJECT:** Contractual Matter – 62 Mualgau Street, Kubin

**AUTHOR:** Peter Jacques, Head of Building Services

### Resolution:

Council resolves to:


1. Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 62 Mualgau Street, Kubin Island (WS154978) with a tender price of 270,010.00 excl of GST
- and
2. delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this tender.

### Purpose:

The purpose of this report is to get Council's endorsement for Council to tender for this work with QBuild.

### Background:

General	
Search Description:*	House - Lot 62 Mualgau Yabu
Description:	House - Lot 62 Mualgau Yabu
Short Description:*	House Lot 62 Mualgau
Asset Status:*	Disposed
Bar Code:	
Commission Date:	30/06/1981
Expected Commissioning:	
Disposal/Write-off Date:	31/10/2013
Asset Condition:*	4 Very Poor Condition
AMP Category:*	BLDGCOMM Buildings Community
AMP Facility:*	NA Not Applicable
PPE Reporting Ctgry:*	BLDCOM Buildings (Community)
Legacy PCS Number:	5829
SAM ID:	
Heritage Asset:	NO No



Primary Image: P1050500.JPG





Upgrade Works that include internal and external upgrades. Works are inclusive of asbestos floor covering removal works (replacing with new vinyl), bathroom upgrade, fencing, general plumbing, electrical, general repairs internal and external, along with internal and external painting. These works are to renovate the dwelling back to a better standard for occupational living for the community members that occupy this residence.

Council has no influence on whether this work go ahead, as this is works commissioned by the State Government through the Department of Housing and Public Works.

If Council does not tender for this work, QBuild will issue this work as a public tender or award the work to a State Government pre-qualified supplier.

TSIRC Building Services completes approximately 140 tenders for work commissioned by the State and Federal Governments each financial year.

Department of Housing and Public Works through QBuild issue the tender documentation to TSIRC Building Services to respond to.

TSIRC Building Services must complete an estimation and the tender documentation for submission back to QBuild within an approximate 2-week timeframe.

The QBuild approved tender submission price becomes the formal agreement to initiate construction works.

The price submitted to QBuild includes a margin for Council. When the tender is awarded to Council, Council commences its own procurement process to engage a contractor to carry out the works on behalf of Council. The difference between the tendered price to QBuild and the contract award price to the contractor becomes Council's revenue.

**Consultation:**

- Acting Chief Executive Officer
- Acting Chief Operational Officer
- Head of Building Services

**Finance & Risk:**

TSIRC Building Services is bound by the tender submission to complete the works / services and invoice for the tendered amount.

TSIRC Building Services receive the first right of refusal for works to be carried out on TSIRC islands.

Non approved delays in submitting the tender could result in offer for works /services to be offered to another party.

**Sustainability:**

Tender submissions returned within the allocated timeframe enhances the workability of the relationship between TSIRC Building Services and QBuild for proactive outcomes.

**Conclusion:**

That Council resolves to submit this tender and delegate to the CEO to tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this Tender.



**Endorsed:**

Rachel Pierce  
Acting Chief Operating Officer

**Recommended:**

Ilario Sabatino  
Acting Chief Executive Officer

# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

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### ORDINARY MEETING

**DATE:** March 2021  
**SUBJECT ITEM:** Amending Subordinate Local Law 4  
**AUTHOR:** Julia Maurus, Manager Legal Services

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### RECOMMENDATION

1. That pursuant to section 28(1) of the *Local Government Act 2009* (Qld), Council resolve to make *Amending Subordinate Local Law No. 1 (Waste Management) 2021*.
2. That pursuant to section 32(1) of the *Local Government Act 2009* (Qld), Council resolve to make *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019* consolidated version no. 1 as in force on 1 July 2021.

### PURPOSE

The purpose of this report is to propose further resolutions necessary to give effect to Council's January 2021 decision to amend *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

### BACKGROUND

1. Council currently has five adopted Model Local Laws:
  - Model Local Law No.1 (Administration) 2010
  - Model Local Law No.2 (Animal Management) 2010
  - Model Local Law No.3 (Community and Environmental Management) 2010
  - Model Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010
  - Model Local Law No.7 (Indigenous Community Land Management) 2010
2. These Model Local Laws give Council power to regulate various things through Subordinate Local Laws.



3. Council currently has five Subordinate Local Laws:

- Subordinate Local Law No.1 (Administration) 2019
- Subordinate Local Law No.2 (Animal Management) 2019
- Subordinate Local Law No.3 (Community and Environment Management) 2019
- Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2019
- Subordinate Local Law No.7 (Indigenous Community Land Management) 2019

In January 2021, Council resolved to amend *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*, in particular Schedule 2 items relating to waste disposal and storage.

The details of the amendments are contained in the January 2021 Agenda Report (**Attachment 1**).

### **OFFICER COMMENT**

Owen Hitchings from the Department (DLGRMA) has contacted Council to advise that, to amend *Subordinate Local Law No. 4*, Council needs to adopt an Amending Subordinate Local Law and preferably also a Consolidated Local Law. Mr Hitchings says Preston Law disagrees with that interpretation of the requirements in the *Local Government Act 2009* but the Department's interpretation is that is what is required.

This is the first time TSIRC has amended a subordinate local law. On review, Manager Legal Services agrees with Mr Hitchings' advice and considers that following Mr Hitchings' advice would avoid any risk of non-compliance. The recommendation is therefore to adopt an Amending Subordinate Local Law and a Consolidated Subordinate Local Law, to give effect to the January 2021 Council decision to amend *Subordinate Local Law No. 4*.

The proposed Amending Subordinate Local Law and Consolidated Subordinate Local Law have been drafted in accordance with the *Guidelines for Drafting Local Laws* (4 April 2016) issued by the Office of the Queensland Parliamentary Counsel issued under the *Legislative Standards Act 1992*, section 9: [https://www.legislation.qld.gov.au/file/Guidelines\\_Local\\_Laws.pdf](https://www.legislation.qld.gov.au/file/Guidelines_Local_Laws.pdf) These guidelines are currently adopted as the drafting standard by the Department.

## **CONSULTATION**

A/CEO  
Environment & Health  
Engineering  
DLGRMA

## **LINKS WITH STRATEGIC PLANS**

Corporate Plan

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

Outcome 9: We actively reduce our environmental footprint and manage our resources sustainably.

- 9.2 Evolve waste management through recycling and reuse strategies
  - 1. Coordinate waste management activities through landfill, transfer station and recycling opportunities.
  - 2. Facilitate regional clean-up and investigate long-term solutions for bulk waste, car bodies and whitegoods.

## **STATUTORY REQUIREMENTS**

*Local Government Act 2009 (Qld)*

### **28 Power to make a local law**

- (1) A local government may make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area.
- (2) However, a local government must not make a local law—
  - (a) that sets a penalty of more than 850 penalty units for each conviction of failing to comply with a local law, including each conviction when there is more than 1 conviction for a continuing offence or repeat offence; or
  - (b) that purports to stop a local law being amended or repealed in the future; or
  - (c) about a subject that is prohibited under division 3.

### **29 Local law making process**

(1)A local government may decide its own process for making a local law to the extent that the process is not inconsistent with this part.

(2)A local government makes a local law by passing a resolution to make the local law.

(3)If a local government proposes to make a local law about a matter (the ***new local law***) and there is an existing local law about the same matter that would be inconsistent with the new local law, the local government must amend or repeal the existing local law so that there is no inconsistency.

*Note—*

The new local law may include the amendment or repeal of the inconsistent law in the same instrument.

(4)An interim local law must include a provision stating when the law expires.

(5)A local government must ensure its local laws are drafted in compliance with the guidelines issued by the Parliamentary Counsel under the *Legislative Standards Act 1992*, section 9 for local laws and subordinate local laws.

(6)To remove any doubt, it is declared that a local government does not have to carry out any public consultation before making either of the following—

(a)an interim local law;

(b)a local law that only incorporates a model local law and does not contain an anti-competitive provision.

**29B Publication of local laws**

(1)A local government must let the public know that a local law has been made by the local government, by publishing a notice of making the local law—

(a)in the gazette; and

(b)on the local government's website.

(2)The notice must be published within 1 month after the day when the local government made the resolution to make the local law.

(3)The notice in the gazette must state—

(a)the name of the local government; and

(b)the date when the local government made the resolution to make the local law; and

(c)the name of the local law; and

(d)the name of any existing local law that was amended or repealed by the new local law.

(4)The notice on the local government's website must state—

(a)the name of the local government; and

(b)the date when the local government made the resolution to make the local law; and

(c)the name of the local law; and

- (d)the name of any existing local law that was amended or repealed by the new local law; and
- (e)if the local law incorporates a model local law—that fact; and
- (f)if the local law is an interim local law—that fact, and the date on which the interim local law expires; and
- (g)if the local law is a subordinate local law—the name of the local law that authorises the subordinate local law to be made; and
- (h)the purpose and general effect of the local law; and
- (i)if the local law contains an anti-competitive provision—that fact; and
- (j)that a copy of the local law may be—
  - (i)inspected and purchased at the local government’s public office; and
  - (ii)viewed by the public on the department’s website.
- (5)As soon as practicable after the notice is published in the gazette, the local government must ensure a copy of the local law may be inspected and purchased by the public at the local government’s public office.
- (6)A copy of a local law must cost no more than the cost to the local government of making the copy available for purchase.
- (7)Within 14 days after the notice is published in the gazette, the local government must give the Minister—
  - (a)a copy of the notice; and
  - (b)a copy of the local law in electronic form.

### **32 Consolidated versions of local laws**

- (1)A local government may prepare and adopt a consolidated version of a local law.
- (2)A **consolidated version** of a local law is a document that accurately combines a local government’s local law, as it was originally made, with all the amendments made to the local law since the local law was originally made.
- (3)When the local government adopts the consolidated version of the local law, the consolidated version is taken to be the local law, in the absence of evidence to the contrary.
- (4)Within 7 days after the local government adopts the consolidated version of the local law, the local government must give a copy of the consolidated version to the Minister.

## **FINANCE AND RISK**

### *Capital Cost*

- *Nil*

### *Operating Cost*

- *Covered in departmental budgets*

### *Risk Assessment*

- *The proposed amendments address the risk of non-compliance*

### **SUSTAINABILITY**

Operational efficiency.

### **CONCLUSION**

As presented.



Ilario Sabatino  
**A/CEO**



Julia Maurus  
**Manager Legal Services**

## **ATTACHMENTS:**

- 1. January 2021 Agenda Report**
- 2. Proposed *Amending Subordinate Local Law No. 1 (Waste Management) 2021***
- 3. Proposed *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019* consolidated version no. 1 as in force on 1 July 2021**



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

<b>ORDINARY MEETING:</b>	January 2021
<b>DATE:</b>	20/01/2021
<b>ITEM:</b>	Agenda Item for Resolution by Council
<b>SUBJECT:</b>	Proposed Local Law and Fees and Charges Amendments For Waste Management Measures
<b>AUTHOR:</b>	Lachlan Attard      Waste & Sustainability Engineer

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### **RESOLUTION**

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

### **EXECUTIVE SUMMARY**

This report recommends that Council ceases accepting construction waste at all fifteen waste management facilities through amendments to Local Laws and the Register of Fees and Charges.

The proposed amendments will prohibit TSIRC's acceptance of construction waste, except in exceptional circumstances, and then only with the prior approval from the CEO and for a determined fee.

Council's landfills and waste stockpiling areas are lacking in appropriate resources including appropriate heavy plant, waste management infrastructure, dedicated waste management staffing and staffing amenities, are subject to multiple environmental and compliance challenges and legacy issues, and are often sited in inappropriate locations. To transition to a sustainable waste management model, Council must extend the life of its existing sites, reduce the operational burden on maintaining such sites, and work towards addressing compliance issues through critical waste reduction measures.

### **PURPOSE**

This report proposes amendments to Council's Subordinate Local Law No. 4 and the Register of Fees and Charges to cease disposal of construction waste in TSIRC's local government area, as a critical first step to addressing landfill management issues and working towards an acceptable long term waste management strategy.

### **BACKGROUND**

1. TSIRC's landfills and solid waste stockpiling areas face significant challenges in achieving compliance with Environmental Authority (EA) conditions and acceptable minimum site management standards;

# **TORRES STRAIT ISLAND REGIONAL COUNCIL**

## **AGENDA REPORT**

2. These challenges are due to issues including:
  - a. Limited available space;
  - b. Unsuitability of existing sites and lack of readily available and adequate future sites (e.g. inundation risk to landfills, high water tables and access road inundation);
  - c. Lack of adequate earth-moving plant for fifteen separate facilities;
  - d. Lack of suitable and available lining and capping materials (i.e. clay), and resources required to import such materials;
  - e. Inherited and ongoing legacy stockpiling and environmental issues;
  - f. Lack of dedicated personnel resources to manage landfill sites and enforce waste management regulations;
  - g. Lack of personnel training;
  - h. Regional biosecurity restrictions and the costs and complexities these add.
3. In 2018, audits across each of TSIRC's 15 landfill sites detailed numerous non-compliances, and provided recommendations to address legacy issues and work towards compliance with the majority of EA conditions. Such recommendations are not actionable under current funding and resources constraints;
4. Estimates based on the above audits found all fifteen landfills had essentially exhausted their useful lifespans, with many operating past their practical life;
5. The consistent inability to manage and improve fifteen separate landfill facilities within such constraints has led TSIRC Engineering Services to pursue new waste management policies. In the short term, this means reducing large waste inputs to existing landfill sites to prolong lifespans, avoid creating new sites, provide greater opportunity for personnel to manage existing sites, and allow time to develop new innovative waste management approaches;
6. Construction waste (which includes demolition waste) is identified as a major waste volume contributor to TSIRC's landfills. Accepting such waste, either in bulk loads or small loads accumulating over a length of time, leads to:
  - a. Site staff being unable to regulate and manage regular waste drop-offs;
  - b. Handling and management practices not compliant with existing EAs; and
  - c. Council being left with extremely large, unmanageable stockpiles of metal and other wastes, for which there is no long-term strategy or funding for removal.
7. TSIRC's Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019 provides Council with the power to regulate various activities, including waste management;
8. TSIRC's Register of Fees and Charges details the current commercial charges for waste disposal. These charges are currently not intended, nor sufficient to cover the removal of solid wastes or undertaking compliant operations; and
9. Historically and in the present, TSIRC has not had the resources or ability to regulate waste disposal charges or enforce dumping restrictions, thus resulting in many external departments, service providers and contractors having the opportunity to dispose of construction waste free of charge.





# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

### PROPOSAL

To cease the disposal of construction waste in TSIRC's landfill facilities, through changes to Subordinate Local Law No. 4 and the Register of Fees and Charges.

### **Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

Proposed amendment: *Schedule 2* (refer Attachment 2)

Add 'definitions' (Line 12), amend 'restricted activities' (Line 7 Paragraphs 1 – 3), add 'restricted activities' (Lines 8 and 9):

#### **12 Definitions**

Waste: has the meaning assigned to that term in the *Waste Reduction and Recycling Act 2011* (Qld), which refers to Section 13 of the Environmental Protection Act.

Construction work: has the meaning assigned to that term in Section 65 of the *Building Industry Fairness (Security of Payment) Act 2017* (Qld).

Construction waste: Any waste from construction work.

Commercial waste: Any waste from the normal operation of a business or enterprise.

Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
(7) All local government controlled areas and roads	Disposal or storage of <u>domestic / household</u> waste.	<del>For domestic / household waste:</del> Permitted only in designated area(s) at designated local government waste management facilities.  <del>For government / commercial waste: permitted only in designated area(s) at designated local government waste management facilities and upon payment of the prescribed fee or where disposal has been agreed to by the Chief Executive Officer or delegate.</del>  <del>Gas cylinders, fire extinguishers, flammable substances, hazardous chemicals and asbestos may not be stored or disposed of at any local government waste management facility.*</del>
(8) All local government controlled areas and roads	Disposal or storage of commercial and construction waste	Permitted only in designated area(s) at designated local government waste management facilities, upon agreement in writing with the Chief Executive Officer or delegate that the waste will be accepted for disposal and upon payment of a fee prescribed by the Chief Executive Officer or delegate.

# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

		<p>The Local Government reserves the right to refuse acceptance of any and all waste at its facilities.</p> <p>If a person intends to transfer ownership to another person of construction waste located in the local government area, prior agreement in writing with the Chief Executive Officer or delegate must be granted.</p>
(9)** All local government controlled areas and roads	Temporary storage of construction waste	Permitted only by agreement in writing with the Chief Executive Officer or delegate, where an acceptable reuse or off-island disposal option has been identified, including timeframe for use.

\*Note: Disposal of these items already appears as a Schedule 1 'prohibited activity', and therefore does not need to appear as a 'restricted activity' in this section.

\*\*Note: Existing Line 8 renumbered to Line 10 (not shown).

### Register of Fees and Charges 2020-21

Proposed amendment: *Other Charges: Waste Management* (refer Attachment 4)

Remove Line Items:

Description	Unit	GST	Rate inc GST	Min. or Surch.	Cost Recovery Fee (Y or N)	LGA s97 Paragraph	Legislation
Commercial—rubbish disposal < 10 cubic metres	Cubic metre	Y	520.00		N		262(3)(c)
Commercial—rubbish disposal = or > 10 cubic metres	Cubic Metre	Y	POA		N		262(3)(c)
General Waste from IBIS or equivalent food providers excluded							
Domestic Garbage & Green Waste	Cubic Metre	Y	10.40		N		262(3)(c)

# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

Add Line Items:

Description	Unit	GST	Rate inc GST	Min. or Surch.	Cost Recovery Fee (Y or N)	LGA s97 Paragraph	Legislation
Construction waste disposal prohibited unless prior approval is granted by CEO or delegate  Note: a disposal approval and associated fee will only be granted in exceptional circumstances	Cubic Metre	Y	POA		N		262(3)(c)
Commercial waste (in addition to standard property bin collection)  Note: Council reserves the right not to issue a disposal approval.	Cubic Metre	Y	POA		N		262(3)(c)
Domestic and waste including green waste (in addition to standard residential property bin collection and excluding construction and commercial waste)	Cubic Metre	Y	10.40		N		262(3)(c)

### Implementation

TSIRC's Engineering Services Department and Legal Services Division have already engaged in several ways to limit waste inputs to TSIRC's landfills. This includes:

- Including conditions on all projects that require Development Approvals (DAs) and lease agreements, requiring removal of waste generated;
- Liaising with critical service providers in the region to adopt waste removal policies on their construction, maintenance and operating projects (e.g. Ergon, Telstra and the Torres and Cape Hospital and Health Service);
- Working closely with the Department of Agriculture, Water and Environment to develop biosecurity processes and remove impediments to waste removal;
- Planning and costing removal of construction waste generated on projects undertaken by the TSIRC Civil Crew and Capital Works team; and
- Liaising with food providers to adopt waste removal policies on their projects and for freight packaging disposal (i.e. Community Enterprise Queensland (IBIS)).

In addition, in the 2020/21 Financial Year, the waste acceptance and associated internal charge to TSIRC's Building Services Unit (BSU) was removed with the understanding that construction waste would no longer be dumped at TSIRC facilities.

Recognising that TSIRC internal departments, external agencies, service providers and funders may require adjustment time, the following implementation timeline is proposed.

# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

Action	Date	Comments	Outcome
Local Laws and Register of Fees and Charges revised for implementation on 01 Jul 21	Jan 2021	Revisions as outlined in this report	- Existing Local Laws and Register of Fees and Charges apply until Jul 2021
Information and Adjustment period	Jan – Jun 2021	Waste generators reminded of existing Register of Fees and Charges for waste disposal, and encouraged to remove waste wherever possible	<ul style="list-style-type: none"> <li>- TSIRC, external agencies and funders to cost off-island waste removal into future projects</li> <li>- TSIRC and external agencies to develop processes to remove construction waste</li> <li>- TSIRC work groups and external agencies to make every effort to remove waste</li> <li>- Waste monitored and fees collected where applicable</li> </ul>
Full implementation and enforcement of construction waste removal. Amended Local Laws and Register of Fees and Charges comes into effect 01 Jul 21	Jul 2021	Reinforced by increased awareness by TSIRC staff, greater enforcement, fines etc	<ul style="list-style-type: none"> <li>- TSIRC and external agencies to remove all generated construction waste as per local laws</li> <li>- Waste monitored and fees collected where applicable</li> </ul>

### **OFFICER COMMENTS**

TSIRC's waste management facilities face significant EA compliance challenges, are insufficiently constructed in unsuitable places, and are inadequately resourced for management or dealing with large, accumulating waste stockpiles.

Ceasing the acceptance of construction waste is not a temporary measure. It is an initial step in implementing a long term waste management strategy. Such a restriction would still exist alongside any future strategy.

In the short term, implementing an ongoing restriction on disposal of construction waste in all TSIRC divisions will:

- Allow on-site Council Officers to follow a uniform approach to dealing with construction waste, rather than permitting confusing exemptions;
- Allow TSIRC work groups, external agencies, service providers and contractors to follow a simple, consistent approach to managing their waste generation, rather than navigating confusing exemptions;
- Permit Engineering Services to better manage and prolong use of its existing facilities;



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

- Enable Engineering Services space to pursue innovative waste management strategies, including the eventual closure of most, if not all, landfill sites in the future.

### **CONSIDERATIONS**

#### **Risk Management**

The proposed amendments work towards reducing risk to Council by:

- Improving the ability to manage our existing waste management facilities;
- Extending the useable life of existing facilities while strategies are developed;
- Improving compliance objectives under the EAs; and
- Reducing stockpile accumulation causing increased environmental and health risks.

The proposed amendments allow Council greater ability to control and manage the large volumes of waste generated in the region.

#### **Council Finance**

##### **Capital Cost**

Ceasing to accept construction waste will reduce capital costs by reducing the future funding Council needs for legacy stockpile clean-up. For internal work groups, construction waste disposal must be factored into project budgets, and this requirement communicated to funders noting that waste disposal fees and charges currently exist, albeit are rarely collected due to Council's lack of enforcement capability, particularly in that Council's landfill facilities are unstaffed and therefore open for unregulated access by contractors.

##### **Operating Cost**

Ceasing to accept construction waste will reduce operating and maintenance costs. For internal work groups, removal of maintenance and operational waste generated must be factored into operating budgets.

#### **Corporate and Operational Plans**

##### **Corporate Plan**

Outcome 9: We actively reduce our environmental footprint and manage our resources sustainably.

Objectives	Key Deliverables
Evolve waste management through recycling and reuse strategies.	<ul style="list-style-type: none"> <li>- Coordinate waste management activities through landfill, transfer station and recycling opportunities.</li> <li>- Facilitate regional clean-up and investigate long-term solutions for bulk waste, car bodies and whitegoods.</li> </ul>

##### **Operational Plan**

Ceasing to accept construction waste will reduce the need to seek significant capital funds to execute future and ongoing 'clean-up' projections such as the metal waste legacy stockpile removal project.

No.	Objective
30.	Quantify & deliver Metal Waste & Clean Up project



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

### 2020 Deputation Priority Areas

These policy changes are a key TSIRC contribution towards 2020 Deputation Priority Area Ten – Regional Waste Management Solutions, seeking to:

- a. Address widespread legacy waste management issues, including management of historical landfills, stockpiling and environmental concerns.
- b. Implement and operate complex, adaptable ongoing waste management solutions as identified in the Queensland Indigenous Waste Strategy and other planning exercises, including the identification of long term, cost-effective regional landfill solutions, treatment, logistics, recycling and disposal operations.
- c. Reduce waste generation and landfill inputs by pursuing innovative and imaginative sustainability and circular economy initiatives, including in packaging and freight, local transport options, energy generation and material reuse

Diverting construction waste from landfill is a key assumption of the work being undertaken for the Queensland Indigenous Waste Strategy (pending release), and a recommendation from previous strategies and reports.

### **CONSULTATION**

Councillors  
Executive  
TSIRC Engineering  
TSIRC Environment & Health

Manager Legal Services  
TSIRC Building Services Unit  
Department of Environment & Science

### **CONCLUSION**

TSIRC's current on-island waste management facilities and practices result in significant challenges in meeting existing Environmental Authority obligations. Engineering Services staff attempt to manage landfill and stockpile facilities that are unsuitable in location, size and construction with limited personnel and insufficient heavy plant, resulting in TSIRC falling well short of best practice minimum standards.

Ceasing to accept construction waste at TSIRC's landfills will extend their operational life, allow on-site staff to better manage their facilities and result in a first step being taken in the implementation of a sustainable, long-term waste management strategy.



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

### **AUTHOR(S)**

A handwritten signature in black ink, appearing to be "Lachlan Attard".

Lachlan Attard

Waste & Sustainability Engineer

### **MANAGER**

David Baldwin

Chief Engineer

### **CEO**

Hollie Faithfull

Acting Chief Executive Officer



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

### **ATTACHMENTS**

1. Current Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019
2. Proposed amended Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019
3. Current Register of Fees and Charges 2020-21
4. Proposed Register of Fees and Charges 2020-21
5. Definitions



## ATTACHMENT 1

# **Torres Strait Island Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019**

## **Contents**

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<b>Part 1</b>	<b>Preliminary.....</b>	<b>2</b>
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Authorising local law.....	2
	4 Definitions.....	2
<b>Part 2</b>	<b>Use of local government controlled areas, facilities and roads.....</b>	<b>2</b>
	5 Prohibited and restricted activities—Authorising local law, s 5(1).....	2
	6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b).....	3
	7 Prohibited vehicles—Authorising local law, s 6(3).....	3
	8 Opening hours for local government controlled areas—Authorising local law, s 7(1).....	3
	9 Permanent closure of local government controlled area—Authorising local law, s 8(3).....	3
<b>Part 3</b>	<b>Matters affecting roads.....</b>	<b>3</b>
	10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3).....	3
<b>Part 4</b>	<b>Repeal Provision.....</b>	<b>4</b>
	11 Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.....	4
<b>Schedule 1</b>	<b>Prohibited activities for local government controlled areas or roads 5</b>	
<b>Schedule 2</b>	<b>Restricted activities for local government controlled areas or roads 7</b>	
<b>Schedule 3</b>	<b>Motor vehicle access areas in local government controlled areas</b>	<b>11</b>
<b>Schedule 4</b>	<b>Opening hours for local government controlled areas.....</b>	<b>12</b>
<b>Schedule 5</b>	<b>Permanent closure of local government controlled areas .....</b>	<b>13</b>

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* (the *authorising local law*).

### 4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

## Part 2 Use of local government controlled areas, facilities and roads

### 5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

**6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)**

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

**7 Prohibited vehicles—Authorising local law, s 6(3)**

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

**8 Opening hours for local government controlled areas—Authorising local law, s 7(1)**

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

**9 Permanent closure of local government controlled area—Authorising local law, s 8(3)**

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

## **Part 3 Matters affecting roads**

**10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence, with particular reference to enclosure requirements contained in *Subordinate Local Law No. 2 (Animal Management) 2014*.

## **Part 4                      Repeal Provision**

### **11    Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* is repealed.

## Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas and roads.	<ol style="list-style-type: none"> <li>1. Breaking, destroying, damaging, defacing, disfiguring, or writing upon any structure or any notice, whether intentionally or unintentionally; or</li> <li>2. Causing an offensive liquid, sediment or substance to be discharged onto an area or road; or</li> <li>3. Obstructing, interfering with or impeding operation of or access to the local government controlled area or road.</li> <li>4. Disposing of turtle and dugong waste.</li> <li>5. Disposing of gas cylinders, fire extinguishers, flammable substances, hazardous chemicals or asbestos.</li> </ol>
2	All Local Government Controlled Areas and roads	Obstructing, interfering with or impeding a funeral or commemorative service lawfully conducted in a local government area.
3	Parks within the local government area	<ol style="list-style-type: none"> <li>1. Damaging or interfering with vegetation; or</li> <li>2. Acting in a manner that may cause offence or negatively affect the enjoyment of the park by other persons.</li> </ol>
4	Caravan Parks within the local government area	<ol style="list-style-type: none"> <li>1. Disposing of liquid waste other than in a drainage point provided for that purpose; or</li> <li>2. Disposing of refuse other than in a container provided for that purpose; or</li> </ol>

		3. Using facilities in a way that makes them unclean or unsanitary.
5	At jetties, boat ramps and barge landings in the local government area	<ol style="list-style-type: none"> <li>1. Obstructing or impeding vessels or vehicular or pedestrian traffic accessing the jetty, boat ramp or barge landings.</li> <li>2. Extinguishing, diminishing or increasing any light illuminating the jetty, boat ramp or barge landings; or</li> <li>3. slaughtering, “gutting”, cleaning or scaling aquatic life, including turtle, fish, dugong, etc.</li> </ol>
6	Public place	<ol style="list-style-type: none"> <li>1. slaughtering, “gutting”, cleaning or scaling aquatic life, including turtle, fish, dugong, etc.</li> </ol>
7	Airports and Aerodromes	<ol style="list-style-type: none"> <li>1. Entering any part of the airport that has been closed to access by an authorised person; or</li> <li>2. Using the facilities other than for the purpose and in a manner for which they were constructed or provided; or</li> <li>3. engaging in conduct that: - <ol style="list-style-type: none"> <li>(a) could cause annoyance, disturbance or offence to others;</li> <li>(b) could obstruct or unreasonably interfere with the rights of use of others; or</li> <li>(c) creates a risk to the safety of others.</li> </ol> </li> </ol>
8	All bridges and culverts	<ol style="list-style-type: none"> <li>1. Diving, jumping or causing any person or object to fall or be projected into waters surrounding the bridge or culvert; or</li> <li>2. Entering a culvert for any purpose.</li> </ol>

## Schedule 2      Restricted activities for local government controlled areas or roads

Section 5(2)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government controlled areas and roads	The washing or cleaning, painting, repairing, alteration or maintenance of vehicles on a road.	Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
2	All local government controlled areas and roads	Lighting and maintaining a fire	Permitted only where the fire is: -  (a) part of a traditional cooking technique and managed so as to ensure non-escape of fire; or  (b) associated with a public safety or environmental objective; or  (c) in a designated fire place provided by the local government; or  (d) authorised under the <i>Fire and Rescue Service Act 1990</i> (Qld); or  (e) authorised by an authorised person; or  (f) authorised under a condition of an



			approval under <i>Local Law No. 1 (Administration) 2010.</i>
3	Parks or Reserves within the local government area	Bringing animals into the Park or Reserve.	Permitted only with the written authorisation of the Chief Executive Officer or as otherwise authorised by other local law or subordinate local law.
4	Cemeteries within the local government area	<ol style="list-style-type: none"><li>1. Digging or preparing a grave.</li><li>2. Damaging or inappropriately interfering with a grave, memorial or with flowers or tokens on a grave or memorial.</li></ol>	<ol style="list-style-type: none"><li>1. Permitted only with the written authorisation of an authorised person.</li><li>2. Interference with a grave or memorial is permitted after burial, for the purpose of addressing subsistence and permanently setting the grave or memorial, in accordance with Ailan Kastom.</li></ol>
5	At jetties and boat ramps in the local government area	<ol style="list-style-type: none"><li>1. Berthing or mooring any vessel larger than 6 meters by any means to a jetty or boat ramp in the local government area; or</li><li>2. Berthing or mooring any vessel by any means to a jetty or boat ramp in a “No Standing Zone” designated by the local government.</li></ol>	Permitted only with the written authorisation of the Chief Executive Officer
6	Any local government controlled area used for the conveyance or storage of water	Placing an object that obstructs or is likely to obstruct the natural flow of water.	Permitted only where authorised by an authorised person.
7	All local government controlled areas and roads	Disposal or storage of waste.	For domestic / household waste: permitted only in designated area(s) at designated local

		<p>government waste management facilities.</p> <p>For government / commercial waste: permitted only in designated area(s) at designated local government waste management facilities and upon payment of the prescribed fee or where disposal has been agreed to by the Chief Executive Officer or delegate.</p> <p>Gas cylinders, fire extinguishers, flammable substances, hazardous chemicals and asbestos may not be stored or disposed of at any local government waste management facility.</p>
8	All local government controlled areas and roads	<p>Landing of rotary wing aircraft, such as helicopters</p> <p>Landing is permitted in designated helicopter landing areas only (airports and helipads approved in writing by the Chief Executive Officer or delegate), unless a genuine emergency exists.</p> <p>Genuine emergencies include:</p> <ul style="list-style-type: none"> <li>• Emergency Service Operations</li> <li>• Emergency provision for essential public utilities and services</li> <li>• Disaster Management Responses</li> <li>• Responses to water and wastewater incidents and issues that have an immediate effect on public health</li> </ul>

		<ul style="list-style-type: none"><li>• Ergon Energy dealing with a major power outage</li><li>• Medical evacuations</li><li>• Responses relating to Law and Order</li></ul>
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### **Schedule 3      Motor vehicle access areas in local government controlled areas**

Sections 6 and 7

*Intentionally left blank*

## **Schedule 4      Opening hours for local government controlled areas**

### **Section 8**

A person must not enter or remain in a **local government waste management facility** outside the hours of 9am to 4pm business days, or such opening hours as otherwise stated on the notice at the public entrance to the facility, unless the person is authorised to do so by the Chief Executive Officer.

## **Schedule 5      Permanent closure of local government controlled areas**

Section 9

*Intentionally left blank*

## ATTACHMENT 2

# Torres Strait Island Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019

## Contents

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<b>Part 1</b>	<b>Preliminary.....</b>	<b>2</b>
	1 Short title.....	2
	2 Purpose and how it is to be achieved.....	2
	3 Authorising local law.....	2
	4 Definitions.....	2
<b>Part 2</b>	<b>Use of local government controlled areas, facilities and roads.....</b>	<b>2</b>
	5 Prohibited and restricted activities—Authorising local law, s 5(1).....	2
	6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b).....	3
	7 Prohibited vehicles—Authorising local law, s 6(3).....	3
	8 Opening hours for local government controlled areas—Authorising local law, s 7(1).....	3
	9 Permanent closure of local government controlled area—Authorising local law, s 8(3).....	3
<b>Part 3</b>	<b>Matters affecting roads.....</b>	<b>3</b>
	10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3).....	3
<b>Part 4</b>	<b>Repeal Provision.....</b>	<b>4</b>
	11 Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.....	4
<b>Schedule 1</b>	<b>Prohibited activities for local government controlled areas or roads 5</b>	
<b>Schedule 2</b>	<b>Restricted activities for local government controlled areas or roads 7</b>	
<b>Schedule 3</b>	<b>Motor vehicle access areas in local government controlled areas</b>	
	<a href="#"><u>1211</u></a>	
<b>Schedule 4</b>	<b>Opening hours for local government controlled areas.....</b>	<b><a href="#"><u>1312</u></a></b>
<b>Schedule 5</b>	<b>Permanent closure of local government controlled areas .....</b>	<b><a href="#"><u>1413</u></a></b>



## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* (the *authorising local law*).

### 4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

## Part 2 Use of local government controlled areas, facilities and roads

### 5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

**6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)**

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

**7 Prohibited vehicles—Authorising local law, s 6(3)**

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

**8 Opening hours for local government controlled areas—Authorising local law, s 7(1)**

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

**9 Permanent closure of local government controlled area—Authorising local law, s 8(3)**

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

**Part 3 Matters affecting roads**

**10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence, with particular reference to enclosure requirements contained in *Subordinate Local Law No. 2 (Animal Management) 2014*.

## **Part 4                      Repeal Provision**

### **11    Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* is repealed.

PROPOSED

## Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government controlled areas and roads.	<ol style="list-style-type: none"> <li>1. Breaking, destroying, damaging, defacing, disfiguring, or writing upon any structure or any notice, whether intentionally or unintentionally; or</li> <li>2. Causing an offensive liquid, sediment or substance to be discharged onto an area or road; or</li> <li>3. Obstructing, interfering with or impeding operation of or access to the local government controlled area or road.</li> <li>4. Disposing of turtle and dugong waste.</li> <li>5. Disposing of gas cylinders, fire extinguishers, flammable substances, hazardous chemicals or asbestos.</li> </ol>
2	All Local Government Controlled Areas and roads	Obstructing, interfering with or impeding a funeral or commemorative service lawfully conducted in a local government area.
3	Parks within the local government area	<ol style="list-style-type: none"> <li>1. Damaging or interfering with vegetation; or</li> <li>2. Acting in a manner that may cause offence or negatively affect the enjoyment of the park by other persons.</li> </ol>
4	Caravan Parks within the local government area	<ol style="list-style-type: none"> <li>1. Disposing of liquid waste other than in a drainage point provided for that purpose; or</li> <li>2. Disposing of refuse other than in a container provided for that purpose; or</li> </ol>

		3. Using facilities in a way that makes them unclean or unsanitary.
5	At jetties, boat ramps and barge landings in the local government area	<ol style="list-style-type: none"> <li>1. Obstructing or impeding vessels or vehicular or pedestrian traffic accessing the jetty, boat ramp or barge landings.</li> <li>2. Extinguishing, diminishing or increasing any light illuminating the jetty, boat ramp or barge landings; or</li> <li>3. slaughtering, "gutting", cleaning or scaling aquatic life, including turtle, fish, dugong, etc.</li> </ol>
6	Public place	<ol style="list-style-type: none"> <li>1. slaughtering, "gutting", cleaning or scaling aquatic life, including turtle, fish, dugong, etc.</li> </ol>
7	Airports and Aerodromes	<ol style="list-style-type: none"> <li>1. Entering any part of the airport that has been closed to access by an authorised person; or</li> <li>2. Using the facilities other than for the purpose and in a manner for which they were constructed or provided; or</li> <li>3. engaging in conduct that: - <ol style="list-style-type: none"> <li>(a) could cause annoyance, disturbance or offence to others;</li> <li>(b) could obstruct or unreasonably interfere with the rights of use of others; or</li> <li>(c) creates a risk to the safety of others.</li> </ol> </li> </ol>
8	All bridges and culverts	<ol style="list-style-type: none"> <li>1. Diving, jumping or causing any person or object to fall or be projected into waters surrounding the bridge or culvert; or</li> <li>2. Entering a culvert for any purpose.</li> </ol>

## Schedule 2      Restricted activities for local government controlled areas or roads

Section 5(2)

### 12      Definitions

Waste: has the meaning assigned to that term in the Waste Reduction and Recycling Act 2011 (Qld), which refers to Section 13 of the Environmental Protection Act.

Construction work: has the meaning assigned to that term in Section 65 of the Building Industry Fairness (Security of Payment) Act 2017 (Qld).

Construction waste: Any waste from construction work.

Commercial waste: Any waste from the normal operation of a business or enterprise.

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government controlled areas and roads	The washing or cleaning, painting, repairing, alteration or maintenance of vehicles on a road.	Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
2	All local government controlled areas and roads	Lighting and maintaining a fire	Permitted only where the fire is: -  (a) part of a traditional cooking technique and managed so as to ensure non-escape of fire; or  (b) associated with a public safety or environmental objective; or

			(c) in a designated fire place provided by the local government; or (d) authorised under the <i>Fire and Rescue Service Act 1990</i> (Qld); or (e) authorised by an authorised person; or (f) authorised under a condition of an approval under <i>Local Law No. 1 (Administration) 2010</i> .
3	Parks or Reserves within the local government area	Bringing animals into the Park or Reserve.	Permitted only with the written authorisation of the Chief Executive Officer or as otherwise authorised by other local law or subordinate local law.
4	Cemeteries within the local government area	<ol style="list-style-type: none"><li>1. Digging or preparing a grave.</li><li>2. Damaging or inappropriately interfering with a grave, memorial or with flowers or tokens on a grave or memorial.</li></ol>	<ol style="list-style-type: none"><li>1. Permitted only with the written authorisation of an authorised person.</li><li>2. Interference with a grave or memorial is permitted after burial, for the purpose of addressing subsistence and permanently setting the grave or memorial, in accordance with Ailan Kastom.</li></ol>
5	At jetties and boat ramps in the local government area	<ol style="list-style-type: none"><li>1. Berthing or mooring any vessel larger than 6 meters by any means to a jetty or boat ramp in the local government area; or</li><li>2. Berthing or mooring any vessel by any</li></ol>	Permitted only with the written authorisation of the Chief Executive Officer

		means to a jetty or boat ramp in a "No Standing Zone" designated by the local government.	
6	Any local government controlled area used for the conveyance or storage of water	Placing an object that obstructs or is likely to obstruct the natural flow of water.	Permitted only where authorised by an authorised person.
7	All local government controlled areas and roads	Disposal or storage of <u>domestic / household</u> waste.	<p><del>For domestic / household waste: permitted only in designated area(s) at designated local government waste management facilities.</del></p> <p><del>For government / commercial waste: permitted only in designated area(s) at designated local government waste management facilities and upon payment of the prescribed fee or where disposal has been agreed to by the Chief Executive Officer or delegate.</del></p> <p><del>Gas cylinders, fire extinguishers, flammable substances, hazardous chemicals and asbestos may not be stored or disposed of at any local government waste management facility.</del></p>
8	<u>All local government controlled areas and roads</u>	<u>Disposal or storage of commercial and construction waste</u>	<u>Permitted only in designated area(s) at designated local government waste management facilities, upon agreement in writing with the Chief Executive Officer or delegate that the waste will be accepted for disposal and upon</u>



		<p><u>payment of a fee prescribed by the Chief Executive Officer or delegate. The Local Government reserves the right to refuse acceptance of any and all waste at its facilities.</u></p> <p><u>If a person intends to transfer ownership to another person of construction waste located in the local government area, prior agreement in writing with the Chief Executive Officer or delegate must be granted.</u></p>
<u>9</u>	<u>All local government controlled areas and roads</u>	<p><u>Temporary storage of construction waste</u></p> <p><u>Permitted only by agreement in writing with the Chief Executive Officer or delegate, where an acceptable reuse or off-island disposal option has been identified, including timeframe for use.</u></p>
<u>§10</u>	All local government controlled areas and roads	<p>Landing of rotary wing aircraft, such as helicopters</p> <p>Landing is permitted in designated helicopter landing areas only (airports and helipads approved in writing by the Chief Executive Officer or delegate), unless a genuine emergency exists.</p> <p>Genuine emergencies include:</p> <ul style="list-style-type: none"> <li>• Emergency Service Operations</li> <li>• Emergency provision for essential public utilities and services</li> <li>• Disaster Management Responses</li> <li>• Responses to water and wastewater incidents and issues that have an immediate effect on public health</li> </ul>

		<ul style="list-style-type: none"><li>• Ergon Energy dealing with a major power outage</li><li>• Medical evacuations</li><li>• Responses relating to Law and Order</li></ul>
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PROPOSED

### **Schedule 3      Motor vehicle access areas in local government controlled areas**

Sections 6 and 7

*Intentionally left blank*

PROPOSED

## **Schedule 4      Opening hours for local government controlled areas**

### **Section 8**

A person must not enter or remain in a **local government waste management facility** outside the hours of 9am to 4pm business days, or such opening hours as otherwise stated on the notice at the public entrance to the facility, unless the person is authorised to do so by the Chief Executive Officer.

PROPOSED

## **Schedule 5      Permanent closure of local government controlled areas**

### **Section 9**

*Intentionally left blank*

PROPOSED

## ATTACHMENT 3

**Current Register of Fees and Charges 2020-21 (excerpt only)**

Description of Fee, Charge, Penalty plus conditions	Unit	GST	Rate Inc GST	Min. or Surch.	Cost Recovery Fee (Y or N)	LGA s97 Paragraph	Legislation
OTHER CHARGES							
WASTE MANAGEMENT							
Commercial – rubbish disposal < 10 cubic metres	Cubic Metre	Y	520.00		N		262(3)(c)
Commercial – rubbish disposal = or > 10 cubic metres	Cubic Metre	Y	POA		N		262(3)(c)
General Waste from IBIS or equivalent food providers excluded							
Domestic Garbage & Green Waste	Cubic Metre	Y	10.40		N		262(3)(c)

## ATTACHMENT 4



**Proposed Register of Fees and Charges 2020-21 (excerpt only)**

Description of Fee, Charge, Penalty plus conditions	Unit	GST	Rate Inc GST	Min. or Surch.	Cost Recovery Fee (Y or N)	LGA s97 Paragraph	Legislation
OTHER CHARGES							
WASTE MANAGEMENT							
Construction waste disposal prohibited unless prior approval is granted by CEO or delegate  Note: a disposal approval and associated fee will only be granted in exceptional circumstances	Cubic Metre	Y	POA		N		262(3)(c)
Commercial waste (in addition to standard property bin collection)	Cubic Metre	Y	POA		N		262(3)(c)
Domestic waste including green waste (in addition to standard property bin collection and excluding construction and commercial waste)	Cubic Metre	Y	10.40		N		262(3)(c)

## ATTACHMENT 5

# Building Industry Fairness (Security of Payment) Act 2017

Reprint current from 1 October 2020 to date (accessed 17 December 2020 at 9:57)

## 65 Meaning of *construction work*

- (1) *Construction work* means any of the following work—
- (a) the construction, alteration, repair, restoration, maintenance, extension, demolition or dismantling of buildings or structures, whether permanent or not, forming, or to form, part of land;
  - (b) the construction, alteration, repair, restoration, maintenance, extension, demolition or dismantling of any works forming, or to form, part of land, including walls, roadworks, powerlines, telecommunication apparatus, aircraft runways, docks and harbours, railways, inland waterways, pipelines, reservoirs, water mains, wells, sewers, industrial plant and installations for land drainage or coast protection;
  - (c) the installation in any building, structure or works of fittings forming, or to form, part of land, including heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply, fire protection, security and communications systems;
  - (d) the external or internal cleaning of buildings, structures and works, so far as it is carried out in the course of their construction, alteration, repair, restoration, maintenance or extension;
  - (e) any operation that forms an integral part of, or is preparatory to or is for completing, work of the kind referred to in paragraph (a), (b) or (c), including—
    - (i) site clearance, earthmoving, excavation, tunnelling and boring; and
    - (ii) the laying of foundations; and
    - (iii) the erection, maintenance or dismantling of scaffolding; and
    - (iv) the prefabrication of components to form part of any building, structure or works, whether carried out on-site or off-site; and
    - (v) site restoration, landscaping and the provision of roadways and other access works;
  - (f) the painting or decorating of the internal or external surfaces of any building, structure or works;
  - (g) carrying out the testing of soils and road making materials during the construction and maintenance of roads;
  - (h) any other work of a kind prescribed by regulation.
- (2) To remove doubt, it is declared that *construction work* includes building work within the meaning of the [\*Queensland Building and Construction Commission Act 1991\*](#).
- (3) However, *construction work* does not include any of the following work—
- (a) the drilling for, or extraction of, oil or natural gas;
  - (b) the extraction, whether by underground or surface working, of minerals, including tunnelling or boring, or constructing underground works, for that purpose.

Council Officer Note: The definition of 'waste' in the Waste Reduction and Recycling Act refers to the Environmental Protection Act section 13.

## Environmental Protection Act 1994

Reprint current from 4 December 2020 to date (accessed 17 December 2020 at 10:11)

### 13 Waste

- (1) **Waste** includes any thing, other than an end of waste resource, that is—
- (a) left over, or an unwanted by-product, from an industrial, commercial, domestic or other activity; or
  - (b) surplus to the industrial, commercial, domestic or other activity generating the waste.

*Example of paragraph (a)—*

Abandoned or discarded material from an activity is left over, or an unwanted by-product, from the activity.

- (2) **Waste** can be a gas, liquid, solid or energy, or a combination of any of them.
- (3) A thing can be waste whether or not it is of value.
- (4) Despite subsection (1), an end of waste resource becomes waste—
- (a) when it is disposed of at a waste disposal site; or
  - (b) if it is deposited at a place in a way that would, apart from its use under an end of waste code or end of waste approval, constitute a contravention of the general littering provision or the illegal dumping of waste provision under that Act—when the depositing starts.
- (5) In this section—

**end of waste approval** see the [Waste Reduction Act, section 156](#).

**end of waste code** see the [Waste Reduction Act, section 156](#).

**end of waste resource** means a resource under the [Waste Reduction Act, section 156](#).

**waste disposal site** see the [Waste Reduction Act, section 8A](#).

**Waste Reduction Act** means the [Waste Reduction and Recycling Act 2011](#).



**Torres Strait Island Regional Council  
Amending Subordinate Local Law No. 1  
(Waste Management) 2021**

# Amending Subordinate Local Law No. 1 (Waste Management) 2021

## Contents

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<b>Part 1</b>	<b>Preliminary .....</b>	<b>1</b>
	1 Short title.....	1
	2 Object .....	1
	3 Authorising local law .....	1
	4 Commencement.....	1
<b>Part 2</b>	<b>Amendment of <i>Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2019</i>.....</b>	<b>1</b>
	5 Subordinate local law amended .....	1
	6 Replacement of sch 2 (Restricted activities for local government controlled areas or roads).....	1

## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Amending Subordinate Local Law No. 1 (Waste Management) 2021*.

### 2 Object

(1) The purpose of this subordinate local law is to amend *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2019* to replace Schedule 2 (Restricted activities for local government controlled areas or roads) to:

- (a) declare the disposal or storage of commercial and construction waste as a restricted activity in all local government controlled areas and roads, and specify the extent of the restriction;
- (b) declare the temporary storage of construction waste as a restricted activity in all local government controlled areas and roads, and specify the extent of the restriction; and
- (c) insert related definitions.

### 3 Authorising local law

The making of the provisions in this amending subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* (the **authorising local law**).

### 4 Commencement

This subordinate local law commences on 1 July 2021.

## Part 2 Amendment of *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2019*

### 5 Subordinate local law amended

This part amends *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

### 6 Replacement of sch 2 (Restricted activities for local government controlled areas or roads)

Schedule 2

*omit, insert—*

## Schedule 2    Restricted activities for local government controlled areas or roads

Section 5(2)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government controlled areas and roads	The washing or cleaning, painting, repairing, alteration or maintenance of vehicles on a road.	Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
2	All local government controlled areas and roads	Lighting and maintaining a fire	Permitted only where the fire is: -  (a) part of a traditional cooking technique and managed so as to ensure non-escape of fire; or  (b) associated with a public safety or environmental objective; or  (c) in a designated fire place provided by the local government; or  (d) authorised under the <i>Fire and Rescue Service Act 1990</i> (Qld); or  (e) authorised by an authorised person; or



		(f) authorised under a condition of an approval under <i>Local Law No. 1 (Administration) 2010.</i>
3	Parks or Reserves within the local government area	Bringing animals into the Park or Reserve.
		Permitted only with the written authorisation of the Chief Executive Officer or as otherwise authorised by other local law or subordinate local law.
4	Cemeteries within the local government area	<ol style="list-style-type: none"> <li>1. Digging or preparing a grave.</li> <li>2. Damaging or inappropriately interfering with a grave, memorial or with flowers or tokens on a grave or memorial.</li> </ol>
		<ol style="list-style-type: none"> <li>1. Permitted only with the written authorisation of an authorised person.</li> <li>2. Interference with a grave or memorial is permitted after burial, for the purpose of addressing subsistence and permanently setting the grave or memorial, in accordance with Ailan Kastom.</li> </ol>
5	At jetties and boat ramps in the local government area	<ol style="list-style-type: none"> <li>1. Berthing or mooring any vessel larger than 6 meters by any means to a jetty or boat ramp in the local government area; or</li> <li>2. Berthing or mooring any vessel by any means to a jetty or boat ramp in a "No Standing Zone" designated by the local government.</li> </ol>
		Permitted only with the written authorisation of the Chief Executive Officer

6	Any local government controlled area used for the conveyance or storage of water	Placing an object that obstructs or is likely to obstruct the natural flow of water.	Permitted only where authorised by an authorised person.
7	All local government controlled areas and roads	Disposal or storage of domestic / household waste.	Permitted only in designated area(s) at designated local government waste management facilities.
8	All local government controlled areas and roads	Disposal or storage of commercial and construction waste	<p>Permitted only in designated area(s) at designated local government waste management facilities, upon agreement in writing with the Chief Executive Officer or delegate that the waste will be accepted for disposal and upon payment of a fee prescribed by the Chief Executive Officer or delegate. The Local Government reserves the right to refuse acceptance of any and all waste at its facilities.</p> <p>If a person intends to transfer ownership to another person of construction waste located in the local government area, prior agreement in writing with the Chief Executive Officer or delegate must be granted.</p>
9	All local government controlled areas and roads	Temporary storage of construction waste	Permitted only by agreement in writing with the Chief Executive Officer or delegate, where an acceptable reuse or off-island disposal option has been identified,

		including timeframe for use.
10	All local government controlled areas and roads	<p>Landing of rotary wing aircraft, such as helicopters</p> <p>Landing is permitted in designated helicopter landing areas only (airports and helipads approved in writing by the Chief Executive Officer or delegate), unless a genuine emergency exists.</p> <p>Genuine emergencies include:</p> <ul style="list-style-type: none"> <li>• Emergency Service Operations</li> <li>• Emergency provision for essential public utilities and services</li> <li>• Disaster Management Responses</li> <li>• Responses to water and wastewater incidents and issues that have an immediate effect on public health</li> <li>• Ergon Energy dealing with a major power outage</li> <li>• Medical evacuations</li> <li>• Responses relating to Law and Order</li> </ul>

## 1 Definitions for sch 2

### In this schedule—

**waste** see the *Waste Reduction and Recycling Act 2011* (Qld), which refers to the *Environmental Protection Act 1994* (Qld), section 13.

**construction work** see the *Building Industry Fairness (Security of Payment) Act 2017* (Qld), section 65.

**construction waste** means any waste from construction work.

**commercial waste** means any waste from the normal operation of a business or enterprise.



**Torres Strait Island Regional Council  
Subordinate Local Law No. 4  
(Local Government Controlled Areas, Facilities and Roads)  
2019**

# **Torres Strait Island Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019**

CONSOLIDATED VERSION NO.1 As in force on 1 July 2021

Adopted by Torres Strait Island Regional Council on [insert date] pursuant to section 32 of the *Local Government Act 2009* (Qld).

## **Contents**

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<b>Part 1</b>	<b>Preliminary.....</b>	<b>1</b>
	1 Short title .....	1
	2 Purpose and how it is to be achieved .....	1
	3 Authorising local law .....	1
	4 Definitions.....	1
<b>Part 2</b>	<b>Use of local government controlled areas, facilities and roads.....</b>	<b>1</b>
	5 Prohibited and restricted activities—Authorising local law, s 5(1).....	1
	6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b) .....	2
	7 Prohibited vehicles—Authorising local law, s 6(3).....	2
	8 Opening hours for local government controlled areas—Authorising local law, s 7(1).....	2
	9 Permanent closure of local government controlled area—Authorising local law, s 8(3).....	2
<b>Part 3</b>	<b>Matters affecting roads .....</b>	<b>2</b>
	10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3).....	2
<b>Part 4</b>	<b>Repeal Provision .....</b>	<b>3</b>
	11 Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 .....	3
<b>Schedule 1</b>	<b>Prohibited activities for local government controlled areas or roads .....</b>	<b>4</b>
<b>Schedule 2</b>	<b>Restricted activities for local government controlled areas or roads .....</b>	<b>6</b>
<b>Schedule 3</b>	<b>Motor vehicle access areas in local government controlled areas.....</b>	<b>10</b>
<b>Schedule 4</b>	<b>Opening hours for local government controlled areas.....</b>	<b>11</b>
<b>Schedule 5</b>	<b>Permanent closure of local government controlled areas .....</b>	<b>12</b>

## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.

### **2 Purpose and how it is to be achieved**

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

### **3 Authorising local law**

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads 2010 (the **authorising local law**)*.

### **4 Definitions**

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

## **Part 2 Use of local government controlled areas, facilities and roads**

### **5 Prohibited and restricted activities—Authorising local law, s 5(1)**

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

**6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)**

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

**7 Prohibited vehicles—Authorising local law, s 6(3)**

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

**8 Opening hours for local government controlled areas—Authorising local law, s 7(1)**

For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.

**9 Permanent closure of local government controlled area—Authorising local law, s 8(3)**

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

## **Part 3                   Matters affecting roads**

**10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be of adequate strength for the purposes of restraining the types of animal contained in the area adjacent to the fence, with particular reference to enclosure requirements contained in *Subordinate Local Law No. 2 (Animal Management) 2014*.

## **Part 4                      Repeal Provision**

### **11    Repeal of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* is repealed.



## Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Prohibited activity</b>
1	All local government controlled areas and roads.	<ol style="list-style-type: none"> <li>1. Breaking, destroying, damaging, defacing, disfiguring, or writing upon any structure or any notice, whether intentionally or unintentionally; or</li> <li>2. Causing an offensive liquid, sediment or substance to be discharged onto an area or road; or</li> <li>3. Obstructing, interfering with or impeding operation of or access to the local government controlled area or road.</li> <li>4. Disposing of turtle and dugong waste.</li> <li>5. Disposing of gas cylinders, fire extinguishers, flammable substances, hazardous chemicals or asbestos.</li> </ol>
2	All Local Government Controlled Areas and roads	Obstructing, interfering with or impeding a funeral or commemorative service lawfully conducted in a local government area.
3	Parks within the local government area	<ol style="list-style-type: none"> <li>1. Damaging or interfering with vegetation; or</li> <li>2. Acting in a manner that may cause offence or negatively affect the enjoyment of the park by other persons.</li> </ol>
4	Caravan Parks within the local government area	<ol style="list-style-type: none"> <li>1. Disposing of liquid waste other than in a drainage point provided for that purpose; or</li> </ol>

		<ol style="list-style-type: none"> <li>2. Disposing of refuse other than in a container provided for that purpose; or</li> <li>3. Using facilities in a way that makes them unclean or unsanitary.</li> </ol>
5	At jetties, boat ramps and barge landings in the local government area	<ol style="list-style-type: none"> <li>1. Obstructing or impeding vessels or vehicular or pedestrian traffic accessing the jetty, boat ramp or barge landings.</li> <li>2. Extinguishing, diminishing or increasing any light illuminating the jetty, boat ramp or barge landings; or</li> <li>3. slaughtering, "gutting", cleaning or scaling aquatic life, including turtle, fish, dugong, etc.</li> </ol>
6	Public place	<ol style="list-style-type: none"> <li>1. slaughtering, "gutting", cleaning or scaling aquatic life, including turtle, fish, dugong, etc.</li> </ol>
7	Airports and Aerodromes	<ol style="list-style-type: none"> <li>1. Entering any part of the airport that has been closed to access by an authorised person; or</li> <li>2. Using the facilities other than for the purpose and in a manner for which they were constructed or provided; or</li> <li>3. engaging in conduct that: - <ol style="list-style-type: none"> <li>(a) could cause annoyance, disturbance or offence to others;</li> <li>(b) could obstruct or unreasonably interfere with the rights of use of others; or</li> <li>(c) creates a risk to the safety of others.</li> </ol> </li> </ol>
8	All bridges and culverts	<ol style="list-style-type: none"> <li>1. Diving, jumping or causing any person or object to fall or be projected into waters surrounding the bridge or culvert; or</li> <li>2. Entering a culvert for any purpose.</li> </ol>

## Schedule 2    Restricted activities for local government controlled areas or roads

Section 5(2)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government controlled areas and roads	The washing or cleaning, painting, repairing, alteration or maintenance of vehicles on a road.	Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
2	All local government controlled areas and roads	Lighting and maintaining a fire	Permitted only where the fire is: -  (a) part of a traditional cooking technique and managed so as to ensure non-escape of fire; or  (b) associated with a public safety or environmental objective; or  (c) in a designated fire place provided by the local government; or  (d) authorised under the <i>Fire and Rescue Service Act 1990</i> (Qld); or  (e) authorised by an authorised person; or

		(f) authorised under a condition of an approval under <i>Local Law No. 1 (Administration) 2010</i> .
3	Parks or Reserves within the local government area	Bringing animals into the Park or Reserve.
4	Cemeteries within the local government area	1. Digging or preparing a grave.  2. Damaging or inappropriately interfering with a grave, memorial or with flowers or tokens on a grave or memorial.
5	At jetties and boat ramps in the local government area	1. Permitted only with the written authorisation of an authorised person.  2. Interference with a grave or memorial is permitted after burial, for the purpose of addressing subsistence and permanently setting the grave or memorial, in accordance with Ailan Kastom.
6	Any local government controlled area used for the conveyance or storage of water	1. Berthing or mooring any vessel larger than 6 meters by any means to a jetty or boat ramp in the local government area; or  2. Berthing or mooring any vessel by any means to a jetty or boat ramp in a "No Standing Zone" designated by the local government.
		Permitted only with the written authorisation of the Chief Executive Officer
		Permitted only where authorised by an authorised person.

7	All local government controlled areas and roads	Disposal or storage of domestic / household waste.	Permitted only in designated area(s) at designated local government waste management facilities.
8	All local government controlled areas and roads	Disposal or storage of commercial and construction waste	<p>Permitted only in designated area(s) at designated local government waste management facilities, upon agreement in writing with the Chief Executive Officer or delegate that the waste will be accepted for disposal and upon payment of a fee prescribed by the Chief Executive Officer or delegate. The Local Government reserves the right to refuse acceptance of any and all waste at its facilities.</p> <p>If a person intends to transfer ownership to another person of construction waste located in the local government area, prior agreement in writing with the Chief Executive Officer or delegate must be granted.</p>
9	All local government controlled areas and roads	Temporary storage of construction waste	Permitted only by agreement in writing with the Chief Executive Officer or delegate, where an acceptable reuse or off-island disposal option has been identified, including timeframe for use.

10	All local government controlled areas and roads	Landing of rotary wing aircraft, such as helicopters	<p>Landing is permitted in designated helicopter landing areas only (airports and helipads approved in writing by the Chief Executive Officer or delegate), unless a genuine emergency exists.</p> <p>Genuine emergencies include:</p> <ul style="list-style-type: none"> <li>• Emergency Service Operations</li> <li>• Emergency provision for essential public utilities and services</li> <li>• Disaster Management Responses</li> <li>• Responses to water and wastewater incidents and issues that have an immediate effect on public health</li> <li>• Ergon Energy dealing with a major power outage</li> <li>• Medical evacuations</li> <li>• Responses relating to Law and Order</li> </ul>
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## 1 Definitions for sch 2

### In this schedule—

**waste** see the *Waste Reduction and Recycling Act 2011* (Qld), which refers to the *Environmental Protection Act 1994* (Qld), section 13.

**construction work** see the *Building Industry Fairness (Security of Payment) Act 2017* (Qld), section 65.

**construction waste** means any waste from construction work.

**commercial waste** means any waste from the normal operation of a business or enterprise.

### **Schedule 3    Motor vehicle access areas in local government controlled areas**

Sections 6 and 7

*Intentionally left blank*



## **Schedule 4   Opening hours for local government controlled areas**

### **Section 8**

A person must not enter or remain in a **local government waste management facility** outside the hours of 9am to 4pm business days, or such opening hours as otherwise stated on the notice at the public entrance to the facility, unless the person is authorised to do so by the Chief Executive Officer.





## **Schedule 5 Permanent closure of local government controlled areas**

Section 9

*Intentionally left blank*



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## AGENDA REPORT

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### ORDINARY MEETING

**DATE:** March 2021

**SUBJECT ITEM:** Delegations Update

**AUTHOR:** Julia Maurus, Manager Legal Services

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### RECOMMENDATION

1. 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 Ailan Kastom and any limitations contained in Schedule 2 of the corresponding attached Instruments of Delegation:

<b>Statutory instrument:</b>	<b>The powers delegated are contained in Schedule 1 of the Instrument of Delegation attached to this report as:</b>
Public Health (Infection Control for Personal Appearance Services) Act 2003 (PHIC)	Attachment 1
Plumbing and Drainage Act 2018 (PLDA)	Attachment 2
Plumbing and Drainage Regulation 2019 (PLDR)	Attachment 3
Public Health Act 2005 (PUHA)	Attachment 4

Water Act 2000 (WATA)	Attachment 5
Waste Reduction and Recycling Act 2011 (WRRRA)	Attachment 6

## **PURPOSE**

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

## **BACKGROUND**

### **Delegation of statutory power 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 given to him directly or 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. At the February 2021 Ordinary Meeting, Council adopted a recommendation to amend the January 2021 resolution to remove the condition that Council's January 2021 delegations were "subject to consultation with the Mayor". Council also adopted delegation recommendations relating to a further 29 statutory instruments.

6. As a result, all local government delegations and trustee delegations are now up-to-date to meet legislative changes as advised through the MacDonnells Law subscription service. The Instrument of Delegations adopted by Council on 19 March 2019 has now been superseded.
7. Legal Services is in the process of updating the individual instruments of delegation to reflect the February 2021 Council resolutions. The instruments of delegation will then be uploaded to Council's intranet for staff reference.
8. Council and the Trustee have directed that the conditions imposed on all delegations be 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.
9. **There are six statutory instruments for which delegations have not been reviewed by Council in the last year. To meet the statutory requirement to review delegations at least annually, this report recommends delegations for these statutory instruments.**
10. **The *Public Health (Infection Control for Personal Appearance Services) Act 2003* delegations were last reviewed in March 2019. They are proposed to be renewed.**
11. **The following delegations were last reviewed in June 2019 and are also proposed to be renewed:**
  - (a) *Plumbing and Drainage Act 2018* (PLDA)
  - (b) *Plumbing and Drainage Regulation 2019* (PLDR)
  - (c) *Public Health Act 2005* (PUHA)
  - (d) *Water Act 2000* (WATA)

- (e) *Waste Reduction and Recycling Act 2011 (WRRRA)*

## 12.

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**

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

13. 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.
14. 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.
15. 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.

16. The statutory delegation instruments that have been endorsed by Council and the Trustee now need to be reviewed by the A/CEO and Manager Legal Services to consider appropriate sub-delegations. Updated sub-delegations will then be made by the A/CEO and recorded by Legal Services.
17. Manager of Environment & Health has proposed the appointment of Authorised Persons under the *Local Government Act 2009* following training undertaken last year. The recommended appointment of Authorised Persons needs to be referred to the A/CEO. A/CEO appointment of Authorised Persons will then be recorded in the MacDonnells Law template Instrument of Appointment.

### **OFFICER COMMENT**

18. The statutory instruments attached as **Attachments 1 – 6** 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 6 different statutory instruments.
19. There are no proposed delegations by the Trustee for this month.
20. Each new Instrument of Delegation is proposed for each relevant statutory instrument, for Council's consideration.
21. Powers that Council previously declined to delegate have not been recommended for delegation.
22. Powers that MacDonnells Law recommends not be delegated have not been recommended for delegation.
23. Powers not recommended for delegation are marked "N/A" in the delegations document.
24. All conditions included in previous delegations have been carried over.

25. 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.
26. 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. In practice, it also prevents the CEO from sub-delegating, which places an onerous administrative burden on the CEO.
27. For continued operational efficiency and statutory compliance in all Departments, the delegations are submitted to Council for adoption.

## **CONSULTATION**

MacDonnells Law  
Chief Executive Officer  
Manager Legal Services  
Audit Committee

## **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: *Public Health (Infection Control for Personal Appearance Services) Act 2003* (PHIC)
2. Proposed Instrument of Delegations: *Plumbing and Drainage Act 2018* (PLDA)
3. Proposed Instrument of Delegations: *Plumbing and Drainage Regulation 2019* (PLDR)
4. Proposed Instrument of Delegations: *Public Health Act 2005* (PUHA)
5. Proposed Instrument of Delegations: *Water Act 2000* (WATA)
6. Proposed Instrument of Delegations: *Waste Reduction and Recycling Act 2011* (WRRRA)

# **INSTRUMENT OF DELEGATION**

## **Torres Strait Island Regional Council** ***Public Health (Infection Control for Personal Appearance Services) Act 2003*** ***("PHIC")***

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 Health (Infection Control for Personal Appearance Services) Act 2003***  
***("PHIC")***

**Part 4 – Licences to carry on business providing higher risk personal appearance services**

**Division 1 – Applications for and issue of licences**

<b>Entity power given to</b>	<b>Section of PHIC</b>	<b>Description</b>
Local Government	33	Power to consider an application for a licence and either grant, or refuse to grant, the application.
Local Government	34	In the specified circumstances, the power to grant an application for a licence only if satisfied.
Local Government	35(1)	Power to have regard to the specified matters in deciding whether a person is a suitable person to hold a licence.
Local Government	36	In deciding whether premises at which higher risk personal appearance services are to be provided are suitable for providing the services, the power to have regard to the specified matters.
Local Government	37(1)	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) make inquiries to decide the suitability of:               <ul style="list-style-type: none"> <li>(i) the applicant to hold a licence; and</li> <li>(ii) the premises for providing higher risk personal appearance services; and</li> </ul> </li> <li>(b) by notice given to the applicant, require the applicant to give you within the reasonable time of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.</li> </ul>
Local Government	38(1)	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) issue a licence to the applicant; and</li> <li>(b) advise the applicant where a copy of the infection control guidelines may be obtained.</li> </ul>
Local Government	38(2)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.
Local Government	38(3)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.
Local Government	39(4)	In the specified circumstances, the power to give an information notice to an applicant for the decision.
Local Government	40(2)	Power to decide an earlier date a licence ends.
Local Government	41(1)(c)	Power to impose other reasonable conditions you consider appropriate to give effect to the PHIC by stating the conditions in the licence.
Local Government	41(2)(b)	Power to consider another time, in which you may impose conditions under section 41(1)(c) of the PHIC, is necessary to minimise the infection risk associated with the provision of higher risk personal appearance services under a licensee's licence.
Local Government	41(3)	In the specified circumstances, the power to immediately give a licensee an information notice for the decision.

### Division 2 – Renewal of licences

Entity power given to	Section of PHIC	Description
Local Government	44(4)	Power to consider an application for renewal of a licence and renew, or refuse to renew, a licence.
Local Government	44(5)	In the specified circumstances, the power to have regard to the specified matters.
Local Government	44(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.
Local Government	44(7)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.
Local Government	45(1)	In the specified circumstances, the power to, by notice given to the licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.

### Division 3 – Amendment of licences

Entity power given to	Section of PHIC	Description
Local Government	47(3)	Power to consider an application for an amendment of a licence and amend, or refuse to amend, the licence.
Local Government	47(4)	In the specified circumstances, the power to amend a licence by changing the location of the premises, or adding additional premises, from which the licensee proposes to carry on business providing higher risk personal appearance services.
Local Government	47(5)	In the specified circumstances, the power to amend the licence only if satisfied on reasonable grounds that the premises comply with the requirements of the PHIC.
Local Government	47(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.
Local Government	47(7)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.
Local Government	48(1)	In the specified circumstances, the power to, by notice given to a licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.

### Division 4 – Transfer of licences

Entity power given to	Section of PHIC	Description
Local Government	49(3)	Power to consider an application for transfer of a licence and either grant, or refuse to grant, the application.
Local Government	49(4)	Power to grant an application for transfer of a licence only if satisfied of the specified criteria.
Local Government	49(5)	In the specified circumstances, the power to, in relation to the proposed transferee, have regard to the matters to which a local government may have regard in deciding whether a person is a suitable person to hold a licence and whether the

		premises are suitable for providing higher risk personal appearance services.
Local Government	49(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.
Local Government	49(7)	In the specified circumstances, the power to immediately give a transferee an information notice for the decision.
Local Government	50(1)	In the specified circumstances, the power to, by notice given to a licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.

### Division 5 – Suspension or cancellation of licences

Entity power given to	Section of PHIC	Description
Local Government	51(2)	In the specified circumstances, the power to have regard to the matters to which a local government may have regard in deciding whether a proposed licensee is a suitable person to hold a licence.
Local Government	52(1)	Power to form the belief a ground exists to suspend or cancel a licence.
Local Government	52(2)	In the specified circumstances, the power to give a licensee a notice under section 52 of the PHIC (a <b>show cause notice</b> ).
Local Government	53(2)	Power to consider all representations (the <b>accepted representations</b> ) made by a licensee under section 53(1) of the PHIC.
Local Government	54(1)	In the specified circumstances, the power to form the belief that a ground no longer exists to suspend or cancel a licence.
Local Government	54(3)	In the specified circumstances, the power to give a licensee notice that no further action is to be taken about a show cause notice.
Local Government	55(1)	In the specified circumstances, the power to form a belief that: <ul style="list-style-type: none"> <li>(a) a ground still exists to suspend or cancel a licence; and</li> <li>(b) a suspension or cancellation of the licence is warranted.</li> </ul>
Local Government	55(3)	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) suspend a licence for not longer than the stated period — if the proposed action stated in the show cause notice was to suspend the licence for a stated period; or</li> <li>(b) either cancel a licence or suspend a licence for a period — if the proposed action stated in the show cause notice was to cancel the licence.</li> </ul>
Local Government	55(4)	In the specified circumstances, the power to immediately give an information notice for the decision made under section 55(3) of the PHIC to a licensee.
Local Government	56(1)	Power to suspend a licence immediately if you form the belief that: <ul style="list-style-type: none"> <li>(a) a ground exists to suspend or cancel the licence; and</li> <li>(b) it is necessary to suspend the licence immediately because there is an immediate and serious risk of infection to the licensee's clients.</li> </ul>

Local Government	56(2)(a)	Power to effect the suspension by giving an information notice to a licensee about the decision to suspend the licensee's licence together with a show cause notice.
Local Government	56(2)(c)(i)	Power to cancel the remaining period of a suspension.

### **Division 6 – Other provisions about licences**

<b>Entity power given to</b>	<b>Section of PHIC</b>	<b>Description</b>
Local Government	62(1)	Power to consider an application for replacement of a licence and either grant, or refuse to grant, the application.
Local Government	62(2)	Power to grant an application for replacement of a licence if satisfied the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.
Local Government	62(3)	In the specified circumstances, the power to, as soon as practicable, issue another licence to the applicant to replace the damaged, destroyed, lost or stolen licence.
Local Government	62(4)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.

### **Part 5 – Mobile higher risk personal appearance services**

<b>Entity power given to</b>	<b>Section of PHIC</b>	<b>Description</b>
Second Local Government	65(2)€	In the specified circumstances, the power to request other information reasonably required to ensure the licensee and operator will take reasonable precautions and care to minimise the risk of infection in providing the higher risk personal appearance service.
Second Local Government	65(3)	In the specified circumstances, the power to agree to a lesser period for notification under section 65(2) of the PHIC.
Second Local Government	68(1)(b)	In the specified circumstances, the power to consider that a licensee or operator has done or omitted to do something that, if done or omitted to be done in the first local government area, would be a contravention of the conditions of the licensee's licence.
Second Local Government	68(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.
First Local Government	68(2)	In the specified circumstance, the power to notify the first local government of the thing done or omitted to be done in section 68(1).

### **Part 6 – Investigation and enforcement**

#### **Division 1 – Authorised persons**

<b>Entity power given to</b>	<b>Section of PHIC</b>	<b>Description</b>
Local Government	70(1)	Power to appoint any of the following persons as authorised persons for the local government and its area: (a) employees of the local government; (b) if another local government consents — employees of the other local government; (c) other persons under contract to the local government.

Local Government	70(1)	In the specified circumstances, the power to consent to an employee of the local government being appointed as an authorised person for another local government under the PHIC.
Local Government	70(2)	Power to be satisfied that a person is qualified for appointment because the person has the necessary expertise or experience to be an authorised person.
Local Government	72(1)	Power to impose conditions on how an authorised person holds office in: (a) the authorised person's instrument of appointment; or (b) a signed notice given to the authorised person.

### Division 3 – Monitoring compliance

Entity power given to	Section of PHIC	Description
Local Government	105(1)	Power to monitor compliance with the PHIC Act by having authorised persons inspect places of business in the local government's area.
Local Government	105(2)	Power to recover monitoring costs by charging business proprietors reasonable fees for inspections carried out.

## Part 7 – Reviews

### Division 1 – Internal review of decisions

Entity power given to	Section of PHIC	Description
Local Government	121(2)	Power to, at any time, extend the time for applying for a review.
Local Government	122(1)	In the specified circumstance, the power to make a further decision (the <b>review decision</b> ) to: (a) confirm the original decision; or (b) amend the original decision; or (c) (substitute another decision for the original decision.
Local Government	122(2)	Power to immediately give the applicant notice of the review decision (the <b>review notice</b> ).

## Part 8 – Legal proceedings

### Division 3 – Proceedings

Entity power given to	Section of PHIC	Description
Local Government	140(1)	In the specified circumstances, the power to consider appropriate how a forfeited thing is to be dealt with.
Local Government	140(2)	In the specified circumstances, the power to destroy a forfeited thing.

## Part 9 – Miscellaneous

Entity power given to	Section of PHIC	Description
Local Government	147	Power to approve forms for use under the PHIC.

**Part 10 – Transitional**

<b>Entity power given to</b>	<b>Section of PHIC</b>	<b>Description</b>
Local Government	153(3)	In the specified circumstances, the power to: (a) assess the suitability of an applicant and premises under the PHIC; and (b) for that purpose make inquiries and require further information or a document under section 37 of the PHIC.
Local Government	154(3)	In the specified circumstances, the power to: (a) assess the suitability of an applicant and premises under the PHIC; and (a) for that purpose make inquiries and require further information or a document under section 45 of the PHIC.
Local Government	155(2)	In the specified circumstances, the power to issue a single licence to cover all the premises.



## **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.

[2014 07 01 - PHIC - 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 HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) ACT 2003 ("PHIC")

## Part 4 – Licences to carry on business providing higher risk personal appearance services

### Division 1 – Applications for and issue of licences

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	33	Power to consider an application for a licence and either grant, or refuse to grant, the application.				
Local Government	34	In the specified circumstances, the power to grant an application for a licence only if satisfied.				
Local Government	35(1)	Power to have regard to the specified matters in deciding whether a person is a suitable person to hold a licence.				
Local Government	36	In deciding whether premises at which higher risk personal appearance services are to be provided are suitable for providing the services, the power to have regard to the specified matters.				
Local Government	37(1)	In the specified circumstances, the power to: (a) make inquiries to decide the suitability of: (i) the applicant to hold a licence; and (ii) the premises for providing higher risk personal appearance services; and				

		(b) by notice given to the applicant, require the applicant to give you within the reasonable time of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.				
Local Government	38(1)	In the specified circumstances, the power to: (a) issue a licence to the applicant; and (b) advise the applicant where a copy of the infection control guidelines may be obtained.				
Local Government	38(2)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.				
Local Government	38(3)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.				
Local Government	39(4)	In the specified circumstances, the power to give an information notice to an applicant for the decision.				
Local Government	40(2)	Power to decide an earlier date a licence ends.				
Local Government	41(1)(c)	Power to impose other reasonable conditions you consider appropriate to give effect to the PHIC by stating the conditions in the licence.				
Local Government	41(2)(b)	Power to consider another time, in which you may impose conditions under section 41(1)(c) of the PHIC, is necessary to minimise the infection risk associated with the provision of higher risk personal appearance services under a licensee's licence.				

Local Government	41(3)	In the specified circumstances, the power to immediately give a licensee an information notice for the decision.				
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### Division 2 – Renewal of licences

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	44(4)	Power to consider an application for renewal of a licence and renew, or refuse to renew, a licence.				
Local Government	44(5)	In the specified circumstances, the power to have regard to the specified matters.				
Local Government	44(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.				
Local Government	44(7)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.				
Local Government	45(1)	In the specified circumstances, the power to, by notice given to the licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.				

### Division 3 – Amendment of licences

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	47(3)	Power to consider an application for an amendment of a licence and amend, or refuse to amend, the licence.				

Local Government	47(4)	In the specified circumstances, the power to amend a licence by changing the location of the premises, or adding additional premises, from which the licensee proposes to carry on business providing higher risk personal appearance services.				
Local Government	47(5)	In the specified circumstances, the power to amend the licence only if satisfied on reasonable grounds that the premises comply with the requirements of the PHIC.				
Local Government	47(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.				
Local Government	47(7)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.				
Local Government	48(1)	In the specified circumstances, the power to, by notice given to a licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.				

#### Division 4 – Transfer of licences

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	49(3)	Power to consider an application for transfer of a licence and either grant, or refuse to grant, the application.				
Local Government	49(4)	Power to grant an application for transfer of a licence only if satisfied of the specified criteria.				
Local Government	49(5)	In the specified circumstances, the power to, in relation to the proposed transferee, have regard to the matters to which a local				

		government may have regard in deciding whether a person is a suitable person to hold a licence and whether the premises are suitable for providing higher risk personal appearance services.				
Local Government	49(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.				
Local Government	49(7)	In the specified circumstances, the power to immediately give a transferee an information notice for the decision.				
Local Government	50(1)	In the specified circumstances, the power to, by notice given to a licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.				

#### Division 5 – Suspension or cancellation of licences

Entity power given to	Section of PHIC	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, the power to have regard to the matters to which a local government may have regard in deciding whether a proposed licensee is a suitable person to hold a licence.				
Local Government	52(1)	IPower to form the belief a ground exists to suspend or cancel a licence.				
Local Government	52(2)	In the specified circumstances, the power to give a licensee a notice under section 52 of the PHIC (a <b>show cause notice</b> ).				
Local Government	53(2)	Power to consider all representations (the <b>accepted representations</b> ) made by a licensee under section 53(1) of the PHIC.				

Local Government	54(1)	In the specified circumstances, the power to form the belief that a ground no longer exists to suspend or cancel a licence.				
Local Government	54(3)	In the specified circumstances, the power to give a licensee notice that no further action is to be taken about a show cause notice.				
Local Government	55(1)	In the specified circumstances, the power to form a belief that: (a) a ground still exists to suspend or cancel a licence; and (b) a suspension or cancellation of the licence is warranted.				
Local Government	55(3)	In the specified circumstances, the power to: (a) suspend a licence for not longer than the stated period — if the proposed action stated in the show cause notice was to suspend the licence for a stated period; or (b) either cancel a licence or suspend a licence for a period — if the proposed action stated in the show cause notice was to cancel the licence.				
Local Government	55(4)	In the specified circumstances, the power to immediately give an information notice for the decision made under section 55(3) of the PHIC to a licensee.				
Local Government	56(1)	Power to suspend a licence immediately if you form the belief that: (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.				



Local Government	56(2)(a)	Power to effect the suspension by giving an information notice to a licensee about the decision to suspend the licensee's licence together with a show cause notice.				
Local Government	56(2)(c)(i)	Power to cancel the remaining period of a suspension.				

### Division 6 – Other provisions about licences

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	62(1)	Power to consider an application for replacement of a licence and either grant, or refuse to grant, the application.				
Local Government	62(2)	Power to grant an application for replacement of a licence if satisfied the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.				
Local Government	62(3)	In the specified circumstances, the power to, as soon as practicable, issue another licence to the applicant to replace the damaged, destroyed, lost or stolen licence.				
Local Government	62(4)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.				

### Part 5 – Mobile higher risk personal appearance services

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Second Local Government	65(2)€	In the specified circumstances, the power to request other information reasonably required to ensure the licensee and operator will take reasonable precautions and care to				

		minimise the risk of infection in providing the higher risk personal appearance service.				
Second Local Government	65(3)	In the specified circumstances, the power to agree to a lesser period for notification under section 65(2) of the PHIC.				
Second Local Government	68(1)(b)	In the specified circumstances, the power to consider that a licensee or operator has done or omitted to do something that, if done or omitted to be done in the first local government area, would be a contravention of the conditions of the licensee's licence.				
Second Local Government	68(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.				
First Local Government	68(2)	In the specified circumstance, the power to notify the first local government of the thing done or omitted to be done in section 68(1).				

## Part 6 – Investigation and enforcement

### Division 1 – Authorised persons

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	70(1)	Power to appoint any of the following persons as authorised persons for the local government and its area: (a) employees of the local government; (b) if another local government consents — employees of the other local government; (c) other persons under contract to the local government.				
Local Government	70(1)	In the specified circumstances, the power to consent to an employee of the local government being appointed as an				

		authorised person for another local government under the PHIC.				
Local Government	70(2)	Power to be satisfied that a person is qualified for appointment because the person has the necessary expertise or experience to be an authorised person.				
Local Government	72(1)	Power to impose conditions on how an authorised person holds office in: (a) the authorised person's instrument of appointment; or (b) a signed notice given to the authorised person.				

### Division 3 – Monitoring compliance

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105(1)	Power to monitor compliance with the PHIC Act by having authorised persons inspect places of business in the local government's area.				
Local Government	105(2)	Power to recover monitoring costs by charging business proprietors reasonable fees for inspections carried out.				

## Part 7 – Reviews

### Division 1 – Internal review of decisions

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	121(2)	Power to, at any time, extend the time for applying for a review.				

Local Government	122(1)	In the specified circumstance, the power to make a further decision (the <b>review decision</b> ) to: (a) confirm the original decision; or (b) amend the original decision; or (c) (substitute another decision for the original decision.				
Local Government	122(2)	Power to immediately give the applicant notice of the review decision (the <b>review notice</b> ).				

## Part 8 – Legal proceedings

### Division 3 – Proceedings

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	140(1)	In the specified circumstances, the power to consider appropriate how a forfeited thing is to be dealt with.				
Local Government	140(2)	In the specified circumstances, the power to destroy a forfeited thing.				

## Part 9 – Miscellaneous

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	147	Power to approve forms for use under the PHIC.				

**Part 10 – Transitional**

Entity power given to	Section of PHIC	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	153(3)	In the specified circumstances, the power to: (a) assess the suitability of an applicant and premises under the PHIC; and (b) for that purpose make inquiries and require further information or a document under section 37 of the PHIC.				
Local Government	154(3)	In the specified circumstances, the power to: (a) assess the suitability of an applicant and premises under the PHIC; and (a) for that purpose make inquiries and require further information or a document under section 45 of the PHIC.				
Local Government	155(2)	In the specified circumstances, the power to issue a single licence to cover all the premises.				

[2014 07 01 - PHIC - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

# Torres Strait Island Regional Council

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

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2018.

**Bruce Ranga**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Insert Position  
**Position Code:** Insert Position Code

## POWERS SUB-DELEGATED

### *Public Health (Infection Control for Personal Appearance Services) Act 2003* (*"PHIC"*)

**Part 4 – Licences to carry on business providing higher risk personal appearance services**

**Division 1 – Applications for and issue of licences**

Entity power given to	Section of PHIC	Description
Local Government	33	Power to consider an application for a licence and either grant, or refuse to grant, the application.
Local Government	34	In the specified circumstances, the power to grant an application for a licence only if satisfied.
Local Government	35(1)	Power to have regard to the specified matters in deciding whether a person is a suitable person to hold a licence.
Local Government	36	In deciding whether premises at which higher risk personal appearance services are to be provided are suitable for providing the services, the power to have regard to the specified matters.
Local Government	37(1)	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) make inquiries to decide the suitability of:               <ul style="list-style-type: none"> <li>(i) the applicant to hold a licence; and</li> <li>(ii) the premises for providing higher risk personal appearance services; and</li> </ul> </li> <li>(b) by notice given to the applicant, require the applicant to give you within the reasonable time of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.</li> </ul>
Local Government	38(1)	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) issue a licence to the applicant; and</li> <li>(b) advise the applicant where a copy of the infection control guidelines may be obtained.</li> </ul>
Local Government	38(2)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.
Local Government	38(3)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.
Local Government	39(4)	In the specified circumstances, the power to give an information notice to an applicant for the decision.
Local Government	40(2)	Power to decide an earlier date a licence ends.
Local Government	41(1)(c)	Power to impose other reasonable conditions you consider appropriate to give effect to the PHIC by stating the conditions in the licence.
Local Government	41(2)(b)	Power to consider another time, in which you may impose conditions under section 41(1)(c) of the PHIC, is necessary to minimise the infection risk associated with the provision of higher risk personal appearance services under a licensee's licence.



Local Government	41(3)	In the specified circumstances, the power to immediately give a licensee an information notice for the decision.
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### Division 2 – Renewal of licences

Entity power given to	Section of PHIC	Description
Local Government	44(4)	Power to consider an application for renewal of a licence and renew, or refuse to renew, a licence.
Local Government	44(5)	In the specified circumstances, the power to have regard to the specified matters.
Local Government	44(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.
Local Government	44(7)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.
Local Government	45(1)	In the specified circumstances, the power to, by notice given to the licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.

### Division 3 – Amendment of licences

Entity power given to	Section of PHIC	Description
Local Government	47(3)	Power to consider an application for an amendment of a licence and amend, or refuse to amend, the licence.
Local Government	47(4)	In the specified circumstances, the power to amend a licence by changing the location of the premises, or adding additional premises, from which the licensee proposes to carry on business providing higher risk personal appearance services.
Local Government	47(5)	In the specified circumstances, the power to amend the licence only if satisfied on reasonable grounds that the premises comply with the requirements of the PHIC.
Local Government	47(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.
Local Government	47(7)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.
Local Government	48(1)	In the specified circumstances, the power to, by notice given to a licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.

### Division 4 – Transfer of licences

Entity power given to	Section of PHIC	Description
Local Government	49(3)	Power to consider an application for transfer of a licence and either grant, or refuse to grant, the application.
Local Government	49(4)	Power to grant an application for transfer of a licence only if satisfied of the specified criteria.
Local Government	49(5)	In the specified circumstances, the power to, in relation to the proposed transferee, have regard to the matters to which a

		local government may have regard in deciding whether a person is a suitable person to hold a licence and whether the premises are suitable for providing higher risk personal appearance services.
Local Government	49(6)	In the specified circumstances, the power to immediately give the licensee an information notice for the decision.
Local Government	49(7)	In the specified circumstances, the power to immediately give a transferee an information notice for the decision.
Local Government	50(1)	In the specified circumstances, the power to, by notice given to a licensee, require the licensee to give you, within a reasonable period of at least 40 days stated in the notice, further information or a document you reasonably require to decide the application.

### Division 5 – Suspension or cancellation of licences

Entity power given to	Section of PHIC	Description
Local Government	51(2)	In the specified circumstances, the power to have regard to the matters to which a local government may have regard in deciding whether a proposed licensee is a suitable person to hold a licence.
Local Government	52(1)	IPower to form the belief a ground exists to suspend or cancel a licence.
Local Government	52(2)	In the specified circumstances, the power to give a licensee a notice under section 52 of the PHIC (a <b>show cause notice</b> ).
Local Government	53(2)	Power to consider all representations (the <b>accepted representations</b> ) made by a licensee under section 53(1) of the PHIC.
Local Government	54(1)	In the specified circumstances, the power to form the belief that a ground no longer exists to suspend or cancel a licence.
Local Government	54(3)	In the specified circumstances, the power to give a licensee notice that no further action is to be taken about a show cause notice.
Local Government	55(1)	In the specified circumstances, the power to form a belief that: <ul style="list-style-type: none"> <li>(a) a ground still exists to suspend or cancel a licence; and</li> <li>(b) a suspension or cancellation of the licence is warranted.</li> </ul>
Local Government	55(3)	In the specified circumstances, the power to: <ul style="list-style-type: none"> <li>(a) suspend a licence for not longer than the stated period — if the proposed action stated in the show cause notice was to suspend the licence for a stated period; or</li> <li>(b) either cancel a licence or suspend a licence for a period — if the proposed action stated in the show cause notice was to cancel the licence.</li> </ul>
Local Government	55(4)	In the specified circumstances, the power to immediately give an information notice for the decision made under section 55(3) of the PHIC to a licensee.
Local Government	56(1)	Power to suspend a licence immediately if you form the belief that: <ul style="list-style-type: none"> <li>(a) a ground exists to suspend or cancel the licence; and</li> <li>(b) it is necessary to suspend the licence immediately because there is an immediate and serious risk of infection to the licensee's clients.</li> </ul>

Local Government	56(2)(a)	Power to effect the suspension by giving an information notice to a licensee about the decision to suspend the licensee's licence together with a show cause notice.
Local Government	56(2)(c)(i)	Power to cancel the remaining period of a suspension.

### **Division 6 – Other provisions about licences**

<b>Entity power given to</b>	<b>Section of PHIC</b>	<b>Description</b>
Local Government	62(1)	Power to consider an application for replacement of a licence and either grant, or refuse to grant, the application.
Local Government	62(2)	Power to grant an application for replacement of a licence if satisfied the licence has been destroyed, lost or stolen, or damaged in a way to require its replacement.
Local Government	62(3)	In the specified circumstances, the power to, as soon as practicable, issue another licence to the applicant to replace the damaged, destroyed, lost or stolen licence.
Local Government	62(4)	In the specified circumstances, the power to immediately give the applicant an information notice for the decision.

### **Part 5 – Mobile higher risk personal appearance services**

<b>Entity power given to</b>	<b>Section of PHIC</b>	<b>Description</b>
Second Local Government	65(2)€	In the specified circumstances, the power to request other information reasonably required to ensure the licensee and operator will take reasonable precautions and care to minimise the risk of infection in providing the higher risk personal appearance service.
Second Local Government	65(3)	In the specified circumstances, the power to agree to a lesser period for notification under section 65(2) of the PHIC.
Second Local Government	68(1)(b)	In the specified circumstances, the power to consider that a licensee or operator has done or omitted to do something that, if done or omitted to be done in the first local government area, would be a contravention of the conditions of the licensee's licence.
Second Local Government	68(2)	In the specified circumstances, the power to advise the first local government of the thing done or omitted to be done.
First Local Government	68(2)	In the specified circumstance, the power to notify the first local government of the thing done or omitted to be done in section 68(1).

### **Part 6 – Investigation and enforcement**

#### **Division 1 – Authorised persons**

<b>Entity power given to</b>	<b>Section of PHIC</b>	<b>Description</b>
Local Government	70(1)	Power to appoint any of the following persons as authorised persons for the local government and its area: (a) employees of the local government; (b) if another local government consents — employees of the other local government; (c) other persons under contract to the local government.

Local Government	70(1)	In the specified circumstances, the power to consent to an employee of the local government being appointed as an authorised person for another local government under the PHIC.
Local Government	70(2)	Power to be satisfied that a person is qualified for appointment because the person has the necessary expertise or experience to be an authorised person.
Local Government	72(1)	Power to impose conditions on how an authorised person holds office in: (a) the authorised person's instrument of appointment; or (b) a signed notice given to the authorised person.

### Division 3 – Monitoring compliance

Entity power given to	Section of PHIC	Description
Local Government	105(1)	Power to monitor compliance with the PHIC Act by having authorised persons inspect places of business in the local government's area.
Local Government	105(2)	Power to recover monitoring costs by charging business proprietors reasonable fees for inspections carried out.

## Part 7 – Reviews

### Division 1 – Internal review of decisions

Entity power given to	Section of PHIC	Description
Local Government	121(2)	Power to, at any time, extend the time for applying for a review.
Local Government	122(1)	In the specified circumstance, the power to make a further decision (the <b>review decision</b> ) to: (a) confirm the original decision; or (b) amend the original decision; or (c) (substitute another decision for the original decision.
Local Government	122(2)	Power to immediately give the applicant notice of the review decision (the <b>review notice</b> ).

## Part 8 – Legal proceedings

### Division 3 – Proceedings

Entity power given to	Section of PHIC	Description
Local Government	140(1)	In the specified circumstances, the power to consider appropriate how a forfeited thing is to be dealt with.
Local Government	140(2)	In the specified circumstances, the power to destroy a forfeited thing.

## Part 9 – Miscellaneous

Entity power given to	Section of PHIC	Description
Local Government	147	Power to approve forms for use under the PHIC.

**Part 10 – Transitional**

Entity power given to	Section of PHIC	Description
Local Government	153(3)	In the specified circumstances, the power to: (a) assess the suitability of an applicant and premises under the PHIC; and (b) for that purpose make inquiries and require further information or a document under section 37 of the PHIC.
Local Government	154(3)	In the specified circumstances, the power to: (a) assess the suitability of an applicant and premises under the PHIC; and (a) for that purpose make inquiries and require further information or a document under section 45 of the PHIC.
Local Government	155(2)	In the specified circumstances, the power to issue a single licence to cover all the premises.

## **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.

[2014 07 01 - PHIC - 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 2018 ("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 2018 ("PLDA")*****Part 3 – General Offences****Division 5 – Discharge and disposal offences**

Entity power given to	Section of PLDA	Description
Local Government	75(4)(e)(i)	In the specified circumstances, the power to approve a maximum temperature for a substance.
Local Government	77	Power to grant approval to a person to dispose of the contents of a greywater treatment plan into the sewerage system in an area for which the plant is located.

**Division 6 – Offences relating to finishing notifiable work**

Entity power given to	Section of PLDA	Description
Local Government	83(7)(c)	In the specified circumstances, the power to contact an occupier to arrange for the local government to inspect the work.

**Part 4 – Legal proceedings****Division 1 – General**

Entity power given to	Section of PLDA	Description
Local Government	90(1)(d)	Power to commence a prosecution for an offense against this act, other than a crime.

**Part 6 – Role of local governments****Division 3 – Plumbing and drainage inspectors**

Entity power given to	Section of PLDA	Description
Local Government	139(1)	Power to be satisfied an authorised person has the qualification and experience prescribed by regulation to be appointed as an inspector under this act and to appoint that authorised person as an inspector under this act.
Local Government	139(2)	Power to place conditions on the appointment of an inspector by placing those conditions in the instrument of appointment.
Local Government	142(a)	Power to advise the commissioner of each appointment of an inspector made by the local government.
Local Government	142(b)	Power to give the commissioner a list of the local government's inspectors as at 1 July in each year, within 20 business days after that day.

#### Division 4 – Enforcement by local governments

Entity power given to	Section of PLDA	Description
Local Government	143(1)	In the specified circumstances, the power to form a reasonable belief that the plumbing or drainage work does not comply with this Act and the power to give a notice to a person who carried out the plumbing or drainage work requiring the person to take stated action.
Local Government	143(2)	The power to form a reasonable belief in the nature set out in section 143(2)(a) to (c) and to give a notice to the owner of a premises requiring the owner to take stated action.
Local Government	143(3)	In the specified circumstances, the power to give the owner of a premises a notice requiring the owner to take stated action if the local government reasonably believes plumbing on the premises has polluted or could be polluting the water supply in a premise or a water service providers water service.
Local Government	144(2)	In the specified circumstances, the power to form a reasonable belief that an enforcement notice relating to plumbing and drainage is a danger to persons or a risk to public health, otherwise, the power to give a notice (a <b>show cause notice</b> ) to a person before giving an enforcement notice.

## **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 10 19 - 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 2018 ("PLDA")

### Part 3 – General Offences

#### 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	75(4)(e)(i)	In the specified circumstances, the power to approve a maximum temperature for a substance.				
Local Government	77	Power to grant approval to a person to dispose of the contents of a greywater treatment plan into the sewerage system in an area for which the plant is located.				

#### Division 6 – Offences relating to finishing notifiable 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	83(7)(c)	In the specified circumstances, the power to contact an occupier to arrange for the local government to inspect the work.				

**Part 4 – Legal proceedings**  
**Division 1 – General**

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	90(1)(d)	Power to commence a prosecution for an offense against this act, other than a crime.				

**Part 6 – Role of local governments**  
**Division 3 – Plumbing and drainage 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	139(1)	Power to be satisfied an authorised person has the qualification and experience prescriber by regulation to be appointed as an inspector under this act and to appoint that authorised person as an inspector under this act.				
Local Government	139(2)	Power to place conditions on the appointment of an inspector by placing those conditions in the instrument of appointment.				
Local Government	142(a)	Power to advise the commissioner of each appointment of an inspector made by the local government.				

Local Government	142(b)	Power to give the commissioner a list of the local government's inspectors as at 1 July in each year, within 20 business days after that day.				
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#### Division 4 – Enforcement by local governments

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	143(1)	In the specified circumstances, the power to form a reasonable belief that the plumbing or drainage work does not comply with this Act and the power to give a notice to a person who carried out the plumbing or drainage work requiring the person to take stated action.				Note, an enforcement notice given under this section must comply with the requirements of section 146 of the Act.
Local Government	143(2)	The power to form a reasonable belief in the nature set out in section 143(2)(a) to (c) and to give a notice to the owner of a premises requiring the owner to take stated action.				Note, an enforcement notice given under this section must comply with the requirements of section 146 of the Act.
Local Government	143(3)	In the specified circumstances, the power to give the owner of a premises a notice requiring the owner to take stated action if the local government				Note, an enforcement notice given under this section

		reasonably believes plumbing on the premises has polluted or could be polluting the water supply in a premise or a water service providers water service.				must comply with the requirements of section 146 of the Act.
Local Government	144(2)	In the specified circumstances, the power to form a reasonable belief that an enforcement notice relating to plumbing and drainage is a danger to persons or a risk to public health, otherwise, the power to give a notice (a <b>show cause notice</b> ) to a person before giving an enforcement notice.				Note, a show cause notice given under this section must comply with the requirements of section 144(3) of the Act.

[2018 10 19 - PLDA - Delegation Table]



## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Plumbing and Drainage Act 2018 ("PLDA")*

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2018.

**Bruce Ranga**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

## Schedule 1

**Position:** Insert Position  
**Position Code:** Insert Position Code

## POWERS SUB-DELEGATED

### *Plumbing and Drainage Act 2018 ("PLDA")*

#### Part 3 – General Offences

##### Division 5 – Discharge and disposal offences

Entity power given to	Section of PLDA	Description
Local Government	75(4)(e)(i)	In the specified circumstances, the power to approve a maximum temperature for a substance.
Local Government	77	Power to grant approval to a person to dispose of the contents of a greywater treatment plan into the sewerage system in an area for which the plant is located.

##### Division 6 – Offences relating to finishing notifiable work

Entity power given to	Section of PLDA	Description
Local Government	83(7)(c)	In the specified circumstances, the power to contact an occupier to arrange for the local government to inspect the work.

#### Part 4 – Legal proceedings

##### Division 1 – General

Entity power given to	Section of PLDA	Description
Local Government	90(1)(d)	Power to commence a prosecution for an offense against this act, other than a crime.

#### Part 6 – Role of local governments

##### Division 3 – Plumbing and drainage inspectors

Entity power given to	Section of PLDA	Description
Local Government	139(1)	Power to be satisfied an authorised person has the qualification and experience prescribed by regulation to be appointed as an inspector under this act and to appoint that authorised person as an inspector under this act.
Local Government	139(2)	Power to place conditions on the appointment of an inspector by placing those conditions in the instrument of appointment.
Local Government	142(a)	Power to advise the commissioner of each appointment of an inspector made by the local government.

Local Government	142(b)	Power to give the commissioner a list of the local government's inspectors as at 1 July in each year, within 20 business days after that day.
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#### Division 4 – Enforcement by local governments

Entity power given to	Section of PLDA	Description
Local Government	143(1)	In the specified circumstances, the power to form a reasonable belief that the plumbing or drainage work does not comply with this Act and the power to give a notice to a person who carried out the plumbing or drainage work requiring the person to take stated action.
Local Government	143(2)	The power to form a reasonable belief in the nature set out in section 143(2)(a) to (c) and to give a notice to the owner of a premises requiring the owner to take stated action.
Local Government	143(3)	In the specified circumstances, the power to give the owner of a premises a notice requiring the owner to take stated action if the local government reasonably believes plumbing on the premises has polluted or could be polluting the water supply in a premise or a water service providers water service.
Local Government	144(2)	In the specified circumstances, the power to form a reasonable belief that an enforcement notice relating to plumbing and drainage is a danger to persons or a risk to public health, otherwise, the power to give a notice (a <b>show cause notice</b> ) to a person before giving an enforcement notice.

## **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 10 19 - PLDA - 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 Regulation 2019 ("PLDR")***

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 Regulation 2019 ("PLDR")****Part 4 – Treatment plant approvals and related matters****Division 1 – Applications**

Entity power given to	Section of PLDR	Description
Person	16(1)(a)	Power to apply to the Chief Executive for a treatment plant approval for a greywater treatment plant of a particular type.
Person	16(1)(b)	Power to apply to the Chief Executive for a treatment plan approval for a secondary on site sewage treatment plant of a particular type.
Holder of a treatment plant approval	16(2)	Power to apply to the Chief Executive to amend an approval.

**Division 2 – Duration and transfer of approvals**

Entity power given to	Section of PLDR	Description
Holder of a treatment plan approval.	23(b)(i)(B)	In the specified circumstances, the power to agree to a longer period with the Chief Executive.
New Holder	24(2)	In the specified circumstances, the power to give the Chief Executive notice of the transfer in the approved form.

**Division 3 – Inspecting approved treatment plans**

Entity power given to	Section of PLDR	Description
Local Government	26(1)	In the specified circumstances, the power to give the Chief Executive the specified information.
Person	27(c)	In the specified circumstances, the power to consent to the person arranged by the Chief Executive to enter the premises to carry out an inspection.

**Division 4 – Cancellation of approvals**

Entity power given to	Section of PLDR	Description
Holder of a treatment plant approval	29(1)	Power to make written representations about a show cause notice to the Chief Executive in the show cause notice period.



## Division 5 – Special provisions

Entity power given to	Section of PLDR	Description
Holder of an existing treatment plant approval	34(1)	In the specified circumstances, the power to apply to the Chief Executive to renew an approval under this section.

## Part 5 –

## Permits

### Division 2 – Permits issued by a local government

#### *Subdivision 2 – Local government declarations about permit work*

Entity power given to	Section of PLDR	Description
Local Government	41(a)	In the specified circumstances, the power to publish a fast-track work declaration or a fast-track opt-out declaration on the local government's website.
Local Government	41(b)	Power to give a copy of a fast-track work declaration or fast-track opt-out declaration for a local government area to the Chief Executive and, if the local government is a participating local government for a distributor-retailer, the distributor retailer.
Local Government	41(c)	Power to make a fast-track work declaration or fast-track opt-out declaration for a local government area available to be inspected, free of charge, at the local government's public office.

#### *Subdivision 4 – Processing applications*

Entity power given to	Section of PLDR	Description
Local Government	44(1)(b)(iv)	In the specified circumstances, the power to set the local government application fee.
Local Government	45(1)(a)	Power to consider that an application is not a properly made application.
Local Government	45(1)(b)	Power to consider that the local government does not have the expertise to assess work the subject of an application.
Local Government	45(1)(c)	Power to consider that the local government requires further information to decide an application.
Local Government	45(2)	In the specified circumstances, the power to give a notice, to the applicant in the initial consideration period, ask the applicant to do a specified thing.
Local Government	45(4)	In the specified circumstances, the power to treat an application as having lapsed and to retain the local government application fee.
Local Government	46	In the specified circumstances, the power to consider each properly made application and decide to: <ol style="list-style-type: none"> <li>1. Refuse the application; or</li> <li>2. approve the application with:</li> </ol>

		(a) in the specified circumstances to approve the application with the conditions of approval; and (b) any other conditions that the Local Government considers reasonable and relevant for carrying out the work.
Local Government	47(1)	In the specified circumstances, the power to assess whether each plan for work accompanying an application complies with the code requirements for the work.
Local Government	47(2)	In the specified circumstances, the power to approve an application if the local government is satisfied with the specified things.
Local Government	47(5)	In the specified circumstances, the power to be satisfied that the specialist work referred to in this section would, if carried out in compliance with the permit applied for comply with the code requirements for the work and the power to approve the application to the extent it relates to the specialist work if so satisfied.
Local Government	48(a)	In the specified circumstances, the power to issue a permit, or an amended permit, in the approved form to the applicant.
Local Government	48(b)	In the specified circumstances, the power to give a copy of a permit or amended permit to the persons and entities listed in this section.
Local Government	49(3)(a)(ii)	In the specified circumstances, the power to agree to a longer required period with an applicant of a fast-track application.
Local Government	49(3)(b)(ii)	In the specified circumstances, the power to agree to a longer required period with an applicant of any other application.
Local Government	50(2)	Power to give an applicant an information notice about a decision.

### Division 3 – Permits issued by public sector entities

Entity power given to	Section of PLDR	Description
Local Government	53(2)(e)(i)	In the specified circumstances, the power to provide written consent for an application relating to SEQ water work.
Local Government	53(2)(f)(i)	In the specified circumstances, the power to provide written consent for work relating to SEQ sewerage work.

### Division 4 – Effects and duration of permits

Entity power given to	Section of PLDR	Description
Local Government	59(3)	In the specified circumstances, the power to give notice of the day a permit is to end to the permit holder and if the permit holder is not the owner of the premises to which the permit relates, the owner of the premises.

**Part 6 – Inspecting, enforcing and certifying permit work and notifiable work**

**Division 2 – Inspecting work under permits**

***Subdivision 1 – Inspecting work under permit issued by local government***

Entity power given to	Section of PLDR	Description
Local Government	64(2)(a)	Power to agree to a time for inspection with the responsible person.
Local Government	67(2)	In the specified circumstances, instead of inspecting work under section 64, the power to allow the responsible person to give the local government a covered work declaration for the work.

***Subdivision 3 – Inspecting work under permit issued by public sector entity***

Entity power given to	Section of PLDR	Description
Local Government	68(3)	In the specified circumstances, the power to inspect the work if the public sector entity has asked the local government to inspect the work under subsection 68(2).

**Division 3 – Alternatives to local government inspections**

***Subdivision 1 – Declarations for onsite sewage work***

Entity power given to	Section of PLDR	Description
Local Government	69(2)	In the specified circumstances, the power to allow an appropriate person to give the local government a declaration in the approved form stating that the person has inspected the onsite sewage work and is satisfied the work is compliant.
Local Government	69(3)	In the specified circumstances, the power to consider a person has appropriate knowledge about the design and function of an onsite sewage facility to which the work relates and is otherwise competent to make a declaration

***Subdivision 2 – Notices for particular work in remote areas***

Entity power given to	Section of PLDR	Description
Local Government	71(2)	In the specified circumstances, the power to publish each declaration on the local government's website, to give the Chief Executive a copy of each declaration, to ensure that the declaration may be inspected free of charge at the local government's public office and to ensure each remote area declaration includes a map identifying the remote area.
Local Government	73(2)	In the specified circumstances, the power to be satisfied the person is a suitability qualified person for giving the notice and

		to decide to accept a remote area compliance notice, or otherwise refuse to accept the notice.
Local Government	73(3)	In the specified circumstances, the power to, within 5 business days after receiving a remote area compliance notice, give the responsible person a notice stating whether the local government has accepted or refused to accept the notice.

## **Division 4 – Assessment and compliance procedures**

### ***Subdivision 2 – Minor plan amendments***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	75(1)(a)	Power to consider the work carried out under a permit is not correctly represented in an approved plan for the work because of a minor inconsistency between the plan and the work.
Local Government	75(1)(b)	Power to, other than for the work the subject of a decision under subsection 75(1)(a), consider the work carried out under the work permit is compliant.
Local Government	75(2)	In the specified circumstances, the power to amend an approved plan so that the plan correctly reflects the work carried out under a permit.

### ***Subdivision 3 – Testing or commissioning plumbing or drainage***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	76(3)(b)	In the specified circumstances, the power to consider a person is competent to carry out the testing or commissioning.
Local Government	77(4)(b)	In the specified circumstances, the power to decide a report may be given within a longer period.

## **Division 5 – Inspection and final inspection certificates**

### ***Subdivision 2 – Certificates given by a local government***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	83(1)	In the specified circumstances, the power to give an inspection certificate for work to the responsible person for the work.
Local Government	84(1)	In the specified circumstances, the power to give a final inspection certificate for the work to the responsible person for the work.
Local Government	84(1)(c)	In the specified circumstances, the power to be satisfied the plumbing or drainage resulting from, or affected by, the work is operational and fit for use.
Local Government	86(1)	In the specified circumstances, the power to after giving a final inspection certificate for work under section 84, give a copy of the certificate to the permit holder, and if the permit holder is not the owner of the premises the owner of the premises, and if the

		work involves installing a water meter and the local government is not the water service provider for the premises the water service provider.
Local Government	86(3)	In the specified circumstances, the power to give a distributor retailer the specified information in subsection 86(2)(b).
Local Government	87(3)	In the specified circumstances, the power to give an information notice about the decision to refuse to give an inspection certificate or final inspection certificate.

#### **Division 6 – Inspecting notifiable work not under permit**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	94(2)(a)	In the specified circumstances, the power to agree to a time to inspect work with the responsible person.
Local Government	95(1)(b)	In the specified circumstances, the power to contact the occupier of the premises to arrange to inspect the work.

#### **Division 7 – Requirements for action notices**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	97(3)	In the specified circumstances, the power to include an information notice about the decision by the local government to give an action notice.
Local Government	98(2)(b)	In the specified circumstances, the power to decide a longer period before the end of a stated period.
Local Government	98(3)	In the specified circumstances, the power to consider the person has not complied with an action notice and to give a copy of the action notice to the owner of a premises within 5 business days after the end of the required period for compliance under subsection 98(2).

#### **Part 7 – Installation, maintenance and related matters**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	101	Power to establish a program for registering each testable backflow prevention device installed at premises in the local government area and for monitoring the maintenance and testing of each device.
Local Government	107(2)	In the specified circumstances, the power to: <ol style="list-style-type: none"> <li>1. Remove the obstruction or fix the damage; and</li> <li>2. Fairly apportion the reasonable cost of removing the obstruction or fixing the damage between the owners; and</li> <li>3. To recover as a debt from each owner, the owner's share of the cost.</li> </ol>
Local Government	108(2)	In the specified circumstances, the power to issue a notice to the owner of an old building and the owner of a new building

		requiring the owners to take specified action in section 108(2)(a) and section 108(2)(b).
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## **Part 8 –**

## **Registers**

### **Division 2 – Registers kept by local governments**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	112(1)	Power to keep a register containing the specified information.
Local Government	113(1)	Power to keep a register containing each notice given to the local government under section 102(2) or 103(3).
Local Government	114(1)	Power to keep a register containing a copy of each service report for a greywater use facility or onsite sewage facility given to a local government under section 106.
Local Government	115(1)	Power to keep a register containing a copy of each show cause notice and enforcement notice given by the local government.
Local Government	115(2)	Power to remove a notice mentioned in subsection 115(1) from the registered if the premises to which the notice relates is demolished or removed.
Local Government	116(2)	In the specified circumstances, the power to decide the reasonable cost of producing a copy of an entry into a register, and to allow a person to inspect the register, free of charge, at the local governments public office or buy a copy of an entry in the register for not more than the reasonable cost of producing a copy.

## **Part 9 –**

## **Miscellaneous provisions**

### **Division 2 – Other matters**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	124(2)(b)	In the specified circumstances, the power to determine what qualifications and experience is necessary to enable a person to assess plans for, or inspect, plumbing work competently.
Local Government	124(3)(b)	In the specified circumstances, the power to determine what qualifications and experience necessary to enable the person to assess plans for, or inspect, drainage work competently.
Local Government	124(4)(c)	In the specified circumstances, the power to determine what qualifications and experience necessary to enable a person to assess for, or inspect, onsite sewage facility competently.

## **SCHEDULE 6 – DOCUMENTS TO ACCOMPANY PERMIT APPLICATIONS**

### **Part 3 – Additional documents required for particular applications**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	6(3)(c)	In the specified circumstances, the power to decide whether a person is competent to develop the performance solution.
Local Government	7(3)(c)	In the specified circumstances, the power to consider whether a person is competent to develop the alternative solution.

### **Part 4 – Requirements for plans**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	8(2)(b)	In the specified circumstances, the power to determine if a plan provided for an application other than a fast track application or a fast track amendment application shows enough detail to allow the local government to assess the work to which the plan relates.
Local Government	8(3)(c)	In the specified circumstances, the power to determine if the relevant details provided for work relating to a greywater use facility of an onsite sewage facility provides enough information about the person's qualifications and experience to allow the local government to decide whether the person is a qualified person to design the facility.

## **SCHEDULE 10 – DICTIONARY**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	Schedule 10 definition of "Suitably qualified trade person" (a)	In the specified circumstances, the power to determine whether a person has the experience and skills appropriate for preparing and giving a notice, statement or other document.
Local Government	Schedule 10 definition of "Suitably qualified trade person" (d)	Power to consider whether a person is competent to prepare and give the document.

## **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.

[2019 07 01 - PLDR - 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 REGULATION 2019 ("PLDR")

### Part 4 – Treatment plant approvals and related matters

#### Division 1 – Applications

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	16(1)(a)	Power to apply to the Chief Executive for a treatment plant approval for a greywater treatment plant of a particular type.				
Person	16(1)(b)	Power to apply to the Chief Executive for a treatment plan approval for a secondary on site sewage treatment plant of a particular type.				
Holder of a treatment plant approval	16(2)	Power to apply to the Chief Executive to amend an approval.				

### Division 2 – Duration and transfer of approvals

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder of a treatment plan approval.	23(b)(i)(B)	In the specified circumstances, the power to agree to a longer period with the Chief Executive.				
New Holder	24(2)	In the specified circumstances, the power to give the Chief Executive notice of the transfer in the approved form.				

### Division 3 – Inspecting approved treatment plans

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	26(1)	In the specified circumstances, the power to give the Chief Executive the specified information.				
Person	27(c)	In the specified circumstances, the power to consent to the person arranged by the Chief Executive to enter the premises to carry out an inspection.				

**Division 4 – Cancellation of approvals**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder of a treatment plant approval	29(1)	Power to make written representations about a show cause notice to the Chief Executive in the show cause notice period.				

**Division 5 – Special provisions**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder of an existing treatment plant approval	34(1)	In the specified circumstances, the power to apply to the Chief Executive to renew an approval under this section.				

**Part 5 – Permits****Division 2 – Permits issued by a local government*****Subdivision 2 – Local government declarations about permit work***

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	41(a)	In the specified circumstances, the power to publish a fast-track work				

		declaration or a fast-track opt-out declaration on the local government's website.				
Local Government	41(b)	Power to give a copy of a fast-track work declaration or fast-track opt-out declaration for a local government area to the Chief Executive and, if the local government is a participating local government for a distributor-retailer, the distributor retailer.				
Local Government	41(c)	Power to make a fast-track work declaration or fast-track opt-out declaration for a local government area available to be inspected, free of charge, at the local government's public office.				

***Subdivision 4 – Processing applications***

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	44(1)(b)(iv)	In the specified circumstances, the power to set the local government application fee.				
Local Government	45(1)(a)	Power to consider that an application is not a properly made application.				
Local Government	45(1)(b)	Power to consider that the local government does not have the expertise to assess work the subject of an application.				

Local Government	45(1)(c)	Power to consider that the local government requires further information to decide an application.				
Local Government	45(2)	In the specified circumstances, the power to give a notice, to the applicant in the initial consideration period, ask the applicant to do a specified thing.				
Local Government	45(4)	In the specified circumstances, the power to treat an application as having lapsed and to retain the local government application fee.				
Local Government	46	<p>In the specified circumstances, the power to consider each properly made application and decide to:</p> <ol style="list-style-type: none"> <li>1. Refuse the application; or</li> <li>2. approve the application with: <ol style="list-style-type: none"> <li>(a) in the specified circumstances to approve the application with the conditions of approval; and</li> <li>(b) any other conditions that the Local Government considers reasonable and relevant for carrying out the work.</li> </ol> </li> </ol>				
Local Government	47(1)	In the specified circumstances, the power to assess whether each plan for work accompanying an application complies with the code requirements for the work.				
Local Government	47(2)	In the specified circumstances, the power to approve an application if the				

		local government is satisfied with the specified things.				
Local Government	47(5)	In the specified circumstances, the power to be satisfied that the specialist work referred to in this section would, if carried out in compliance with the permit applied for comply with the code requirements for the work and the power to approve the application to the extent it relates to the specialist work if so satisfied.				
Local Government	48(a)	In the specified circumstances, the power to issue a permit, or an amended permit, in the approved form to the applicant.				
Local Government	48(b)	In the specified circumstances, the power to give a copy of a permit or amended permit to the persons and entities listed in this section.				
Local Government	49(3)(a)(ii)	In the specified circumstances, the power to agree to a longer required period with an applicant of a fast-track application.				
Local Government	49(3)(b)(ii)	In the specified circumstances, the power to agree to a longer required period with an applicant of any other application.				
Local Government	50(2)	Power to give an applicant an information notice about a decision.				

**Division 3 – Permits issued by public sector entities**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	53(2)(e)(i)	In the specified circumstances, the power to provide written consent for an application relating to SEQ water work.				
Local Government	53(2)(f)(i)	In the specified circumstances, the power to provide written consent for work relating to SEQ sewerage work.				

**Division 4 – Effects and duration of permits**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	59(3)	In the specified circumstances, the power to give notice of the day a permit is to end to the permit holder and if the permit holder is not the owner of the premises to which the permit relates, the owner of the premises.				



**Part 6 – Inspecting, enforcing and certifying permit work and notifiable work**

**Division 2 – Inspecting work under permits**

***Subdivision 1 – Inspecting work under permit issued by local government***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	64(2)(a)	Power to agree to a time for inspection with the responsible person.				
Local Government	67(2)	In the specified circumstances, instead of inspecting work under section 64, the power to allow the responsible person to give the local government a covered work declaration for the work.				

***Subdivision 3 – Inspecting work under permit issued by public sector entity***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	68(3)	In the specified circumstances, the power to inspect the work if the public sector entity has asked the local government to inspect the work under subsection 68(2).				

**Division 3 – Alternatives to local government inspections**

***Subdivision 1 – Declarations for onsite sewage work***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	69(2)	In the specified circumstances, the power to allow an appropriate person to give the local government a declaration in the approved form stating that the person has inspected the onsite sewage work and is satisfied the work is compliant.				
Local Government	69(3)	In the specified circumstances, the power to consider a person has appropriate knowledge about the design and function of an onsite sewage facility to which the work relates and is otherwise competent to make a declaration				

***Subdivision 2 – Notices for particular work in remote areas***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	71(2)	In the specified circumstances, the power to publish each declaration on the				

		local government's website, to give the Chief Executive a copy of each declaration, to ensure that the declaration may be inspected free of charge at the local government's public office and to ensure each remote area declaration includes a map identifying the remote area.				
Local Government	73(2)	In the specified circumstances, the power to be satisfied the person is a suitability qualified person for giving the notice and to decide to accept a remote area compliance notice, or otherwise refuse to accept the notice.				
Local Government	73(3)	In the specified circumstances, the power to, within 5 business days after receiving a remote area compliance notice, give the responsible person a notice stating whether the local government has accepted or refused to accept the notice.				

**Division 4 – Assessment and compliance procedures**

***Subdivision 2 – Minor plan amendments***

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	75(1)(a)	Power to consider the work carried out under a permit is not correctly				

		represented in an approved plan for the work because of a minor inconsistency between the plan and the work.				
Local Government	75(1)(b)	Power to, other than for the work the subject of a decision under subsection 75(1)(a), consider the work carried out under the work permit is compliant.				
Local Government	75(2)	In the specified circumstances, the power to amend an approved plan so that the plan correctly reflects the work carried out under a permit.				

***Subdivision 3 – Testing or commissioning plumbing or drainage***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	76(3)(b)	In the specified circumstances, the power to consider a person is competent to carry out the testing or commissioning.				
Local Government	77(4)(b)	In the specified circumstances, the power to decide a report may be given within a longer period.				

**Division 5 – Inspection and final inspection certificates**

***Subdivision 2 – Certificates given by a local government***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	83(1)	In the specified circumstances, the power to give an inspection certificate for work to the responsible person for the work.				
Local Government	84(1)	In the specified circumstances, the power to give a final inspection certificate for the work to the responsible person for the work.				
Local Government	84(1)(c)	In the specified circumstances, the power to be satisfied the plumbing or drainage resulting from, or affected by, the work is operational and fit for use.				
Local Government	86(1)	In the specified circumstances, the power to after giving a final inspection certificate for work under section 84, give a copy of the certificate to the permit holder, and if the permit holder is not the owner of the premises the owner of the premises, and if the work involves installing a water meter and the local government is not the water service provider for the premises the water service provider.				

Local Government	86(3)	In the specified circumstances, the power to give a distributor retailer the specified information in subsection 86(2)(b).				
Local Government	87(3)	In the specified circumstances, the power to give an information notice about the decision to refuse to give an inspection certificate or final inspection certificate.				

**Division 6 – Inspecting notifiable work not under permit**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	94(2)(a)	In the specified circumstances, the power to agree to a time to inspect work with the responsible person.				
Local Government	95(1)(b)	In the specified circumstances, the power to contact the occupier of the premises to arrange to inspect the work.				

**Division 7 – Requirements for action notices**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97(3)	In the specified circumstances, the power to include an information notice				Note: there is currently no provision in the

		about the decision by the local government to give an action notice.				Regulation that allows the Local Government to give an action notice at this time. Action Notices are given currently by inspectors only.
Local Government	98(2)(b)	In the specified circumstances, the power to decide a longer period before the end of a stated period.				
Local Government	98(3)	In the specified circumstances, the power to consider the person has not complied with an action notice and to give a copy of the action notice to the owner of a premises within 5 business days after the end of the required period for compliance under subsection 98(2).				

**Part 7 – Installation, maintenance and related matters**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	101	Power to establish a program for registering each testable backflow prevention device installed at premises in the local government area and for monitoring the maintenance and testing of each device.				

Local Government	107(2)	In the specified circumstances, the power to: 1. Remove the obstruction or fix the damage; and 2. Fairly apportion the reasonable cost of removing the obstruction or fixing the damage between the owners; and 3. To recover as a debt from each owner, the owner's share of the cost.				Note: the further requirements in the <i>Local Government Act</i> regarding the commencement of any proceedings to recover any debt.
Local Government	108(2)	In the specified circumstances, the power to issue a notice to the owner of an old building and the owner of a new building requiring the owners to take specified action in section 108(2)(a) and section 108(2)(b).				

## Part 8 – Registers

### Division 2 – Registers kept by local governments

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	112(1)	Power to keep a register containing the specified information.				
Local Government	113(1)	Power to keep a register containing each notice given to the local government under section 102(2) or 103(3).				
Local Government	114(1)	Power to keep a register containing a copy of each service report for a greywater use facility or onsite sewage				



		facility given to a local government under section 106.				
Local Government	115(1)	Power to keep a register containing a copy of each show cause notice and enforcement notice given by the local government.				
Local Government	115(2)	Power to remove a notice mentioned in subsection 115(1) from the register if the premises to which the notice relates is demolished or removed.				
Local Government	116(2)	In the specified circumstances, the power to decide the reasonable cost of producing a copy of an entry into a register, and to allow a person to inspect the register, free of charge, at the local governments public office or buy a copy of an entry in the register for not more than the reasonable cost of producing a copy.				

**Part 9 – Miscellaneous provisions**

**Division 2 – Other matters**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	124(2)(b)	In the specified circumstances, the power to determine what qualifications and experience is necessary to enable a				

		person to assess plans for, or inspect, plumbing work competently.				
Local Government	124(3)(b)	In the specified circumstances, the power to determine what qualifications and experience necessary to enable the person to assess plans for, or inspect, drainage work competently.				
Local Government	124(4)(c)	In the specified circumstances, the power to determine what qualifications and experience necessary to enable a person to assess for, or inspect, onsite sewage facility competently.				

## **SCHEDULE 6 – DOCUMENTS TO ACCOMPANY PERMIT APPLICATIONS**

### **Part 3 – Additional documents required for particular applications**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	6(3)(c)	In the specified circumstances, the power to decide whether a person is competent to develop the performance solution.				
Local Government	7(3)(c)	In the specified circumstances, the power to consider whether a person is competent to develop the alternative solution.				

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**Part 4 – Requirements for plans**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	8(2)(b)	In the specified circumstances, the power to determine if a plan provided for an application other than a fast track application or a fast track amendment application shows enough detail to allow the local government to assess the work to which the plan relates.				
Local Government	8(3)(c)	In the specified circumstances, the power to determine if the relevant details provided for work relating to a greywater use facility of an onsite sewage facility provides enough information about the person's qualifications and experience to allow the local government to decide whether the person is a qualified person to design the facility.				

**SCHEDULE 10 – DICTIONARY**

Entity power given to	Section of PLDR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	Schedule 10 definition	In the specified circumstances, the power to determine whether a person has the experience and skills				

	of "Suitably qualified trade person" (a)	appropriate for preparing and giving a notice, statement or other document.				
Local Government	Schedule 10 definition of "Suitably qualified trade person" (d)	Power to consider whether a person is competent to prepare and give the document.				

[2019 07 01 - PLDR - Delegation Table]

**Torres Strait Island Regional Council**  
***Plumbing and Drainage Regulation 2019 ("PLDR")***

**Bruce Ranga**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

## Schedule 1

**Name:** Insert Name  
**Position:** Insert Position  
**Position Code:** Insert Position Code

## POWERS CONFERRED

### *Plumbing and Drainage Regulation 2019 ("PLDR")*

**Part 6 – Inspecting, enforcing and certifying permit work and notifiable work**

**Division 2 – Inspecting work under permits**

***Subdivision 1 – Inspecting work under permits by a local government***

Section of PLDR	Description
64(2)	In the specified circumstances, the power to start inspecting the work within the specified timeframe.
64(4)	In the specified circumstances, the power to reasonably require the responsible person to give the inspector the help the inspector requires to inspect the work.
65(a)	In the specified circumstances, the power to allow a responsible person to cover plumbing or drainage.
66(1)(b)	Power to form a reasonable belief the responsible person has failed to comply with section 65.
66(2)	In the specified circumstances, the power to give the responsible person an action notice requiring the person to take action to help the inspector assess whether the work is compliant.

**Division 4 – Assessment and compliance procedures**

***Subdivision 3 – Testing or commissioning plumbing or drainage***

Section of PLDR	Description
76(1)	Power to require the responsible person for the work to take an action specified in section 76(1)(a) to (c).

***Subdivision 4 – Giving action notices***

Section of PLDR	Description
78	In the specified circumstances, the power to give an action notice to the responsible person for the work carried out under the permit.
79(2)	In the specified circumstances, the power to require a responsible person in an action notice given under section 78(a) to take stated action.
79(3)	In the specified circumstances, the power to give an action notice under section 78(b) with conditions, including the specified conditions.
79(4)	Power to give an action notice under section 78(c) requiring the responsible person to arrange for the further testing or conditioning of plumbing and drainage resulting from, or effected by, the relevant work in the way mentioned in section 76(1)(c) or another way.

**Division 6 – Inspecting notifiable work not under permit**

Section of PLDR	Description
94(2)	In the specified circumstances, power to start inspecting the work.
95(2)	In the specified circumstances, power to obtain the consent of the occupier and to inspect the notifiable work to check that it complies with the code requirements for the work.

96(1)	In the specified circumstances, the power not to be satisfied that the notifiable work or part of the work is compliant.
96(2)	In the specified circumstances, the power to give the responsible person for the notifiable work an action notice stating the actions the person must take to remedy the matter mentioned in subsection 96(1) including the specified things.
96(3)	Power to reasonably suspect the work is not compliant.

#### **Division 7 – Requirements for action notices**

<b>Section of PLDR</b>	<b>Description</b>
97(3)	In the specified circumstances, the power to include an information notice about the decision to give an action notice.
98(2)(b)	In the specified circumstances, the power to decide a longer period to comply with an action notice.



## LIMITATIONS TO THE EXERCISE OF POWER

7. The powers conferred under Schedule 2 are to be used only in relation to those matters the administration and enforcement has been devolved to Council.
8. **Either:** This appointment expires on **Insert date**.
9. **Or:** This appointment expires if the person named in Schedule 1 ceases to hold the position specified in Schedule 1.

[2019 07 01 - PLDR - Inspector 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 APPOINTMENT**

## **Torres Strait Island Regional Council** ***Plumbing and Drainage Regulation 2019 ("PLDR")***

Under section 139 of the *Plumbing and Drainage Act 2018*, **Torres Strait Island Regional Council** resolves to appoint those authorised persons whose names appear in Schedule 1, as inspectors to exercise all of the inspector powers in the PLDR including those contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Appointment repeals all prior appointments of the persons named in Schedule 1 as inspectors under the PLDR.

## Schedule 1

**Name:** Insert Name  
**Position:** Insert Position  
**Position Code:** Insert Position Code

## POWERS CONFERRED

### *Plumbing and Drainage Regulation 2019 ("PLDR")*

**Part 6 – Inspecting, enforcing and certifying permit work and notifiable work**  
**Division 2 – Inspecting work under permits**  
***Subdivision 1 – Inspecting work under permits by a local government***

Section of PLDR	Description
64(2)	In the specified circumstances, the power to start inspecting the work within the specified timeframe.
64(4)	In the specified circumstances, the power to reasonably require the responsible person to give the inspector the help the inspector requires to inspect the work.
65(a)	In the specified circumstances, the power to allow a responsible person to cover plumbing or drainage.
66(1)(b)	Power to form a reasonable belief the responsible person has failed to comply with section 65.
66(2)	In the specified circumstances, the power to give the responsible person an action notice requiring the person to take action to help the inspector assess whether the work is compliant.

**Division 4 – Assessment and compliance procedures**

***Subdivision 3 – Testing or commissioning plumbing or drainage***

Section of PLDR	Description
76(1)	Power to require the responsible person for the work to take an action specified in section 76(1)(a) to (c).

***Subdivision 4 – Giving action notices***

Section of PLDR	Description
78	In the specified circumstances, the power to give an action notice to the responsible person for the work carried out under the permit.
79(2)	In the specified circumstances, the power to require a responsible person in an action notice given under section 78(a) to take stated action.
79(3)	In the specified circumstances, the power to give an action notice under section 78(b) with conditions, including the specified conditions.
79(4)	Power to give an action notice under section 78(c) requiring the responsible person to arrange for the further testing or conditioning of plumbing and drainage resulting from, or effected by, the relevant work in the way mentioned in section 76(1)(c) or another way.

**Division 6 – Inspecting notifiable work not under permit**

Section of PLDR	Description
94(2)	In the specified circumstances, power to start inspecting the work.
95(2)	In the specified circumstances, power to obtain the consent of the occupier and to inspect the notifiable work to check that it complies with the code requirements for the work.

96(1)	In the specified circumstances, the power not to be satisfied that the notifiable work or part of the work is compliant.
96(2)	In the specified circumstances, the power to give the responsible person for the notifiable work an action notice stating the actions the person must take to remedy the matter mentioned in subsection 96(1) including the specified things.
96(3)	Power to reasonably suspect the work is not compliant.

#### **Division 7 – Requirements for action notices**

<b>Section of PLDR</b>	<b>Description</b>
97(3)	In the specified circumstances, the power to include an information notice about the decision to give an action notice.
98(2)(b)	In the specified circumstances, the power to decide a longer period to comply with an action notice.

## LIMITATIONS TO THE EXERCISE OF POWER

10. The powers conferred under Schedule 2 are to be used only in relation to those matters the administration and enforcement has been devolved to Council.
11. **Either:** This appointment expires on **Insert date**.
12. **Or:** This appointment expires if the person named in Schedule 1 ceases to hold the position specified in Schedule 1.

[2019 07 01 - PLDR - Inspector 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.

## INSPECTOR POWERS UNDER THE PLUMBING AND DRAINAGE REGULATION 2019 ("PLDR")

**Part 6 – Inspecting, enforcing and certifying permit work  
and notifiable work**

**Division 2 – Inspecting work under permits**

***Subdivision 1 – Inspecting work under permits by  
a local government***

Section of PLDR	Description	Individuals to be appointed	Date of appointment	Limitations and Conditions
64(2)	In the specified circumstances, the power to start inspecting the work within the specified timeframe.			
64(4)	In the specified circumstances, the power to reasonably require the responsible person to give the inspector the help the inspector requires to inspect the work.			
65(a)	In the specified circumstances, the power to allow a responsible person to cover plumbing or drainage.			
66(1)(b)	Power to form a reasonable belief the responsible person has failed to comply with section 65.			
66(2)	In the specified circumstances, the power to give the responsible person an action notice requiring the person to take action to help the inspector assess whether the work is compliant.			

**Division 4 – Assessment and compliance procedures**

***Subdivision 3 – Testing or commissioning plumbing or drainage***

<b>Section of PLDR</b>	<b>Description</b>	<b>Individuals to be appointed</b>	<b>Date of appointment</b>	<b>Limitations and Conditions</b>
76(1)	Power to require the responsible person for the work to take an action specified in section 76(1)(a) to (c).			

***Subdivision 4 – Giving action notices***

<b>Section of PLDR</b>	<b>Description</b>	<b>Individuals to be appointed</b>	<b>Date of appointment</b>	<b>Limitations and Conditions</b>
78	In the specified circumstances, the power to give an action notice to the responsible person for the work carried out under the permit.			
79(2)	In the specified circumstances, the power to require a responsible person in an action notice given under section 78(a) to take stated action.			
79(3)	In the specified circumstances, the power to give an action notice under section 78(b) with conditions, including the specified conditions.			
79(4)	Power to give an action notice under section 78(c) requiring the responsible person to arrange for the further testing or conditioning of plumbing and drainage resulting from, or effected by, the relevant work in the way mentioned in section 76(1)(c) or another way.			



**Division 6 – Inspecting notifiable work not under permit**

<b>Section of PLDR</b>	<b>Description</b>	<b>Individuals to be appointed</b>	<b>Date of appointment</b>	<b>Limitations and Conditions</b>
94(2)	In the specified circumstances, power to start inspecting the work.			
95(2)	In the specified circumstances, power to obtain the consent of the occupier and to inspect the notifiable work to check that it complies with the code requirements for the work.			
96(1)	In the specified circumstances, the power not to be satisfied that the notifiable work or part of the work is compliant.			
96(2)	In the specified circumstances, the power to give the responsible person for the notifiable work an action notice stating the actions the person must take to remedy the matter mentioned in subsection 96(1) including the specified things.			
96(3)	Power to reasonably suspect the work is not compliant.			

**Division 7 – Requirements for action notices**

<b>Section of PLDR</b>	<b>Description</b>	<b>Individuals to be appointed</b>	<b>Date of appointment</b>	<b>Limitations and Conditions</b>
97(3)	In the specified circumstances, the power to include an information notice about the decision to give an action notice.			
98(2)(b)	In the specified circumstances, the power to decide a longer period to comply with an action notice.			

**Torres Strait Island Regional Council**  
***Plumbing and Drainage Regulation 2019 ("PLDR")***

**Bruce Ranga**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Insert Position  
**Position Code:** Insert Position Code

## POWERS SUB-DELEGATED

### *Plumbing and Drainage Regulation 2019 ("PLDR")*

#### Part 4 – Treatment plant approvals and related matters

##### Division 1 – Applications

Entity power given to	Section of PLDR	Description
Person	16(1)(a)	Power to apply to the Chief Executive for a treatment plant approval for a greywater treatment plant of a particular type.
Person	16(1)(b)	Power to apply to the Chief Executive for a treatment plan approval for a secondary on site sewage treatment plant of a particular type.
Holder of a treatment plant approval	16(2)	Power to apply to the Chief Executive to amend an approval.

##### Division 2 – Duration and transfer of approvals

Entity power given to	Section of PLDR	Description
Holder of a treatment plan approval.	23(b)(i)(B)	In the specified circumstances, the power to agree to a longer period with the Chief Executive.
New Holder	24(2)	In the specified circumstances, the power to give the Chief Executive notice of the transfer in the approved form.

##### Division 3 – Inspecting approved treatment plans

Entity power given to	Section of PLDR	Description
Local Government	26(1)	In the specified circumstances, the power to give the Chief Executive the specified information.
Person	27(c)	In the specified circumstances, the power to consent to the person arranged by the Chief Executive to enter the premises to carry out an inspection.

##### Division 4 – Cancellation of approvals

Entity power given to	Section of PLDR	Description
Holder of a treatment plant approval	29(1)	Power to make written representations about a show cause notice to the Chief Executive in the show cause notice period.

## Division 5 – Special provisions

Entity power given to	Section of PLDR	Description
Holder of an existing treatment plant approval	34(1)	In the specified circumstances, the power to apply to the Chief Executive to renew an approval under this section.

## Part 5 –

## Permits

### Division 2 – Permits issued by a local government

#### *Subdivision 2 – Local government declarations about permit work*

Entity power given to	Section of PLDR	Description
Local Government	41(a)	In the specified circumstances, the power to publish a fast-track work declaration or a fast-track opt-out declaration on the local government's website.
Local Government	41(b)	Power to give a copy of a fast-track work declaration or fast-track opt-out declaration for a local government area to the Chief Executive and, if the local government is a participating local government for a distributor-retailer, the distributor retailer.
Local Government	41(c)	Power to make a fast-track work declaration or fast-track opt-out declaration for a local government area available to be inspected, free of charge, at the local government's public office.

#### *Subdivision 4 – Processing applications*

Entity power given to	Section of PLDR	Description
Local Government	44(1)(b)(iv)	In the specified circumstances, the power to set the local government application fee.
Local Government	45(1)(a)	Power to consider that an application is not a properly made application.
Local Government	45(1)(b)	Power to consider that the local government does not have the expertise to assess work the subject of an application.
Local Government	45(1)(c)	Power to consider that the local government requires further information to decide an application.
Local Government	45(2)	In the specified circumstances, the power to give a notice, to the applicant in the initial consideration period, ask the applicant to do a specified thing.
Local Government	45(4)	In the specified circumstances, the power to treat an application as having lapsed and to retain the local government application fee.
Local Government	46	In the specified circumstances, the power to consider each properly made application and decide to: <ol style="list-style-type: none"> <li>1. Refuse the application; or</li> <li>2. approve the application with:</li> </ol>

		<p>(a) in the specified circumstances to approve the application with the conditions of approval; and</p> <p>(b) any other conditions that the Local Government considers reasonable and relevant for carrying out the work.</p>
Local Government	47(1)	In the specified circumstances, the power to assess whether each plan for work accompanying an application complies with the code requirements for the work.
Local Government	47(2)	In the specified circumstances, the power to approve an application if the local government is satisfied with the specified things.
Local Government	47(5)	In the specified circumstances, the power to be satisfied that the specialist work referred to in this section would, if carried out in compliance with the permit applied for comply with the code requirements for the work and the power to approve the application to the extent it relates to the specialist work if so satisfied.
Local Government	48(a)	In the specified circumstances, the power to issue a permit, or an amended permit, in the approved form to the applicant.
Local Government	48(b)	In the specified circumstances, the power to give a copy of a permit or amended permit to the persons and entities listed in this section.
Local Government	49(3)(a)(ii)	In the specified circumstances, the power to agree to a longer required period with an applicant of a fast-track application.
Local Government	49(3)(b)(ii)	In the specified circumstances, the power to agree to a longer required period with an applicant of any other application.
Local Government	50(2)	Power to give an applicant an information notice about a decision.

### Division 3 – Permits issued by public sector entities

Entity power given to	Section of PLDR	Description
Local Government	53(2)(e)(i)	In the specified circumstances, the power to provide written consent for an application relating to SEQ water work.
Local Government	53(2)(f)(i)	In the specified circumstances, the power to provide written consent for work relating to SEQ sewerage work.

### Division 4 – Effects and duration of permits

Entity power given to	Section of PLDR	Description
Local Government	59(3)	In the specified circumstances, the power to give notice of the day a permit is to end to the permit holder and if the permit holder is not the owner of the premises to which the permit relates, the owner of the premises.

**Part 6 –****Inspecting, enforcing and certifying permit work and notifiable work****Division 2 – Inspecting work under permits*****Subdivision 1 – Inspecting work under permit issued by local government***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	64(2)(a)	Power to agree to a time for inspection with the responsible person.
Local Government	67(2)	In the specified circumstances, instead of inspecting work under section 64, the power to allow the responsible person to give the local government a covered work declaration for the work.

***Subdivision 3 – Inspecting work under permit issued by public sector entity***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	68(3)	In the specified circumstances, the power to inspect the work if the public sector entity has asked the local government to inspect the work under subsection 68(2).

**Division 3 – Alternatives to local government inspections*****Subdivision 1 – Declarations for onsite sewage work***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	69(2)	In the specified circumstances, the power to allow an appropriate person to give the local government a declaration in the approved form stating that the person has inspected the onsite sewage work and is satisfied the work is compliant.
Local Government	69(3)	In the specified circumstances, the power to consider a person has appropriate knowledge about the design and function of an onsite sewage facility to which the work relates and is otherwise competent to make a declaration

***Subdivision 2 – Notices for particular work in remote areas***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	71(2)	In the specified circumstances, the power to publish each declaration on the local government's website, to give the Chief Executive a copy of each declaration, to ensure that the declaration may be inspected free of charge at the local government's public office and to ensure each remote area declaration includes a map identifying the remote area.
Local Government	73(2)	In the specified circumstances, the power to be satisfied the person is a suitability qualified person for giving the notice and

		to decide to accept a remote area compliance notice, or otherwise refuse to accept the notice.
Local Government	73(3)	In the specified circumstances, the power to, within 5 business days after receiving a remote area compliance notice, give the responsible person a notice stating whether the local government has accepted or refused to accept the notice.

## **Division 4 – Assessment and compliance procedures**

### ***Subdivision 2 – Minor plan amendments***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	75(1)(a)	Power to consider the work carried out under a permit is not correctly represented in an approved plan for the work because of a minor inconsistency between the plan and the work.
Local Government	75(1)(b)	Power to, other than for the work the subject of a decision under subsection 75(1)(a), consider the work carried out under the work permit is compliant.
Local Government	75(2)	In the specified circumstances, the power to amend an approved plan so that the plan correctly reflects the work carried out under a permit.

### ***Subdivision 3 – Testing or commissioning plumbing or drainage***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	76(3)(b)	In the specified circumstances, the power to consider a person is competent to carry out the testing or commissioning.
Local Government	77(4)(b)	In the specified circumstances, the power to decide a report may be given within a longer period.

## **Division 5 – Inspection and final inspection certificates**

### ***Subdivision 2 – Certificates given by a local government***

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	83(1)	In the specified circumstances, the power to give an inspection certificate for work to the responsible person for the work.
Local Government	84(1)	In the specified circumstances, the power to give a final inspection certificate for the work to the responsible person for the work.
Local Government	84(1)(c)	In the specified circumstances, the power to be satisfied the plumbing or drainage resulting from, or affected by, the work is operational and fit for use.
Local Government	86(1)	In the specified circumstances, the power to after giving a final inspection certificate for work under section 84, give a copy of the certificate to the permit holder, and if the permit holder is not the owner of the premises the owner of the premises, and if the



		work involves installing a water meter and the local government is not the water service provider for the premises the water service provider.
Local Government	86(3)	In the specified circumstances, the power to give a distributor retailer the specified information in subsection 86(2)(b).
Local Government	87(3)	In the specified circumstances, the power to give an information notice about the decision to refuse to give an inspection certificate or final inspection certificate.

#### **Division 6 – Inspecting notifiable work not under permit**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	94(2)(a)	In the specified circumstances, the power to agree to a time to inspect work with the responsible person.
Local Government	95(1)(b)	In the specified circumstances, the power to contact the occupier of the premises to arrange to inspect the work.

#### **Division 7 – Requirements for action notices**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	97(3)	In the specified circumstances, the power to include an information notice about the decision by the local government to give an action notice.
Local Government	98(2)(b)	In the specified circumstances, the power to decide a longer period before the end of a stated period.
Local Government	98(3)	In the specified circumstances, the power to consider the person has not complied with an action notice and to give a copy of the action notice to the owner of a premises within 5 business days after the end of the required period for compliance under subsection 98(2).

#### **Part 7 – Installation, maintenance and related matters**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	101	Power to establish a program for registering each testable backflow prevention device installed at premises in the local government area and for monitoring the maintenance and testing of each device.
Local Government	107(2)	In the specified circumstances, the power to: <ol style="list-style-type: none"> <li>1. Remove the obstruction or fix the damage; and</li> <li>2. Fairly apportion the reasonable cost of removing the obstruction or fixing the damage between the owners; and</li> <li>3. To recover as a debt from each owner, the owner's share of the cost.</li> </ol>
Local Government	108(2)	In the specified circumstances, the power to issue a notice to the owner of an old building and the owner of a new building

		requiring the owners to take specified action in section 108(2)(a) and section 108(2)(b).
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## **Part 8 –**

## **Registers**

### **Division 2 – Registers kept by local governments**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	112(1)	Power to keep a register containing the specified information.
Local Government	113(1)	Power to keep a register containing each notice given to the local government under section 102(2) or 103(3).
Local Government	114(1)	Power to keep a register containing a copy of each service report for a greywater use facility or onsite sewage facility given to a local government under section 106.
Local Government	115(1)	Power to keep a register containing a copy of each show cause notice and enforcement notice given by the local government.
Local Government	115(2)	Power to remove a notice mentioned in subsection 115(1) from the registered if the premises to which the notice relates is demolished or removed.
Local Government	116(2)	In the specified circumstances, the power to decide the reasonable cost of producing a copy of an entry into a register, and to allow a person to inspect the register, free of charge, at the local governments public office or buy a copy of an entry in the register for not more than the reasonable cost of producing a copy.

## **Part 9 –**

## **Miscellaneous provisions**

### **Division 2 – Other matters**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	124(2)(b)	In the specified circumstances, the power to determine what qualifications and experience is necessary to enable a person to assess plans for, or inspect, plumbing work competently.
Local Government	124(3)(b)	In the specified circumstances, the power to determine what qualifications and experience necessary to enable the person to assess plans for, or inspect, drainage work competently.
Local Government	124(4)(c)	In the specified circumstances, the power to determine what qualifications and experience necessary to enable a person to assess for, or inspect, onsite sewage facility competently.

## **SCHEDULE 6 – DOCUMENTS TO ACCOMPANY PERMIT APPLICATIONS**

### **Part 3 – Additional documents required for particular applications**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	6(3)(c)	In the specified circumstances, the power to decide whether a person is competent to develop the performance solution.
Local Government	7(3)(c)	In the specified circumstances, the power to consider whether a person is competent to develop the alternative solution.

### **Part 4 – Requirements for plans**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	8(2)(b)	In the specified circumstances, the power to determine if a plan provided for an application other than a fast track application or a fast track amendment application shows enough detail to allow the local government to assess the work to which the plan relates.
Local Government	8(3)(c)	In the specified circumstances, the power to determine if the relevant details provided for work relating to a greywater use facility of an onsite sewage facility provides enough information about the person's qualifications and experience to allow the local government to decide whether the person is a qualified person to design the facility.

## **SCHEDULE 10 – DICTIONARY**

<b>Entity power given to</b>	<b>Section of PLDR</b>	<b>Description</b>
Local Government	Schedule 10 definition of "Suitably qualified trade person" (a)	In the specified circumstances, the power to determine whether a person has the experience and skills appropriate for preparing and giving a notice, statement or other document.
Local Government	Schedule 10 definition of "Suitably qualified trade person" (d)	Power to consider whether a person is competent to prepare and give the document.

## **LIMITATIONS TO THE EXERCISE OF POWER**

13. 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.
14. 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.
15. 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).
16. 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.
17. 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.
18. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 07 01 - PLDR - 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** ***Public Health Act 2005 ("PUHA")***

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 Health Act 2005 ("PUHA")****CHAPTER 2 – ENVIRONMENTAL HEALTH****Part 2 – Roles of the State and local governments for public health risks**

Entity power given to	Section of PUHA	Description
Chief Executive Officer	14(1)	Power to agree with the chief executive that: (a) the State do a thing in the administration or enforcement of this Act for a matter mentioned in section 13(1); or (b) the local government do a thing in the administration or enforcement of the Act for a matter mentioned in section 12(1).
Chief Executive Officer	14(3)	Power to perform functions and exercise powers for this Act for a matter mentioned in section 12(1), including appointing authorised persons.
Chief Executive Officer	16(a)	Power to consult with the Chief Executive before the Chief Executive does a thing under Section 15(3).
Local Government	17(2)	Power to give the Chief Executive information about the local Government's administration and enforcement of the matter if asked by notice by the Chief Executive.
Chief Executive Officer	17(4)	Power to be consulted by the Chief Executive before notice is given by the Chief Executive under this section.

**Part 3 – Public health orders****Division 1 – Preliminary**

Entity power given to	Section of PUHA	Description
Chief Executive Officer	22(2)	Power to consult the chief executive administering the <i>Biosecurity Act 2014</i> .

**Division 3 – Enforcement of public health orders**

Entity power given to	Section of PUHA	Description
Issuing Authority	24(1)	Power to consider whether a person has contravened a public health order.
Issuing Authority	24(2)	Power to apply to a magistrate for an order enforcing the public health order (an <b>Enforcement Order</b> ).
Issuing Authority	25(1)	Power to give a notice of hearing of an application.
Issuing Authority	27(2)(b)	Power to enter a place to take reasonable steps to remove or reduce the risk to public health from the public health risk, or prevent the risk to public health from reoccurring, under orders made.

#### **Division 4 – Taking steps under enforcement order**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Local Government	32(3)	Power to lodge a request to register the charge in the appropriate form over the land the Registrar of Titles.
Chief Executive Officer	32(4)	Power to sign certificate stating there is a charge over the land under section 32.

#### **Part 4 – Authorised prevention and control programs**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Local Government	36(5)	In the specified circumstances power to consult with the chief executive.
Chief Executive Officer	39(1)(a)	In certain circumstances, the power to agree.
Chief Executive Officer	39(1)(c)	In certain circumstances, the power to agree.
Water Service Provider	57B	Power to form a reasonable belief that the provider has complied with an improvement notice and power to inform the authorised person of the belief.

### **CHAPTER 3 – NOTIFIABLE CONDITIONS**

#### **Part 3 – Contact tracing**

##### **Division 1 – Contact tracing officers**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Chief Executive Officer	90(4)(a)	Power to agree to the appointment of a contact tracing officer for a notifiable condition under section 90(2).

### **CHAPTER 7A – POLLUTION EVENT**

#### **Part 2 – Pollution notice**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Person	313E(3)	In the specified circumstances, the Power to publish a pollution notice in relation to the pollution event

#### **Part 3C – Compensation**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Person	313H(1)	Power to claim compensation from the State if loss is incurred because of the exercise or purported exercise of a power by or for the Chief Executive under Chapter 7A.



## **CHAPTER 8 – PUBLIC HEALTH EMERGENCIES**

### **Part 5 – Appointment of emergency officers**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Chief Executive Officer	333(3)	Power to agree to the appointment of an emergency officer (general) for declared public health emergencies under section 333 (1)(c).

## **CHAPTER 9 – MONITORING AND ENFORCEMENT**

### **Part 1 – Authorised persons**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Administering Executive	376(2)	Power to give directions to an authorised person.
Chief Executive Officer	376(3)	Power to give directions to an authorised person for the area in which the authorised person is exercising the powers.
Chief Executive Officer	377(2)	Power to appoint an authorised person.
Chief Executive Officer	377(2)(b)	Power to agree with the CEO of another local government about the appointment of an employee of the other local government as an authorised person for the local government and its area.
Chief Executive Officer	377(3)	Power to appoint an employee of, or another person under contract to, one of the local governments to be an authorised person for the local governments' areas.
Administering Executive	378	Power to appoint a person as an authorised person.
Administering Executive	378(a)	Power to be satisfied the person is qualified for appointment because the person has necessary expertise or experience.
Chief Executive Officer / Administering Authority	379(1)(b)	Power to sign and to give the signed notice to the authorised person.
Chief Executive Officer / Administering Authority	379(2)	Power to sign and give the signed notice to an authorised person.
Administering executive	380(1)	Power to issue an identity card to each authorised person.

### **Part 2 – Powers of authorised persons**

#### **Division 1 – Entry of places**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Issuing Authority by its employees or agents	388(2)	In the specified circumstances power to at reasonable times, enter the place to take the steps stated in the order.

## Division 2 – Procedure for entry

Entity power given to	Section of PUHA	Description
Issuing Authority	393(2)	In the specified circumstances power to give the occupier and owner of the place reasonable notice that the issuing authority, by its employees or agents, intend to enter the place to take the steps required under the public health order.

## Division 7 – Recovery of costs and expenses

Entity power given to	Section of PUHA	Description
Local Government	407(3)	Power to lodge a request to register the charge in the appropriate form over the land with the Registrar of Titles.
Chief Executive Officer	407(4)	Power to sign certificate stating there is a charge over the land under section 407.

## Part 4 – Approved inspection programs

Entity power given to	Section of PUHA	Description
Chief Executive Officer	427(1)	Power to approve a program (an <b><i>approved inspection program</i></b> ).
Chief Executive Officer	440(1)	Power to give a certificate stating the matters in section 440.
Chief Executive Officer	440(4)	Power to issue a certificate stating the stated costs were incurred and the way in which, the purpose for which, they were incurred is evidence of the matters stated.
Local Government	446(1)	Power to considered appropriate how to deal with a thing that become the local governments property.
Local Government	446(2)	Power to destroy a thing that has become the local governments property.

## CHAPTER 11 – MISCELLANEOUS

### Part 1A – Civil liability for asbestos-related harm

Entity power given to	Section of PUHA	Description
Chief Executive Officer	454J(1)	Power to give the Chief Executive an annual compliance certificate
Chief Executive Officer	454J(2)(b)	Power to sign the annual compliance certificate

### Part 2 – Other provisions

Entity power given to	Section of PUHA	Description
Chief Executive Officer	458(2)	Power to approve forms for 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.

[2019 04 11 - PUHA - 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 HEALTH ACT 2005 ("PUHA")**

## **CHAPTER 2 – ENVIRONMENTAL HEALTH**

### **Part 2 – Roles of the State and local governments for public health risks**

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	14(1)	Power to agree with the chief executive that: (a) the State do a thing in the administration or enforcement of this Act for a matter mentioned in section 13(1); or (b) the local government do a thing in the administration or enforcement of the Act for a matter mentioned in section 12(1).	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	14(3)	Power to perform functions and exercise powers for this Act for a matter mentioned in section 12(1), including appointing authorised persons.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation of power to appoint authorised persons is not recommended.		
Chief Executive Officer	16(a)	Power to consult with the Chief Executive before the Chief Executive does a thing under Section 15(3).	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Local Government	17(2)	Power to give the Chief Executive information about the local Government's administration and enforcement of the matter if asked by notice by the Chief Executive.				

Chief Executive Officer	17(4)	Power to be consulted by the Chief Executive before notice is given by the Chief Executive under this section.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
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### Part 3 – Public health orders

#### Division 1 – Preliminary

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	22(2)	Power to consult the chief executive administering the <i>Biosecurity Act 2014</i> .	This power does not need to be delegated as it is given directly to the CEO under the Act.			

#### Division 3 – Enforcement of public health orders

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Issuing Authority	24(1)	Power to consider whether a person has contravened a public health order.				
Issuing Authority	24(2)	Power to apply to a magistrate for an order enforcing the public health order (an <b>Enforcement Order</b> ).				
Issuing Authority	25(1)	Power to give a notice of hearing of an application.				
Issuing Authority	27(2)(b)	Power to enter a place to take reasonable steps to remove or reduce the risk to public health from the public health risk, or prevent the risk to public health from reoccurring, under orders made.				

**Division 4 – Taking steps under enforcement order**

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	32(3)	Power to lodge a request to register the charge in the appropriate form over the land the Registrar of Titles.				
Chief Executive Officer	32(4)	Power to sign certificate stating there is a charge over the land under section 32.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation not recommended		

**Part 4 – Authorised prevention and control programs**

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	36(5)	In the specified circumstances power to consult with the chief executive.				
Chief Executive Officer	39(1)(a)	In certain circumstances, the power to agree.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	39(1)(c)	In certain circumstances, the power to agree.	This power does not need to be delegated as it is given directly to the CEO under the Act.			



Water Service Provider	57B	Power to form a reasonable belief that the provider has complied with an improvement notice and power to inform the authorised person of the belief.				
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## CHAPTER 3 – NOTIFIABLE CONDITIONS

### Part 3 – Contact tracing

#### Division 1 – Contact tracing officers

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	90(4)(a)	Power to agree to the appointment of a contact tracing officer for a notifiable condition under section 90(2).	This power does not need to be delegated as it is given directly to the CEO under the Act.			

## CHAPTER 7A – POLLUTION EVENT

### Part 2 – Pollution notice

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	313E(3)	In the specified circumstances, the Power to publish a pollution notice in relation to the pollution event				

### Part 3C – Compensation

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	313H(1)	Power to claim compensation from the State if loss is incurred because of the exercise or purported exercise of a power by or for the Chief Executive under Chapter 7A.				

## CHAPTER 8 – PUBLIC HEALTH EMERGENCIES

### Part 5 – Appointment of emergency officers

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	333(3)	Power to agree to the appointment of an emergency officer (general) for declared public health emergencies under section 333 (1)(c).	This power does not need to be delegated as it is given directly to the CEO under the Act.			

## CHAPTER 9 – MONITORING AND ENFORCEMENT

### Part 1 – Authorised persons

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Executive	376(2)	Power to give directions to an authorised person.				
Chief Executive Officer	376(3)	Power to give directions to an authorised person for the area in which the authorised person is exercising the powers.	This power does not need to be delegated as it is	Sub-delegation of power not recommended.		

			given directly to the CEO under the Act.			
Chief Executive Officer	377(2)	Power to appoint an authorised person.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation of power not recommended.		
Chief Executive Officer	377(2)(b)	Power to agree with the CEO of another local government about the appointment of an employee of the other local government as an authorised person for the local government and its area.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	377(3)	Power to appoint an employee of, or another person under contract to, one of the local governments to be an authorised person for the local governments' areas.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Administering Executive	378	Power to appoint a person as an authorised person.				
Administering Executive	378(a)	Power to be satisfied the person is qualified for appointment because the person has necessary expertise or experience.				
Chief Executive Officer / Administering Authority	379(1)(b)	Power to sign and to give the signed notice to the authorised person.				
Chief Executive Officer / Administering Authority	379(2)	Power to sign and give the signed notice to an authorised person.				
Administering executive	380(1)	Power to issue an identity card to each authorised person.	This power does not need to be delegated as it is			

			given directly to the CEO under the Act.			
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## Part 2 – Powers of authorised persons

### Division 1 – Entry of places

Entity power given to	Section of PUHA	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	388(2)	In the specified circumstances power to at reasonable times, enter the place to take the steps stated in the order.	This power does not need to be delegated	This power does not need to be delegated.		

### Division 2 – Procedure for entry

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Issuing Authority	393(2)	In the specified circumstances power to give the occupier and owner of the place reasonable notice that the issuing authority, by its employees or agents, intend to enter the place to take the steps required under the public health order.				

### Division 7 – Recovery of costs and expenses

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	407(3)	Power to lodge a request to register the charge in the appropriate form over the land with the Registrar of Titles.				

Chief Executive Officer	407(4)	Power to sign certificate stating there is a charge over the land under section 407.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
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#### Part 4 – Approved inspection programs

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	427(1)	Power to approve a program (an <b><i>approved inspection program</i></b> ).	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	440(1)	Power to give a certificate stating the matters in section 440.	This does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	440(4)	Power to issue a certificate stating the stated costs were incurred and the way in which, the purpose for which, they were incurred is evidence of the matters stated.	This does not need to be delegated as it is given directly to the CEO under the Act.	Sub delegation of power not recommended.		
Local Government	446(1)	Power to considered appropriate how to deal with a thing that become the local governments property.				
Local Government	446(2)	Power to destroy a thing that has become the local governments property.				

## CHAPTER 11 – MISCELLANEOUS

### Part 1A – Civil liability for asbestos-related harm

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	454J(1)	Power to give the Chief Executive an annual compliance certificate	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	454J(2)(b)	Power to sign the annual compliance certificate	This power does not need to be delegated as it is given directly to the CEO under the Act.			

### Part 2 – Other provisions

Entity power given to	Section of PUHA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	458(2)	Power to approve forms for use by the local government under this Act.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation of power not recommended.		

[2019 04 11 - PUHA - Delegation Table]

## INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
*Public Health Act 2005 ("PUHA")*

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

**DATED** this                      day of                      2021.

**Bruce Ranga**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Insert Position  
**Position Code:** Insert Position Code



## POWERS SUB-DELEGATED

### *Public Health Act 2005 ("PUHA")*

#### CHAPTER 2 – ENVIRONMENTAL HEALTH

##### Part 2 – Roles of the State and local governments for public health risks

Entity power given to	Section of PUHA	Description
Chief Executive Officer	14(1)	Power to agree with the chief executive that: (a) the State do a thing in the administration or enforcement of this Act for a matter mentioned in section 13(1); or (b) the local government do a thing in the administration or enforcement of the Act for a matter mentioned in section 12(1).
Chief Executive Officer	14(3)	Power to perform functions and exercise powers for this Act for a matter mentioned in section 12(1), including appointing authorised persons.
Chief Executive Officer	16(a)	Power to consult with the Chief Executive before the Chief Executive does a thing under Section 15(3).
Local Government	17(2)	Power to give the Chief Executive information about the local Government's administration and enforcement of the matter if asked by notice by the Chief Executive.
Chief Executive Officer	17(4)	Power to be consulted by the Chief Executive before notice is given by the Chief Executive under this section.

##### Part 3 – Public health orders

###### Division 1 – Preliminary

Entity power given to	Section of PUHA	Description
Chief Executive Officer	22(2)	Power to consult the chief executive administering the <i>Biosecurity Act 2014</i> .

###### Division 3 – Enforcement of public health orders

Entity power given to	Section of PUHA	Description
Issuing Authority	24(1)	Power to consider whether a person has contravened a public health order.
Issuing Authority	24(2)	Power to apply to a magistrate for an order enforcing the public health order (an <b>Enforcement Order</b> ).
Issuing Authority	25(1)	Power to give a notice of hearing of an application.
Issuing Authority	27(2)(b)	Power to enter a place to take reasonable steps to remove or reduce the risk to public health from the public health risk, or prevent the risk to public health from reoccurring, under orders made.

#### **Division 4 – Taking steps under enforcement order**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Local Government	32(3)	Power to lodge a request to register the charge in the appropriate form over the land the Registrar of Titles.
Chief Executive Officer	32(4)	Power to sign certificate stating there is a charge over the land under section 32.

#### **Part 4 – Authorised prevention and control programs**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Local Government	36(5)	In the specified circumstances power to consult with the chief executive.
Chief Executive Officer	39(1)(a)	In certain circumstances, the power to agree.
Chief Executive Officer	39(1)(c)	In certain circumstances, the power to agree.
Water Service Provider	57B	Power to form a reasonable belief that the provider has complied with an improvement notice and power to inform the authorised person of the belief.

### **CHAPTER 3 – NOTIFIABLE CONDITIONS**

#### **Part 3 – Contact tracing**

##### **Division 1 – Contact tracing officers**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Chief Executive Officer	90(4)(a)	Power to agree to the appointment of a contact tracing officer for a notifiable condition under section 90(2).

### **CHAPTER 7A – POLLUTION EVENT**

#### **Part 2 – Pollution notice**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Person	313E(3)	In the specified circumstances, the Power to publish a pollution notice in relation to the pollution event

#### **Part 3C – Compensation**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Person	313H(1)	Power to claim compensation from the State if loss is incurred because of the exercise or purported exercise of a power by or for the Chief Executive under Chapter 7A.

## **CHAPTER 8 – PUBLIC HEALTH EMERGENCIES**

### **Part 5 – Appointment of emergency officers**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Chief Executive Officer	333(3)	Power to agree to the appointment of an emergency officer (general) for declared public health emergencies under section 333 (1)(c).

## **CHAPTER 9 – MONITORING AND ENFORCEMENT**

### **Part 1 – Authorised persons**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Administering Executive	376(2)	Power to give directions to an authorised person.
Chief Executive Officer	376(3)	Power to give directions to an authorised person for the area in which the authorised person is exercising the powers.
Chief Executive Officer	377(2)	Power to appoint an authorised person.
Chief Executive Officer	377(2)(b)	Power to agree with the CEO of another local government about the appointment of an employee of the other local government as an authorised person for the local government and its area.
Chief Executive Officer	377(3)	Power to appoint an employee of, or another person under contract to, one of the local governments to be an authorised person for the local governments' areas.
Administering Executive	378	Power to appoint a person as an authorised person.
Administering Executive	378(a)	Power to be satisfied the person is qualified for appointment because the person has necessary expertise or experience.
Chief Executive Officer / Administering Authority	379(1)(b)	Power to sign and to give the signed notice to the authorised person.
Chief Executive Officer / Administering Authority	379(2)	Power to sign and give the signed notice to an authorised person.
Administering executive	380(1)	Power to issue an identity card to each authorised person.

### **Part 2 – Powers of authorised persons**

#### **Division 1 – Entry of places**

<b>Entity power given to</b>	<b>Section of PUHA</b>	<b>Description</b>
Issuing Authority by its employees or agents	388(2)	In the specified circumstances power to at reasonable times, enter the place to take the steps stated in the order.

## Division 2 – Procedure for entry

Entity power given to	Section of PUHA	Description
Issuing Authority	393(2)	In the specified circumstances power to give the occupier and owner of the place reasonable notice that the issuing authority, by its employees or agents, intend to enter the place to take the steps required under the public health order.

## Division 7 – Recovery of costs and expenses

Entity power given to	Section of PUHA	Description
Local Government	407(3)	Power to lodge a request to register the charge in the appropriate form over the land with the Registrar of Titles.
Chief Executive Officer	407(4)	Power to sign certificate stating there is a charge over the land under section 407.

## Part 4 – Approved inspection programs

Entity power given to	Section of PUHA	Description
Chief Executive Officer	427(1)	Power to approve a program (an <b><i>approved inspection program</i></b> ).
Chief Executive Officer	440(1)	Power to give a certificate stating the matters in section 440.
Chief Executive Officer	440(4)	Power to issue a certificate stating the stated costs were incurred and the way in which, the purpose for which, they were incurred is evidence of the matters stated.
Local Government	446(1)	Power to considered appropriate how to deal with a thing that become the local governments property.
Local Government	446(2)	Power to destroy a thing that has become the local governments property.

## CHAPTER 11 – MISCELLANEOUS

### Part 1A – Civil liability for asbestos-related harm

Entity power given to	Section of PUHA	Description
Chief Executive Officer	454J(1)	Power to give the Chief Executive an annual compliance certificate
Chief Executive Officer	454J(2)(b)	Power to sign the annual compliance certificate

### Part 2 – Other provisions

Entity power given to	Section of PUHA	Description
Chief Executive Officer	458(2)	Power to approve forms for 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.

[2019 04 11 - PUHA - 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 Act 2000 ("WATA")***

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 Act 2000 ("WATA")****CHAPTER 2 – MANAGEMENT AND ALLOCATION OF WATER****Part 1 – Water Rights****Division 3 – Restricting use of water****Subdivision 2 – Moratorium notices**

Entity power given to	Section of WATA	Description
Owner	33(2)(b)	In certain circumstances, power to apply to the Minister for an extension of the completion date.

**Part 2 – Water Planning****Division 3 – Water plans**

Entity power given to	Section of WATA	Description
Entity	46(2)(c)	Power to make submission about the draft plan.
Entity	54(2)(c)	Power to make submission about intended postponement.

**Division 4 – Water use plans**

Entity power given to	Section of WATA	Description
Entity	61(2)(c)	Power to make submissions about draft plan.

**Division 6 – Water entitlement notice**

Entity power given to	Section of WATA	Description
Affected Person	72(2)(c)	Power to make submissions about draft water entitlement notice.
Proposed Water Allocation Holder	73(1)(a)	In certain circumstances, power to give notice to the Chief Executive.
Existing Interest Holder	73(1)(b)	Power to give notice.
Interest Holder	73(1)(c)	In certain circumstances, power to give notice.
Proposed Water Allocation Holder	73(1)(c)	Power to give consent.

**Part 3 –****How State authorises take or interference with Water****Division 1 – Statutory authorisation to take or interfere with water*****Subdivision 1 – Authorisations that may not be limited by water planning instruments***

Entity power given to	Section of WATA	Description
Constructing Authorities/ Water Service Provider	99(1)	Power to take water to operate public showers or toilets.
Constructing Authority	99(2)	In certain circumstances, power to take water to construct or maintain infrastructure, and power to comply with any conditions attaching to that take.

***Subdivision 2 – Authorisations that may be limited by water planning instrument or regulation***

Entity power given to	Section of WATA	Description
Person	101(1)	In certain circumstances, power to take or interfere with water.
Person	102(1)	In certain circumstances, power to take or interfere with water.
Person	102(3)	In certain circumstances, power to take or interfere with water.

**Division 2 – Water licences*****Subdivision 2 – Obtaining a water licence***

Entity power given to	Section of WATA	Description
Prescribed Entity	107(4)	Power to apply for a water licence.
Entity specified in section 108(1)(a)-(c)	108(1)	Power to apply for a transmission water licence.
Applicant	112(3)	Power to: (a) publish information in a specified way; and (b) publish a notice.
Applicant	112(6)	Power to give the Chief Executive evidence of the publication.

***Subdivision 4 – Dealings with water licences***

Entity power given to	Section of WATA	Description
Licensee	121(1)	In the specified circumstances, the power to apply for one or more dealings with a water licence.
Applicant	123(2)	Power to give notice of the application to certain entities.
Applicant	123(5)	Power to give the Chief Executive a copy of the notice.
Owner of Land	126(2)	Power to apply to relocate the water licence or part of the water licence.
Entity	134(4)	Power to make a submission about the proposed amendment of a water licence.
Licensee	136(1)	Power to surrender a water licence.

### **Division 3 – Water Permits**

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
Person	137(1)	Power to apply for a water permit.
Applicant	137A(1)(a)	Power to give additional information to the Chief Executive upon request, within the reasonable period stated in the requirement.
Applicant	137A(1)(b)	Power to verify by statutory declaration any information included in the application or any additional information required under section 137A(1)(a).

### **Division 4 – Water Allocations**

#### ***Subdivision 2 – Converting Water entitlements and granting water allocations***

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
Allocation Holder/ Resource Operations Licence Holder	146(2)	Power to enter into a supply contract for the allocation.
Allocation Holder/ Resource Operations Licence Holder	147(4)	Power to enter into a supply contract for the allocation.
Licence Holder	149	Power to require allocation holder to give reasonable security for supplying and storing the allocation.
Licence Holder	154(2)	Power to agree the obligation has been satisfied.
Licence Holder	154(3)	Power to give the Chief Executive notice in the approved form.
Allocation Holder	155(2)	Power to give the transferee or lessee under the contract a disclosure statement and an acknowledgement notice.
Holder of Distribution Operations Licence	155(3)(b)	Power to prepare specified document and give the document to the allocation holder.
Holder of Distribution Operations Licence	155(4)	Power to ensure the matters stated in the document mentioned in subsection 3(b) are the matters that the transferee or lessee reasonably need to be aware of before entering into a contract.
Transferee or Lessee	155(5)	Power to terminate the contract.

#### ***Subdivision 3 – Dealings with water allocations***

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
Water Allocation Holder	157(1)	Power to give Chief Executive a notice of the proposed transfer or lease.
Water Allocation Holder	159(1)	Power to apply to the Chief Executive for a water allocation dealing other than a transfer or lease, under the water allocation dealing rules.
Water Allocation Holder	161(1)	Power to lodge a Certificate with the Registrar.

Water Allocation Holder	162(1)	Power to agree to surrender a water allocation.
Holder of the Licence	162(2)	Power to consent to the surrender.
Holder of a Resource Operations Licence or Distribution Operations Licence	161(3)	Power to agree with the Chief Executive about fees.
Water Allocation Holder	164(3)	Power to make submissions.
Holder of a Resource Operations Licence	166(1)(b)	Power to exercise a power of sale.
Holder of a Distribution Operations Licence	166(1)(c)	Power to exercise a power of sale.
Person	166(5)	Power to give notice of the proposed exercise of the power.

***Subdivision 4 – Registering interests and dealings for water allocations***

Entity power given to	Section of WATA	Description
Person	175	Power to search the water allocations register.

**Division 5 – Resource operations licences and distribution operations licences**

***Subdivision 1 – Nature and content of resource operations licences and distribution operations licences***

Entity power given to	Section of WATA	Description
Nominator	178(1)	Power to give Chief Executive a notice in the approved form.

***Subdivision 2 – Granting or amending resource operations licence or distribution operations licence***

Entity power given to	Section of WATA	Description
Entity mentioned in in section 176(2)	181(1)	Power to apply for a resource operations licence for existing or proposed water infrastructure.
Entity mentioned in in section 177(2)	181(2)	Power to apply for a distribution operations licence for existing or proposed water infrastructure.
Holder of a Resource Operations Licence	183(5)	In certain circumstances, power to ask the Chief Executive, in writing, to refer the proposed change to the rules of a resource operations licence to a referral panel.
Holder of a Resource Operations Licence or Distribution Operations Licence	184(1)	Power to apply to amend the licence.

Holder of a Resource Operations Licence or Distribution Operations Licence	184(6)	In certain circumstances, power to ask the Chief Executive, in writing, to refer to the proposed changes to the rules of a resource operations licence to a referral panel.
Licence Holder	186	Power to agree to an amendment.

***Subdivision 3 – Transferring, amalgamating and cancelling resource operations licences or distribution operations licences***

Entity power given to	Section of WATA	Description
Holder of Resource Operations Resource Licence or Distribution Operations Licence	187(1)	Power to apply to the Chief Executive to transfer all or part of the licence to a transferee that can hold the licence.
Current Infrastructure Owner	187(2)	Power to apply, with or without the consent of the approved nominee, to transfer all or part of the licence.
Current Infrastructure Owner	188(2)(a)(i)	Power to provide written consent to an application.
Incoming Owner	188(2)(a) (ii)	Power to provide written consent to an application.
Holder of Resource Operations Licence	193(1)	Power to apply to the Chief Executive to amalgamate licences.
Holder of Distribution Operations Licence	193(2)	Power to apply to the Chief Executive to amalgamate licences.
Owner	193(4)	Power to provide written consent to the amalgamation.
Holder of a Licence	195(2)	Power to make submissions.

***Subdivision 4 – Operations manuals***

Entity power given to	Section of WATA	Description
Holder of a Licence	197(2)	Power to prepare an operations manual and submit it to the Chief Executive for approval together with sufficient information.
Holder of a Licence	198(3)	Power to publish the approved operations manual on the holders website.
Holder of a Licence	199(3)	Power to apply in writing to the Chief Executive to have certain matters referred to a referral panel.
Holder of a Licence	200(1)	Power to apply to Chief Executive to amend or replace an operations manual.
Holder of a Licence	200(6)	Power to publish the statement of changes made to the manual.
Holder of a Licence	201(2)	Power to apply to the Chief Executive in writing to amend the manual.
Holder of a Licence	201(4)	Power to review the manual as required by the Chief Executive and apply to the Chief Executive in writing to amend it.

**Division 5A – Minister of chief executive may give direction to take action about water quality issue**

Entity power given to	Section of WATA	Description
Relevant Entity	203B(1)(a) and (b)	In certain circumstances, the power to take stated reasonable action or not to take the stated action within or for a stated reasonable period.
Relevant Entity	203D	Power to decide there is a reasonable excuse not to comply with a direction.
Relevant Entity	203G(3)	Power to be consulted by the official in preparing the report.
Relevant Entity	203G(4)	Power to give to the official information the official reasonably requires for preparing the report required under section 203G(2)

**Division 6 – Operations licences**

***Subdivision 2 – Granting operations licences***

Entity power given to	Section of WATA	Description
Person	206(1)	Power to apply for an operations licence.

***Subdivision 3 – Dealings with operations licences***

Entity power given to	Section of WATA	Description
Licensee	211(1)	Power to apply to amend an operations licence.
Licensee	212(3)	Power to make submissions.
Holder	213(1)(a)	Power to give the Chief Executive notice in an approved form when the holder no longer wishes the holder's water to be taken under an operations licence.
Licensee	215(1)	Power to apply to transfer the operations licence.
Licensee	216(1)	Power to surrender an operations licence by giving the Chief Executive a notice of surrender.

**Part 4 – Riverine Protection**

**Division 1 – Granting permits for destroying vegetation, excavating or placing fill in a watercourse, lake or spring**

Entity power given to	Section of WATA	Description
Person	218(1)	Power to apply to the Chief Executive for a Riverine Protection permit.
Registered Owner	218(3)	Power to provide written consent to an application.

**Division 2 – Dealings with riverine protection permits**

Entity power given to	Section of WATA	Description
Person	223(1)	Power to make submissions.

**Part 5 –****Quarry Materials****Division 2 – Granting and selling allocations of quarry material**

Entity power given to	Section of WATA	Description
Person	227(1)	Power to apply for an allocation of quarry material.

**Division 4 – Dealings with allocations of quarry material**

Entity power given to	Section of WATA	Description
Allocation Notice Holder	235(1)	Power to apply to transfer all or part of the allocation to another person.
Allocation Notice Holder	236(1)	Power to apply to renew the allocation notice before it expires.
Holder	238(1)	Power to make submission.
Allocation Notice Holder	239(1)	Power to surrender the allocation notice by giving the Chief Executive notice of its surrender.

**CHAPTER 3 – UNDERGROUND WATER MANAGEMENT****Part 5 –****Make Good Obligations for Water Bores****Division 4 – Disputes about make good obligations*****Subdivision 1 – Preliminary***

Entity power given to	Section of WATA	Description
Party	426(2)(a)	Power to ask the Chief Executive to direct an authorised officer to call a conference to negotiate a resolution of the dispute.
Party	426(2)(b)	Power to call for the other party to agree to a non-binding alternatively dispute resolution process ( <i>an ADR</i> ) to seek to negotiate a resolution of the dispute.
Party given an ADR Election Notice	426(6)	Power to accept or refuse the type of ADR and the ADR facilitator, proposed in the notice.
Party giving the notice	426(7)	Power to make another proposal, or obtain a decision from the Land Court or a prescribed ADR institute, about the matter not accepted.
Party	427(2)	Power to use all reasonable endeavours to resolve the dispute within 30 business days after the notice is given (also the <i>usual period</i> ).
Either Party	427(3)	Power within the usual period, to ask the other party to agree to a longer period to apply instead of the usual period.

***Subdivision 3A – Arbitration***

Entity power given to	Section of WATA	Description
Either Party	433A(2)	Power to give a notice ( <i>an arbitration election notice</i> ) to the other party requesting the other party participate in an arbitration to decide the dispute.

Party given an Arbitration Election Notice	433A(4)	Power within 15 business days after the notice is given, to accept or refuse the request for arbitration.
Party	433A(5)	Power within 10 business days after the acceptance, to jointly appoint the arbitrator proposed under subsection (3)(b), or another arbitrator, to conduct the arbitration.
Party	433E(2)	In the specified circumstances, the power to agree with the other party in relation to liability for arbitration fees and expenses.

#### ***Subdivision 4 – Land Court decision on dispute***

Entity power given to	Section of WATA	Description
Eligible Party	434(4)	Power to apply to the Land Court to decide the matter the subject of the election notice.

## **CHAPTER 4 – WATER AUTHORITIES**

### **Part 2 – Water authorities**

#### **Division 2 – Procedure**

Entity power given to	Section of WATA	Description
Entity	556	Power to make written submissions on the proposed amendment to the Chief Executive.

### **Part 4 – Board of Directors**

#### **Division 1 – Appointment etc. of board of directors**

Entity power given to	Section of WATA	Description
Person	598A	Power to make written submissions on the proposed change to the Chief Executive.

### **Part 7 – Amalgamating, Dissolving and Transferring Functions of Water Authorities and Authority Areas**

#### **Division 2 – Transferring water authority's functions to local government**

Entity power given to	Section of WATA	Description
Local Government	700A(1)(a)(i)	Power to agree in writing 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.
Local Government	700A(1)(b)	Power to notify the Minister of an agreement regarding the proposed transfer and ask in writing for the Minister's approval of the proposed transfer.



## CHAPTER 5 – INVESTIGATIONS, ENFORCEMENT AND OFFENCES

### Part 2 – Enforcement Matters

#### Division 1 – Show cause and compliance notices

Entity power given to	Section of WATA	Description
Recipient of a show cause notice	779	Power to make written submissions about the show cause notice.

## CHAPTER 6 – REVIEWS AND APPEALS

### Part 2 – Internal Review of Decisions

Entity power given to	Section of WATA	Description
Interested Person	862(1)	Power to may apply for a review (an <i>internal review</i> ) of particular original decisions.
Applicant	863(3)	Power to give any other person who was given an information notice about the original decision the notice of the application (the <i>submitter notice</i> ) and a copy of the application and supporting documents.

### Part 3 – Appeals and External Reviews

Entity power given to	Section of WATA	Description
Interested person for the original decision	877(1)	Power to appeal against or apply for a review of the review 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.

[2019 04 19 - WATA - 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 ACT 2000 ("WATA")

## CHAPTER 2 – MANAGEMENT AND ALLOCATION OF WATER

### Part 1 – Water Rights

#### Division 3 – Restricting use of water

##### *Subdivision 2 – Moratorium notices*

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner	33(2)(b)	In certain circumstances, power to apply to the Minister for an extension of the completion date.				

### Part 2 – Water Planning

#### Division 3 – Water plans

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	46(2)(c)	Power to make submission about the draft plan.				
Entity	54(2)(c)	Power to make submission about intended postponement.				

#### Division 4 – Water use plans

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	61(2)(c)	Power to make submissions about draft plan.				

#### Division 6 – Water entitlement notice

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Affected Person	72(2)(c)	Power to make submissions about draft water entitlement notice.				
Proposed Water Allocation Holder	73(1)(a)	In certain circumstances, power to give notice to the Chief Executive.				
Existing Interest Holder	73(1)(b)	Power to give notice.				
Interest Holder	73(1)(c)	In certain circumstances, power to give notice.				
Proposed Water Allocation Holder	73(1)(c)	Power to give consent.				

**Part 3 – How State authorises take or interference with Water**

**Division 1 – Statutory authorisation to take or interfere with water**

***Subdivision 1 – Authorisations that may not be limited by water planning instruments***

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Constructing Authorities/ Water Service Provider	99(1)	Power to take water to operate public showers or toilets.				
Constructing Authority	99(2)	In certain circumstances, power to take water to construct or maintain infrastructure, and power to comply with any conditions attaching to that take.				

***Subdivision 2 – Authorisations that may be limited by water planning instrument or regulation***

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	101(1)	In certain circumstances, power to take or interfere with water.				
Person	102(1)	In certain circumstances, power to take or interfere with water.				
Person	102(3)	In certain circumstances, power to take or interfere with water.				

## Division 2 – Water licences

### *Subdivision 2 – Obtaining a water licence*

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed Entity	107(4)	Power to apply for a water licence.				
Entity specified in section 108(1)(a)-(c)	108(1)	Power to apply for a transmission water licence.				
Applicant	112(3)	Power to: (a) publish information in a specified way; and (b) publish a notice.				
Applicant	112(6)	Power to give the Chief Executive evidence of the publication.				

### *Subdivision 4 – Dealings with water licences*

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Licensee	121(1)	In the specified circumstances, the power to apply for one or more dealings with a water licence.				
Applicant	123(2)	Power to give notice of the application to certain entities.				
Applicant	123(5)	Power to give the Chief Executive a copy of the notice.				
Owner of Land	126(2)	Power to apply to relocate the water licence or part of the water licence.				

Entity	134(4)	Power to make a submission about the proposed amendment of a water licence.				
Licensee	136(1)	Power to surrender a water licence.				

### Division 3 – Water Permits

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	137(1)	Power to apply for a water permit.				
Applicant	137A(1)(a)	Power to give additional information to the Chief Executive upon request, within the reasonable period stated in the requirement.				
Applicant	137A(1)(b)	Power to verify by statutory declaration any information included in the application or any additional information required under section 137A(1)(a).				

### Division 4 – Water Allocations

#### *Subdivision 2 – Converting Water entitlements and granting water allocations*

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Allocation Holder/ Resource Operations Licence Holder	146(2)	Power to enter into a supply contract for the allocation.				
Allocation Holder/ Resource	147(4)	Power to enter into a supply contract for the allocation.				



Operations Licence Holder						
Licence Holder	149	Power to require allocation holder to give reasonable security for supplying and storing the allocation.				
Licence Holder	154(2)	Power to agree the obligation has been satisfied.				
Licence Holder	154(3)	Power to give the Chief Executive notice in the approved form.				
Allocation Holder	155(2)	Power to give the transferee or lessee under the contract a disclosure statement and an acknowledgement notice.				
Holder of Distribution Operations Licence	155(3)(b)	Power to prepare specified document and give the document to the allocation holder.				
Holder of Distribution Operations Licence	155(4)	Power to ensure the matters stated in the document mentioned in subsection 3(b) are the matters that the transferee or lessee reasonably need to be aware of before entering into a contract.				
Transferee or Lessee	155(5)	Power to terminate the contract.				

***Subdivision 3 – Dealings with water allocations***

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Water Allocation Holder	157(1)	Power to give Chief Executive a notice of the proposed transfer or lease.				

Water Allocation Holder	159(1)	Power to apply to the Chief Executive for a water allocation dealing other than a transfer or lease, under the water allocation dealing rules.				
Water Allocation Holder	161(1)	Power to lodge a Certificate with the Registrar.				
Water Allocation Holder	162(1)	Power to agree to surrender a water allocation.				
Holder of the Licence	162(2)	Power to consent to the surrender.				
Holder of a Resource Operations Licence or Distribution Operations Licence	161(3)	Power to agree with the Chief Executive about fees.				
Water Allocation Holder	164(3)	Power to make submissions.				
Holder of a Resource Operations Licence	166(1)(b)	Power to exercise a power of sale.				
Holder of a Distribution Operations Licence	166(1)(c)	Power to exercise a power of sale.				
Person	166(5)	Power to give notice of the proposed exercise of the power.				

***Subdivision 4 – Registering interests and dealings for water allocations***

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	175	Power to search the water allocations register.				

**Division 5 – Resource operations licences and distribution operations licences**

***Subdivision 1 – Nature and content of resource operations licences and distribution operations licences***

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Nominator	178(1)	Power to give Chief Executive a notice in the approved form.				

***Subdivision 2 – Granting or amending resource operations licence or distribution operations licence***

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity mentioned in in section 176(2)	181(1)	Power to apply for a resource operations licence for existing or proposed water infrastructure.				
Entity mentioned in in section 177(2)	181(2)	Power to apply for a distribution operations licence for existing or proposed water infrastructure.				

Holder of a Resource Operations Licence	183(5)	In certain circumstances, power to ask the Chief Executive, in writing, to refer the proposed change to the rules of a resource operations licence to a referral panel.				
Holder of a Resource Operations Licence or Distribution Operations Licence	184(1)	Power to apply to amend the licence.				
Holder of a Resource Operations Licence or Distribution Operations Licence	184(6)	In certain circumstances, power to ask the Chief Executive, in writing, to refer to the proposed changes to the rules of a resource operations licence to a referral panel.				
Licence Holder	186	Power to agree to an amendment.				

***Subdivision 3 – Transferring, amalgamating and cancelling resource operations licences or distribution operations licences***

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder of Resource Operations Resource Licence or Distribution Operations Licence	187(1)	Power to apply to the Chief Executive to transfer all or part of the licence to a transferee that can hold the licence.				

Current Infrastructure Owner	187(2)	Power to apply, with or without the consent of the approved nominee, to transfer all or part of the licence.				
Current Infrastructure Owner	188(2)(a)(i)	Power to provide written consent to an application.				
Incoming Owner	188(2)(a)(ii)	Power to provide written consent to an application.				
Holder of Resource Operations Licence	193(1)	Power to apply to the Chief Executive to amalgamate licences.				
Holder of Distribution Operations Licence	193(2)	Power to apply to the Chief Executive to amalgamate licences.				
Owner	193(4)	Power to provide written consent to the amalgamation.				
Holder of a Licence	195(2)	Power to make submissions.				

#### ***Subdivision 4 – Operations manuals***

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Holder of a Licence	197(2)	Power to prepare an operations manual and submit it to the Chief Executive for approval together with sufficient information.				
Holder of a Licence	198(3)	Power to publish the approved operations manual on the holders website.				

Holder of a Licence	199(3)	Power to apply in writing to the Chief Executive to have certain matters referred to a referral panel.				
Holder of a Licence	200(1)	Power to apply to Chief Executive to amend or replace an operations manual.				
Holder of a Licence	200(6)	Power to publish the statement of changes made to the manual.				
Holder of a Licence	201(2)	Power to apply to the Chief Executive in writing to amend the manual.				
Holder of a Licence	201(4)	Power to review the manual as required by the Chief Executive and apply to the Chief Executive in writing to amend it.				

**Division 5A – Minister of chief executive may give direction to take action about water quality issue**

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Entity	203B(1)(a) and (b)	In certain circumstances, the power to take stated reasonable action or not to take the stated action within or for a stated reasonable period.				Non-compliance with a direction without reasonable excuse is an offence under section 203D.
Relevant Entity	203D	Power to decide there is a reasonable excuse not to comply with a direction.				
Relevant Entity	203G(3)	Power to be consulted by the official in preparing the report.				
Relevant Entity	203G(4)	Power to give to the official information the official reasonably requires for preparing the report required under section 203G(2)				

## Division 6 – Operations licences

### *Subdivision 2 – Granting operations licences*

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	206(1)	Power to apply for an operations licence.				

### *Subdivision 3 – Dealings with operations licences*

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Licensee	211(1)	Power to apply to amend an operations licence.				
Licensee	212(3)	Power to make submissions.				
Holder	213(1)(a)	Power to give the Chief Executive notice in an approved form when the holder no longer wishes the holder's water to be taken under an operations licence.				
Licensee	215(1)	Power to apply to transfer the operations licence.				
Licensee	216(1)	Power to surrender an operations licence by giving the Chief Executive a notice of surrender.				

**Part 4 – Riverine Protection**

**Division 1 – Granting permits for destroying vegetation, excavating or placing fill in a watercourse, lake or spring**

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	218(1)	Power to apply to the Chief Executive for a Riverine Protection permit.				
Registered Owner	218(3)	Power to provide written consent to an application.				

**Division 2 – Dealings with riverine protection permits**

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	223(1)	Power to make submissions.				

**Part 5 – Quarry Materials**

**Division 2 – Granting and selling allocations of quarry material**

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	227(1)	Power to apply for an allocation of quarry material.				



**Division 4 – Dealings with allocations of quarry material**

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Allocation Notice Holder	235(1)	Power to apply to transfer all or part of the allocation to another person.				
Allocation Notice Holder	236(1)	Power to apply to renew the allocation notice before it expires.				
Holder	238(1)	Power to make submission.				
Allocation Notice Holder	239(1)	Power to surrender the allocation notice by giving the Chief Executive notice of its surrender.				

**CHAPTER 3 – UNDERGROUND WATER MANAGEMENT**

**Part 5 – Make Good Obligations for Water Bores**

**Division 4 – Disputes about make good obligations**

***Subdivision 1 – Preliminary***

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party	426(2)(a)	Power to ask the Chief Executive to direct an authorised officer to call a conference to negotiate a resolution of the dispute.				
Party	426(2)(b)	Power to call for the other party to agree to a non-binding alternatively dispute resolution process ( <i>an ADR</i> ) to seek to negotiate a resolution of the dispute.				

Party given an ADR Election Notice	426(6)	Power to accept or refuse the type of ADR and the ADR facilitator, proposed in the notice.				
Party giving the notice	426(7)	Power to make another proposal, or obtain a decision from the Land Court or a prescribed ADR institute, about the matter not accepted.				
Party	427(2)	Power to use all reasonable endeavours to resolve the dispute within 30 business days after the notice is given (also the <b><i>usual period</i></b> ).				
Either Party	427(3)	Power within the usual period, to ask the other party to agree to a longer period to apply instead of the usual period.				

### ***Subdivision 3A – Arbitration***

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Either Party	433A(2)	Power to give a notice (an <b><i>arbitration election notice</i></b> ) to the other party requesting the other party participate in an arbitration to decide the dispute.				
Party given an Arbitration Election Notice	433A(4)	Power within 15 business days after the notice is given, to accept or refuse the request for arbitration.				
Party	433A(5)	Power within 10 business days after the acceptance, to jointly appoint the arbitrator proposed under subsection (3)(b), or another arbitrator, to conduct the arbitration.				
Party	433E(2)	In the specified circumstances, the power to agree with the other party in relation to liability for arbitration fees and expenses.				

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***Subdivision 4 – Land Court decision on dispute***

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Eligible Party	434(4)	Power to apply to the Land Court to decide the matter the subject of the election notice.				

**CHAPTER 4 – WATER AUTHORITIES**

**Part 2 – Water authorities**

**Division 2 – Procedure**

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	556	Power to make written submissions on the proposed amendment to the Chief Executive.				

**Part 4 – Board of Directors**

**Division 1 – Appointment etc. of board of directors**

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	598A	Power to make written submissions on the proposed change to the Chief Executive.				

**Part 7 – Amalgamating, Dissolving and Transferring  
Functions of Water Authorities and Authority  
Areas**

**Division 2 – Transferring water authority's  
functions to local government**

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	700A(1)(a)(i)	Power to agree in writing 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.				
Local Government	700A(1)(b)	Power to notify the Minister of an agreement regarding the proposed transfer and ask in writing for the Minister's approval of the proposed transfer.				

**CHAPTER 5 – INVESTIGATIONS, ENFORCEMENT AND  
OFFENCES**

**Part 2 – Enforcement Matters**

**Division 1 – Show cause and compliance notices**

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Recipient of a show cause notice	779	Power to make written submissions about the show cause notice.				

## CHAPTER 6 – REVIEWS AND APPEALS

### Part 2 – Internal Review of Decisions

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Interested Person	862(1)	Power to may apply for a review (an <b>internal review</b> ) of particular original decisions.				
Applicant	863(3)	Power to give any other person who was given an information notice about the original decision the notice of the application (the <b>submitter notice</b> ) and a copy of the application and supporting documents.				

### Part 3 – Appeals and External Reviews

Entity power given to	Section of WATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Interested person for the original decision	877(1)	Power to appeal against or apply for a review of the review decision.				

[2019 04 19 - WATA - Delegation Table]

# INSTRUMENT OF SUB-DELEGATION

**Torres Strait Island Regional Council**  
***Water Act 2000 ("WATA")***

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**Bruce Ranga**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

**Position:** Insert Position  
**Position Code:** Insert Position Code

## POWERS SUB-DELEGATED

### *Water Act 2000 ("WATA")*

#### CHAPTER 2 – MANAGEMENT AND ALLOCATION OF WATER

##### Part 1 – Water Rights

##### Division 3 – Restricting use of water

##### *Subdivision 2 – Moratorium notices*

Entity power given to	Section of WATA	Description
Owner	33(2)(b)	In certain circumstances, power to apply to the Minister for an extension of the completion date.

##### Part 2 – Water Planning

##### Division 3 – Water plans

Entity power given to	Section of WATA	Description
Entity	46(2)(c)	Power to make submission about the draft plan.
Entity	54(2)(c)	Power to make submission about intended postponement.

##### Division 4 – Water use plans

Entity power given to	Section of WATA	Description
Entity	61(2)(c)	Power to make submissions about draft plan.

##### Division 6 – Water entitlement notice

Entity power given to	Section of WATA	Description
Affected Person	72(2)(c)	Power to make submissions about draft water entitlement notice.
Proposed Water Allocation Holder	73(1)(a)	In certain circumstances, power to give notice to the Chief Executive.
Existing Interest Holder	73(1)(b)	Power to give notice.
Interest Holder	73(1)(c)	In certain circumstances, power to give notice.
Proposed Water Allocation Holder	73(1)(c)	Power to give consent.



**Part 3 –****How State authorises take or interference with Water****Division 1 – Statutory authorisation to take or interfere with water*****Subdivision 1 – Authorisations that may not be limited by water planning instruments***

Entity power given to	Section of WATA	Description
Constructing Authorities/ Water Service Provider	99(1)	Power to take water to operate public showers or toilets.
Constructing Authority	99(2)	In certain circumstances, power to take water to construct or maintain infrastructure, and power to comply with any conditions attaching to that take.

***Subdivision 2 – Authorisations that may be limited by water planning instrument or regulation***

Entity power given to	Section of WATA	Description
Person	101(1)	In certain circumstances, power to take or interfere with water.
Person	102(1)	In certain circumstances, power to take or interfere with water.
Person	102(3)	In certain circumstances, power to take or interfere with water.

**Division 2 – Water licences*****Subdivision 2 – Obtaining a water licence***

Entity power given to	Section of WATA	Description
Prescribed Entity	107(4)	Power to apply for a water licence.
Entity specified in section 108(1)(a)-(c)	108(1)	Power to apply for a transmission water licence.
Applicant	112(3)	Power to: (a) publish information in a specified way; and (b) publish a notice.
Applicant	112(6)	Power to give the Chief Executive evidence of the publication.

***Subdivision 4 – Dealings with water licences***

Entity power given to	Section of WATA	Description
Licensee	121(1)	In the specified circumstances, the power to apply for one or more dealings with a water licence.
Applicant	123(2)	Power to give notice of the application to certain entities.
Applicant	123(5)	Power to give the Chief Executive a copy of the notice.
Owner of Land	126(2)	Power to apply to relocate the water licence or part of the water licence.
Entity	134(4)	Power to make a submission about the proposed amendment of a water licence.
Licensee	136(1)	Power to surrender a water licence.

### **Division 3 – Water Permits**

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
Person	137(1)	Power to apply for a water permit.
Applicant	137A(1)(a)	Power to give additional information to the Chief Executive upon request, within the reasonable period stated in the requirement.
Applicant	137A(1)(b)	Power to verify by statutory declaration any information included in the application or any additional information required under section 137A(1)(a).

### **Division 4 – Water Allocations**

#### ***Subdivision 2 – Converting Water entitlements and granting water allocations***

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
Allocation Holder/ Resource Operations Licence Holder	146(2)	Power to enter into a supply contract for the allocation.
Allocation Holder/ Resource Operations Licence Holder	147(4)	Power to enter into a supply contract for the allocation.
Licence Holder	149	Power to require allocation holder to give reasonable security for supplying and storing the allocation.
Licence Holder	154(2)	Power to agree the obligation has been satisfied.
Licence Holder	154(3)	Power to give the Chief Executive notice in the approved form.
Allocation Holder	155(2)	Power to give the transferee or lessee under the contract a disclosure statement and an acknowledgement notice.
Holder of Distribution Operations Licence	155(3)(b)	Power to prepare specified document and give the document to the allocation holder.
Holder of Distribution Operations Licence	155(4)	Power to ensure the matters stated in the document mentioned in subsection 3(b) are the matters that the transferee or lessee reasonably need to be aware of before entering into a contract.
Transferee or Lessee	155(5)	Power to terminate the contract.

#### ***Subdivision 3 – Dealings with water allocations***

<b>Entity power given to</b>	<b>Section of WATA</b>	<b>Description</b>
Water Allocation Holder	157(1)	Power to give Chief Executive a notice of the proposed transfer or lease.
Water Allocation Holder	159(1)	Power to apply to the Chief Executive for a water allocation dealing other than a transfer or lease, under the water allocation dealing rules.
Water Allocation Holder	161(1)	Power to lodge a Certificate with the Registrar.

Water Allocation Holder	162(1)	Power to agree to surrender a water allocation.
Holder of the Licence	162(2)	Power to consent to the surrender.
Holder of a Resource Operations Licence or Distribution Operations Licence	161(3)	Power to agree with the Chief Executive about fees.
Water Allocation Holder	164(3)	Power to make submissions.
Holder of a Resource Operations Licence	166(1)(b)	Power to exercise a power of sale.
Holder of a Distribution Operations Licence	166(1)(c)	Power to exercise a power of sale.
Person	166(5)	Power to give notice of the proposed exercise of the power.

***Subdivision 4 – Registering interests and dealings for water allocations***

Entity power given to	Section of WATA	Description
Person	175	Power to search the water allocations register.

**Division 5 – Resource operations licences and distribution operations licences**

***Subdivision 1 – Nature and content of resource operations licences and distribution operations licences***

Entity power given to	Section of WATA	Description
Nominator	178(1)	Power to give Chief Executive a notice in the approved form.

***Subdivision 2 – Granting or amending resource operations licence or distribution operations licence***

Entity power given to	Section of WATA	Description
Entity mentioned in in section 176(2)	181(1)	Power to apply for a resource operations licence for existing or proposed water infrastructure.
Entity mentioned in in section 177(2)	181(2)	Power to apply for a distribution operations licence for existing or proposed water infrastructure.
Holder of a Resource Operations Licence	183(5)	In certain circumstances, power to ask the Chief Executive, in writing, to refer the proposed change to the rules of a resource operations licence to a referral panel.
Holder of a Resource Operations Licence or Distribution Operations Licence	184(1)	Power to apply to amend the licence.

Holder of a Resource Operations Licence or Distribution Operations Licence	184(6)	In certain circumstances, power to ask the Chief Executive, in writing, to refer to the proposed changes to the rules of a resource operations licence to a referral panel.
Licence Holder	186	Power to agree to an amendment.

***Subdivision 3 – Transferring, amalgamating and cancelling resource operations licences or distribution operations licences***

Entity power given to	Section of WATA	Description
Holder of Resource Operations Resource Licence or Distribution Operations Licence	187(1)	Power to apply to the Chief Executive to transfer all or part of the licence to a transferee that can hold the licence.
Current Infrastructure Owner	187(2)	Power to apply, with or without the consent of the approved nominee, to transfer all or part of the licence.
Current Infrastructure Owner	188(2)(a)(i)	Power to provide written consent to an application.
Incoming Owner	188(2)(a) (ii)	Power to provide written consent to an application.
Holder of Resource Operations Licence	193(1)	Power to apply to the Chief Executive to amalgamate licences.
Holder of Distribution Operations Licence	193(2)	Power to apply to the Chief Executive to amalgamate licences.
Owner	193(4)	Power to provide written consent to the amalgamation.
Holder of a Licence	195(2)	Power to make submissions.

***Subdivision 4 – Operations manuals***

Entity power given to	Section of WATA	Description
Holder of a Licence	197(2)	Power to prepare an operations manual and submit it to the Chief Executive for approval together with sufficient information.
Holder of a Licence	198(3)	Power to publish the approved operations manual on the holders website.
Holder of a Licence	199(3)	Power to apply in writing to the Chief Executive to have certain matters referred to a referral panel.
Holder of a Licence	200(1)	Power to apply to Chief Executive to amend or replace an operations manual.
Holder of a Licence	200(6)	Power to publish the statement of changes made to the manual.
Holder of a Licence	201(2)	Power to apply to the Chief Executive in writing to amend the manual.
Holder of a Licence	201(4)	Power to review the manual as required by the Chief Executive and apply to the Chief Executive in writing to amend it.

**Division 5A – Minister of chief executive may give direction to take action about water quality issue**

Entity power given to	Section of WATA	Description
Relevant Entity	203B(1)(a) and (b)	In certain circumstances, the power to take stated reasonable action or not to take the stated action within or for a stated reasonable period.
Relevant Entity	203D	Power to decide there is a reasonable excuse not to comply with a direction.
Relevant Entity	203G(3)	Power to be consulted by the official in preparing the report.
Relevant Entity	203G(4)	Power to give to the official information the official reasonably requires for preparing the report required under section 203G(2)

**Division 6 – Operations licences**

***Subdivision 2 – Granting operations licences***

Entity power given to	Section of WATA	Description
Person	206(1)	Power to apply for an operations licence.

***Subdivision 3 – Dealings with operations licences***

Entity power given to	Section of WATA	Description
Licensee	211(1)	Power to apply to amend an operations licence.
Licensee	212(3)	Power to make submissions.
Holder	213(1)(a)	Power to give the Chief Executive notice in an approved form when the holder no longer wishes the holder's water to be taken under an operations licence.
Licensee	215(1)	Power to apply to transfer the operations licence.
Licensee	216(1)	Power to surrender an operations licence by giving the Chief Executive a notice of surrender.

**Part 4 – Riverine Protection**

**Division 1 – Granting permits for destroying vegetation, excavating or placing fill in a watercourse, lake or spring**

Entity power given to	Section of WATA	Description
Person	218(1)	Power to apply to the Chief Executive for a Riverine Protection permit.
Registered Owner	218(3)	Power to provide written consent to an application.

**Division 2 – Dealings with riverine protection permits**

Entity power given to	Section of WATA	Description
Person	223(1)	Power to make submissions.

**Part 5 –****Quarry Materials****Division 2 – Granting and selling allocations of quarry material**

Entity power given to	Section of WATA	Description
Person	227(1)	Power to apply for an allocation of quarry material.

**Division 4 – Dealings with allocations of quarry material**

Entity power given to	Section of WATA	Description
Allocation Notice Holder	235(1)	Power to apply to transfer all or part of the allocation to another person.
Allocation Notice Holder	236(1)	Power to apply to renew the allocation notice before it expires.
Holder	238(1)	Power to make submission.
Allocation Notice Holder	239(1)	Power to surrender the allocation notice by giving the Chief Executive notice of its surrender.

**CHAPTER 3 – UNDERGROUND WATER MANAGEMENT****Part 5 –****Make Good Obligations for Water Bores****Division 4 – Disputes about make good obligations*****Subdivision 1 – Preliminary***

Entity power given to	Section of WATA	Description
Party	426(2)(a)	Power to ask the Chief Executive to direct an authorised officer to call a conference to negotiate a resolution of the dispute.
Party	426(2)(b)	Power to call for the other party to agree to a non-binding alternatively dispute resolution process ( <i>an ADR</i> ) to seek to negotiate a resolution of the dispute.
Party given an ADR Election Notice	426(6)	Power to accept or refuse the type of ADR and the ADR facilitator, proposed in the notice.
Party giving the notice	426(7)	Power to make another proposal, or obtain a decision from the Land Court or a prescribed ADR institute, about the matter not accepted.
Party	427(2)	Power to use all reasonable endeavours to resolve the dispute within 30 business days after the notice is given (also the <i>usual period</i> ).
Either Party	427(3)	Power within the usual period, to ask the other party to agree to a longer period to apply instead of the usual period.

***Subdivision 3A – Arbitration***

Entity power given to	Section of WATA	Description
Either Party	433A(2)	Power to give a notice ( <i>an arbitration election notice</i> ) to the other party requesting the other party participate in an arbitration to decide the dispute.

Party given an Arbitration Election Notice	433A(4)	Power within 15 business days after the notice is given, to accept or refuse the request for arbitration.
Party	433A(5)	Power within 10 business days after the acceptance, to jointly appoint the arbitrator proposed under subsection (3)(b), or another arbitrator, to conduct the arbitration.
Party	433E(2)	In the specified circumstances, the power to agree with the other party in relation to liability for arbitration fees and expenses.

#### ***Subdivision 4 – Land Court decision on dispute***

Entity power given to	Section of WATA	Description
Eligible Party	434(4)	Power to apply to the Land Court to decide the matter the subject of the election notice.

## **CHAPTER 4 – WATER AUTHORITIES**

### **Part 2 – Water authorities**

#### **Division 2 – Procedure**

Entity power given to	Section of WATA	Description
Entity	556	Power to make written submissions on the proposed amendment to the Chief Executive.

### **Part 4 – Board of Directors**

#### **Division 1 – Appointment etc. of board of directors**

Entity power given to	Section of WATA	Description
Person	598A	Power to make written submissions on the proposed change to the Chief Executive.

### **Part 7 – Amalgamating, Dissolving and Transferring Functions of Water Authorities and Authority Areas**

#### **Division 2 – Transferring water authority's functions to local government**

Entity power given to	Section of WATA	Description
Local Government	700A(1)(a)(i)	Power to agree in writing 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.
Local Government	700A(1)(b)	Power to notify the Minister of an agreement regarding the proposed transfer and ask in writing for the Minister's approval of the proposed transfer.

## CHAPTER 5 – INVESTIGATIONS, ENFORCEMENT AND OFFENCES

### Part 2 – Enforcement Matters

#### Division 1 – Show cause and compliance notices

Entity power given to	Section of WATA	Description
Recipient of a show cause notice	779	Power to make written submissions about the show cause notice.

## CHAPTER 6 – REVIEWS AND APPEALS

### Part 2 – Internal Review of Decisions

Entity power given to	Section of WATA	Description
Interested Person	862(1)	Power to may apply for a review (an <i>internal review</i> ) of particular original decisions.
Applicant	863(3)	Power to give any other person who was given an information notice about the original decision the notice of the application (the <i>submitter notice</i> ) and a copy of the application and supporting documents.

### Part 3 – Appeals and External Reviews

Entity power given to	Section of WATA	Description
Interested person for the original decision	877(1)	Power to appeal against or apply for a review of the review 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.

[2019 04 19 - WATA - 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 *Waste Reduction and Recycling Act 2011 ("WRRRA")***

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.

**Waste Reduction and Recycling Act 2011 ("WRRRA")**

**CHAPTER 3 – OBLIGATIONS OF OPERATOR OF WASTE DISPOSAL SITE**

**Part 2 – Waste data returns**

Entity power given to	Section of WRRRA	Description
Operator of waste disposal site	52(2)	Power to give the Chief Executive a return in the approved form for the period prescribed under a regulation.

**CHAPTER 3 – WASTE LEVY**

**Part 2 – Identifying exempt waste**

**Division 1A – Serious local event waste**

Entity power given to	Section of WRRRA	Description
Chief Executive Officer	27A(1)	Power to form a reasonable belief: (a) there is or will be a serious local event in the local government's local government area; and (b) an exemption from the levy on types of waste generated as a result of the serious local event and delivered to particular waste disposal sites should be allowed.
Chief Executive Officer	27A(2)(a) to (c)	In the specified circumstances, the power to give to the Chief Executive a notice, as soon as practicable of the specified matters.

**Division 2A – Approval of waste as exempt waste**

Entity power given to	Section of WRRRA	Description
Applicant	28(1)	Power to apply to the Chief Executive for approval of waste, identified in the application (an <b>exempt waste application</b> ), as exempt waste.
Chief Executive Officer	28(3A)	Power to make an application about serious local event waste generated in the local government area.
Applicant	29(1)	In the specified circumstances, the power to provide the Chief Executive with the further reasonable information or documents sought.
Applicant	29(2)	In the specified circumstances, the power to agree with the Chief Executive about extending the time for providing the further information or documents.
Applicant	31(3)	In the specified circumstances, the power to ask for or agree to conditions being imposed on the approval.
Holder of the Approval	33(1)	In the specified circumstances, the power to agree to amendment of the approval.
Holder of the Approval	34(3)(e)	In the specified circumstances, the power to make written submissions to show why the action proposed by the Chief Executive should not be taken.

### Part 3 – Operation of waste levy

Entity power given to	Section of WRRRA	Description
Person who mixed the waste	40(2)	In the specified circumstances, the power to agree to a method of working out the waste that is taken to have been generated outside the non-levy zone and the total amount of that waste.
Operator of the site	42(2)	In the specified circumstances, the power to make a reasonable estimate of the amount of each type of waste included in the mixed waste using the information given to the operator under section 53.

### Part 4 – Discounting waste levy for residue waste

Entity power given to	Section of WRRRA	Description
Person who conducts a recycling activity prescribed by regulation	44(1)	Power to apply to the Chief Executive for approval of a discounted rate for the waste levy for residue waste identified in the application (a <b>residue waste discounting application</b> ).
Applicant	45(2)	In the specified circumstances, the power to agree with the Chief Executive about extending the time for providing the further information or documents.
Applicant	47(3)	In the specified circumstances, the power to agree to or ask for a condition to be imposed on the approval.
Holder of the approval	49(1)	In the specified circumstances, the power In the specified circumstances, the power to agree with the Chief Executive to the amendment of the approval.
Holder of the approval	50(3)(e)	Power to make written submissions to show why the proposed action should not be taken.

### Part 5 – Obligations relating to waste levy

#### Division 1 – Obligations of persons delivering waste

Entity power given to	Section of WRRRA	Description
Operator of a waste disposal site	53(2)	In the specified circumstances, the power to form a belief regarding what is reasonably required from the person who delivers waste to a waste disposal site to identify: (a) how much of the waste is exempt waste and how much of it is leviable waste; and (b) for each type of waste required to be measured by the operator under section 59 – how much waste there is; and (c) whether the waste was generated in the waste levy zone, the non-levy zone or outside Queensland.
Operator of the waste disposal site	53(5)	In the specified circumstances, the power to ask a person for information in the approved form.
Operator of the resource recovery and transfer facility or Entity	54(2)	In the specified circumstances, the power is to form a view about what is reasonably required to identify: (a) how much of the waste is exempt waste and how much of it is leviable waste; and (b) whether the waste was generated in the waste levy zone or outside Queensland.

Entity or Operator	54(4)	Power to require a person to give the delivery information to the operator or entity in the approved form.
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## **Division 2 – Obligations of operators of waste disposal sites**

### ***Subdivision 3 – Measurement of waste***

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Operator	60(3)	In the specified circumstances, the power to agree with the Chief Executive how to measure and record a particular amount of waste or other material

### ***Subdivision 4 – Monitoring system***

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Operator	64(3)(f)(i)	In the specified circumstances, the power to approve a person to erase or destroy a recording.
Operator	64(4)(b)	In the specified circumstances, the power to destroy a recording
Operator	64(5)(a)(ii)	Power to approve a person to operate a monitoring system.

## **Division 3 – Payment options**

### ***Subdivision 1 – Waste levy instalment agreements***

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Operator of a leviable waste disposal site	72C(1)	Power to apply to the Chief Executive to enter into a waste levy instalment agreement for a waste levy amount the operator must pay the State.
Operator of a leviable waste disposal site	72D(1)	Power to apply to the Chief Executive for an amendment of the waste levy instalment agreement in the prescribed manner.

### ***Subdivision 2 – Extension of time***

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Operator of a leviable waste disposal site	72G(1)	In the specified circumstances, the power to apply to the Chief Executive for an extension of time to pay the waste levy amount.
Operator of a leviable waste disposal site	72H(1)	In the specified circumstances, the power to apply to the Chief Executive for an extension of time to submit a waste data return and pay a waste levy amount.

### ***Subdivision 4 – Bad debt credit***

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Operator or Former Operator of a waste disposal site	72L(1)	In the specified circumstances, the power to apply to the Chief Executive for relief.
Applicant	72M(2)	In the specified circumstances, the power to agree with the Chief Executive about extending the time for providing the

		further information or documents requested by the Chief Executive.
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**Part 6 – Resource recovery area**

**Division 1 – Declaration of resource recovery area**

Entity power given to	Section of WRRRA	Description
Operator of a waste disposal site	72R	In the specified circumstances, the power to declare an area within the site a <u>resource recovery area</u> .
Operator of a waste disposal site	72S(1)	In the specified circumstances, the power to give the Chief Executive notice of a proposed resource recovery area at least 20 days before using the area as a resource recovery area.
Operator of a waste disposal site for which a resource recovery area has been declared	72U(1)	In the specified circumstances, the power to amend the area's declaration as resource recovery area by giving the Chief Executive notice of the proposed amendment at least 20 days before the amendment is to take effect.
Operator of a waste disposal site for which a resource recovery area has been declared	72V(1)	In the specified circumstances, the power to cancel the area's declaration as a resource recovery area by giving the Chief Executive notice of the proposed cancellation at least 30 days before the cancellation is to take effect.
Operator of a waste disposal site	72W(2)(e)	In the specified circumstances, the power to make written submissions to show why the proposed action should not be taken.

**CHAPTER 4 – MANAGEMENT OF PRIORITY PRODUCTS AND PRIORITY WASTE**

**Part 3B – Beverage container refund scheme**

**Division 3 – Refund amounts for empty containers and container refund points**

***Subdivision 3 – Container refund points***

Entity power given to	Section of WRRRA	Description
Operator of a container refund point	99V(1)	Power to pay refund amounts for containers presented at the container refund point in one of the manners set out in section 99V.
Person	99ZA(3)(a)	Power to ask the Organisation, in writing, to enter into a container collection agreement for the purpose of the person operating a container refund point.
Operator of a container refund point	99ZB(1)	Power to claim a collection amount from the Organisation for containers collected.
Operator of a container refund point	99ZB(4)	Power to accept an information notice from the Organisation.

#### Division 4 – Recovery amounts for empty containers recycled by material recovery facilities

Entity power given to	Section of WRRRA	Description
Operator of a material recovery facility	99ZF(4)(a)	Power to ask the Organisation, in writing, to enter into a <b>material recovery agreement</b> for the purpose of claiming recovery amounts for containers.
Operator of a material recovery facility	99ZH(1)	In certain circumstances, the power to claim the recovery amount for a quantity of containers from the Organisation of the operator.

#### Division 6 - Miscellaneous

Entity power given to	Section of WRRRA	Description
Operator of a container refund point or material recovery facility	99ZY(2)	Power to apply to the chief executive for an exemption (an <b>extraordinary circumstances exemption</b> ).

### CHAPTER 5 – OFFENCES RELATING TO LITTERING AND ILLEGAL DUMPING

#### Part 2 – Material that may become waste

##### Division 1 – Roads

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	110(1) <sup>1</sup>	Power to hold a belief on reasonable grounds that documents have been distributed by being placed in or on motor vehicles, or attached to buildings or other fixed structures in contravention of s109.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	110(2) <sup>2</sup>	Subject to s110(1), power to give a notice to a person who is an adult if on the reasonable belief that the person: <ul style="list-style-type: none"> <li>(a) authorised or arranged for the distribution of the documents; or</li> <li>(b) authorised or arranged for the printing of the documents; or</li> <li>(c) placed or attached any of the documents.</li> </ul>
Powers delegated to Council in first instance by Chief	111(1) <sup>3</sup>	Power to hold a belief on reasonable grounds that advertising material has been distributed in an area by being delivered to

<sup>1</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<sup>2</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<sup>3</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.



Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		premises in contraction of the unlawful delivery provision or the secure delivery provision.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	111(2) <sup>4</sup>	Subject to s111(1), power to give a notice to a person who is an adult if on the reasonable belief that the person: <ul style="list-style-type: none"> <li>(a) authorised or arranged for the distribution of the documents; or</li> <li>(b) authorised or arranged for the printing of the documents; or</li> <li>(c) placed or attached any of the documents.</li> </ul>
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	112(3) <sup>5</sup>	In the circumstances and subject to s112(4), power to direct a responsible entity to collect material from premises within a period of time.

## CHAPTER 6 – STRATEGIC PLANNING FOR WASTE REDUCTION AND RECYCLING

### Part 2 – Local government strategic planning for waste

#### Division 3 – Chief executive action to prepare waste reduction and recycling plan for local government

Entity power given to	Section of WRRRA	Description
Local Government	128(3)(c)	Power to make written submissions.

## CHAPTER 8 – PROVISIONS FOR END OF WASTE

### Part 2 – End of Waste Codes

#### Division 3 – Amendment, cancellation or suspension of end of waste codes

Entity power given to	Section of WRRRA	Description
Person	168	Power to apply to the Chief Executive to amend an end of waste code.

<sup>4</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<sup>5</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

## Division 4 – Registration of end of waste resource producers

Entity power given to	Section of WRRRA	Description
Person	173B(1)	Power to give the Chief Executive a notice that Council intends to become a registered resource producer for the code.
Person	173B(3)	Power to give the Chief Executive notice, in the approved form, that it is no longer a registered resource producer for an end of waste code.
Person	173D(1)(e)	Power to make a written submission to the Chief Executive about why the proposed action should not be taken.

### Part 3 – End of Waste Approvals

Entity power given to	Section of WRRRA	Description
Person	173I(1)	Power to apply to the Chief Executive for an end of waste approval for 1 kind of waste to be used as a resource.
Holder	173L(1)	Power to apply to the Chief Executive, on 1 occasion, to extend the approval.
Holder	173M(1)	Power to apply to the Chief Executive to amend the approval.
Holder	173O(1)	Power to apply to the Chief Executive to transfer the approval to another person.
Proposed Transferee	173O(2)	Power to consent to a proposed transfer.

## CHAPTER 8A – GENERAL PROVISIONS FOR APPROVALS

### Part 3 – Amendment, suspension or cancellations

Entity power given to	Section of WRRRA	Description
Holder	173ZB(3)(f)	Power to, within a stated period (the <b><i>show cause period</i></b> ), make a written submission to the Chief Executive about why the proposed action should not be taken.

### Part 4 – Miscellaneous

Entity power given to	Section of WRRRA	Description
Holder	173ZE	Power to surrender the approval by giving the Chief Executive a notice about the surrender.
Holder	173ZF(1)	Power to provide Chief Executive with information about an approval.

## CHAPTER 9 – REVIEWS

### Part 1 – Internal Reviews

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	175 <sup>6</sup>	Subject to conditions, power to consider an application for an internal review of a decision.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	176(2) <sup>7</sup>	Power to extend the time for making an internal review application.
Applicant of an internal review application	177(2)	Power to apply for a stay of an original decision.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	178(1)(a) <sup>8</sup>	Power to conduct an internal review of the decision the subject of the application.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	178(1)(b) <sup>9</sup>	Power to make a decision to: <ul style="list-style-type: none"> <li>(i) confirm the original decision; or</li> <li>(ii) amend the original decision; or</li> <li>(iii) substitute another decision for the original decision.</li> </ul>

<sup>6</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

<sup>7</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

<sup>8</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

<sup>9</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

## CHAPTER 10 – AUTHORISED PERSONS

### Part 2 – General matters about authorised persons

#### Division 2 – Appointment

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	183(1) <sup>10</sup>	Power to appoint an authorised person.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	187 <sup>11</sup>	To issue an identify card to an authorised person.

## CHAPTER 11 – SHOW CAUSE NOTICES AND COMPLIANCE NOTICES

### Part 2 – Show cause notices

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management)	246(1) <sup>12</sup>	Power to reasonably believe a person has contravened a prescribed provision.

<sup>10</sup> The authorised person can be appointed to exercise the powers in section 117 and Chapter 10 of the WRRRA in relation to the following offences:

- (a) Chapter 5: Parts 1, 2 and Part 3, Division 1 and 2 of the Act;
- (b) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);
- (c) Section 251(b) in relation to a contravention of section 103 or 104;
- (d) Section 254, and section 264 of the Act.

<sup>11</sup> The authorised person can be appointed to exercise the powers in section 117 and Chapter 10 of the WRRRA in relation to the following offences:

- (a) Chapter 5: Parts 1, 2 and Part 3, Division 1 and 2 of the Act;
- (b) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);
- (c) Section 251(b) in relation to a contravention of section 103 or 104;
- (d) Section 254, and section 264 of the Act.

<sup>12</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

Delegation (No. 1) 2015		
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	246(2) <sup>13</sup>	Power to give a person a show cause notice, subject to subsection (3).
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	246(3) <sup>14</sup>	Power to reasonably consider that it is not appropriate in the circumstances to give the show cause notice.

### Part 3 – Compliance notices

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	248(1) <sup>15</sup>	Subject to s246 (2) and subject to holding a reasonable belief that a person has contravened, or is contravening, a prescribed provision, power to give a compliance notice to a person requiring the person to do either or both of the following – (a) to refrain from contravening the prescribed provision; (b) to remedy the contravention in the way stated in the notice.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	249(2) <sup>16</sup>	Power to give a compliance notice if the Chief Executive: (a) has considered all submissions made by the person about the show cause notice within the period state in that notice; and (b) still believes it is appropriate to give a compliance notice.

<sup>13</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

<sup>14</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

<sup>15</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

<sup>16</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

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## CHAPTER 12 – WASTE AUDITS

### Part 2 – Chief executive may require conduct of waste audits

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	253(1) <sup>17</sup>	Subject to holding a reasonable suspicion that a person is contravening or has contravened a prescribed provision, power to give a notice requiring a person to commission a waste audit of the matter and to provide a waste report on the audit.

### Part 3 – Other provisions

Entity power given to	Section of WRRRA	Description
A recipient as defined in s253(1).	256(1)	Power to make and provide a statutory declaration.

## CHAPTER 15 – TRANSITIONAL PROVISIONS

### Part 2 – Discounted levy for residue waste disposal until 30 June 2014

Entity power given to	Section of WRRRA	Description
Entity who conducts a recycling activity	278(1)	Power to make a residue waste discounting application.
Applicant of a residue waste discounting application	279(3)	Power to agree to a later date for the provision of further information.
Applicant of a residue waste discounting application	281(3)	Power to agree to or ask for a condition to a grant of application.

### Part 3 – Exempt from waste levy for residue waste until 30 June 2014

Entity power given to	Section of WRRRA	Description
Entity who conducts a recycling activity	287(1)	Power to make a transition period exempt residue waste application.
Applicant of a transition period exempt residue waste application	290(3)	Power to agree to or ask for a condition to a grant of application.

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<sup>17</sup> The power can only be exercised as it relates to section 104 of WRRRA.

Holder of a transition period exempt residue waste application	293(3)(e)	Power to make written submissions.
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## CHAPTER 16 – OTHER TRANSITIONAL PROVISIONS

### Part 2 – Transitional provisions for Waste Reduction and Recycling Amendment Act 2017

Entity power given to	Section of WRRRA	Description
Person	308(2)	Power to, before the collection transition day, deal with or do the specified things in relation to a container that does not display the refund marking.

### Part 3 – Transitional provisions for Waste Reduction and Recycling (Waste Levy) Amendment Act 2019

#### Division 1 – Exemption from waste levy for particular residue waste during transition period

Entity power given to	Section of WRRRA	Description
Entity that conducted a recycling activity during the qualifying period	310(1)	In the specified circumstances, the power to apply to the Chief Executive for an approval that residue waste identified in the application (a <b><i>transition period exempt residue waste application</i></b> ) is exempt waste for the transition period.
Applicant for approval that residue waste is exempt waste	313(3)	In the specified circumstances, the power to agree to or ask for a condition.
Holder of an approval	315(3)(e)	In the specified circumstances, the power within a stated period to make written submissions to show why the proposed action should not be taken.

#### Division 2 – Exemption from weighbridge requirements for particular sites under 20 June 2029

Entity power given to	Section of WRRRA	Description
Operator of a leviable waste disposal site	317(2)	In the specified circumstances, the power to apply to the Chief Executive for an exemption during the transition period from the requirements under section 57.
Applicant	320(3)	In the specified circumstances, the power to ask for or agree to a condition with the Chief Executive.

#### Division 3 – Other matters

Entity power given to	Section of WRRRA	Description
Operator of a waste disposal site	322(a)	In the specified circumstances, the power to give the Chief Executive notice that it is not practicable to use the weighbridge to measure and record waste or other material delivered to the site.

Operator of a small site	325(a)	In the specified circumstances, the power to give the Chief Executive written notice of a proposed alternative methodology for measuring and recording waste at the site.
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## **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.

[2019 02 21 - WRRRA - 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 WASTE REDUCTION AND RECYCLING ACT 2011 ("WRRRA")

### CHAPTER 3 – OBLIGATIONS OF OPERATOR OF WASTE DISPOSAL SITE

#### Part 2 – Waste data returns

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator of waste disposal site	52(2)	Power to give the Chief Executive a return in the approved form for the period prescribed under a regulation.				No longer effective from 1 July 2019.

### CHAPTER 3 – WASTE LEVY

#### Part 2 – Identifying exempt waste

##### Division 1A – Serious local event waste

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	27A(1)	Power to form a reasonable belief: (a) there is or will be a serious local event in the local government's local government area; and (b) an exemption from the levy on types of waste generated as a result of the serious local event and delivered to particular waste disposal sites should be allowed.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			Effective 1 July 2019

Chief Executive Officer	27A(2)(a) to (c)	In the specified circumstances, the power to give to the Chief Executive a notice, as soon as practicable of the specified matters.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			Effective 1 July 2019
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#### Division 2A – Approval of waste as exempt waste

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Applicant	28(1)	Power to apply to the Chief Executive for approval of waste, identified in the application (an <b>exempt waste application</b> ), as exempt waste.				Effective 1 July 2019  An application for serious local event waste may only be made by the CEO pursuant to section 28(3A).
Chief Executive Officer	28(3A)	Power to make an application about serious local event waste generated in the local government area.	The power is given directly to the CEO under the legislation and, therefore, does not need to be delegated by Council.			Effective 1 July 2019
Applicant	29(1)	In the specified circumstances, the power to provide the Chief Executive with the further reasonable information or documents sought.				Effective 1 July 2019

Applicant	29(2)	In the specified circumstances, the power to agree with the Chief Executive about extending the time for providing the further information or documents.				Effective 1 July 2019
Applicant	31(3)	In the specified circumstances, the power to ask for or agree to conditions being imposed on the approval.				Effective 1 July 2019
Holder of the Approval	33(1)	In the specified circumstances, the power to agree to amendment of the approval.				Effective 1 July 2019
Holder of the Approval	34(3)(e)	In the specified circumstances, the power to make written submissions to show why the action proposed by the Chief Executive should not be taken.				Effective 1 July 2019

### Part 3 – Operation of waste levy

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who mixed the waste	40(2)	In the specified circumstances, the power to agree to a method of working out the waste that is taken to have been generated outside the non-levy zone and the total amount of that waste.				Effective 1 July 2019
Operator of the site	42(2)	In the specified circumstances, the power to make a reasonable estimate of the amount of each type of waste included in the mixed waste using the information given to the operator under section 53.				Effective 1 July 2019

**Part 4 – Discounting waste levy for residue waste**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a recycling activity prescribed by regulation	44(1)	Power to apply to the Chief Executive for approval of a discounted rate for the waste levy for residue waste identified in the application (a <b>residue waste discounting application</b> ).				Effective 1 July 2019
Applicant	45(2)	In the specified circumstances, the power to agree with the Chief Executive about extending the time for providing the further information or documents.				Effective 1 July 2019
Applicant	47(3)	In the specified circumstances, the power to agree to or ask for a condition to be imposed on the approval.				Effective 1 July 2019
Holder of the approval	49(1)	In the specified circumstances, the power In the specified circumstances, the power to agree with the Chief Executive to the amendment of the approval.				Effective 1 July 2019
Holder of the approval	50(3)(e)	Power to make written submissions to show why the proposed action should not be taken.				Effective 1 July 2019

**Part 5 – Obligations relating to waste levy**

**Division 1 – Obligations of persons delivering waste**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator of a waste disposal site	53(2)	In the specified circumstances, the power to form a belief regarding what is reasonably required from the person who delivers waste to a waste disposal site to identify: (a) how much of the waste is exempt waste and how much of it is leviable waste; and (b) for each type of waste required to be measured by the operator under section 59 – how much waste there is; and (c) whether the waste was generated in the waste levy zone, the non-levy zone or outside Queensland.				Effective 1 July 2019
Operator of the waste disposal site	53(5)	In the specified circumstances, the power to ask a person for information in the approved form.				Effective 1 July 2019
Operator of the resource recovery and transfer facility or Entity	54(2)	In the specified circumstances, the power is to form a view about what is reasonably required to identify: (a) how much of the waste is exempt waste and how much of it is leviable waste; and (b) whether the waste was generated in the waste levy zone or outside Queensland.				Effective 1 July 2019
Entity or Operator	54(4)	Power to require a person to give the delivery information to the operator or entity in the approved form.				Effective 1 July 2019

**Division 2 – Obligations of operators of waste disposal sites**

***Subdivision 3 – Measurement of waste***

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator	60(3)	In the specified circumstances, the power to agree with the Chief Executive how to measure and record a particular amount of waste or other material				Effective 1 July 2019

***Subdivision 4 – Monitoring system***

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator	64(3)(f)(i)	In the specified circumstances, the power to approve a person to erase or destroy a recording.				Effective 1 July 2019
Operator	64(4)(b)	In the specified circumstance, the power to destroy a recording.				Effective 1 July 2019
Operator	64(5)(a)(ii)	Power to approve a person to operate a monitoring system.				Effective 1 July 2019



### Division 3 – Payment options

#### *Subdivision 1 – Waste levy instalment agreements*

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator of a leviable waste disposal site	72C(1)	Power to apply to the Chief Executive to enter into a waste levy instalment agreement for a waste levy amount the operator must pay the State.		Sub-delegation is not recommended.		Effective 1 July 2019
Operator of a leviable waste disposal site	72D(1)	Power to apply to the Chief Executive for an amendment of the waste levy instalment agreement in the prescribed manner.				Effective 1 July 2019

#### *Subdivision 2 – Extension of time*

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator of a leviable waste disposal site	72G(1)	In the specified circumstances, the power to apply to the Chief Executive for an extension of time to pay the waste levy amount.				Effective 1 July 2019
Operator of a leviable waste disposal site	72H(1)	In the specified circumstances, the power to apply to the Chief Executive for an extension of time to submit a waste data return and pay a waste levy amount.				Effective 1 July 2019

**Subdivision 4 – Bad debt credit**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator or Former Operator of a waste disposal site	72L(1)	In the specified circumstances, the power to apply to the Chief Executive for relief.				Effective 1 July 2019
Applicant	72M(2)	In the specified circumstances, the power to agree with the Chief Executive about extending the time for providing the further information or documents requested by the Chief Executive.				Effective 1 July 2019

**Part 6 – Resource recovery area**

**Division 1 – Declaration of resource recovery area**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator of a waste disposal site	72R	In the specified circumstances, the power to declare an area within the site a <u>resource recovery area</u> .				Effective 1 July 2019
Operator of a waste disposal site	72S(1)	In the specified circumstances, the power to give the Chief Executive notice of a proposed resource recovery area at least 20 days before using the area as a resource recovery area.				Effective 1 July 2019
Operator of a waste disposal site for which a resource recovery area	72U(1)	In the specified circumstances, the power to amend the area's declaration as resource recovery area by giving the Chief Executive notice of the proposed amendment at least 20 days before the amendment is to take effect.				Effective 1 July 2019

has been declared						
Operator of a waste disposal site for which a resource recovery area has been declared	72V(1)	In the specified circumstances, the power to cancel the area's declaration as a resource recovery area by giving the Chief Executive notice of the proposed cancellation at least 30 days before the cancellation is to take effect.				Effective 1 July 2019
Operator of a waste disposal site	72W(2)(e)	In the specified circumstances, the power to make written submissions to show why the proposed action should not be taken.				Effective 1 July 2019

## CHAPTER 4 – MANAGEMENT OF PRIORITY PRODUCTS AND PRIORITY WASTE

### Part 3B – Beverage container refund scheme

#### Division 3 – Refund amounts for empty containers and container refund points

##### *Subdivision 3 – Container refund points*

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator of a container refund point	99V(1)	Power to pay refund amounts for containers presented at the container refund point in one of the manners set out in section 99V.				Effective 1 November 2018
Person	99ZA(3)(a)	Power to ask the Organisation, in writing, to enter into a container collection agreement for the purpose of the person operating a container refund point.				

Operator of a container refund point	99ZB(1)	Power to claim a collection amount from the Organisation for containers collected.				Effective 1 November 2018
Operator of a container refund point	99ZB(4)	Power to accept an information notice from the Organisation.				Effective 1 November 2018

**Division 4 – Recovery amounts for empty containers recycled by material recovery facilities**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator of a material recovery facility	99ZF(4)(a)	Power to ask the Organisation, in writing, to enter into a <b>material recovery agreement</b> for the purpose of claiming recovery amounts for containers.				
Operator of a material recovery facility	99ZH(1)	In certain circumstances, the power to claim the recovery amount for a quantity of containers from the Organisation of the operator.				Effective 1 November 2018

**Division 6 - Miscellaneous**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator of a container refund point or material recovery facility	99ZY(2)	Power to apply to the chief executive for an exemption (an <b>extraordinary circumstances exemption</b> ).				

## CHAPTER 5 – OFFENCES RELATING TO LITTERING AND ILLEGAL DUMPING

### Part 2 – Material that may become waste

#### Division 1 – Roads

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	110(1) <sup>18</sup>	Power to hold a belief on reasonable grounds that documents have been distributed by being placed in or on motor vehicles, or attached to buildings or other fixed structures in contravention of s109.	This power does not need to be delegated as it is given directly to the CEO under the Act.by Council.			
Powers delegated to Council in first instance by Chief Executive pursuant to Waste	110(2) <sup>19</sup>	Subject to s110(1), power to give a notice to a person who is an adult if on the reasonable belief that the person: (a) authorised or arranged for the distribution of the documents; or (b) authorised or arranged for the printing of the documents; or	This power does not need to be delegated as it is given directly to the CEO under the Act.			

<sup>18</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<sup>19</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		(c) placed or attached any of the documents.				
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	111(1) <sup>20</sup>	Power to hold a belief on reasonable grounds that advertising material has been distributed in an area by being delivered to premises in contravention of the unlawful delivery provision or the secure delivery provision.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction	111(2) <sup>21</sup>	Subject to s111(1), power to give a notice to a person who is an adult if on the reasonable belief that the person: (a) authorised or arranged for the distribution of the documents; or (b) authorised or arranged for the printing of the documents; or	This power does not need to be delegated as it is given directly to the CEO under the Act.			

<sup>20</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<sup>21</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		(c) placed or attached any of the documents.				
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	112(3) <sup>22</sup>	In the circumstances and subject to s112(4), power to direct a responsible entity to collect material from premises within a period of time.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

<sup>22</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

## **CHAPTER 6 – STRATEGIC PLANNING FOR WASTE REDUCTION AND RECYCLING**

### **Part 2 – Local government strategic planning for waste**

#### **Division 3 – Chief executive action to prepare waste reduction and recycling plan for local government**

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Local Government	128(3)(c)	Power to make written submissions.				

## **CHAPTER 8 – PROVISIONS FOR END OF WASTE**

### **Part 2 – End of Waste Codes**

#### **Division 3 – Amendment, cancellation or suspension of end of waste codes**

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>	<b>Delegation to the CEO / Date of Resolution</b>	<b>Sub-Delegation to Officers</b>	<b>Date of Sub-Delegation</b>	<b>Limitations and Conditions</b>
Person	168	Power to apply to the Chief Executive to amend an end of waste code.				



**Division 4 – Registration of end of waste resource producers**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	173B(1)	Power to give the Chief Executive a notice that Council intends to become a registered resource producer for the code.				
Person	173B(3)	Power to give the Chief Executive notice, in the approved form, that it is no longer a registered resource producer for an end of waste code.				
Person	173D(1)(e)	Power to make a written submission to the Chief Executive about why the proposed action should not be taken.				

**Part 3 – End of Waste Approvals**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	173I(1)	Power to apply to the Chief Executive for an end of waste approval for 1 kind of waste to be used as a resource.				
Holder	173L(1)	Power to apply to the Chief Executive, on 1 occasion, to extend the approval.				
Holder	173M(1)	Power to apply to the Chief Executive to amend the approval.				
Holder	173O(1)	Power to apply to the Chief Executive to transfer the approval to another person.				
Proposed Transferee	173O(2)	Power to consent to a proposed transfer.				

## CHAPTER 8A – GENERAL PROVISIONS FOR APPROVALS

### Part 3 – Amendment, suspension or cancellations

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder	173ZB(3)(f)	Power to, within a stated period (the <b>show cause period</b> ), make a written submission to the Chief Executive about why the proposed action should not be taken.				

### Part 4 – Miscellaneous

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder	173ZE	Power to surrender the approval by giving the Chief Executive a notice about the surrender.				
Holder	173ZF(1)	Power to provide Chief Executive with information about an approval.				

## CHAPTER 9 – REVIEWS

### Part 1 – Internal Reviews

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	175 <sup>23</sup>	Subject to conditions, power to consider an application for an internal review of a decision.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised	176(2) <sup>24</sup>	Power to extend the time for making an internal review application.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

<sup>23</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

<sup>24</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

Persons) Delegation (No. 1) 2015						
Applicant of an internal review application	177(2)	Power to apply for a stay of an original decision.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	178(1)(a) <sup>25</sup>	Power to conduct an internal review of the decision the subject of the application.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised	178(1)(b) <sup>26</sup>	Power to make a decision to: (i) confirm the original decision; or (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.			

<sup>25</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

<sup>26</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

Persons) Delegation (No. 1) 2015						
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## CHAPTER 10 – AUTHORISED PERSONS

### Part 2 – General matters about authorised persons

#### Division 2 – Appointment

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	183(1) <sup>27</sup>	Power to appoint an authorised person.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Powers delegated to	187 <sup>28</sup>	To issue an identify card to an authorised person.	This power does not need to be			

<sup>27</sup> The authorised person can be appointed to exercise the powers in section 117 and Chapter 10 of the WRRRA in relation to the following offences:

- (a) Chapter 5: Parts 1, 2 and Part 3, Division 1 and 2 of the Act;
- (b) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);
- (c) Section 251(b) in relation to a contravention of section 103 or 104;
- (d) Section 254, and section 264 of the Act.

<sup>28</sup> The authorised person can be appointed to exercise the powers in section 117 and Chapter 10 of the WRRRA in relation to the following offences:

- (a) Chapter 5: Parts 1, 2 and Part 3, Division 1 and 2 of the Act;

Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015			delegated as it is given directly to the CEO under the Act.			
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## CHAPTER 11 – SHOW CAUSE NOTICES AND COMPLIANCE NOTICES

### Part 2 – Show cause notices

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling	246(1) <sup>29</sup>	Power to reasonably believe a person has contravened a prescribed provision.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

(b) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);

(c) Section 251(b) in relation to a contravention of section 103 or 104;

(d) Section 254, and section 264 of the Act.

<sup>29</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

(Local Government - Waste Management) Delegation (No. 1) 2015						
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	246(2) <sup>30</sup>	Power to give a person a show cause notice, subject to subsection (3).	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local	246(3) <sup>31</sup>	Power to reasonably consider that it is not appropriate in the circumstances to give the show cause notice.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

<sup>30</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

<sup>31</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

Government - Waste Management) Delegation (No. 1) 2015						
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### Part 3 – Compliance notices

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	248(1) <sup>32</sup>	Subject to s246 (2) and subject to holding a reasonable belief that a person has contravened, or is contravening, a prescribed provision, power to give a compliance notice to a person requiring the person to do either or both of the following – (a) to refrain from contravening the prescribed provision; (b) to remedy the contravention in the way stated in the notice.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Powers delegated to Council in first instance by Chief Executive pursuant to	249(2) <sup>33</sup>	Power to give a compliance notice if the Chief Executive: (a) has considered all submissions made by the person about the show cause notice within the period state in that notice; and	This power does not need to be delegated as it is given directly to the CEO under the Act.			

<sup>32</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

<sup>33</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.



Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		(b) still believes it is appropriate to give a compliance notice.				
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## CHAPTER 12 – WASTE AUDITS

### Part 2 – Chief executive may require conduct of waste audits

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management)	253(1) <sup>34</sup>	Subject to holding a reasonable suspicion that a person is contravening or has contravened a prescribed provision, power to give a notice requiring a person to commission a waste audit of the matter and to provide a waste report on the audit.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

<sup>34</sup> The power can only be exercised as it relates to section 104 of WRRRA.

Delegation (No. 1) 2015						
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### Part 3 – Other provisions

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
A recipient as defined in s253(1).	256(1)	Power to make and provide a statutory declaration.		Do not recommend this power be sub-delegated.		

## CHAPTER 15 – TRANSITIONAL PROVISIONS

### Part 2 – Discounted levy for residue waste disposal until 30 June 2014

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity who conducts a recycling activity	278(1)	Power to make a residue waste discounting application.				
Applicant of a residue waste discounting application	279(3)	Power to agree to a later date for the provision of further information.				
Applicant of a residue waste discounting application	281(3)	Power to agree to or ask for a condition to a grant of application.				

**Part 3 – Exempt from waste levy for residue waste until 30 June 2014**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity who conducts a recycling activity	287(1)	Power to make a transition period exempt residue waste application.				
Applicant of a transition period exempt residue waste application	290(3)	Power to agree to or ask for a condition to a grant of application.				
Holder of a transition period exempt residue waste application	293(3)(e)	Power to make written submissions.				

**CHAPTER 16 – OTHER TRANSITIONAL PROVISIONS**

**Part 2 – Transitional provisions for Waste Reduction and Recycling Amendment Act 2017**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	308(2)	Power to, before the collection transition day, deal with or do the specified things in relation to a container that does not display the refund marking.				

**Part 3 – Transitional provisions for Waste Reduction and Recycling (Waste Levy) Amendment Act 2019**

**Division 1 – Exemption from waste levy for particular residue waste during transition period**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity that conducted a recycling activity during the qualifying period	310(1)	In the specified circumstances, the power to apply to the Chief Executive for an approval that residue waste identified in the application (a <b><i>transition period exempt residue waste application</i></b> ) is exempt waste for the transition period.				Effective 1 July 2019
Applicant for approval that residue waste is exempt waste	313(3)	In the specified circumstances, the power to agree to or ask for a condition.				Effective 1 July 2019
Holder of an approval	315(3)(e)	In the specified circumstances, the power within a stated period to make written submissions to show why the proposed action should not be taken.				Effective 1 July 2019

**Division 2 – Exemption from weighbridge requirements for particular sites under 20 June 2029**

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator of a leviable waste disposal site	317(2)	In the specified circumstances, the power to apply to the Chief Executive for an exemption during the transition period from the requirements under section 57.				Effective 1 July 2019

Applicant	320(3)	In the specified circumstances, the power to ask for or agree to a condition with the Chief Executive.				Effective 1 July 2019
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### Division 3 – Other matters

Entity power given to	Section of WRRRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Operator of a waste disposal site	322(a)	In the specified circumstances, the power to give the Chief Executive notice that it is not practicable to use the weighbridge to measure and record waste or other material delivered to the site.				Effective 1 July 2019
Operator of a small site	325(a)	In the specified circumstances, the power to give the Chief Executive written notice of a proposed alternative methodology for measuring and recording waste at the site.				Effective 1 July 2019

[2019 02 21 - WRRRA - Delegation Table]

**Torres Strait Island Regional Council**  
***Waste Reduction and Recycling Act 2011 ("WRRR")***

**Bruce Ranga**  
Chief Executive Officer  
**Torres Strait Island Regional Council**

## Schedule 1

**Position:** Insert Position  
**Position Code:** Insert Position Code

## POWERS SUB-DELEGATED

### *Waste Reduction and Recycling Act 2011 ("WRRRA")*

#### CHAPTER 3 – OBLIGATIONS OF OPERATOR OF WASTE DISPOSAL SITE

##### Part 2 – Waste data returns

Entity power given to	Section of WRRRA	Description
Operator of waste disposal site	52(2)	Power to give the Chief Executive a return in the approved form for the period prescribed under a regulation.

#### CHAPTER 3 – WASTE LEVY

##### Part 2 – Identifying exempt waste

##### Division 1A – Serious local event waste

Entity power given to	Section of WRRRA	Description
Chief Executive Officer	27A(1)	Power to form a reasonable belief: (a) there is or will be a serious local event in the local government's local government area; and (b) an exemption from the levy on types of waste generated as a result of the serious local event and delivered to particular waste disposal sites should be allowed.
Chief Executive Officer	27A(2)(a) to (c)	In the specified circumstances, the power to give to the Chief Executive a notice, as soon as practicable of the specified matters.

##### Division 2A – Approval of waste as exempt waste

Entity power given to	Section of WRRRA	Description
Applicant	28(1)	Power to apply to the Chief Executive for approval of waste, identified in the application (an <b>exempt waste application</b> ), as exempt waste.
Chief Executive Officer	28(3A)	Power to make an application about serious local event waste generated in the local government area.
Applicant	29(1)	In the specified circumstances, the power to provide the Chief Executive with the further reasonable information or documents sought.
Applicant	29(2)	In the specified circumstances, the power to agree with the Chief Executive about extending the time for providing the further information or documents.
Applicant	31(3)	In the specified circumstances, the power to ask for or agree to conditions being imposed on the approval.
Holder of the Approval	33(1)	In the specified circumstances, the power to agree to amendment of the approval.



Holder of the Approval	34(3)(e)	In the specified circumstances, the power to make written submissions to show why the action proposed by the Chief Executive should not be taken.
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### Part 3 – Operation of waste levy

Entity power given to	Section of WRRRA	Description
Person who mixed the waste	40(2)	In the specified circumstances, the power to agree to a method of working out the waste that is taken to have been generated outside the non-levy zone and the total amount of that waste.
Operator of the site	42(2)	In the specified circumstances, the power to make a reasonable estimate of the amount of each type of waste included in the mixed waste using the information given to the operator under section 53.

### Part 4 – Discounting waste levy for residue waste

Entity power given to	Section of WRRRA	Description
Person who conducts a recycling activity prescribed by regulation	44(1)	Power to apply to the Chief Executive for approval of a discounted rate for the waste levy for residue waste identified in the application (a <b>residue waste discounting application</b> ).
Applicant	45(2)	In the specified circumstances, the power to agree with the Chief Executive about extending the time for providing the further information or documents.
Applicant	47(3)	In the specified circumstances, the power to agree to or ask for a condition to be imposed on the approval.
Holder of the approval	49(1)	In the specified circumstances, the power In the specified circumstances, the power to agree with the Chief Executive to the amendment of the approval.
Holder of the approval	50(3)(e)	Power to make written submissions to show why the proposed action should not be taken.

### Part 5 – Obligations relating to waste levy

#### Division 1 – Obligations of persons delivering waste

Entity power given to	Section of WRRRA	Description
Operator of a waste disposal site	53(2)	In the specified circumstances, the power to form a belief regarding what is reasonably required from the person who delivers waste to a waste disposal site to identify: <ul style="list-style-type: none"> <li>(a) how much of the waste is exempt waste and how much of it is leviable waste; and</li> <li>(b) for each type of waste required to be measured by the operator under section 59 – how much waste there is; and</li> <li>(c) whether the waste was generated in the waste levy zone, the non-levy zone or outside Queensland.</li> </ul>
Operator of the waste disposal site	53(5)	In the specified circumstances, the power to ask a person for information in the approved form.
Operator of the resource recovery	54(2)	In the specified circumstances, the power is to form a view about what is reasonably required to identify:

and transfer facility or Entity		(a) how much of the waste is exempt waste and how much of it is leviable waste; and (b) whether the waste was generated in the waste levy zone or outside Queensland.
Entity or Operator	54(4)	Power to require a person to give the delivery information to the operator or entity in the approved form.

## **Division 2 – Obligations of operators of waste disposal sites**

### ***Subdivision 3 – Measurement of waste***

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Operator	60(3)	In the specified circumstances, the power to agree with the Chief Executive how to measure and record a particular amount of waste or other material

### ***Subdivision 4 – Monitoring system***

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Operator	64(3)(f)(i)	In the specified circumstances, the power to approve a person to erase or destroy a recording.
Operator	64(4)(b)	In the specified circumstances, the power to destroy a recording
Operator	64(5)(a)(ii)	Power to approve a person to operate a monitoring system.

## **Division 3 – Payment options**

### ***Subdivision 1 – Waste levy instalment agreements***

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Operator of a leviable waste disposal site	72C(1)	Power to apply to the Chief Executive to enter into a waste levy instalment agreement for a waste levy amount the operator must pay the State.
Operator of a leviable waste disposal site	72D(1)	Power to apply to the Chief Executive for an amendment of the waste levy instalment agreement in the prescribed manner.

### ***Subdivision 2 – Extension of time***

<b>Entity power given to</b>	<b>Section of WRRRA</b>	<b>Description</b>
Operator of a leviable waste disposal site	72G(1)	In the specified circumstances, the power to apply to the Chief Executive for an extension of time to pay the waste levy amount.
Operator of a leviable waste disposal site	72H(1)	In the specified circumstances, the power to apply to the Chief Executive for an extension of time to submit a waste data return and pay a waste levy amount.

**Subdivision 4 – Bad debt credit**

Entity power given to	Section of WRRRA	Description
Operator or Former Operator of a waste disposal site	72L(1)	In the specified circumstances, the power to apply to the Chief Executive for relief.
Applicant	72M(2)	In the specified circumstances, the power to agree with the Chief Executive about extending the time for providing the further information or documents requested by the Chief Executive.

**Part 6 – Resource recovery area****Division 1 – Declaration of resource recovery area**

Entity power given to	Section of WRRRA	Description
Operator of a waste disposal site	72R	In the specified circumstances, the power to declare an area within the site a <u>resource recovery area</u> .
Operator of a waste disposal site	72S(1)	In the specified circumstances, the power to give the Chief Executive notice of a proposed resource recovery area at least 20 days before using the area as a resource recovery area.
Operator of a waste disposal site for which a resource recovery area has been declared	72U(1)	In the specified circumstances, the power to amend the area's declaration as resource recovery area by giving the Chief Executive notice of the proposed amendment at least 20 days before the amendment is to take effect.
Operator of a waste disposal site for which a resource recovery area has been declared	72V(1)	In the specified circumstances, the power to cancel the area's declaration as a resource recovery area by giving the Chief Executive notice of the proposed cancellation at least 30 days before the cancellation is to take effect.
Operator of a waste disposal site	72W(2)(e)	In the specified circumstances, the power to make written submissions to show why the proposed action should not be taken.

**CHAPTER 4 – MANAGEMENT OF PRIORITY PRODUCTS AND PRIORITY WASTE****Part 3B – Beverage container refund scheme****Division 3 – Refund amounts for empty containers and container refund points****Subdivision 3 – Container refund points**

Entity power given to	Section of WRRRA	Description
Operator of a container refund point	99V(1)	Power to pay refund amounts for containers presented at the container refund point in one of the manners set out in section 99V.
Person	99ZA(3)(a)	Power to ask the Organisation, in writing, to enter into a container collection agreement for the purpose of the person operating a container refund point.

Operator of a container refund point	99ZB(1)	Power to claim a collection amount from the Organisation for containers collected.
Operator of a container refund point	99ZB(4)	Power to accept an information notice from the Organisation.

#### Division 4 – Recovery amounts for empty containers recycled by material recovery facilities

Entity power given to	Section of WRRRA	Description
Operator of a material recovery facility	99ZF(4)(a)	Power to ask the Organisation, in writing, to enter into a <b>material recovery agreement</b> for the purpose of claiming recovery amounts for containers.
Operator of a material recovery facility	99ZH(1)	In certain circumstances, the power to claim the recovery amount for a quantity of containers from the Organisation of the operator.

#### Division 6 - Miscellaneous

Entity power given to	Section of WRRRA	Description
Operator of a container refund point or material recovery facility	99ZY(2)	Power to apply to the chief executive for an exemption (an <b>extraordinary circumstances exemption</b> ).

## CHAPTER 5 – OFFENCES RELATING TO LITTERING AND ILLEGAL DUMPING

### Part 2 – Material that may become waste

#### Division 1 – Roads

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	110(1) <sup>35</sup>	Power to hold a belief on reasonable grounds that documents have been distributed by being placed in or on motor vehicles, or attached to buildings or other fixed structures in contravention of s109.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government	110(2) <sup>36</sup>	Subject to s110(1), power to give a notice to a person who is an adult if on the reasonable belief that the person: <ul style="list-style-type: none"> <li>(a) authorised or arranged for the distribution of the documents; or</li> <li>(b) authorised or arranged for the printing of the documents; or</li> </ul>

<sup>35</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<sup>36</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

- Waste Management) Delegation (No. 1) 2015		(c) placed or attached any of the documents.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	111(1) <sup>37</sup>	Power to hold a belief on reasonable grounds that advertising material has been distributed in an area by being delivered to premises in contravention of the unlawful delivery provision or the secure delivery provision.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	111(2) <sup>38</sup>	Subject to s111(1), power to give a notice to a person who is an adult if on the reasonable belief that the person: (a) authorised or arranged for the distribution of the documents; or (b) authorised or arranged for the printing of the documents; or (c) placed or attached any of the documents.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	112(3) <sup>39</sup>	In the circumstances and subject to s112(4), power to direct a responsible entity to collect material from premises within a period of time.

## CHAPTER 6 – STRATEGIC PLANNING FOR WASTE REDUCTION AND RECYCLING

### Part 2 – Local government strategic planning for waste

#### Division 3 – Chief executive action to prepare waste reduction and recycling plan for local government

Entity power given to	Section of WRRRA	Description
Local Government	128(3)(c)	Power to make written submissions.

<sup>37</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<sup>38</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

<sup>39</sup> The power can only be exercised as it relates to Chapter 5, Part 2 of the Act.

## CHAPTER 8 – PROVISIONS FOR END OF WASTE

### Part 2 – End of Waste Codes

#### Division 3 – Amendment, cancellation or suspension of end of waste codes

Entity power given to	Section of WRRRA	Description
Person	168	Power to apply to the Chief Executive to amend an end of waste code.

#### Division 4 – Registration of end of waste resource producers

Entity power given to	Section of WRRRA	Description
Person	173B(1)	Power to give the Chief Executive a notice that Council intends to become a registered resource producer for the code.
Person	173B(3)	Power to give the Chief Executive notice, in the approved form, that it is no longer a registered resource producer for an end of waste code.
Person	173D(1)(e)	Power to make a written submission to the Chief Executive about why the proposed action should not be taken.

### Part 3 – End of Waste Approvals

Entity power given to	Section of WRRRA	Description
Person	173I(1)	Power to apply to the Chief Executive for an end of waste approval for 1 kind of waste to be used as a resource.
Holder	173L(1)	Power to apply to the Chief Executive, on 1 occasion, to extend the approval.
Holder	173M(1)	Power to apply to the Chief Executive to amend the approval.
Holder	173O(1)	Power to apply to the Chief Executive to transfer the approval to another person.
Proposed Transferee	173O(2)	Power to consent to a proposed transfer.

## CHAPTER 8A – GENERAL PROVISIONS FOR APPROVALS

### Part 3 – Amendment, suspension or cancellations

Entity power given to	Section of WRRRA	Description
Holder	173ZB(3)(f)	Power to, within a stated period (the <b><i>show cause period</i></b> ), make a written submission to the Chief Executive about why the proposed action should not be taken.

**Part 4 – Miscellaneous**

Entity power given to	Section of WRRRA	Description
Holder	173ZE	Power to surrender the approval by giving the Chief Executive a notice about the surrender.
Holder	173ZF(1)	Power to provide Chief Executive with information about an approval.

**CHAPTER 9 – REVIEWS****Part 1 – Internal Reviews**

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	175 <sup>40</sup>	Subject to conditions, power to consider an application for an internal review of a decision.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	176(2) <sup>41</sup>	Power to extend the time for making an internal review application.
Applicant of an internal review application	177(2)	Power to apply for a stay of an original decision.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	178(1)(a) <sup>42</sup>	Power to conduct an internal review of the decision the subject of the application.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction	178(1)(b) <sup>43</sup>	Power to make a decision to: <ul style="list-style-type: none"> <li>(i) confirm the original decision; or</li> <li>(ii) amend the original decision; or</li> <li>(iii) substitute another decision for the original decision.</li> </ul>

<sup>40</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

<sup>41</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

<sup>42</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

<sup>43</sup> The power can only be exercised as it relates to sections 248(2) and 253(3) of the Act.

and Recycling (Authorised Persons) Delegation (No. 1) 2015		
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## CHAPTER 10 – AUTHORISED PERSONS

### Part 2 – General matters about authorised persons

#### Division 2 – Appointment

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	183(1) <sup>44</sup>	Power to appoint an authorised person.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Authorised Persons) Delegation (No. 1) 2015	187 <sup>45</sup>	To issue an identify card to an authorised person.

## CHAPTER 11 – SHOW CAUSE NOTICES AND COMPLIANCE NOTICES

### Part 2 – Show cause notices

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant	246(1) <sup>46</sup>	Power to reasonably believe a person has contravened a prescribed provision.

<sup>44</sup> The authorised person can be appointed to exercise the powers in section 117 and Chapter 10 of the WRRRA in relation to the following offences:

- (a) Chapter 5: Parts 1, 2 and Part 3, Division 1 and 2 of the Act;
- (b) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);
- (c) Section 251(b) in relation to a contravention of section 103 or 104;
- (d) Section 254, and section 264 of the Act.

<sup>45</sup> The authorised person can be appointed to exercise the powers in section 117 and Chapter 10 of the WRRRA in relation to the following offences:

- (a) Chapter 5: Parts 1, 2 and Part 3, Division 1 and 2 of the Act;
- (b) Section 251(a) in relation to a contravention of section 107(1), 108, 109(1) or (2);
- (c) Section 251(b) in relation to a contravention of section 103 or 104;
- (d) Section 254, and section 264 of the Act.

<sup>46</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.



to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015		
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	246(2) <sup>47</sup>	Power to give a person a show cause notice, subject to subsection (3).
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	246(3) <sup>48</sup>	Power to reasonably consider that it is not appropriate in the circumstances to give the show cause notice.

### Part 3 – Compliance notices

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	248(1) <sup>49</sup>	Subject to s246 (2) and subject to holding a reasonable belief that a person has contravened, or is contravening, a prescribed provision, power to give a compliance notice to a person requiring the person to do either or both of the following – (a) to refrain from contravening the prescribed provision; (b) to remedy the contravention in the way stated in the notice.
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling	249(2) <sup>50</sup>	Power to give a compliance notice if the Chief Executive: (a) has considered all submissions made by the person about the show cause notice within the period state in that notice; and (b) still believes it is appropriate to give a compliance notice.

<sup>47</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

<sup>48</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

<sup>49</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

<sup>50</sup> The power can only be exercised as it relates to sections 103(1), 104(1), 107(1), 108, 109(1) or (2), and 112(2) of WRRRA.

(Local Government - Waste Management) Delegation (No. 1) 2015		
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## CHAPTER 12 – WASTE AUDITS

### Part 2 – Chief executive may require conduct of waste audits

Entity power given to	Section of WRRRA	Description
Powers delegated to Council in first instance by Chief Executive pursuant to Waste Reduction and Recycling (Local Government - Waste Management) Delegation (No. 1) 2015	253(1) <sup>51</sup>	Subject to holding a reasonable suspicion that a person is contravening or has contravened a prescribed provision, power to give a notice requiring a person to commission a waste audit of the matter and to provide a waste report on the audit.

### Part 3 – Other provisions

Entity power given to	Section of WRRRA	Description
A recipient as defined in s253(1).	256(1)	Power to make and provide a statutory declaration.

## CHAPTER 15 – TRANSITIONAL PROVISIONS

### Part 2 – Discounted levy for residue waste disposal until 30 June 2014

Entity power given to	Section of WRRRA	Description
Entity who conducts a recycling activity	278(1)	Power to make a residue waste discounting application.
Applicant of a residue waste discounting application	279(3)	Power to agree to a later date for the provision of further information.
Applicant of a residue waste discounting application	281(3)	Power to agree to or ask for a condition to a grant of application.

### Part 3 – Exempt from waste levy for residue waste until 30 June 2014

Entity power given to	Section of WRRRA	Description
Entity who conducts a recycling activity	287(1)	Power to make a transition period exempt residue waste application.

<sup>51</sup> The power can only be exercised as it relates to section 104 of WRRRA.

Applicant of a transition period exempt residue waste application	290(3)	Power to agree to or ask for a condition to a grant of application.
Holder of a transition period exempt residue waste application	293(3)(e)	Power to make written submissions.

## CHAPTER 16 – OTHER TRANSITIONAL PROVISIONS

### Part 2 – Transitional provisions for Waste Reduction and Recycling Amendment Act 2017

Entity power given to	Section of WRRRA	Description
Person	308(2)	Power to, before the collection transition day, deal with or do the specified things in relation to a container that does not display the refund marking.

### Part 3 – Transitional provisions for Waste Reduction and Recycling (Waste Levy) Amendment Act 2019

#### Division 1 – Exemption from waste levy for particular residue waste during transition period

Entity power given to	Section of WRRRA	Description
Entity that conducted a recycling activity during the qualifying period	310(1)	In the specified circumstances, the power to apply to the Chief Executive for an approval that residue waste identified in the application (a <b><i>transition period exempt residue waste application</i></b> ) is exempt waste for the transition period.
Applicant for approval that residue waste is exempt waste	313(3)	In the specified circumstances, the power to agree to or ask for a condition.
Holder of an approval	315(3)(e)	In the specified circumstances, the power within a stated period to make written submissions to show why the proposed action should not be taken.

#### Division 2 – Exemption from weighbridge requirements for particular sites under 20 June 2029

Entity power given to	Section of WRRRA	Description
Operator of a leviable waste disposal site	317(2)	In the specified circumstances, the power to apply to the Chief Executive for an exemption during the transition period from the requirements under section 57.
Applicant	320(3)	In the specified circumstances, the power to ask for or agree to a condition with the Chief Executive.

### Division 3 – Other matters

Entity power given to	Section of WRRRA	Description
Operator of a waste disposal site	322(a)	In the specified circumstances, the power to give the Chief Executive notice that it is not practicable to use the weighbridge to measure and record waste or other material delivered to the site.
Operator of a small site	325(a)	In the specified circumstances, the power to give the Chief Executive written notice of a proposed alternative methodology for measuring and recording waste at the site.

## **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.

[2019 02 21 - WRRRA - 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.

# TORRES STRAIT ISLAND REGIONAL COUNCIL

## INFORMATION REPORT

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**ORDINARY MEETING:** March 2021  
**DATE** 16-17 March 2021  
**ITEM:** March Information Report  
**SUBJECT:** February Financial Dashboard  
**ECM:**  
**AUTHOR:** Nicola Daniels – Head of Financial Services

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### **Officers recommendation:**

That Council receive and endorse the Monthly Financial Statements attached to the officer's report for the 2020-21 year to date, for the period ended 28 February 2021 as required under Section 204 *Local Government Regulation 2012*.

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### **Purpose:**

This report seeks Council endorse the Monthly Financial Statements for the 2020-21 year to date, for the period ended 28 February 2021.

### **Background:**

The percentage of year passed (pro-rata rate) as at 28 February 2021 is 67%.

The 2020-21 budget review was adopted on 8 December 2020 and has taken into consideration the current COVID-19 pandemic and the expected impacts on the year ahead.

The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.













Each month, year to date financial statements are prepared to monitor actual performance against budget. Below is a summary of the financial performance for the period ended 28 February 2021. Actual amounts are compared against year-to-date Budget Review 2020/21 figures. (See Appendix 1 for Summary Financial Statements by Department and Appendix 2 Detailed Capital Report).

### **Resource implications:**

Council is forecasting an operating deficit of \$5.7 million for the 2020/21 financial year. The actual operating result for February 2021 YTD is a \$5.1 million deficit compared to a forecasted operating deficit of \$3.7M for February 2021 YTD (\$1.4M or 39% below budget).

Capital delivery currently represents 19% of YTD budget and includes accrued expenditure for works in progress and associated operational costs. The delivery of key deliverable capital projects continues to be a focus for Council.

## FINANCIAL PERFORMANCE AT A GLANCE – FEBRUARY 2021

Key financial results	Annual budget review	YTD budget review	YTD actual	YTD variance \$	YTD variance %	Status
Recurrent revenue	53,285,964	34,567,637	34,857,519	289,882	0.8%	
Other income	5,963,102	3,979,205	3,870,695	(108,510)	(2.7%)	
Recurrent expenditure (excl. depreciation)	(64,996,594)	(42,222,190)	(43,839,241)	(1,617,051)	(3.8%)	
<b>Operating result (excl. depreciation)</b>	<b>(5,747,527)</b>	<b>(3,675,349)</b>	<b>(5,111,027)</b>	<b>(1,435,679)</b>	<b>(39.1%)</b>	
Capital revenue	63,686,473	23,892,714	15,288,772	(8,603,941)	(36.0%)	
Capital expenses	(3,500,000)	(2,100,000)	(3,621,503)	(1,521,503)	72.5%	
<b>Net result (excl. depreciation)</b>	<b>54,438,946</b>	<b>18,117,365</b>	<b>6,556,242</b>	<b>(11,561,123)</b>	<b>(63.8%)</b>	
Depreciation expense	(46,507,984)	(31,005,322)	(30,915,202)	90,121	0.3%	
<b>Net result</b>	<b>7,930,962</b>	<b>(12,887,957)</b>	<b>(24,358,960)</b>	<b>(11,471,002)</b>	<b>(89.0%)</b>	
<b>Key:</b>						
Act Vs Bud Var % is <= -10%						
Act Vs Bud Var % is > -10% and <= -5%						
Act Vs Bud Var % is > -5%						

### Operating Result

The YTD \$1.4M operating result variance can be attributed to:

- Increased salary and wages;
  - o Overstated due to internal recoveries not processed (timing of EOM close – temporary variance)
  - o Payment to Stream A employees transitioning to a 36.25 hour working week per the Award. Payment per Council resolution.
  - o Salary & wages not yet allocated to capital projects.
- Recoverable works revenue and expenses overstated as part will be reallocated to capital grants income and capital assets in line with AASB 1058 Income of Not-for-profit Entities.

### Net Result

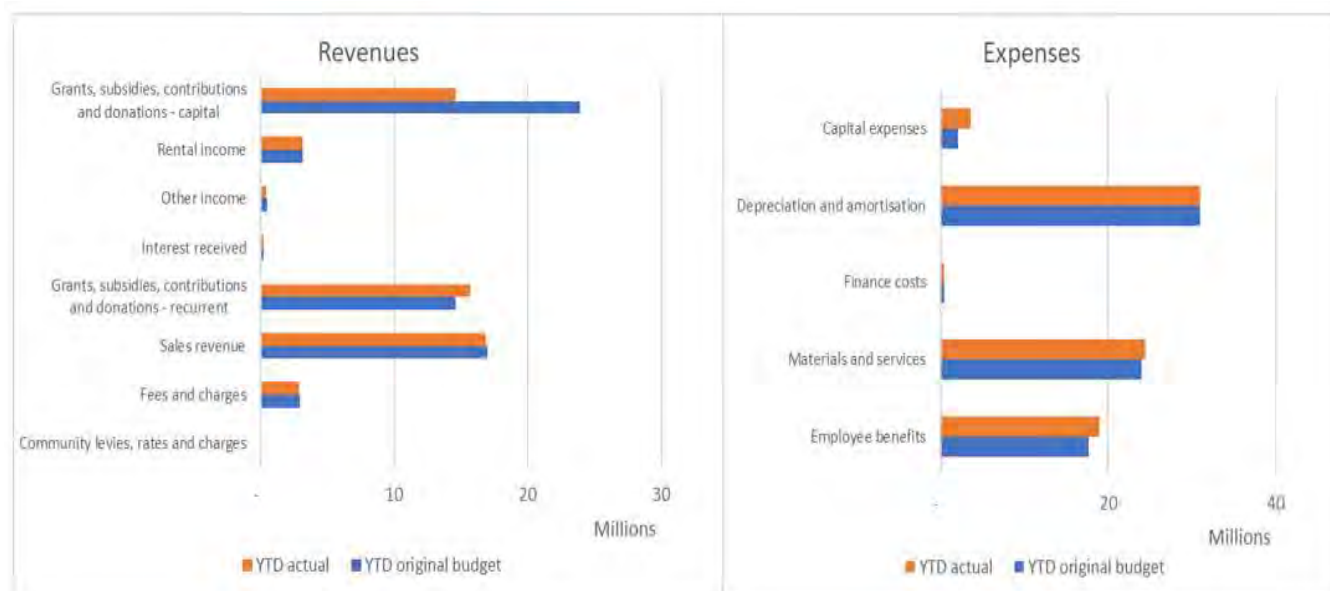
The YTD \$11.5M net result variance can be attributed to:

- ICCIP funding not received due to delay in timing of works – approved extension date to 30 June 2022
- Cost of asset disposal \$3.6M higher than annual budget of \$3.5M – disposal of residential housing transferred per Katter Lease/Home Ownership Program



## STATEMENT OF FINANCIAL PERFORMANCE

	Annual Budget Review	YTD Budget Review	YTD actual	YTD variance \$	YTD variance %
<b>Income</b>					
<b>Recurrent revenue</b>					
Community levies, rates and charges	1,534,078	19,344	70,310	50,966	72%
Fees and charges	4,055,497	2,964,791	2,879,317	(85,475)	-3%
Sales revenue	23,950,753	16,991,485	16,879,761	(111,724)	-1%
Grants, subsidies, contributions and donation	23,745,636	14,592,016	15,028,131	436,115	3%
	53,285,964	34,567,637	34,857,519	289,882	
<b>Capital revenue</b>					
Grants, subsidies, contributions and donation	63,686,473	23,892,714	15,288,772	(8,603,941)	-56%
	63,686,473	23,892,714	15,288,772	(8,603,941)	
Interest received	379,151	252,306	251,455	(851)	0%
Other income	739,888	524,148	460,157	(63,991)	-14%
Rental income	4,844,063	3,202,751	3,159,083	(43,668)	-1%
<b>Total income</b>	122,935,539	62,439,555	54,016,986	(8,422,569)	
<b>Expenses</b>					
<b>Recurrent expenses</b>					
Employee benefits	27,083,224	17,700,420	18,951,048	1,250,628	7%
Materials and services	37,248,310	24,044,105	24,447,232	403,127	2%
Finance costs	665,059	477,665	440,961	(36,704)	-8%
Depreciation and amortisation	46,507,984	31,005,322	30,915,202	(90,121)	0%
	111,504,577	73,227,513	74,754,443	1,526,930	
<b>Capital expenses</b>	3,500,000	2,100,000	3,621,503	1,521,503	42%
<b>Total expenses</b>	115,004,577	75,327,513	78,375,946	3,048,433	
<b>Net result</b>	7,930,962	(12,887,957)	(24,358,960)	(11,471,002)	

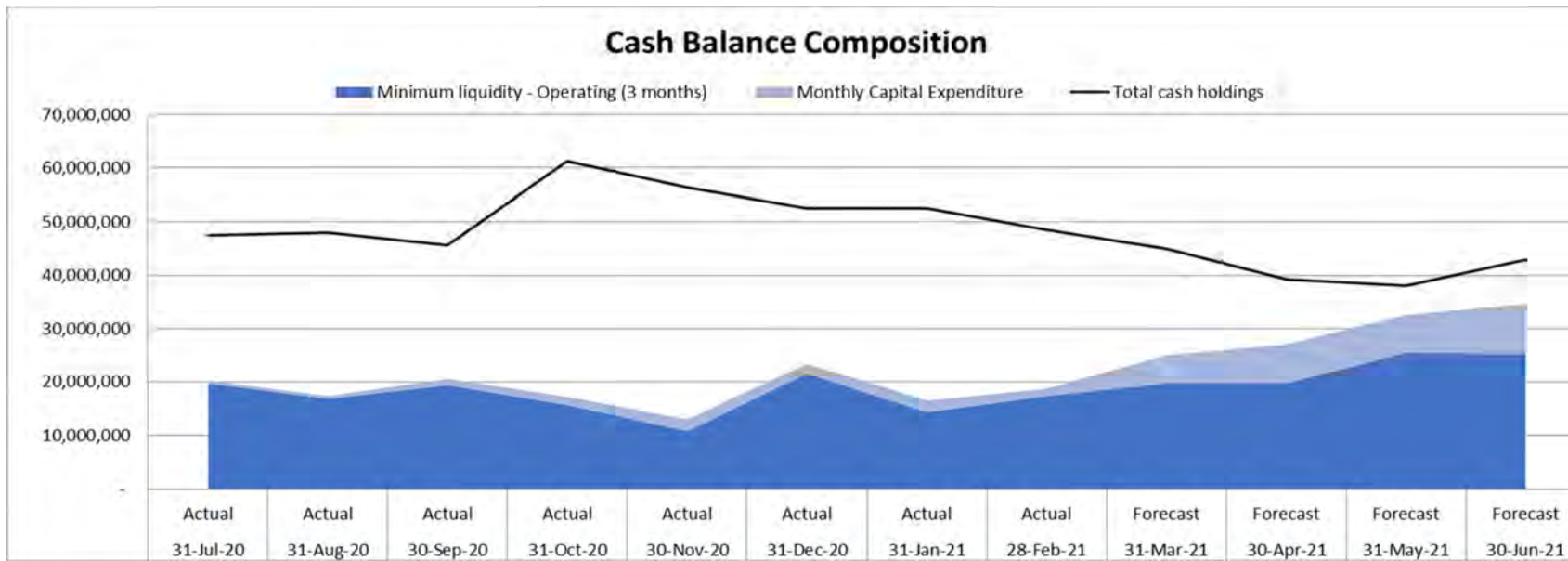


## STATEMENT OF FINANCIAL POSITION

	YTD Feb 2021	YTD Jan 2021	YTD variance \$	YTD variance %
<b>Current assets</b>				
Cash and cash equivalents	48,761,534	52,763,075	4,001,541	8%
Short term deposits	65,374	65,374	0	0%
Trade and other receivables	8,510,198	3,766,193	(4,744,005)	-126%
Inventories	249,515	249,515	0	0%
Contract assets	1,193,003	4,546,791	3,353,788	74%
Lease receivables	-	370,578	370,578	100%
<b>Total current assets</b>	<b>58,779,624</b>	<b>61,761,526</b>	<b>2,981,902</b>	<b>5%</b>
<b>Non-current assets</b>				
Lease receivables	14,715,268	14,715,268	(0)	0%
Property, plant and equipment	864,595,136	887,086,623	22,491,487	3%
Right of use assets	1,330,000	1,330,000	0	0%
Intangible assets	-	6,822	6,822	100%
<b>Total non-current assets</b>	<b>880,640,404</b>	<b>903,138,713</b>	<b>22,498,309</b>	<b>2%</b>
<b>Total assets</b>	<b>939,420,028</b>	<b>964,900,239</b>	<b>25,480,211</b>	<b>0%</b>
<b>Current liabilities</b>				
Trade and other payables	5,656,706	6,820,578	1,163,872	17%
Borrowings	35,893	68,648	32,755	48%
Provisions	3,373,964	3,325,777	(48,187)	-1%
Contract liabilities	17,844,335	17,844,335	0	0%
Lease liabilities	651,775	651,775	0	0%
<b>Total current liabilities</b>	<b>27,562,673</b>	<b>28,711,113</b>	<b>1,148,440</b>	<b>4%</b>
<b>Non-current liabilities</b>				
Borrowings	36,100	36,100	0	0%
Provisions	3,703,612	3,562,289	(141,323)	-4%
Lease liabilities	688,927	688,927	0	0%
<b>Total current liabilities</b>	<b>4,428,640</b>	<b>4,287,316</b>	<b>(141,323)</b>	<b>-3%</b>
<b>Net community assets</b>	<b>907,428,715</b>	<b>931,901,810</b>	<b>24,473,094</b>	<b>3%</b>

## 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 Budget Review 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 February figures reflect actual cash balances.



## Cashflow Comments

### YTD February 2021

- Council's cash and cash equivalents as at 28 February 2021 was \$48.8 million
- Although cash holdings remain above QTC recommendations, a majority of this is constrained funding

### EOY Forecast Expectations

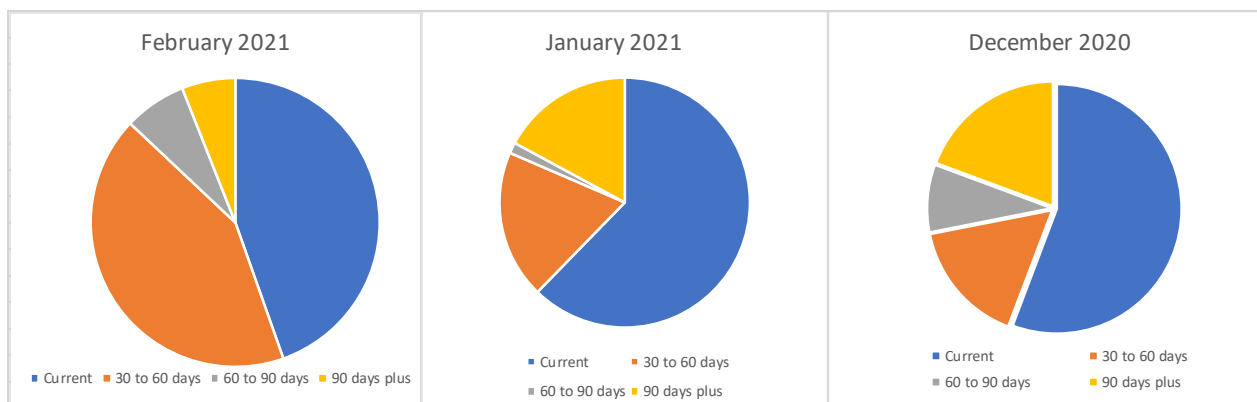
- Sharp decrease in the average funds held by Council expected due to the ICCIP capital spend forecast to ramp up in the final quarter of the year
- Cash injection from Financial Assistance Grant paid in June (50%)
- Although cash holdings remain above QTC recommendations, a majority of this is constrained funding

## Debtor Analysis

Days outstanding	As at 28 February 2021		As at 31 January 2021		As at 31 December 2020	
	\$	%	\$	%	\$	%
Current	1,549,100	45%	1,984,590	62%	1,572,852	56%
30 to 60 days	1,473,183	42%	612,732	19%	454,862	16%
60 to 90 days	243,151	7%	43,897	1%	246,823	9%
90 days plus	207,057	6%	544,264	17%	545,525	19%
Total aged debtors	3,472,491	100%	3,185,483	100%	2,820,062	100%
Unapplied Credits	- 782,090		- 139,650		- 2,723,459	
Housing debtors (Note 1)	13,103,196		13,107,567		13,184,577	
Provision	- 14,088,067		- 14,061,160		- 14,034,244	
Net debtors	1,705,530		2,092,241		753,064	

### Notes to table:

- Analysis of housing debtors and collection rates contained in monthly Housing Information Report
- Provision for doubtful debt to be recalculated in April 2021 prior to interim audit

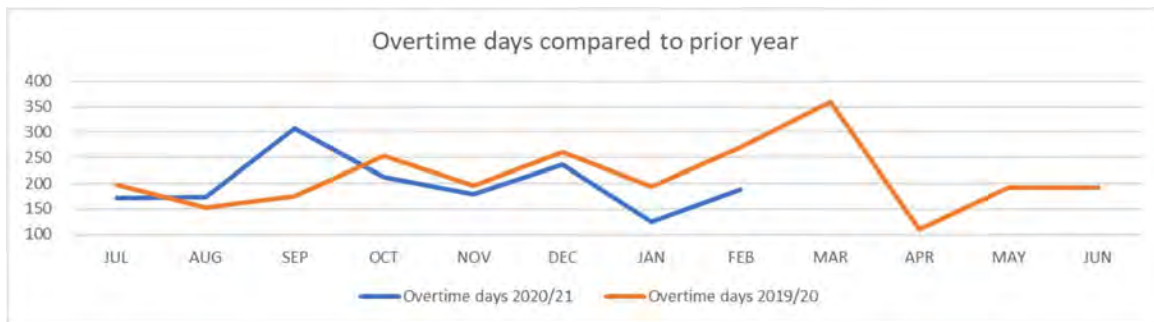
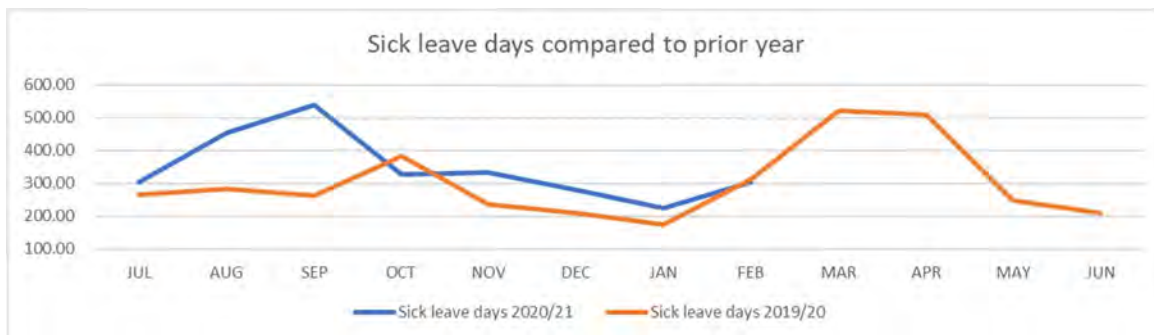
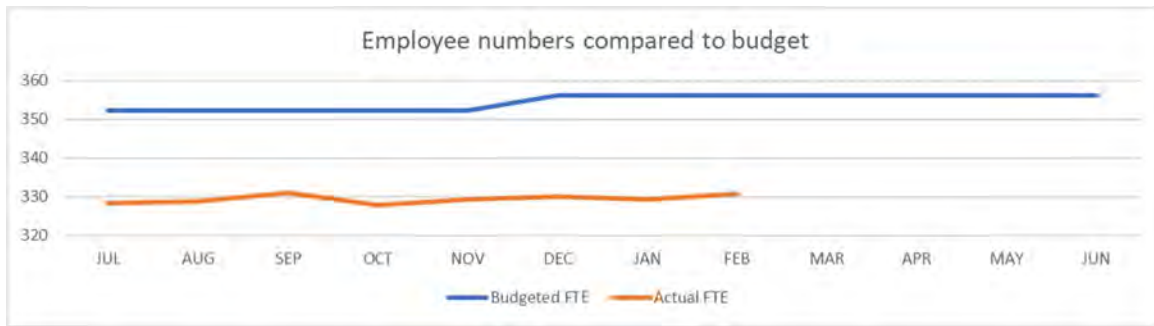


### Analysis on graphs:

### Analysis of top five debtors in excess of 90 Days:

Debtor name	Amount outstanding in excess of 90 days	Commentary
QBuild Department of Housing & Public Works	118,189.91	Dispute on invoiced amount due to missing documentation. Invoices to be re-raised once documentation is provided.
Tagai State College	93,507.26	Debtor has disputed/questioned the content/property details of invoices - An investigation is being undertaken to investigate the property details relating to the Debtor's concerns to determine action to be taken.
Somerset Building Company	77,638.00	Investigation into debtor outstanding account - report to be provided to management on findings relating to Debtor's dispute of charges
Badhulgaw Kuthinaw Mudh TSI Corporation Badu Art Centre	73,460.70	Debtor has requested an exemption and has subsequently been requested to submit an official request which will be sent to management for review
Torres Strait Major Infrastructure and Other Projects Trust Fund	72,908.84	Invoices relate to Ugar Safe Access Helicopter subsidy - funder has a final query prior to payment - expect payment in March.

## Payroll Analysis



**Grant Analysis:**

Funder	Amount	Time frame	Purpose
No new agreements entered in current month			

**Corporate Plan Linkage:**

Outcome: We manage council affairs responsibly to the benefit of our communities: evolve Council's cost management and analysis reporting.

**Consultation and communication:**

Senior Executive Team

Department Heads / Managers

Finance Department

**Risk Management Implications:**

Risk Management emerges from Council's intent to effectively and efficiently manage risks that may have an impact on the achievement of strategic priorities, operational goals and project objectives as defined in the Corporate and Operational Plans.

**Significant Risks**

Risk	Likelihood	Consequence	Treatment	Financial Impact
Increase in prices & delay in receiving products	High	Delay in works and increased costs of building	Consider alternative solutions and value for Council	Negative impact to net profits
Poor conditions	Medium	Delay in works, and service delivery, increase in costs	Consider works schedule	Negative impact to net profits and service delivery

**Areas of Concern for Noting**

Risk	Comment
Covid-19 outbreak impact	While risk in Australia is minimal there will be an on-flow affect from international outbreaks and can already be seen in the shortage of the goods and labour markets. It is expected that government funding will become more restricted.

## **Final Considerations:**

### **Risk Management**

In terms of financial performance and risk, the approach taken sees the Finance Team working with the various business departments to understand and report on financial outcomes whilst also considering what those outcomes indicate for the future, particularly the requirement to deliver within budget. It is expected this forward-looking approach will allow the management team to implement timely rectification actions to emerging trends.

Council continues to be impacted by the lingering effects of COVID-19 which has affected overall operations however business is starting to return to normal. Management will continue to progressively adapt, monitor, and plan into the future as the COVID-19 situation and its impact evolves over the coming months. With so much uncertainty in the current economic climate and the possibility of a 'second wave' of infection, it makes future forecasting quite challenging.



**Nicola Daniels**  
**Head of Financial Services**



Hollie Faithfull  
Chief Financial Officer












Ilario Sabatino  
Acting Chief Executive Officer



## Appendix A










### Executive financial performance at a glance

Key Financial Results	Annual Budget Review	YTD Budget Review	YTD Actual	YTD Variance \$	YTD Variance %	Status
Recurrent revenue	606,801	633,745	602,795	(30,950)	(4.9%)	
Other income	0	0	0	0	0.0%	
Recurrent expenditure (excl. depreciation)	(3,702,630)	(2,457,740)	(2,401,028)	56,712	2.3%	
<b>Operating result (exc. Depreciation)</b>	<b>(3,095,829)</b>	<b>(1,823,994)</b>	<b>(1,798,233)</b>	<b>25,762</b>	<b>1.4%</b>	
Capital revenue	0	0	0	0	0.0%	
Capita expenses	0	0	0	0	0.0%	
<b>Net result (excl. depreciation)</b>	<b>(3,095,829)</b>	<b>(1,823,994)</b>	<b>(1,798,233)</b>	<b>25,762</b>	<b>1.4%</b>	
Depreciation Expense	0	0	0	0	0.0%	
<b>Net result</b>	<b>(3,095,829)</b>	<b>(1,823,994)</b>	<b>(1,798,233)</b>	<b>25,762</b>	<b>1.4%</b>	

#### Comments:

Currently tracking within budget, however expenditure is being managed to minimise budget overspend without compromising service delivery. Unbudgeted costs include; bi-election costs and payment to stream A employees, internal audit special projects.

### People and Wellbeing financial performance at a glance

Key Financial Results	Annual Budget Review	YTD Budget Review	YTD Actual	YTD Variance \$	YTD Variance %	Status
Recurrent revenue	34,000	20,400	80,936	60,536	296.7%	
Other income	0	0	0	0	0.0%	
Recurrent expenditure (excl. depreciation)	(1,560,944)	(1,011,538)	(926,463)	85,075	8.4%	
<b>Operating result (exc. Depreciation)</b>	<b>(1,526,944)</b>	<b>(991,138)</b>	<b>(845,527)</b>	<b>145,611</b>	<b>14.7%</b>	
Capital revenue	0	0	0	0	0.0%	
Capita expenses	0	0	0	0	0.0%	
<b>Net result (excl. depreciation)</b>	<b>(1,526,944)</b>	<b>(991,138)</b>	<b>(845,527)</b>	<b>145,611</b>	<b>14.7%</b>	
Depreciation Expense	0	0	0	0	0.0%	
<b>Net result</b>	<b>(1,526,944)</b>	<b>(991,138)</b>	<b>(845,527)</b>	<b>145,611</b>	<b>14.7%</b>	










#### Comments:

Due to planned travel to all Divisions by the WHS Officer to carry out safety inspections and audits, the majority of travel budget will be expended. Expected to stay within budget for the financial year.



## Appendix A

### Health and Community Services financial performance at a glance










Key Financial Results	Annual Budget Review	YTD Budget Review	YTD Actual	YTD Variance \$	YTD Variance %	Status
Recurrent revenue	9,271,901	6,651,270	6,347,484	(303,786)	(4.6%)	
Other income	0	0	0	0	0.0%	
Recurrent expenditure (excl. depreciation)	(12,574,166)	(8,060,664)	(8,241,496)	(180,831)	(2.2%)	
<b>Operating result (exc. Depreciation)</b>	<b>(3,302,265)</b>	<b>(1,409,395)</b>	<b>(1,894,012)</b>	<b>(484,617)</b>	<b>(34.4%)</b>	
Capital revenue	364,735	364,735	19,735	(345,000)	(94.6%)	
Capital expenses	0	0	0	0	0.0%	
<b>Net result (excl. depreciation)</b>	<b>(2,937,530)</b>	<b>(1,044,660)</b>	<b>(1,874,277)</b>	<b>(829,617)</b>	<b>(79.4%)</b>	
Depreciation Expense	(4,421,009)	(2,947,340)	(3,100,284)	(152,944)	(5.2%)	
<b>Net result</b>	<b>(7,358,540)</b>	<b>(3,991,999)</b>	<b>(4,974,561)</b>	<b>(982,562)</b>	<b>(24.6%)</b>	

#### Comments:

Tracking under budget due to payment to stream A employees.

Divisional Admin activities are minimal but managed effectively, with greater focus on revenue.

### Business Services financial performance at a glance

Key Financial Results	Annual Budget Review	YTD Budget Review	YTD Actual	YTD Variance \$	YTD Variance %	Status
Recurrent revenue	19,100,156	11,479,290	11,436,405	(42,885)	(0.4%)	
Other income	0	0	0	0	0.0%	
Recurrent expenditure (excl. depreciation)	(7,011,157)	(4,625,225)	(4,626,332)	(1,108)	(0.0%)	
<b>Operating result (exc. Depreciation)</b>	<b>12,088,999</b>	<b>6,854,066</b>	<b>6,810,073</b>	<b>(43,993)</b>	<b>(0.6%)</b>	
Capital revenue	6,926,811	164,491	509,491	345,000	209.7%	
Capital expenses	(3,500,000)	(2,100,000)	(3,622,867)	(1,522,867)	(72.5%)	
<b>Net result (excl. depreciation)</b>	<b>15,515,810</b>	<b>4,918,557</b>	<b>3,696,697</b>	<b>(1,221,860)</b>	<b>(24.8%)</b>	
Depreciation Expense	(1,040,048)	(693,366)	(796,785)	(103,419)	(14.9%)	
<b>Net result</b>	<b>14,475,762</b>	<b>4,225,191</b>	<b>2,899,912</b>	<b>(1,325,279)</b>	<b>(31.4%)</b>	

#### Comments:

Tracking close to budget, however expenditure is being managed to minimise budget overspend without compromising service delivery.

Operating expenditure expected to remain within budget for the financial year

Capital expenses above year budget due to the disposal of social housing for the home ownership program

## Appendix A

### Engineering Services financial performance at a glance

Key Financial Results	Annual Budget Review	YTD Budget Review	YTD Actual	YTD Variance \$	YTD Variance %	Status
Recurrent revenue	3,939,522	1,217,342	1,865,117	647,775	53.2%	●
Other income	0	0	0	0	0.0%	●
Recurrent expenditure (excl. depreciation)	(14,245,401)	(9,231,531)	(9,293,738)	(62,207)	(0.7%)	●
<b>Operating result (exc. Depreciation)</b>	<b>(10,305,879)</b>	<b>(8,014,189)</b>	<b>(7,428,621)</b>	<b>585,568</b>	<b>7.3%</b>	●
Capital revenue	47,309,038	20,649,841	14,759,546	(5,890,295)	(28.5%)	●
Capital expenses	0	0	0	0	0.0%	●
<b>Net result (excl. depreciation)</b>	<b>37,003,159</b>	<b>12,635,652</b>	<b>7,330,925</b>	<b>(5,304,727)</b>	<b>(42.0%)</b>	●
Depreciation Expense	(21,772,716)	(14,515,144)	(14,623,427)	(108,283)	(0.7%)	●
<b>Net result</b>	<b>15,230,443</b>	<b>(1,879,492)</b>	<b>(7,292,502)</b>	<b>(5,413,011)</b>	<b>(288.0%)</b>	●

#### Comments:

Variances are predominately due to timing differences to budget and increase in recurrent expenditure due to payment to stream A employees and s&w not yet allocated to capital projects.

Capital revenue is down due the delay in receipt of funding for ICCIP which has been extended to 30 June 2022

### Building Services financial performance at a glance

Key Financial Results	Annual Budget Review	YTD Budget Review	YTD Actual	YTD Variance \$	YTD Variance %	Status
Recurrent revenue	23,017,799	15,256,823	15,155,346	(101,477)	(0.7%)	●
Other income	0	1,041,075	0	(1,041,075)	(100.0%)	●
Recurrent expenditure (excl. depreciation)	(17,884,838)	(11,579,903)	(13,158,584)	(1,578,681)	(13.6%)	●
<b>Operating result (exc. Depreciation)</b>	<b>5,132,961</b>	<b>4,717,996</b>	<b>1,996,762</b>	<b>(2,721,233)</b>	<b>(57.7%)</b>	●
Capital revenue	0	0	0	0	0.0%	●
Capital expenses	0	0	0	0	0.0%	●
<b>Net result (excl. depreciation)</b>	<b>5,132,961</b>	<b>4,717,996</b>	<b>1,996,762</b>	<b>(2,721,233)</b>	<b>(57.7%)</b>	●
Depreciation Expense	0	0	0	0	0.0%	●
<b>Net result</b>	<b>5,132,961</b>	<b>4,717,996</b>	<b>1,996,762</b>	<b>(2,721,233)</b>	<b>(57.7%)</b>	●

#### Comments:

Recurrent revenue and expenses overstated due to reallocation of works to capital revenue required - net results expected to remain the same  
Payment to Stream A employees

New builds timing differences:

- Saibai units timing difference between payments made to contractors and money received from QBuild
- Delay in the Warraber duplex expected completion date; revised completion date of 30 June 2021

Internal recovery of labour hours; time spent on capital projects have not yet been allocated. Total of \$11m of capital projects currently in progress.

Although currently behind in their net result, BSU management expects the net result will come back in line with budget by EOFY

**Housing & Tenancy Services financial performance at a glance**

Key Financial Results	Annual Budget Review	YTD Budget Review	YTD Actual	YTD Variance \$	YTD Variance %	Status
Recurrent revenue	4,844,063	3,202,751	3,160,001	(42,750)	(1.3%)	●
Other income	0	0	0	0	0.0%	●
Recurrent expenditure (excl. depreciation)	(4,507,349)	(3,012,217)	(3,066,080)	(53,863)	(1.8%)	●
<b>Operating result (exc. Depreciation)</b>	<b>336,714</b>	<b>190,534</b>	<b>93,920</b>	<b>(96,614)</b>	<b>(50.7%)</b>	●
Capital revenue	6,937,314	1,259,121	0	(1,259,121)	(100.0%)	●
Capital expenses	0	0	0	0	0.0%	●
<b>Net result (excl. depreciation)</b>	<b>7,274,028</b>	<b>1,449,655</b>	<b>93,920</b>	<b>(1,355,734)</b>	<b>(93.5%)</b>	●
Depreciation Expense	(19,274,210)	(12,849,473)	(12,394,706)	454,768	3.5%	●
<b>Net result</b>	<b>(12,000,182)</b>	<b>(11,399,819)</b>	<b>(12,300,785)</b>	<b>(900,967)</b>	<b>(7.9%)</b>	●

**Comments:**

Tracking under budget due to payment to stream A employees

Capital revenue under budget due to timing of capitalisation of housing projects in line with AASB 1058

**Where to from here:** The team focus is to improve collection of housing rents to ensure limited/reduced bad debts in the future. In addition, we will also be working with suppliers to improve relationships to initiate cost savings (possible reduced fees). This initiative is expected to have a positive effect on the bottom line of Housing and Tenancy finances.

**Corporate Affairs and Engagement financial performance at a glance**

Key Financial Results	Annual Budget Review	YTD Budget Review	YTD Actual	YTD Variance \$	YTD Variance %	Status
Recurrent revenue	65,160	20,160	46,161	26,001	129.0%	●
Recurrent expenditure (excl. depreciation)	(1,630,475)	(1,021,217)	(879,859)	141,358	13.8%	●
<b>Operating result (exc. Depreciation)</b>	<b>(1,565,315)</b>	<b>(1,001,057)</b>	<b>(833,699)</b>	<b>167,359</b>	<b>16.7%</b>	●
Capital revenue	0	0	0	0	0.0%	●
Other income	0	0	0	0	0.0%	●
Capita expenses	0	0	0	0	0.0%	●
<b>Net result (excl. depreciation)</b>	<b>(1,565,315)</b>	<b>(1,001,057)</b>	<b>(833,699)</b>	<b>167,359</b>	<b>16.7%</b>	●
Depreciation Expense	0	0	0	0	0.0%	●
<b>Net result</b>	<b>(1,565,315)</b>	<b>(1,001,057)</b>	<b>(833,699)</b>	<b>167,359</b>	<b>16.7%</b>	●

**Comments:**










Currently tracking under budget due to FTE and travel savings.

Department is currently focused on intranet & website delivery. Scope changes will have an effect on budget and time. The budget will be offset by savings above and projects will still be delivered within this financial year.

Department will continue to track within budget for the remainder of the financial year.

## Appendix A

### Strategic Projects & Logistics financial performance at a glance

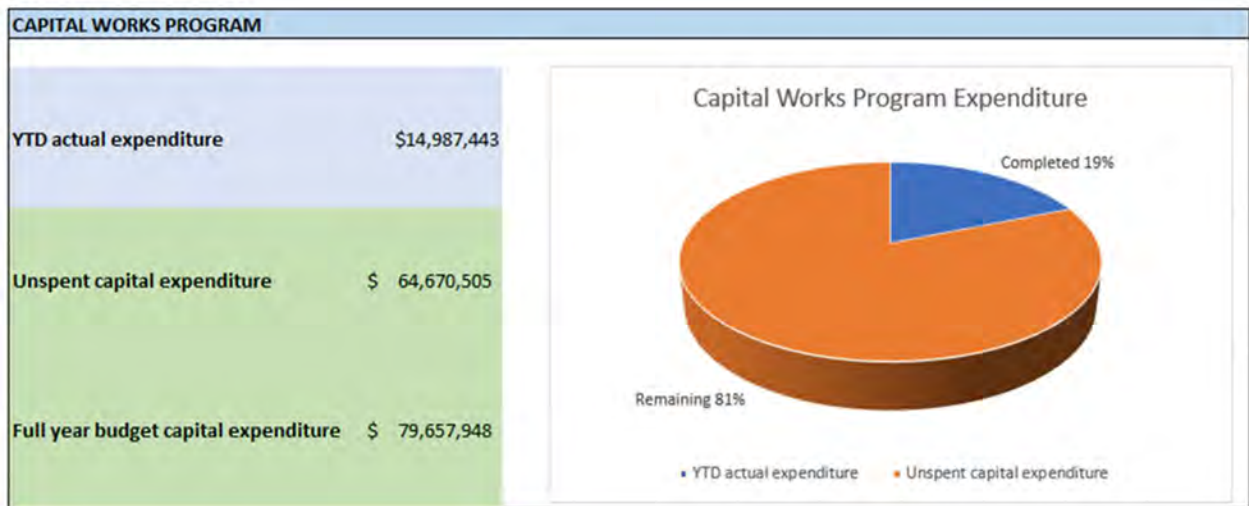
Key Financial Results	Annual Budget Review	YTD Budget Review	YTD Actual	YTD Variance \$	YTD Variance %	Status
Recurrent revenue	104,789	65,061	33,970	(31,091)	(47.8%)	
Other income	0	0	0	0	0.0%	
Recurrent expenditure (excl. depreciation)	(1,879,633)	(1,222,336)	(1,245,660)	(23,324)	(1.9%)	
<b>Operating result (exc. Depreciation)</b>	<b>(1,774,844)</b>	<b>(1,157,276)</b>	<b>(1,211,691)</b>	<b>(54,415)</b>	<b>(4.7%)</b>	
Capital revenue	413,450	413,450	0	(413,450)	(100.0%)	
Capital expenses	0	0	1,364	1,364	0.0%	
<b>Net result (excl. depreciation)</b>	<b>(1,361,394)</b>	<b>(743,826)</b>	<b>(1,210,327)</b>	<b>(466,501)</b>	<b>(62.7%)</b>	
Depreciation Expense	0	0	0	0	0.0%	
<b>Net result</b>	<b>(1,361,394)</b>	<b>(743,826)</b>	<b>(1,210,327)</b>	<b>(466,501)</b>	<b>(62.7%)</b>	

#### Comments:

Logistics business operation start date delayed due to continuing financial analysis of strategic direction

Fleet costs currently over budget; an assessment of all Council's fleet is to be done in the coming weeks which will assist in devising a strategy to minimise costs and maximising revenue where possible.

## CAPITAL WORKS PROGRAM



Council's capital works program is below budget. Works are expected to increase in the following months especially ICCP capital works.

Not expected to reach budgeted expectations by EOFY

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Capital Budget - 2020 / 2021						
Capital Expenditure						
CAPITAL BUDGET PROJECTS	Forecast Spend during 20/21 Fin Year	Actual Spend YTD February 20/21 Fin Year	Budget Remaining YTD February 20/21 Fin Year	% Funds Spent YTD February 20/21 Fin Year	Status	Comments
<b>PROJECTS - ICCIP</b>						
Water	17,237,277	1,435,461	15,801,816	8.33%		5 x major projects at pre-contract or contract stage
Wastewater	18,101,893	2,779,906	15,321,987	15.36%		3 x major projects contracted and commenced or about to commence
Solid Waste	4,186,684	8,512	4,178,172	0.20%		Small scale trials underway prior to finalising tender
	39,525,854	4,223,880	35,301,974	10.69%		General: software tender to be finalised \$97,228
<b>PROJECTS - QRA</b>						
PC Penny PM Fees	-	6,660	(6,660)	0.00%		Nedw Posting to incorrect account to follow up
<b>PROJECTS - CURRENT</b>						
Seawalls Phase 2	14,753,094	-	14,753,094	0.00%		Project costs to be redistributed between new tasks refer CP #489
Seawall Construction Stage 2	4,928,767	71,192	4,857,575	1.44%		
Seawall Construction Stage 2		5,022,402	(5,022,402)	0.00%		
Seawall Construction Stage 2		73,218	(73,218)	0.00%		
Seawall Additional Funds TSRA	-	47,160	(47,160)	0.00%		Funds being redistributed
Coastal Hazard - plan & design	-	(68,705)	(68,705)	0.00%		
Seawall Sandbagging	-	-	-	0.00%		
Construction of Coastal Defence Structures		50	(50)			
Smart Water Meters	405,884	320,145	85,739	78.88%		Meters being installed
Smart Water Meters	725,211	519,449	205,762	71.63%		Meters being installed
Airport Road Rehabilitation R2R	727,068	332,660	394,408	45.75%		Underway
Community Housing (7 Homes)	2,435,000	25,785	2,409,215	1.06%		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	177,284	56	177,228	0.03%		Request for 12 Months extension required forward planning and schedule being developed with B SU and resources available. Currently Requesting Quote from AECOM for Engineering report to supply to Insurance Broker
W4Q.R3 Undercover Shelter	238,596	1,431	237,165	0.60%		Request for 12 Months extension required forward planning and schedule being developed with B SU and resources available. Currently developing tender scope for a D & C (Design & Construct) RFQ (Request for Quote)
W4Q.R3 Airport Waiting Shed	462,685	2,056	460,629	0.44%		Request for 12 Months extension required forward planning and schedule being developed with B SU 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	462,752	56	462,696	0.01%		Request for 12 Months extension required forward planning and schedule being developed with B SU 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 & B&B Court	345,965	1,931	344,034	0.56%		Request for 12 Months extension required forward planning and schedule being developed with B SU and resources available. Works has been scoped by Regional Bldg Supervisor, though has been moved to another island and hand over must be performed to new island allocated Regional Building Supervisor.
W4Q.R3 Guesthouse Upgrade	266,704	13,349	253,356	5.00%		Request for 12 Months extension required forward planning and schedule being developed with B SU 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	802,188	3,431	798,757	0.43%		Request for 12 Months extension required forward planning and schedule being developed with B SU and resources available. Currently scope is being drafted for D&C (Design & Construct) RFQ (Request For Quote).
W4QC20 - Security Fence Wastewater Lagoon	245,000	125,352	119,648	51.16%		Orders placed and project planned
W4QC20 - Security Fence Wastewater Lagoon	320,000	23,765	296,235	7.43%		
W4Q - 190kl Desalination Plant	385,000	322,540	62,460	83.78%		
<b>PROJECTS - NEW</b>						
RAUP Airports (Badu, Kubin, Mauiag)	332,635	656,672	(324,037)	197.42%		Orders Placed Budget Transfer required
Airport Safety Improvement	623,000	-	623,000	0.00%		Project Task yet to be raised
Airport Fencing						Orders Placed work underway
Airport Fencing						Orders Placed work underway
Airport Fencing						Orders Placed work underway
Dauan Helipad Connection Road Upgrade						
Mabuag Aerodrome Security Fencing						
Erub Water Main Replacement						
Warraber Island STP and PS1, PS2 fencing						
Mabuag Town Well Upgrade						
Helipad Road Upgrade	714,000	-	714,000	0.00%		Project Task yet to be raised
Saibai Airport Apron Upgrade	332,000	30,453	301,547	9.17%		Project Task raised
Dauan Basketball Court and Grandstand	570,000	48,487	521,513	8.51%		CP Task raised
Badu Culvert - Design Concept	177,211	-	177,211	0.00%		Project Task yet to be raised

<b>COUNCIL OWN FUNDS (COF)</b>						
Replace Spare high pressure pump	30,000	-	30,000	0.00%		Pump is being delivered
Engineering - General allocation	100,000	19,437	80,563	19.44%		To be spent on emergent work
Engineering - General allocation		27,300				To be spent on emergent work
Engineering - General allocation		19,351				To be spent on emergent work
Engineering - General allocation		153				To be spent on emergent work
Badu Finger Jetty- Assess and repair	210,000	456	209,545	0.22%		Working with Chief Engineer to define works and budget
Camera installation - 14 x barge ramps	280,000	-	280,000	0.00%		No plan
<b>Corporate Fleet</b>	300,000	241,750	58,250	80.58%		Fulfilling plans for all replacements
Pool/Hire Vehicle						
2017 Hilux						
Saibai Garbage Truck Repairs						
Mer Garbage Truck Repairs						
2007 Mazda BT50 D/Cab - Mer						
2014 Toyota Hilux SR D/Cab - Boigu						
2010 Toyota Hilux Workmate D/Cab						
2016 Toyota Workmate D/Cab						
Construct Saibai Fuel Infrastructure						
2017 Toyota Workmate D/Cab						
<b>TSIRC - Corporate Buildings</b>	504,000	204,931	-	40.66%		In line with requirements
Poruma Mayors Office Upgrade	42,000			0.00%		In line with requirements. Works completing today 14/9/2020, With actual costs following
9 x Trailers	154,000			0.00%		Orders Placed 1 October 2020
<b>Building Corporate WHS Emergency Tasks</b>	61,751	-	61,751	0.00%		Concrete stairs currently being completed with hand rail installation to follow
Erub Staircase Replacement (Funded from Corp Bldgs)	85,000	72,274	12,726	85.03%		Orders Placed
Boigu Contractors Accom Reroofing	65,000	19,451	45,549	29.92%		
Boigu Contractors Accom Reroofing	65,000	10,963	54,037	16.87%		
Compound Fence within Council Admin	45,000	4,303	40,697			Carried forward from prior year
Badu Sporting Oval Lighting	63,249	33,996	29,253	53.75%		Goods delivered awaiting erection
Mobile Igloo Shade Shelter - Yorke	45,000	36,358	8,643	80.79%		
<b>St Pauls - Barac and Police Offices (19/20 Approved not carried forward)</b>	120,000	86,325	33,675	71.94%		Budget subsequently Updated
<b>Erub 5 Star Accom Upgrade</b>	165,000	73,875	91,125	44.77%		Budget subsequently Updated
<b>Gazebo Lot 194 Badu Island</b>	30,000	2,100	27,900	7.00%		Budget subsequently Updated
Trade Accommodation Lot 22 Greenhill Village	90,900	539	90,361	0.59%		
Trade Accommodation Lot 22 Greenhill Village	107,900	400	107,500	0.37%		
<b>Insurance works:</b>						
Mabuig Road Point.	380,000	-	380,000	0.00%		Consultation with property owners to be received
St Pauls Housing	876,409	2,658	873,751	0.30%		In progress, design completed awaiting BSU schedule. Architectuals/ Engineering completed, ready for RFQ (Request For Quote) as soon as Legal documents accessible for BSU to supply contract isuation with RFQ.
Masig Mechanic Shed Repairs		2,000	(2,000)	0.00%		
<b>TSIRC Leased Assets</b> (Share of insurance works TI 33%)	300,000	220,729	79,271	73.58%		Work deferred to first half 2021 expected start April 2021
Dauan Pontoon Damage and Replacement		82,873	(82,873)	0.00%		Awaiting insurance meeting
<b>Donated Assets</b>						
Donated Assets/Contributed - Building Community	6,753,000	2,107,846	4,645,154	31.21%		Awaiting final accounting treatment sign-off to post entries.
<b>Total</b>	<b>80,829,108</b>	<b>15,073,544</b>				